

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
MONDAY 23 SEPTEMBER 2024**

CABINET

Tuesday, 10 September 2024

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

INVITEES – Councillors Dulston and Snedker

C31 DECLARATIONS OF INTEREST.

There were no declarations of interest reported at the meeting.

C32 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.

C33 TO APPROVE THE MINUTES OF THE MEETING OF THIS CABINET HELD ON 16 JULY 2024.

Submitted – the Minutes (previously circulated) of the meeting of this held on 16 July 2024.

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

REASON – They represent an accurate record of the meeting.

C34 MATTERS REFERRED TO CABINET

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

C35 ISSUES ARISING FROM SCRUTINY COMMITTEE

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

C36 KEY DECISIONS:-

There were no key decisions considered at this meeting.

C37 PUBLIC CONSULTATION ON DRAFT APPRAISAL FOR THE NORTHGATE CONSERVATION AREA INCLUDING PROPOSED BOUNDARY EXTENSION

The Cabinet Member with the Economy Portfolio introduced the report (previously circulated) of the Chief Executive requesting that consideration be given to going out for public consultation with the new draft appraisal (also previously circulated) for the Northgate

Conservation Area.

The submitted report outlined the background to the Northgate Conservation Area; the justification for writing a new appraisal for the conservation area including proposals to extend the boundary significantly; the contents of the document; the proposed consultation process; and stated that the conservation area had been on the national Heritage at Risk Register since 2010.

Particular references were made to the proposed draft character appraisal that was produced, but not finalised, by Land Use Consultants (LUC) on behalf of the Council; the Northgate Urban Design Framework and Masterplan that was also produced by LUC for a large part of the Conservation Area which now formed the strategic direction / vision for regeneration under the Towns Fund Scheme; and to the Conservation Area Assessments – Route of the former Stockton & Darlington Railway undertaken by Durham County Council.

RESOLVED – (a) That the public consultation on the new draft appraisal for the Northgate Conservation Area, be authorised.

(b) That the draft document be publicised for a period of at least six weeks, to allow members of the public and other stakeholders sufficient time to submit comments.

(c) That the draft document be amended and finalised in the light of comments received during the public consultation period.

(d) That the finalised conservation area appraisal be submitted to Members for adoption; this will be subject to another cabinet report.

REASONS – (a) The Northgate Conservation Area is a designated heritage asset of international significance due to its structures and associations directly linked to the birth/early years of the Stockton & Darlington Railway (S&DR) of 1825. Despite its high importance, it has been on the national Heritage at Risk Register since 2010.

(b) The bicentennial of the S&DR is next year. There will be many events in Darlington and elsewhere to celebrate the birth of the modern railway. The Council is currently making significant investments in preparation for the 2025 celebrations including the redevelopment of the railway heritage quarter (Hopetown) inside the Northgate Conservation Area.

(c) The bicentennial of the S&DR is also being promoted by Historic England, the government's statutory adviser on the historic environment. They have provided financial assistance and other support for the Northgate Conservation Area.

(d) The present appraisal of the Northgate Conservation Area was adopted in January 2007. It is now deemed inadequate and out of date.

(e) The new draft appraisal picks up some of the 'unfinished' work carried out recently by Durham County Council and Land Use Consultants. It provides a detailed record and analysis of the Northgate Conservation Area which will be of interest to the public and other stakeholders, as well as some of the Council's staff (e.g. planning officers).

(f) The proposed boundary extension areas often relate to development that was influenced by S&DR. The draft appraisal will draw attention to locally important heritage assets to further public understanding and inform decision making.

(g) The draft appraisal also includes suggestions to improve the condition of the conservation area so that it may eventually be removed from the Heritage at Risk register.

C38 REVISIONS TO THE COUNCIL'S SENIOR MANAGEMENT STRUCTURE

The Leader introduced the report (previously circulated) of the Chief Executive Officer requesting that consideration be given to a revised Senior Management Structure for the Council (also previously circulated).

The submitted report outlined the current senior management structure; presented a revised senior structure which responded to the recently announced retirement of the Chief Executive Officer and forthcoming planned retirements of the Assistant Director of Community Services and the Assistant Director of Economic Growth; amendments to the Group Director titles; and outlined the HR and financial implications of the proposals.

Particular reference was made at the meeting to the financial position of the Council; the additional cost of the restructure; the additional pressures on the Council's resources; whether there was a need for a Chief Executive without a portfolio; the job that will face the successful applicant; the need to retain staff; and the need for all Local Authorities to receive adequate funding. The Leader responded thereon.

