

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
MONDAY 22 MARCH 2021**

CABINET

Tuesday, 9 March 2021

PRESENT – Councillors Mrs H Scott (Chair), Clarke, Dulston, Johnson, Keir, Marshall, Mills and K Nicholson

INVITEES – Councillors Curry, Harker, Snedker and Tait

ALSO IN ATTENDANCE – Councillors Boddy and C L B Hughes

C105 DECLARATIONS OF INTEREST.

There were no declarations of interest reported at the meeting.

**C106 TO HEAR RELEVANT REPRESENTATION (FROM MEMBERS AND THE
GENERAL PUBLIC) ON ITEMS ON THIS CABINET AGENDA.**

In respect of Minutes C110(1) and (2) below, representations were made by Members in attendance at the meeting.

**C107 TO APPROVE THE MINUTES OF THE MEETING OF THIS CABINET HELD ON
TUESDAY, 9 FEBRUARY 2021.**

Submitted – The Minutes (previously circulated) of the meeting of this Cabinet held on 9 February 2021.

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

REASON – They represent an accurate record of the meeting.

C108 MATTERS REFERRED TO CABINET

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

C109 ISSUES ARISING FROM SCRUTINY COMMITTEE

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

C110 KEY DECISIONS

(1) LOCAL TRANSPORT PLAN

The Cabinet Member with the Local Services Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) providing Members with the annual update on highways and transport from a regional and local perspective; outlining the delivery, performance and public satisfaction in

2020/21; and requesting that consideration be given to the 2021/22 programme, including the release of funding; and providing an update on the Tees Valley Strategic Transport Plan and the Darlington Transport Plan.

The submitted report stated changes in travel behaviour had been one of the very visible signs of the restrictions imposed as a result of Public Health England and Government advice; as a result of social distancing measures capacity and demand on bus and rail services had been suppressed; free car parking had initially been introduced to support essential workers and essential trips; as schools re-opened Travel Demand Management techniques were used to plan public transport and home to school transport to ensure that children and young people could travel to school and college safely, whilst retaining capacity for the general public; challenges continued; the transport sector would need to work hard to increase bus and rail services back to full capacity and encourage passengers back on to them; and those people who started walking or cycling during the summer lockdown should be encouraged to continue to travel sustainably.

It was reported that despite the pandemic the capital programme of works had progressed; a full programme of maintenance schemes had been delivered; progress had been made on the planning and designing of a number of schemes; additional funding had been secured during the year from the Department for Transport's (DfT's) Pothole and Challenge Fund and the Tees Valley Combined Authority (TVCA) Active Travel Fund; the Council continued to work in partnership with the TVCA and the other Tees Valley local authorities to deliver the Strategic Transport Plan; a new Bus Partnership had been established with representatives from the main commercial bus operators and the local authorities; working groups had been established to improve bus services and coordinate efforts to encourage people back onto buses; a new online portal had been developed to make the application process for concessionary bus passes more straight forward; a bulk re-issue of over 14,000 bus passes in Darlington had been completed; and that changes to car parking charges were approved by Cabinet following funding from TVCA (Minute C68(2)/Dec/20 refers).

Particular reference was made to the progress on the consultation for the Darlington Transport Plan, that had been delayed due to the Transport Planning Team working on the additional COVID-19 requirements and staff resource issues; whilst the work continued on COVID-19 transport adaptations, there was now resource in place to progress the Plan; the aims of the Plan had been reviewed and updated to reflect a new focus set out in the Town Centre Plan i.e. a place to shop, live, visit, be proud of and do business in, as town centres change from being predominantly retail; and that the plan would continue to prioritise maintenance but would focus on supporting economic growth through the delivery of sustainable transport options and identifying key traffic pinch points on the highway network participation.

Reference was made at the meeting to the guidance from the Government requiring half of all trips to be walked or cycled by 2030; concerns around the competitive bidding process which caused problems in long term planning; and bus congestion in some areas of the Town Centre. The Cabinet Member with the Local Services Portfolio responded thereon.

RESOLVED – (a) That progress in delivering the Local Transport Plan, as detailed in the submitted report, be noted and £0.893m Integrated Transport Block and £1.205m

Highway Maintenance Funding (£0.964m plus £0.241m incentive funding), subject to Department for Transport confirmation, to deliver the 2021/22 transport programme, be released.

(b) That £1.274m Pothole and Challenge Fund monies awarded by the Department for Transport in September 2020 and £0.969m Pot Hole and Challenge Funding awarded in February 2021 for 2021/22, be released.

(c) That the Active Travel Fund monies, subject to Department for Transport and Tees Valley Combined Authority confirmation, to deliver the Tees Valley Local Cycling and Walking Infrastructure Plan, be released.

(d) That the Darlington Transport Plan framework, as detailed in the submitted report, be approved, as the basis for consultation in 2021.

(e) That the following recommendations of the Communities and Local Services Committee, be approved, namely:-

- (i) that the School Streets Initiative be progressed to the next phase; and
- (ii) that the prioritisation of the top three schools for phase three be conducted using the 'Essential', Traffic Impacts' criteria and 'Supporting Criteria'.

REASONS – (a) To continue to deliver Darlington's Transport Strategy as set out in the Third Local Transport Plan until a new Darlington Transport Plan is adopted.

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

(c) To deliver the Woodland Road/Duke Street cycling and walking scheme as part of the wider A68 Pinch Point scheme; and continue to secure further funding for the delivery of sustainable transport initiatives.

