



DARLINGTON

Borough Council

Cabinet Agenda

5.00 pm

Tuesday, 9 April 2024

Council Chamber, Town Hall, Darlington DL1 5QT

Members and Members of the Public are welcome to attend this Meeting.

1. Introductions/Attendance at Meeting.
2. Declarations of Interest.
3. To hear relevant representation (from Members and the General Public) on items on this Cabinet agenda.
4. To approve the Minutes of the meeting of this Cabinet held on 5 March 2024 (Pages 3 - 10)
5. Matters Referred to Cabinet –
There are no matters referred back for reconsideration to this meeting
6. Issues Arising from Scrutiny Committee –
There are no issues referred back from the Scrutiny Committees to this Meeting, other than where they have been specifically consulted on an issue and their comments are included in the contents of the relevant report on this agenda.
7. Key Decision - Annual Procurement Plan – Report of the Group Director of Operations.
(Pages 11 - 24)
8. Dolphin Centre Update: Phase 3 Mechanical and Electrical Replacement Programme and Release of Additional Capital Funds from Swimming Pool Support Fund –
Report of the Group Director of Services.
(Pages 25 - 30)

9. Proposed Waiting Restrictions Outram Street - Objection –
Report of the Group Director of Services.
(Pages 31 - 34)
10. Membership Changes - To consider any Membership Changes to Other Bodies to which
Cabinet appoints.
11. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are
of an urgent nature and can be discussed at this meeting.
12. Questions.



Luke Swinhoe
Assistant Director Law and Governance

Thursday 28 March 2024

Town Hall
Darlington.

Membership

Councillors Curry, Harker, McCollom, McEwan, Porter, Dr. Riley, Roche and Wallis

If you need this information in a different language or format or you have any other queries on this agenda please contact Lynne Wood, Elections Manager, Operations Group, during normal office hours 8.30 a.m. to 4.45 p.m. Mondays to Thursdays and 8.30 a.m. to 4.15 p.m. Fridays (e-mail Lynne.Wood@darlington.gov.uk or telephone 01325 405803).

**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

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CABINET
9 APRIL 2024

ANNUAL PROCUREMENT PLAN

Responsible Cabinet Member – Councillor Mandy Porter, Portfolio Holder Resources

Responsible Officer – Elizabeth Davison, Group Director of Operations

SUMMARY REPORT

Purpose of the Report

1. To present the Annual Procurement Plan to Cabinet for approval. Cabinet is asked to consider and approve the assessment of contracts that are considered to be strategic or non-strategic.
2. To update Cabinet on the outcomes of procurement(s) previously designated as Strategic.
3. To update Cabinet about the decisions taken by the Procurement Board to waive the Contract Procedure Rules.

Recommendation

4. It is recommended that: -
 - (a) Members approve the assessment of strategic and non-strategic contracts as presented in **Appendix 1** and 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 Directorate as listed in the plan at Appendix 1.
 - (iii) the contract award decisions for the contracts designated as strategic, as listed in the plan at Appendix 1, be delegated to the Procurement Board to approve and will be reported back to Cabinet.
 - (b) that Members note the contents of this report in respect of the update of strategic procurements, Procurement Board waiver decisions, and Social Value.

Reasons

5. In respect of strategic/non-strategic contracts, the recommendations are supported by the following reasons: -
 - (a) The Contract Procedure Rules require Cabinet to approve the designation of contracts as strategic and non-strategic and:
 - (b) Contracts designated strategic are of high value and high significance in respect of the impact on residents, Health & Safety and public safety.
 - (c) The contracts designated non-strategic are of a lower value and lower significance in respect of the impact on residents and public safety.
6. In respect of Procurement Board waiver decisions, the recommendations are supported by the following reasons: -
 - (a) In order to comply with the Contract Procedure Rules.
 - (b) To provide Cabinet with information about the decisions made by the Procurement Board.
 - (c) 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.

Elizabeth Davison
Group Director of Operations

Background Papers

No background papers were used in the preparation of this report.