RESOLVED – (a) That the Senior Management Structure, as set out in Appendix A of the submitted report, be approved.

(b) That a report be taken to Council to approve the proposed post of Executive Director of Economy and Public Protection.

(c) That the Assistant Director Law and Governance be delegated to make any consequential changes to the Constitution that are needed.

REASON - To amend the Council's structure.

C39 CLIMATE CHANGE PROGRESS

The Cabinet Member with the Economy Portfolio introduced the report (previously circulated) of the Chief Executive updating Cabinet on progress towards the Council's net zero target.

The submitted report stated that the Climate Emergency Declaration had been re-affirmed; the Council's carbon neutral target had been brought forward to 2040; further aims to increase engagement with residents and businesses had been included with the intention of reducing wider borough emissions; a further commitment to the Council's emission reduction trajectory had been amended to 40 per cent reduction every five years; outlined the current progress against those targets; and stated that of the 109 actions reporting at the end of 2022/23, 91 were on track and 5 had been completed.

Particular reference was made, to a project to develop guidance for local authorities to report to Defra on adaptation progress which the Council took part in in 2023 and to a subsequent trial for local authorities to report to the Secretary of State under the Climate Change Act's Adaptation Reporting Power, which the Council was also taking part in.

References were made at the meeting to the need to be more creative; the level of support the Council needed to meet its targets; the importance of messaging; the role of the Council as an enabler; the opportunity to save money; how those savings would be re-invested; and to the planting of trees. The Cabinet Member with the Economy Portfolio responded thereon.

RESOLVED - That the report be noted.

REASON – Due to the increasing public pressure to act on climate change, the Council will run the risk of significant damage to its reputation if it does not deliver on its stated commitment to dealing with the Council's contribution to climate change.

C40 AIR QUALITY STRATEGY 2024/29

The Cabinet Member with the Economy Portfolio introduced the report (previously circulated) of the Chief Executive requesting that consideration be given to the Air Quality Strategy 2024/29 (also previously circulated).

The submitted report stated that due to changes in national policy the Council was now required to produce an Air Quality Strategy for the Borough; the strategy aimed to improve air quality, raise the profile and importance of air quality and provide information about local air quality; outlined the vision, aims and key priorities going forward; and stated that the strategy would contribute to the Council's commitment to reducing carbon emissions.

Particular references were made to the six aims contained within the Strategy and to the work that had been done to date in relation to each aim and future actions going forward.

Reference was made at the meeting to woodburning and to the fact that road transport was the biggest polluter.

RESOLVED - That the Air Quality Strategy 2024/29, as appended to the submitted report, be adopted.

REASONS - (a) The Strategy demonstrates a commitment to improving air quality within the Borough.

(b) The Strategy includes objectives and actions aimed at reducing emissions which will have positive effects on public health.

C41 PROPOSED AMENDMENTS TO THE SCHEDULE OF CHARGES 2024/25

The Cabinet Member with the Resources Portfolio introduced the report (previously circulated) of the Group Director of Services requesting that consideration be given to a

proposed amendment to the Schedule of Charges 2024/25, prior to consideration by Council on 26 September 2024.

The submitted report stated that the fees and charges associated with Highway Agreement charges between the Council and developers had been reviewed; a number of amendments had been proposed to the Schedule of Charges; outlined the rationale and reasons for the proposed changes; and stated that the increases proposed were based on the cost of providing the services and took account of inflation and market conditions and were anticipated to support the provision of those services.

RESOLVED - (a) That the changes to the Schedule of Charges, as set out in Appendix 1 of the submitted report, be agreed.

(b) That the report be forwarded to Council for a decision.

RASON - To support the financial costs of providing the services.

C42 ANNUAL REVIEW OF THE INVESTMENT FUND

The Cabinet Member with the Resources Portfolio introduced the report (previously circulated) of the Group Director of Operations updating Cabinet on progress against the agreed investments being funded through the Investment Fund.

The submitted report stated that in November 2016 the Council established an Investment Fund to be used for innovative investment opportunities beyond the traditional Treasury Management Strategy in order to achieve greater returns given the low returns on investment; the fund provision of £50m was being utilised as envisaged facilitating wide economic benefits as well as a direct impact on the Council's financial position; the £50m fund had a commitment against it of £36.43m leaving a balance of £13.57m uncommitted; the Investment Fund had been used for 16 schemes to date, six of which had been recycled back into the fund; and that returns on JV's were anticipated to be over £7.5m.

