

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
MONDAY 21 MARCH 2022**

CABINET

Tuesday, 8 March 2022

PRESENT – Councillors Mrs H Scott (Chair), Dulston, Durham, Keir, Marshall, K Nicholson and Tostevin

INVITEES – Councillors Curry, Harker and Snedker

APOLOGIES – Councillors Clarke and Tait

ALSO IN ATTENDANCE – Councillor McCollom

C107 CONFLICT IN UKRAINE

RESOLVED – That a short silence be observed to reflect on the conflict in Ukraine and in particular, for those women affected by the conflict, on International Women’s Day.

REASON – As a mark of respect for those affected by the conflict in Ukraine.

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 ON TUESDAY, 8 FEBRUARY 2022.

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) SUPPLEMENTARY PLANNING GUIDANCE (SPD) DESIGN CODE - BURTREE GARDEN VILLAGE

The Cabinet Member with the Economy Portfolio introduced the report of the Chief Executive (previously circulated) requesting that consideration be given, following the adoption of the Darlington Local Plan 2016/36 (Darlington Local Plan), to transforming the existing Greater Faverdale (Burtree Garden Village) Design Code, produced by DesignNE, into a Supplementary Planning Document in coherence with the National Planning Policy Framework changes in July 2021 and, in particular, the National Model Design Code.

The submitted report stated that the Homes England supported Garden Community and site allocation Greater Faverdale (Burtree Garden Village) had been adopted by the Darlington Local Plan 2016/36; the Inspectors report and the suggested modifications detailed the policy for the site in H11 and suggested that the current Greater Faverdale Design Code produced by DesignNE be consulted upon and turned into a Supplementary Planning Document (SPD) Design Code for Burtree Garden Village within six months of the adoption of the Local Plan; it needed to be consulted upon for a minimum of four weeks; once the consultation exercise had been completed the amended SPD would return to Cabinet and Full Council for approval and adoption; and it would then form part of the Council's Supplementary Planning Policy which would be used as material consideration in the Planning application process.

Particular reference was made at the meeting to the consultation process.

RESOLVED - That the contents of the Supplementary Planning Document, as appended to the submitted report, and the process of creating the Burtree Garden Design Code Supplementary Planning Document, as detailed in the submitted report, be approved.

REASON - The Council must follow the National Planning Policy Framework (NPPF) and the Inspectors report to convert the Current Greater Faverdale Design Code into a Supplementary Planning Document within six months of the adoption of the Darlington Local Plan 2016/36.

(2) LOCAL TRANSPORT PLAN

The Cabinet Member with the Local Services Portfolio introduced the report of the Group Director of 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 2021/22; requesting that consideration be given to the 2022/23 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 that changes in travel behaviour had been one of the very visible impacts of Covid-19; the bus and rail industry had been significantly impacted; online shopping and home deliveries had increased the number of vans and lorries on the roads, which was unlikely to abate; many people were continuing to work from home with a move to more agile working combining home and office work; and as a result 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.

It was reported that there had been good progress on the delivery and development of the transport capital programme including working in partnership with the Tees Valley Combined Authority (TVCA) to deliver elements of the strategic transport plan; there was a focus by the Department for Transport on progressing the Local Cycling and Walking Infrastructure Plans (LCWIP) and the Bus Service Improvement Plans (BSIP); Darlington had started the delivery of one of two priority schemes in the LCWIP with the creation of phase one of a cycling route on Woodland Road; and that the BSIP had been submitted and progress was being made on the Enhanced Bus Partnership.

Particular references were made to the Transport Strategy for the Borough, Town Centre Transport Plan and Parking Strategy which were being developed and to the revised Travel Plan Policy which aimed to ensure that high quality travel plans and personalised travel planning could be delivered as an integral part of the Planning Process, in particular on large scale housing developments. References were also made to the performance in 2021/22; public satisfaction; financial and legal implications; estates, property and procurement advice; equalities considerations; and consultation, which would be undertaken on the individual schemes.

In presenting the report, the Cabinet Member with the Local Services Portfolio acknowledged the contribution to the report of Sue Dobson, Transport Policy Manager, who was due to retire shortly, and to the significant funding that she had helped secure for Darlington and national prominence in Sustainable Transport.

References were made at the meeting to a number of government targets; enabling active travel; the funding spent on tackling 'rush hour' congestion in particular; the work undertaken on Geneva Road in respect of speeding 'hot spots'; the need to publicise the amount of work undertaken to tackle pot holes; the challenge of encouraging people to use public transport; and to speed of mobility scooters in the Town Centre. The Cabinet Member the Local Services Portfolio responded thereon.