Stephen Foster: Extension 5491

S17 Crime and Disorder	This decision will not have any direct impact on Crime and Disorder
Health and Well Being	This decision will not have any direct impact on Health and Wellbeing
Carbon Impact and Climate Change	This decision will not have a direct impact on the Council's carbon footprint.
Diversity	This decision will not have any direct impact on Diversity
Wards Affected	This decision will not have any direct impact on any wards
Groups Affected	This decision will not have an impact on any groups.
Budget and Policy Framework	This report does not recommend changes to the Budget and Policy Framework
Key Decision	Yes
Urgent Decision	No
Council Plan	Strategic oversight of procurement will help in the delivery of the Council's objectives
Efficiency	The production of the update to the Procurement Plan is designed to save Member and Officer time for requesting delegated powers to make contract award decisions.
Impact on Looked After Children and Care Leavers	This report has no direct impact on Looked After Children or Care Leavers

MAIN REPORT

Information and Analysis

Strategic Contracts

7. Any contract award decision with a value below £100,000 is delegated to officers. Under the Contract Procedure Rules an annual Procurement Plan is produced listing details of all existing and new contracts that are £100,000 or above and which require a tender process.
8. This then allows Cabinet to be advised of the contracts of £100,000 and over and to decide which of those contracts are strategic.
9. For those contracts designated strategic the final contract award decision will be approved by the Procurement Board and will be reported to Cabinet.
10. For the contracts designated non-strategic, the decision will be delegated to the relevant Directorate and detailed in the decision record.

Assessment of contracts

11. Details of which contracts are designated strategic, and which are designated non-

strategic are detailed in Appendix 1. The contracts have been assessed against the criteria agreed by Cabinet, the criteria are provided at **Appendix 2** for information. However, Members and Officers may decide to recommend other than what the score suggests. Anything else would be considered non-strategic.

12. Based on the criteria there are two contracts that are designated strategic in the update to the Annual Plan:

(a) **Provision of Extra Care**

The procurement will be via an open over threshold tender exercise.

(b) **Supply of Materials and Products for New Build Project and Repairs & Maintenance to Council Housing and Public Buildings**

The procurement will be via an open over threshold tender exercise.

Update on Procurements previously designated as Strategic

13. There is no further update on the strategic procurement activity detailed in the previous update.

Procurement Board waiver decisions

14. Under the Contract Procedure Rules, the Procurement Board may waive the Contract Procedure Rules in specific circumstances and is required to report waiver decisions that have been made to Cabinet.

15. The Contract Procedure Rules can only be waived as an exception. The Contract Procedure Rules require the Procurement Board when considering requests for waivers to take into account the following:

(a) The contract value and the length of the proposed contract.

(b) What steps have been taken to satisfy that the best value duty has been complied with (for instance quotations, market testing).

(c) The extent to which there are good reasons why it is not possible to undergo a competitive process (for instance, pressing need or urgency, where further work is required before going to market, where only a short contract extension is needed, or the lack of an available market).

(d) Whether the new contract is intended to be a stop gap prior to undergoing a competitive process.

(e) The availability of compliant alternatives to direct awards, such as frameworks.

(f) Any other reason that is being given by the commissioning area.

16. This report details the circumstances and the reasons why the contract procedure rules have been waived by Procurement Board at **Appendix 3**, during the period 1 October

2023 – 28 February 2024.

Outcome of Consultation

17. No consultation was carried out in preparation of this report.

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ASSESSMENT MATRIX (To be completed by Procurement)															
Item No	Procurement Board Number	Current Supplier or New Contract	Description of Contract	Contract Term in years	Approx Contract Value per annum	Approx Total contract Value	Cost	Impact on Residents (1)	Risk - Financial, Health & Safety, Public (2)	Innovative in design, New form of contract, Sustainability (3)	External Monitoring e.g. from funding body (4)	Total	Strategic	Delegation for Award of Contract (Director or Assistant Director)	Procurement Route if Known
1		Making Space x 4 settings	Extra Care	4	£ 1,596,671.08	£ 6,386,684.32						15	Strategic	Procurement Board	Open Over Threshold Tender Exercise
2	PB2023-01261	Boxxe Ltd	Lagan (software)	4	£ 73,913.00	£ 295,652.00	1	2	1	1	1	6	Non-Strategic	Group Director Of Operations	Direct Award via the Kent County Council Framework
3		New Contract	Supply and Installation of Doors and Windows at New Build Housing Projects	4	£ 618,400.00	£ 2,473,600.00	3	3	1	1	1	9	Non-Strategic	Group Director of Services	Direct Award via the Procurement for Housing Framework
4		New Contract	NEPO234 Asbestos Removal Works	2	£ 50,000.00	£ 100,000.00	1	2	1	1	1	6	Non-Strategic	Group Director of Services	Collaborative Open Over Threshold Tender Exercise
5		NEC	Revenues and Benefits System	5	£ 105,000.00	£ 525,000.00	1	5	1	1	1	9	Non-Strategic	Group Director of Operations	Direct Award via the CCS Framework
6		Critiqom Ltd	RM6017 Hybrid Mail, Digital and Transformational Communications	4	£ 135,000.00	£ 540,000.00	1	5	1	1	1	9	Non-Strategic	Group Director of Operations	Direct Award via the CCS Framework
7		Barnardos	Missing From Home	5	£ 55,000.00	£ 275,000.00	1	3	3	1	1	9	Non-Strategic	Group Director of People	Tender Exercise to a Minimum of 5 Providers
8		Schotts	Furniture removal and storage	5	£ 70,000.00	£ 350,000.00	1	2	1	1	1	6	Non-Strategic	Group Director of Operations	Open Over Threshold Tender Exercise
9	PB2023-01332	Rentsense	Rent arrears analytical software	4	£ 113,691.00	£ 454,764.00	1	5	1	1	1	9	Non-Strategic	Group Director Of Operations	Direct Award via the CCS Framework
10		MKM, Jewsons, Crosslings, YESSS Electrical	Supply of Materials and Products for New Build Project and Repairs & Maintenance to Council Housing and Public Buildings	8	£ 3,000,000.00	£ 24,000,000.00						15	Strategic	Procurement Board	Open Over Threshold Tender Exercise
11		Willmott Dixon	Mechanical & Electrical and Associated Works at the Dolphin Centre	1	£ 3,700,000.00	£ 3,700,000.00	4	3	1	3	2	13	Non-Strategic	Group Director Services	Direct Award via the Procurement Hub Major Works Framework