Particular reference was made at the meeting to the whether it was the intention to bring back the Indoor Market back under the control of the Council and, should this happen, what would the implications be on the repayment of the loan. The Cabinet Members with the Resources Portfolio and the Economy Portfolio responded thereon.

RESOLVED - That the use of the Investment Fund and the returns achieved through the joint venture vehicles, as detailed in the submitted report, be noted.

REASONS – (a) To keep Cabinet informed of progress made on opportunities undertaken and investment returns.

(b) To increase development opportunities and income for the Council

C43 REGULATORY 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; developments that have taken place since the last report to Cabinet in March 2023 (Minute C116/Mar/24 refers); and requesting that consideration be given to the RIPA Policy (also previously circulated).

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 Paragraph 4.47 of the Home Office, Covert Surveillance and Property Interference, Revised Code of Practice, August 2018, required each local authority to set the RIPA Policy at least once a year. The had last been reviewed in September 2022 (Minute C184/Sep/22 refers).

RESOLVED – (a) That the issues raised, as detailed in the submitted report, be noted.

(b) That the Regulatory of Investigatory Powers Policy, as appended to the submitted report, be approved.

(c) That further reports on the use of Regulation of Investigatory Powers Act (RIPA) and Investigatory Powers Act (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) As stated in the Home Office Code of Practice, the RIPA Policy should be approved by Members on an annual basis.

(c) To help in giving transparency about the use of RIPA and IPA in the Council.

C44 COMPLAINTS MADE TO LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN AND THE HOUSING OMBUDSMAN SERVICE

The Leader introduced the report (previously circulated) of the Chief Officers Executive providing an update of the outcome of cases which have been determined by the Local Government and Social Care Ombudsman (LGSCO) and the Housing Ombudsman Service (HOS) since the preparation of the previous report to Cabinet on 5 December 2023 (Minute C78/Dec/23 refers); providing the Annual Review Letter (also previous circulated); and requesting that consideration be given to the frequency the information is provided to Members.

The submitted report set out in abbreviated form the decisions reached by the LGSCO and the HOS between 1 April 2023 and 31 March 2024 and outlined the actions taken as a result of those complaints.

RESOLVED – (a) That the report be noted.

(b) That the revised frequency of the reports to be Cabinet, as detailed in the submitted report, be agreed.

REASONS – It is important that Members are aware of the outcome of complaints made to the LGSCO and the HOS in respect of the Council’s activities.

C45 COMPLAINTS, COMPLIMENTS AND COMMENTS ANNUAL REPORTS 2023/24

The Leader introduced the report (previously circulating) of the Chief Officers Executive providing Cabinet with the 2023/24 Complaints, Compliments and Comments Annual Reports for Adult Social Care, Children’s Social Care, Corporate, Housing and Public Health (all also previously circulated).

The submitted report stated that in 2023/24 a total number of 746 complaints had been received, an increase from 709 in 2022/23 and 629 in 2020/21, but lower than the pre-pandemic levels of 838 in 2019/20; 231 compliments had been received, an increase from 202 in 2022/23 and 217 in 2021/22 although a decrease from 309 in 2020/21 and 292 in 2019/20; and 77 comments had been received, a decrease from 112 in 2022/23, 127 in 2021/22, 178 in 2020/21 and 168 in 2019/20.

RESOLVED - (a) That the content of the Adult Social Care, Children’s Social Care, Corporate, Housing and Public Health Complaints, Compliments and Comments Annual Reports, all as appended the submitted report, be noted.

(b) That the further recommendations, as detailed in the Corporate, Children Social Care and Housing Complaints, Compliments and Comments Annual Reports, as appended to the submitted report, be endorsed.

REASONS - (a) To make Cabinet aware of the number and nature of the complaints, compliments and comments received by the Council and the organisational learning.

(b) To ensure the Council was:

- (i) complying with the Children Act 1989 Representation Procedure (England) Regulations 2006;
- (ii) complying with the Housing Ombudsman’s Complaint Handling Code;
- (iii) complying with the Local Government and Social Care Ombudsman’s Complaints Handling Code;
- (iv) complying with the Council’s Complaints, Compliments and Comments Procedure; and

- (v) to improve satisfaction with complaints handling.