(d) To enable residents, businesses and organisations to help shape the transport strategy for Darlington

(2) (URGENT ITEM) DARLINGTON CREMATORIUM REFURBISHMENT – COST UPDATE

The Cabinet Member with the Local Services Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to the increase in costs to deliver the Crematorium Refurbishment and new Chapel project.

The submitted report stated that work to replace the cremators, redeveloping the existing chapel into a bereavement service office, and building a new chapel within West Cemetery, was due to commence in April 2020; the project had been delayed for a year due to the pandemic to ensure there was adequate capacity for cremations; and that as a result of that delay and the impact of Brexit and COVID-19, the costs for the project had increased significantly on the original estimate.

A Member in attendance at the meeting, addressed Cabinet, in respect of the new cremators, the capturing of mercury and to the continuation of the service throughout the project.

Discussion ensued on the increased costs and the work that had been undertaken to reduce those costs. The Cabinet Member with the Local Services Portfolio responded thereon.

RESOLVED – (a) That the continuation of the project, be approved, as the additional costs could be met within the existing financial envelope.

(b) That the additional capital funding of £1.512m, as detailed in the submitted report, be released.

REASONS – (a) To enable the replacement and updating of the current cremators ensuring they meet the requirements of current legislation.

(b) To provide a chapel that provides the facilities that are expected from a modern crematorium.

C111 SUPPORTING THE CHILDHOOD HEALTH WEIGHT PLAN FOR DARLINGTON

The Cabinet Member with the Economy Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to commencing a review of the available planning powers that could be used to support the Council's objectives of achieving the targets set in the Childhood Health Weight Plan for Darlington.

The submitted report stated that Planning could influence the built environment to improve health and reduce obesity and excess weight in local communities; Local Planning Authorities could have a role in enabling a healthier environment by supporting opportunities for communities to access a wide range of healthier food production and consumption choices; Local Planning Authorities could consider bringing forward, where supported by an evidence base, local planning policies and supplementary planning documents, which would limit the proliferation of certain use classes in identified areas, where planning permission was required; and that in doing so, evidence and guidance produced by local public health colleagues and Health and Wellbeing Boards might be relevant.

Reference was made to a number of issues that Local Planning Authorities and planning applicants could have particular regard to including:- proximity to locations where children and young people congregate such as schools, community centres and playgrounds; evidence indicating high levels of obesity, deprivation and general poor health in specific locations; over-concentration and clustering of certain use classes within a specified area; residential amenity – odours and noise impact; traffic impact; refuse and litter; over proliferation – where the number of approved establishments within the Ward equalled or exceeded the UK national average per 1000 population; and opening hours.

A Member in attendance at the meeting addressed Cabinet in respect of the ratio of fast food outlets per 1000 compared to the UK national average and requested that

consideration be given to widening input into the process at an early stage. Discussion ensued on the issues around childhood obesity; the timescales for the process; and the benefits of introducing Supplementary Planning Guidance. The Cabinet Member with the Economy Portfolio responded thereon.

RESOLVED - (a) That officers be requested to explore the merits of adopting the available planning powers through the development of an evidence base and the analysis of good practice elsewhere in the country which would assist in addressing childhood obesity.

(b) That in conducting the review detailed at (a) above, officers be requested to consult with the Health and Wellbeing Board.

(c) That a report be brought back to a future Cabinet meeting.

REASON - To contribute to the further health and wellbeing of the Town.

C112 REGULATORY INVESTIGATORY POWERS ACT (RIPA)

The Cabinet Member with the Resources Portfolio introduced the report of the Managing Director (previously circulated) 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 October 2020 (Minute C46/Oct/20 refers); and requesting that consideration be given to approving a revised RIPA Policy (also previously circulated).

The submitted report stated that the RIPA 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 the RIPA Policy had been amended as a result of the Inspection by the Investigatory Powers Commissioner's Office that took place in August 2020 and reported in October's Cabinet Report (Minute C46/Oct/20 refers) and to pick up on forthcoming changes to the Council's senior management structure.

RESOLVED – (a) That the developments that have taken place since October 2020, as detailed in the submitted report, be noted.

(b) That the RIPA Policy, as appended to the submitted report, be approved, to come into force on 1 June 2021.

(c) That further reports on the use of RIPA and associated issues, be submitted to further meetings of Cabinet.

REASONS – (a) In order to ensure that the Council complies with the legal obligations under RIPA, IPA and national guidance.

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

(c) To update the RIPA policy and procedures to reflect both legislative, operational

and structural changes.

C113 SCHEDULE OF TRANSACTIONS

The Cabinet Member with the Resources Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to the Schedule of Transactions (also previously circulated).

RESOLVED – That the Schedule of Transactions, as detailed in the submitted report, be approved, and the transactions be completed on the terms and conditions detailed therein.

REASONS – The terms negotiated require approval by Cabinet before binding itself contractually to a transaction.

C114 MEMBERSHIP CHANGES - TO CONSIDER ANY MEMBERSHIP CHANGES TO OTHER BODIES TO WHICH CABINET APPOINTS.

There were no membership changes reported at the meeting.

C115 TO CONSIDER THE EXCLUSION OF THE PUBLIC AND PRESS :-

That, pursuant to Sections 100A(4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 3 of Part I of Schedule 12A to the Act.

**DECISIONS DATED –
FRIDAY 12 MARCH 2021**