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ASSESSMENT MATRIX FOR STRATEGIC PROCUREMENT					
VALUE		SIGNIFICANCE			
Cost		Impact on Residents (1)	Risk - Financial, Health & Safety, Public (2)	Innovative in design, New form of contract, Sustainability (3)	External Monitoring e.g. from funding body (4)
=> £5,000,000	Automatically considered strategic				
Between £4,000,000 & £4,999,999	5	5	5	5	5
Between £3,000,000 & £3,999,999	4	4	4	4	4
Between £2,000,000 & £2,999,999	3	3	3	3	3
Between £1,000,000 & £1,999,999	2	2	2	2	2
Less than £1,000,000	1	1	1	1	1
Score	0	0	0	0	0
Total Score	0	This procurement is			Non-Strategic

Each procurement must be reviewed against the matrix above. Any contract with an overall value in excess of £5,000,000 will be considered strategic. For any procurement where the value of the contract falls below £5,000,000 the goods or services to be purchased must be assessed on the value and the significance in relation to the other 4 columns and marked accordingly, where 5 is considered to be high significance and 1 low significance. Once a score has been decided for each column it is put in the relevant cell (c17 - K17) the spreadsheet automatically collates the score and determines if the procurement is strategic or non-strategic. Anything that scores 15 or more considered to be strategic. If however a procurement comes out as non-strategic but officers feel they would still want political support for the decision they can choose to take a report to Cabinet.

Note 1: What is the impact on residents? Is it restricted to one street, or estate or is it much wider than that? Does it affect 2 or more wards?

Note 2: Is there significant financial risk to the authority? Is there a H&S risk e.g. care for vulnerable people? Is there a risk to the public? Reputational risk?

Note 3: Is the authority familiar with the form of contract being entered into? Is the contract innovative in its delivery? Are we changing the service?

Note 4: Are there any specific requirements from external funders that represent a risk to the authority e.g. Pathfinder projects for DFES?

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**PROCUREMENT BOARD DECISIONS TO WAVE CONTRACT PROCEDURE RULES WITH A CONTRACT VALUE OVER £100K
OCTOBER 2023 - FEBRUARY 2024**