C46 PROJECT POSITION STATEMENT AND CAPITAL PROGRAMME MONITORING - QUARTER 1 2024/25

The Cabinet Member with the Resources Portfolio introduced the report (previously circulated) of the Group Director of Services and the Group Director of Operations providing a summary of the latest Capital resource and commitment position, to inform monitoring of the affordability and funding of the Council's capital programme; an update on the current status of all construction projects currently being undertaken by the Council; and requesting that consideration be given to a number of changes to the programme.

The submitted report stated that the projected outturn of the current Capital Programme was £330.867m against an approved programme of £331.530m; the investment was delivering a wide range of improvements to the Council's assets and services; the programme, including commitments, remained affordable within the Medium Term Financial Plan (MTFP) for 2024/25 to 2027/28; the Council had 26 live projects, with an overall projected outturn value of £157.308m, the majority of which were running to time, cost and quality expectations, but were being monitored given the current pressures on resources in the construction sector nationally; and that the projects were managed either by the Council's in-house management team, a Framework Partner or by Consultants source via an open/OJEU tender process.

RESOLVED - (a) That the status position on construction projects, as detailed in the submitted report, be noted.

(b) That the projected capital expenditure and resources, as detailed in the submitted report, be noted.

(c) That the adjustments to resources, as detailed in paragraph 21 of the submitted report, be approved.

REASONS - (a) To inform Cabinet of the current status of construction projects.

(b) To make Cabinet aware of the latest financial position of the Council.

(c) To maintain effective management of resources.

C47 REVENUE BUDGET MONITORING 2024/25 - QUARTER 1

The Cabinet Member with the Resources Portfolio introduced the report of the Group Director of Operations (previously circulated) providing an early forecast of the 2024/25 revenue budget outturn as part of the Council's continuous financial management process.

The submitted report stated that it was the first revenue budget management report to Cabinet for 2024/25 and that the latest projections showed an overall decline of £1.376m on the 2024/28 Medium Term Financial Plan, which was due to £2.542m of departmental pressures and a reserves contribution of £0.155m, offset by £1.321m of additional balances

following the 2023/24 outturn.

RESOLVED - (a) That the forecast revenue outturn for 2024/25, as detailed in the submitted report, be noted.

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

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

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

C48 TREASURY MANAGEMENT ANNUAL REPORT AND OUTTURN PRUDENTIAL INDICATORS 2023/24

The Cabinet Member with the Resources Portfolio introduced the report (previously circulated) of the Group Director of Operations providing important information regarding the regulation and management of the Council's borrowing, investments and cash-flow; treasury activity for 2023/24; and seeking approval of the Prudential Indicator results for 2023/24 in accordance with the Prudential Code.

It was reported that the financial year 2023/24 was yet another unprecedented year with regard to treasury management due to a number of issues including the continuing conflict in Ukraine; events in the Middle East; inflation taking time to recover; the cost of borrowing continuing to rise steadily throughout the early part of the year; and that although the returns for cash investments had increased to higher interest rates they still remained below the cost of borrowing. The Council had complied with its legislative and regulatory requirements.

The submitted report summarised the capital expenditure and financing for 2023/24; the Council's overall borrowing need; the Treasury position as at 31 March 2024; prudential indicators and compliance issues; the economic background for 2023/24 treasury management activity during 2023/24; investment position; and performance and risk benchmarking.

It was also reported that the Council's treasury management activity during 2023/24 had been carried out in accordance with the Council policy and within legal limits; financing costs had been reduced during the year; and a saving of £0.735m had been achieved from the original Medium-Term Financial Plan.

RESOLVED - (a) That the outturn 2023/24 Prudential Indicators, as detailed within the submitted report and in Appendix 1 to the submitted report, be noted.

(b) That the Treasury Management Annual Report for 2023/24, as detailed in the submitted report, be noted.

(c) That the report be forwarded to Council, in order for the 2023/24 Prudential Indicators to be noted.

REASONS - (a) In order to comply with the Prudential Code for Capital Finance in Local Authorities.

(b) To inform Members of the Performance of the Treasury Management function.

(c) To comply with the requirements of the Local Government Act 2003.

C49 MEMBERSHIP CHANGES - TO CONSIDER ANY MEMBERSHIP CHANGES TO OTHER BODIES TO WHICH CABINET APPOINTS.

RESOLVED – That Councillor Dr Riley replace Councillor McEwan as this Council’s representative on Darlington Cares.

REASON – To enable a change to the Council’s representation on Darlington Cares.

**DECISIONS DATED –
FRIDAY 13 SEPTMEBER 2024**