

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE  
MONDAY 18 JULY 2022**

**CABINET**  
Tuesday, 5 July 2022

**PRESENT** – Councillors Dulston (Chair), Clarke, Durham, Keir, Marshall, K Nicholson, Renton and Tostevin

**INVITEES** – Councillors Curry, Snedker and Wright

**APOLOGIES** – Councillor Harker

**ALSO IN ATTENDANCE** – Councillors Boddy, Mrs Culley and Mrs H Scott

**C149 DECLARATIONS OF INTEREST.**

There were no declarations of interest reported at the meeting.

**C150 TO HEAR RELEVANT REPRESENTATION (FROM MEMBERS AND THE GENERAL PUBLIC) ON ITEMS ON THIS CABINET AGENDA.**

In respect of respect of Minute C168 below, representations were made by Members and members of the public in attendance at the meeting.

**C151 TO APPROVE THE MINUTES OF THE MEETING OF THIS CABINET HELD ON TUESDAY, 22 JUNE 2022.**

Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on Wednesday 22 June 2022.

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

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

**C152 MATTERS REFERRED TO CABINET**

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

**C153 ISSUES ARISING FROM SCRUTINY COMMITTEE**

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

**C154 KEY DECISION - ADOPTION OF 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 to the finalised Supplementary Planning Guidance (SPD) Design Code - Greater Faverdale (Burtree Garden Village) (also previously circulated).

The submitted report stated that the draft Greater Faverdale (Burtree Garden Village) Design Code SPD, produced for the Council by DesignNE, had been approved by Cabinet for wider consultation (Minute C113(1)/Mar/22 refers); the consultation period ran from 6 April to 6 May 22 and returned ten separate responses; and based on those returns, and validity of the comments, the SPD was amended and DesignNE were requested to prepare a final version of the SPD. It was reported that the SPD Greater Faverdale (Burtree Garden Village) Design Code was consistent with the National Planning Policy Framework (NPPF) 2021 and the National Model Design Code produced by the Department for Levelling Up, Housing and Communities (DLUHC) July 2021.

Concern was expressed at the meeting in respect of some of the changes proposed to the draft design code. The Cabinet Member with the Economy Portfolio responded thereon.

**RESOLVED** - (a) That the comments and changes to the draft Supplementary Planning Guidance (SPD) Greater Faverdale (Burtree Garden Village) Design Code, based on the consultation period, as detailed in Appendix 1 of the submitted report, be noted.

(b) That it be recommended to Council that the revised Supplementary Planning Guidance (SPD) for Greater Faverdale (Burtree Garden Village) Design Code, as detailed at Appendix 2 to the submitted report, be adopted as Council policy.

**REASON** - The Council has followed the National Planning Policy Framework (NPPF) and the Inspectors final report to convert the Greater Faverdale (Burtree Garden Village) Design Code into an SPD and council policy within 6 months after adopting of the Darlington Local Plan 2016-36.

#### **C155 AGREED SYLLABUS FOR RELIGIOUS EDUCATION**

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 Agreed Syllabus for Religious Education in Darlington (also previously circulated).

The submitted report stated that the Standing Advisory Council for Religious Education (SACRE) reviewed the Agreed Syllabus for Religious Education (RE) every five years; the revision of the Agreed Syllabus provided a framework for Darlington schools to take RE forward for the next five years; and that the Local Authority was required to produce a Locally Agreed Syllabus for use in its maintained schools and that academies could also choose to adopt the syllabus if they so wished.

**RESOLVED** - That the Agreed Syllabus for Religious Education, as appended to the submitted report, be approved.

**REASON** - To enable schools to implement the new syllabus within the statutory framework.

#### **C156 DOLPHIN CENTRE MECHANICAL AND ELECTRICAL REPLACEMENT – RELEASE OF CAPITAL**

The Cabinet Member with the Health and Housing Portfolio introduced the report of the Group Director of Services (previously circulated) requesting that consideration be given to the release of capital funding to undertake the final phase of mechanical and electrical maintenance works to update the Dolphin Centre and to undertake general condition repairs to the pool.

The submitted report stated that the Dolphin Centre was the Council's only indoor leisure facility providing a range a health and wellbeing activities, as well as being a key leisure and social venue, in the town centre; its town centre location contributed significantly to the town centre footfall; there were strong links to the Council Plan and all the Council's portfolios, particularly Health and Economy; a phased approach had been taken to replacing the old mechanical and electrical installations and equipment within the Dolphin Centre; and that it was proposed to deliver the third and final phase of the replacement programme over the next 18 months, which would cover the remaining areas within the Dolphin Centre.

Reference was made at the meeting to the timing of the works. The Cabinet Member with the Health and Housing Portfolio responded thereon.

**RESOLVED** – (a) That capital of £2.2M, to carry out phase three of the replacement programme of the mechanical and electrical installations and equipment in the Dolphin Centre, as detailed in the submitted report, be released.

(b) That capital of £325,000, to undertake localised repairs to the pool tank, as detailed in the submitted report, be released.

**REASONS** – (a) To replace ageing and obsolete mechanical and electrical equipment to ensure the operational requirements of the centre.

(b) To undertake general asset condition repairs identified through inspections and surveys.