RESOLVED – (a) That the progress in delivering the Local Transport Plan, as detailed in the submitted report, be noted, and £0.893m of Integrated Transport Block and £2.175m of Highway Maintenance Funding, subject to confirmation by the Tees Valley Combined Authority and the Department for Transport respectively, to deliver the 2022/23 transport programme, be released.

(b) That the release of monies, subject to Department for Transport and Tees Valley Combined Authority confirmation, to deliver the Tees Valley Local Cycling and Walking Infrastructure Plan (LCWIP), specifically Phase 2 of the Woodland Road scheme; to deliver elements of the Bus Service Improvement Plan (BSIP); and to deliver other schemes as detailed in the City Region Sustainable Transport Settlement Business Case, all as detailed in the submitted report, be approved.

(c) That the Travel Plan Guidance, as appended to the submitted report, be approved, with measures funded from section 106 agreements.

(d) That it be agreed to be party to the Tees Valley Enhanced Bus Partnership, which was

presently a shell agreement with no direct obligations on formation, the detail of obligations being added over time and subject to individual considerations and approvals.

(e) That delegated authority be given to the Assistant Director for Highways and Capital Projects, in consultation with Cabinet Member with the Local Services Portfolio and legal team, to engage through the bus partnership governance structure and agree further detail in relation to any priority, which had implications on the highway network, subject to confirmation of funding and satisfactory completion of the necessary statutory processes.

REASONS – (a) To continue to deliver Darlington’s Transport Strategy as set out in the Third Local Transport Plan and to maximise the opportunities to maintain the highway asset for the benefit of all road users.

(b) To deliver the Walking Infrastructure Plans (LCWIP) and the Bus Service Improvement Plans (BSIP) in line with Government guidance.

(c) To ensure that high quality travel plans are submitted and then implemented as part of the planning process in order to minimise the traffic impact of residential and non-residential development, and secure better quality development in Darlington.

(d) Coronavirus continues to impact on bus services in terms of patronage, service delivery and operational timetabling. These impacts coupled with uncertainty around the potential funding to support the delivery of the Bus Service Improvement Plan (BSIP) has made the process more challenging. It therefore needs to be recognised that the BSIP and EP need to be fluid and will be adapted as there is more certainty, particularly around the funding allocation.

(e) Enhanced Partnerships or other formal arrangements with Bus operators are required in the future to secure Funding from Government as part of the Government Policy direction to Improve Public Transport.

C114 DARLINGTON CULTURAL STRATEGY 2022/26

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 the Darlington Cultural Strategy 2022/26 and associated action plan for 2022/23 (both also previously circulated).

The submitted report stated that the Darlington Cultural Strategy 2022/26 articulated the importance of culture and how it could contribute to the priorities of the Council Plan; it set out the vision and priorities for cultural activity which was focused on maximising the social and economic benefits that culture could bring to people across Darlington, including residents, visitors, and those working and investing in Darlington; and that it had been informed by research and discussion with Arts Council England, Tees Valley Combined Authority and Creative Darlington, with comments being received from partners including Darlington for Culture, Darlington Hippodrome, the Forum Music Studios and Theatre Hullabaloo. The strategy included an annual action plan that would be monitored to track progress and refreshed annually to ensure there was a focus on achieving the vision and priorities set out in the strategy.

References were made to the financial implications of the strategy; outcome of consultation; and the feedback from the Communities and Local Services Scrutiny Committee, who had considered the draft Strategy.

RESOLVED - That the Darlington Cultural Strategy for 2022/26 and the action plan for 2022/23, both as appended to the submitted report, be approved.

REASONS - To ensure that Darlington has a Cultural Strategy placing it in a stronger position to attract external funding and opportunities as they arise.

C115 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 and developments that have taken place since the last report to Cabinet in September 2021 (Minute C39/Sep/21 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; and that no RIPA directed surveillance applications or IPA communications data applications had been authorised since the last report to Cabinet.

References were made to the Home Office consultation on the redrafted Covert Human Intelligence Sources (CHIS) Code of Conduct, which reflected the new provisions contained in the CHIS (Criminal Conduct) Act 2021, that had closed on 6 February 2022; the Investigatory Powers Commissioner's Annual Report; and to the refresher training that had been undertaken with officers.

RESOLVED – (a) That the developments that have taken place since September 2021, as detailed in the submitted report, be noted.

(b) That further reports on the use of Regulation of Investigatory Powers 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 update the RIPA policy and procedures to reflect both legislative, operational and structural changes.

C116 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.

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 11 MARCH 2022**