Procurement Board Reference Number	Approval Date	Description	Contract Term	Contract Value	Supplier
PB2023-01231	09 October 2023	Direct Award - Removal, cleaning/refurbishment of Toddler Pool play features and reinstatement following essential repair works Continuation of a current service with the original Contractor	5 months	£ 150,000.00	Hippo Leisure
PB2023-01233	09 October 2023	Direct Award - Adult EMI Nursing Placement. Total Cost to DBC: £99,889.80 No suitable placements available on the Councils contracted provision	4 years	£ 199,779.60	Victoria House Nursing Home
PB2023-01235	23 October 2023	Direct Award - Framework Agreement for the Provision of Residential Care for Adults with Disabilities Contract to be extended to carryout a full Value for money review prior to carrying out an Open Tender process	17 months	£ 3,581,762.00	Various
PB2023-01243	23 October 2023	Direct Award - Adult Supported Living. Total cost to DBC: £105,826.24 No suitable placements available on the Councils contracted provision	4 years	£ 211,652.48	Richmond Fellowship
PB2023-01245	23 October 2023	Direct Award - Disabled Adult Residential Placement No suitable placements available on the Councils contracted provision	4 years	£ 295,512.84	Woodham Lodge - Voyage
PB2023-01246	23 October 2023	Direct Award - New boundary fencing required to new Network Rail and DBC land boundary line from Bonomi Way to Elmtree Street bridge. The Contractor has been procured by Network Rail	6 weeks	£ 116,423.00	QTS
PB2023-01248	23 October 2023	Direct Award - Adult Day Service. Total Cost to DBC: £66,172.84 No suitable placements available on the Councils contracted provision	4 years	£ 132,345.68	Innovations
PB2023-01267	20 November 2023	Direct Award - Provision of Arboreal Services Specialist Contractor required for the services the Council can not provide	3 Years	£ 150,000.00	Arbor 82
PB2023-01273	20 November 2023	Direct Award - Provision of a Consolidated Advocacy Service for Adult Contract to be extended to carryout a review prior to carrying out an Open Tender process	9 Months	£ 138,750.00	Darlington Association on Disability
PB2023-01275	04 December 2023	Direct Award - Adult EMI Nursing Placement. No suitable placements available on the Councils contracted provision	4 years	£ 158,793.40	Lindisfarne Chester-le-Street Nursing Home
PB2023-01279	04 December 2023	Direct Award - Adult Residential Placement. Total Cost to DBC: £172,062.00 No suitable placements available on the Councils contracted provision	4 Years	£ 344,124.00	The Gardens Care Home

Procurement Board Reference Number	Approval Date	Description	Contract Term	Contract Value	Supplier
PB2023-01285	04 December 2023	Direct Award - Dolphin Centre Phase 2 Demolition Specialist Contractor required	5 Months	£ 190,135.00	DDE Solutions Limited
PB2023-01288	18 December 2023	Direct Award - Adult 24 hour Specialist Nursing Placement. Total Cost to DBC: £117,158.58 No suitable placements available on the Councils contracted provision	4 Years	£ 234,317.16	St Helens Care Home
PB2023-01297	18 December 2023	Direct Award - Adult Domiciliary Care Placement No suitable placements available on the Councils contracted provision	4 years	£ 373,777.08	LAM Care Agency
PB2023-01298	18 December 2023	Direct Award - Child Residential Placement No suitable placements available on the Councils contracted provision	1 Year	£ 325,000.00	Cambian
PB2023-01300	18 December 2023	Direct Award - Specialist Mould Treatment Services Specialist Contractor required	4 years 3 months	£ 216,666.00	Quality Eradication Services Today LTD
PB2023-01302	08 January 2024	Direct Award - Adult Residential Placement. No suitable placements available on the Councils contracted provision	4 years	£ 737,334.68	Bewick House - Voyage
PB2023-01304	08 January 2024	Direct Award - Railway Heritage Quarter Car Park Hazardous Waste Disposal Specialist Contractor required	6 months	£ 170,000.00	Augean PLC
PB2023-01305	08 January 2024	Direct Award - Young Persons Day Placement No suitable placements available on the Councils contracted provision	4 Years 9 Months	£ 348,891.90	Embleton View
PB2023-01310	15 January 2024	Direct Award - Community Care to Support Rehabilitation No suitable placements available on the Councils contracted provision	3.5 months	£ 101,400.00	Moonrise 24 ltd
PB2023-01311	15 January 2024	Direct Award - Virtual Memory Box Supplier awarded via a funding bid	4 Years	£ 295,000.00	Blue Cabin
PB2023-01317	15 January 2024	Direct Award - Tees Valley Childrens Residential Care Framework Extension to ensure continuation of service, while a review is undertaken	1 Year	£ 3,000,000.00	Various Tees Valley Framework
PB2023-01320	29 January 2024	Direct Award - Home to School Transport Dynamic Purchasing System Extension to the current DPS to align with the new DPS	5 Months	£ 780,000.00	Various Suppliers
PB2023-01326	29 January 2024	Direct Award - Childrens Education Day Placement No suitable placements available on the Councils contracted provision	5 Years	£ 124,080.00	River Tees Multi-Academy Trust

Procurement Board Reference Number	Approval Date	Description	Contract Term	Contract Value	Supplier
PB2023-01336	12 February 2024	Direct Award - Adult Supported Living Placement No suitable placements available on the Councils contracted provision	4 Years	£ 305,561.24	Home Group
PB2023-01337	12 February 2024	Direct Award - Adult Supported Living Placement No suitable placements available on the Councils contracted provision	4 Years	£ 132,894.44	Home Group
PB2023-01338	12 February 2024	Direct Award - Adult Residential Placement No suitable placements available on the Councils contracted provision	4 Years	£ 364,980.00	Darton Suite, Hundens Park Care Home
PB2023-01349	26 February 2024	Direct Award - Adult EMI Nursing Placement. No suitable placements available on the Councils contracted provision	4 years	£ 216,921.17	Woodside Grange, St Martins Care
PB2023-01353	26 February 2024	Direct Award - Provision of Foster Care Placement No suitable placements available on the Councils contracted provision	4 years	£ 175,683.00	Foster Cares - 05038789
PB2023-01354	26 February 2024	Direct Award - Childrens Residential Care Placement No suitable placements available on the Councils contracted provision	2 Years	£ 620,048.00	Meadows Care
PB2023-01355	26 February 2024	Direct Award - Provision of Foster Care Placement No suitable placements available on the Councils contracted provision	3 years	£ 242,895.24	A1 Foster Care

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**CABINET
9 APRIL 2024**

**DOLPHIN CENTRE UPDATE: PHASE 3 MECHANICAL AND ELECTRICAL REPLACEMENT
PROGRAMME AND RELEASE OF ADDITIONAL CAPITAL FUNDS FROM
SWIMMING POOL SUPPORT FUND**

**Responsible Cabinet Member - Councillor Matthew Roche
Health and Housing Portfolio**

**Responsible Director – Dave Winstanley
Group Director of Services**

SUMMARY REPORT

Purpose of the Report

1. To update members on the delivery of the Phase 3 Mechanical and Electrical (M&E) installation and request release of funding following a successful bid to the Swimming Pool Support Fund (SPSF), for photovoltaic panels and new combined heating and power unit.

Summary

2. The Dolphin Centre is now over 40 years old and like any asset requires investment in maintenance.
3. Members have received a number of reports over the last 18 months with regard to the ongoing maintenance works to the Dolphin Centre, covering the Phase 3 M&E installation and essential pool repairs.
4. In July 2022, members approved the release of funding for Phase 3 M&E work and funding for localised pool repair work. Following initial investigation, it was identified further work was required to the main pool, walkway, shower area and toddler pool, with additional funds being realised in a further two cabinet reports in August 2023 and September 2023.
5. The main pool opened in January 2024, and the shower area and toddler pool are expected to be completed in Spring.
6. During this period the detailed design for Phase 3 M&E has been developed and the Government announced the SPSF in June 2023, which was in two phases. The Council were successful in a bid to the Capital phase of the fund in February 2024. This will provide a new combined heating power unit and photovoltaic panels, which will improve the carbon footprint of the building and reduce operational costs.

7. The works identified in the bid have been incorporated into the Phase 3 M&E works to be able to issue a single tender to try and secure economies of scale and a more effective delivery programme.
8. Phase 3 works include space heating and ventilation across a number of areas in the building, the building management system (control system), air handling systems, emergency lighting and replacing existing lights with LED fittings to improve energy efficiency.

Recommendations

9. It is recommended that Cabinet release the £526K capital funding from the successful bid to the Swimming Pool Support Fund.

Reason

10. To enable the installation of photovoltaic panels and a new combined heating and power unit at the Dolphin Centre as part of the Phase 3 Mechanical and Electrical works.

Dave Winstanley
Group Director of Services

Background Papers

Cabinet report 5 July 2022

Cabinet report 11 August 2023

Cabinet report 5 September 2023

Ian Thompson: Extension 6628

S17 Crime and Disorder	The content of this report will not impact on crime and disorder.
Health and Well Being	The Dolphin Centre is the Council's key facility in providing opportunities for residents to participate in an active and healthy lifestyle.
Carbon Impact and Climate Change	There will be a positive impact on carbon reduction as a result of installing modern and efficient mechanical and electrical plant and equipment.
Diversity	No individual is adversely affected as a result of this report.
Wards Affected	Park East
Groups Affected	No group will be adversely affected as a result of this report.
Budget and Policy Framework	There is no impact on the Council's budget or policy framework.
Key Decision	No

Urgent Decision	No
Council Plan	The Dolphin Centre contributes to a number of the priorities in the Council Plan.
Efficiency	Elements of the capital works will reduce operating costs of the Dolphin Centre.
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers.

MAIN REPORT

Background

11. The Dolphin Centre is the Council’s only indoor leisure facility providing a range a health and wellbeing activities, as well as a key leisure and social venue in the town centre. Its town centre location contributes significantly to town centre footfall and vice versa. As the role of town centres continues to change, with greater emphasis on leisure and social activities, the contribution the Dolphin Centre makes to the town centre will continue to increase.

12. The key facilities within the Dolphin centre include:
 - (a) 25 metre swimming pool with diving boards, slides, training pool and toddler pool;
 - (b) water education programme and delivery of Key Stage 2 swimming to primary schools in Darlington;
 - (c) modern gym facilities with 2000 members, casual users and college curriculum usage (the team are GP referral qualified and local GPs refer into our team to support health improvement and rehabilitation);
 - (d) fitness studio, including exercise class programme;
 - (e) sports hall facilities, equivalent to two 5-a-side courts;
 - (f) recently refurbished and extended soft play facilities;
 - (g) recently installed 5 lane bowling alley;
 - (h) the Victorian Central Hall (Grade II listed);
 - (i) a number of social and meeting spaces;
 - (j) catering and hospitality, including a bistro, cafe and pavement cafe generating up to £1m income per year;

- (k) indoor events programme, including sporting events, concerts, weddings and more;
 - (l) a number of partners based in the Dolphin Centre, including Connect Health, who deliver the muscular skeletal contract on behalf of the NHS, Darlington Amateur Swimming Club, Darlington College, and 40 regular clubs.
13. During financial year 2022/23 there were over 850,000 visits to the Dolphin Centre.
14. The Dolphin Centre is over 40 years old and like any asset requires investment to maintain the centre.

Mechanical and Electrical Update

15. In 2012/13 a detailed study of the M&E installations was undertaken which resulted in a phased approach being implemented in relation to replacement and upgrading of equipment.
16. In 2015/16 Phase 1 was carried out, covering the pool, gym, wet changing village, and a number of other smaller areas. At the same time, replacement windows in the pool hall, replacement suspended ceiling in the pool hall and refurbishment of the wet changing village took place. The cost of this work was £2.7m.
17. Phase 2 of the M&E replacement programme took place in 2021 as part of the installation of the bowling alley, covering the bowling alley, soft play, dry changing rooms, first floor meeting spaces and the former registrar's area. The value of the M&E work was £0.6m.
18. In July 2022 members approved the release of funding for Phase 3 M&E work. Following approval, detailed investigation and design work has been carried out, which is now ready to go out to tender.
19. The much-needed investment will be used to replace essential elements of the mechanical plant, heating & ventilation services across the whole centre that are beyond their effective life, bringing significant improvements to the Bistro, Central Hall, Sports Hall and circulation areas in particular. This will ensure the centre can continue to provide comfortable environments across a range of services and also reduce operational running costs.
20. New energy efficient lighting will also be installed throughout the centre, bringing the lighting to a modern, efficient standard. Whilst the majority of the works will be confined to back of house plant rooms, short term disruption to operating functions will be unavoidable. It is expected that the first floor Bistro will need to be temporarily closed for a period of up to 11 weeks (which will be reduced where possible), whilst new supply and extract ventilation systems are installed; 16 Horsemarket Cafe will remain open throughout the refurbishment. The works are scheduled to start on site in quarter 3 2024, concluding in 2026.

Swimming Pool Support Fund (SPSF)

21. The government's SPSF provided a total of £60 million to local authorities in England as a support package for public leisure facilities with swimming pools and is split into two phases.

Phase I - Revenue

22. £20m was made available to support facilities with swimming pools with increased cost pressures, leaving them most vulnerable to closure or significant service reduction.
23. The Council had to be the lead applicant for any publicly accessible pool within its boundaries and a submission was made to the Phase I fund for Hummersknott Academy Trust. Unfortunately, this application was unsuccessful.

Phase II - Capital

24. £40m was made available from the government for capital investment to improve the energy efficiency of public facilities with pools in the medium to long term.
25. For the Phase II round, an application was submitted for just over £1m for a range of capital interventions and other associated work. The Council was successful and received £526k for photovoltaic panels and a new combined heating and power unit. These two interventions will help reduce energy consumption.
26. The delivery of this funding will be added to the M&E contract, therefore creating a bigger package of work providing economies of scale.

Delivery

27. The delivery programme for the package of works will be developed through the procurement process to minimise the impact on the operation of the Dolphin Centre.
28. The majority of the remaining M&E work is associated with the plant rooms that cover the Bistro, Central Hall, Sports Hall, and general circulation areas. Therefore, most of the work is not associated with pool plant and there would not have been any benefit in trying to do the work while the pool was closed, even if its design work could have been accelerated.

Financial Implications

29. In July 2022, Cabinet had already released £2.2m for Phase 3 of the M&E project, which has now been designed and is ready to go to procurement. The cost of the additional M&E work, photovoltaic panels and new combined heating and power unit, which will be included in the Phase 3 programme, will be funded from the SPSF award.
30. As this is an external award, Cabinet have the delegation in place to approve release of this funding, as there is no impact on the Medium-Term Financial Plan.

Procurement Advice

31. The Procurement will be through the Procurement Hub Major Works Framework, via a Direct Award appointment to Willmott Dixon. The Framework is compliant with the Public Contracts Regulations 2015.

**CABINET
9 APRIL 2024**

PROPOSED WAITING RESTRICTIONS OUTRAM STREET - OBJECTION

Responsible Cabinet Member - Councillor Libby McCollom, Local Services Portfolio

Responsible Director - Dave Winstanley, Group Director of Services

SUMMARY REPORT

Purpose of the Report

1. To advise Members of an objection received to a proposal for waiting restrictions at Outram Street and to seek a decision on whether to proceed with the proposal.

Summary

2. Following the recent introduction of a contraflow cycle way on Duke Street and the introduction of revised waiting restrictions in the area, the southern end of Outram Street was left unrestricted. However, in the absence of restrictions parking in this location is interfering with the operation of the cycle route. Vehicles are parking on both sides of the road and vehicles are parking in the middle of Outram Street to load and unload, which are blocking the cycle lane from Duke Street.
3. Officers developed proposal to regulate the parking and consulted on a proposal for waiting restrictions, a disabled bay, and a limited waiting bay to prevent obstructive parking and improve road safety (see plan at **Appendix A**).
4. A business owner on Duke Street has made an objection to the proposed waiting restrictions. The reason for their objection is (i) the location of the disabled bay is not appropriate and (ii) that there are restrictions both sides of the southern end of Outram Street.
5. Members should be mindful that the Council have a duty to maintain the flow of traffic and the provision of parking should only be considered if it is safe to do so and does not interfere with the right of passage along it. The Council, acting in its capacity as the Highway Authority, have a duty of care to ensure the safety of the travelling public and a duty under the Traffic Management Act 2004 to maintain the expeditious movement of traffic.

Recommendation

6. It is recommended that Members consider the objection and set it aside and authorise officers to proceed with the proposal to introduce No waiting at any time, No waiting 9.00am – 5.00pm, Disabled bay and Limited Waiting bay.

Reasons

- The recommendations are supported to improve the road safety and preserving or improving the amenities of the area through which the road runs.

Dave Winstanley
Group Director of Services

Background Papers

No background papers were used in the preparation of this report

Chris Easby : Extension 6707

S17 Crime and Disorder	There are no direct implications
Health and Wellbeing	There are no direct implications
Carbon Impact and Climate Change	There are no significant impact implications in this report
Diversity	There are no direct implications
Wards Affected	Park East
Groups Affected	All
Budget and Policy Framework	The decision does not represent a change to the budget and policy framework
Key Decision	This is not a key decision
Urgent Decision	This is not an urgent decision
Council Plan	No significant implications.
Efficiency	The proposal will improve the amenities of the area
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

MAIN REPORT

Information and Analysis

- Following the recent introduction of a contraflow cycle way on Duke Street and the introduction of revised waiting restrictions, the southern end of Outram Street was left unrestricted.
- The absence of waiting restrictions at the southern end of Outram Street permits vehicles to park both sides of the road at all times and this combined with vehicles parking in the middle of the road interferes with the operation of the recently introduced cycle route.
- The vehicles observed to be parking are from commuters and residents' vehicles. The parking causes vehicles to load/unload in the middle of the road which then blocks the cycle lane from Duke Street causing road safety issues.
- Officer have developed waiting restriction proposals to regulate the parking in the area and improve the access to the cycle route facilities.

12. An objection was received from a business. The Objector commented that, “the disabled bay would be better being nearer to Duke Street, there was no logic to it being behind another parking bay. There are no disabled bays at all in the west end of Duke Street. They also objected to the whole of the southern end of Outram Street being restricted and enquired whether local businesses could apply for permits to park as they help to bring people into town. They also asked if the disabled bay would be signposted from Duke Street”.
13. The Ward Councillors were consulted, and no comments were made to the proposal.
14. Subject to Cabinet approval, it is recommended that Cabinet set aside the objection and introduce the restrictions as advertised in accordance with the Council’s powers as set out in Part 1 of the Road Traffic Regulations Act 1984.

Financial Implications

15. The proposal will be funded from the Traffic Management budget.

Legal Implications

16. The traffic orders have been statutorily advertised for the required period.

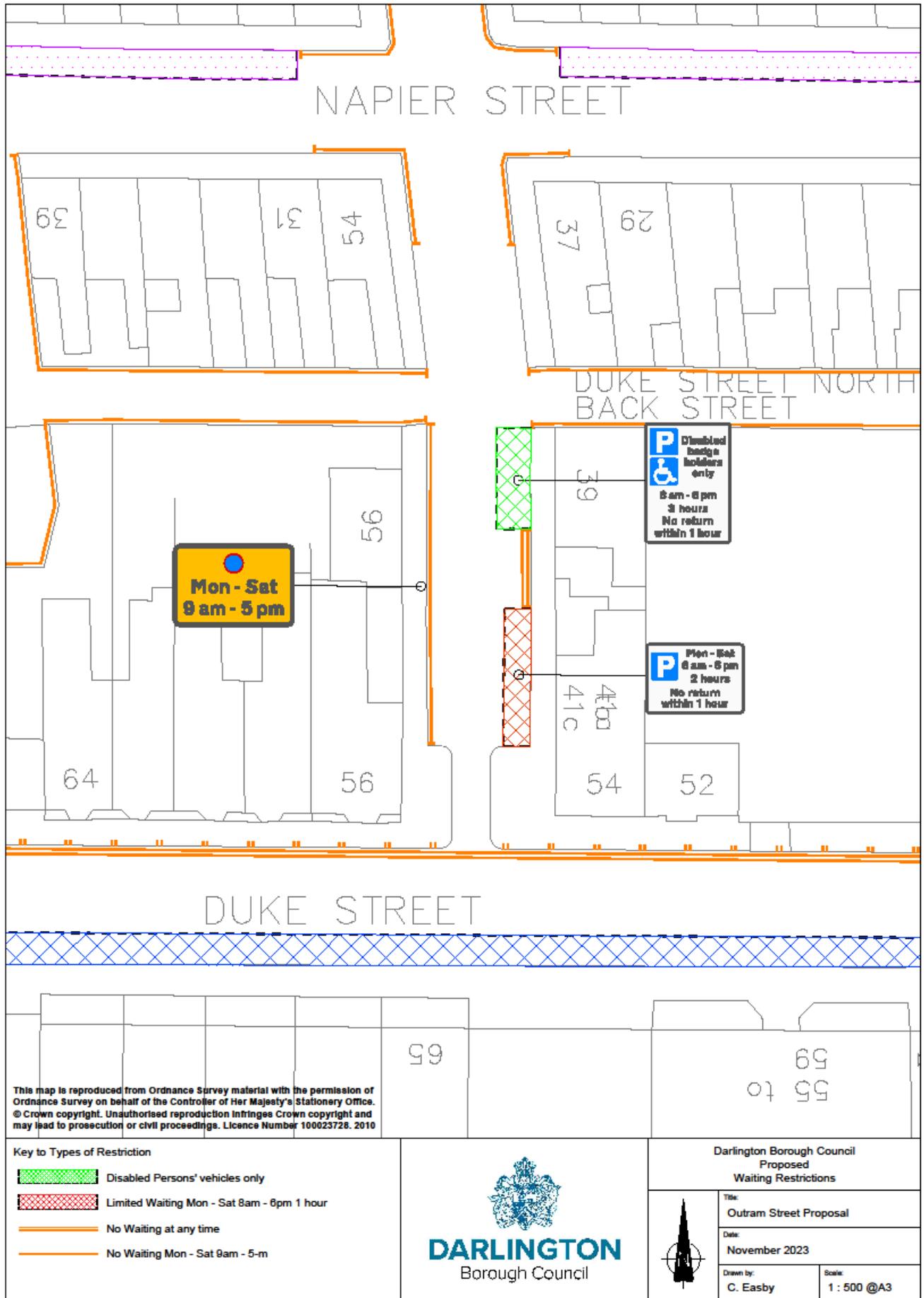
Consultation

17. Officers have consulted with affected business owners and residents on Duke Street and Outram Street with the proposed waiting restrictions. The proposal has also been statutorily advertised in the press and on our website, following delegated authority to progress a traffic order.

Outcome of Consultation

18. One business owner has objected to the proposal as they disagree with the location of the disabled bay and that there shouldn’t be waiting restrictions on both sides of the southern end of Outram Street.
19. The other consultees agree with the proposal.

APPENDIX A



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Key to Types of Restriction	
	Disabled Persons' vehicles only
	Limited Waiting Mon - Sat 8am - 6pm 1 hour
	No Waiting at any time
	No Waiting Mon - Sat 9am - 5m



Darlington Borough Council Proposed Waiting Restrictions	
Title: Outram Street Proposal	
Date: November 2023	
Drawn by: C. Easby	Scale: 1 : 500 @A3