## **C157 OBJECTIONS TO TRAFFIC REGULATIONS ON DUKE STREET**

The Cabinet Member with the Local Services Portfolio introduced the report of the Group Director of Services (previously circulated) advising Members of the outcome of a Public Inquiry into objections received as a result of proposed changes to traffic restriction orders in Duke Street, and requesting that consideration be given to proceed with the proposal.

The submitted report stated that the Tees Valley Combined Authority (TVCA) had developed the Tees Valley Local Cycling and Walking Investment Plan (LCWIP) which had identified priority corridors for investment in measures to encourage increased levels of cycling and walking; for Darlington the first priority was the West Park and Faverdale to Darlington Town Centre route; the first phase provided the route nearest to the town centre connecting the Woodland Road/Hollyhurst Road junction to the town centre via Woodland Road, Outram Street and Duke Street; the Woodland Road section was currently under construction; and that objections had been received to the Duke Street section.

It was reported that officers went through an extensive process of consultation and scheme revision to reach the design of the scheme; consultation was initiated by TVCA in December

2020, supplemented by additional local consultation with more than 800 properties and businesses; a total of 150 responses were received to the online questionnaire; overall the results were very positive; the original design was amended to address some of the issues raised in the consultation; and that the revised plans were subject to further consultation in April 2021. The legal orders required to amend the waiting, parking and moving restrictions parts of the scheme were consulted on in May 2021.

The amended Traffic Regulation Order was statutorily advertised; three formal objections were received which necessitated a Public Inquiry; the Public Inquiry took place on 30 March 2022 and was adjudicated by the Planning Inspectorate who considered the three formal objections to the order together with three further written objections that were triggered following the notification of the enquiry being published and one verbal objection at the inquiry; and that the recommendation of the Inspector, was that that the order could be made with some minor additions and amendments and that by inference the objections should be set aside.

Particular reference was made at the meeting to the current markings and signage on Duke Street, particularly around the Larchfield Street junction, which had caused some issues to motorists. The Cabinet Member with the Local Services Portfolio responded thereon.

**RESOLVED** – That the outcome of the Public Inquiry, as detailed in the submitted report, be noted, and the objections to the legal order be set aside and officers be authorised to proceed with the proposed changes to restrictions.

**REASONS** – (a) The scheme complied with Council policy as set out in the current Local Transport Plan.

(b) The Council is committed to providing a safer walking and cycling network to encourage the use of sustainable travel modes.

## **C158 WEST CEMETERY DRAINAGE**

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 release of funding for additional drainage works within West Cemetery.

The submitted report stated that as part of the Crematorium and Cemetery works, concerns were raised regarding the drainage of the site, through the planning process and that, although a significant drainage system had been installed as part of those works, there still remained concerns about one specific location. It was reported that as part of the new build chapel, underground storage tanks had been installed to manage the flow of surface water from the new development; land drains had also been installed along the boundary of properties on Salutation Road, which would have a positive impact to reduce potential flooding; and that the final area that required investigation, design and implementation of a solution to further minimise any potential flooding, was the pond/habitat area which backed onto properties on Salutation Road.

**RESOLVED** - That capital of £250,000, as detailed in the submitted report, to carry out additional design and drainage works within West Cemetery, be released.

**REASON** - To minimise the risk of flooding from the site to residential properties.

#### **C159 CLIMATE CHANGE PROGRESS**

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

The submitted report stated that following the Council's Climate Emergency Declaration in July 2019, a Sustainability and Climate Change Lead Officer had been appointed; a Climate Change Strategy and action plan had been produced and adopted; and that a trajectory of 30 per cent reduction in the Council's emission every five years had been agreed at Cabinet (Minute C51(2)/Oct/21 refers).

It was reported that the Council's emissions for 2021/22 were 6,592 tonnes/CO<sub>2</sub>; the emissions reported were made up of the energy use in council buildings, business mileage, fleet emissions and streetlighting and signs; emissions from the Council's supply chain or from waste were not measured; the district heating network feasibility study had, owing to a number of factors, had advised that the risk to the Council from taking either of the two potential options forward was too great to proceed at this time; and that the Council had been asked to take part in a heat network zoning pilot to help test the government's approach to designating heat network zones

Particular reference was made at the meeting to the number of Council officers who had not completed the mandatory climate change training and requested that the option of measuring emissions from the supply chain and waste be kept under review. The Cabinet Member with the Economy Portfolio responded thereon.

**RESOLVED** - That the report be noted.

**REASONS** - (a) As a public organisation the Council has a duty to meet its obligation in reducing its carbon footprint and achieve its net zero target.

(b) With increasing public pressure to act on climate change, the Council is at risk of significant reputation damage if it fails to deliver on its stated commitment to dealing with the Council's contribution to climate change.

#### **C160 IMPROVEMENTS TO CONISCLIFFE ROAD**

The Cabinet Member with the Economy Portfolio introduced the report of the Chief Executive (previously circulated) requesting that consideration be given to the allocation of £700,000 from the Tees Valley Indigenous Growth Fund (IGF) for improvements to Coniscliffe Road which will act as a catalyst for economic growth and town centre recovery, creating a vibrant social space, to encourage and retain footfall in the town centre.

The submitted report stated that the proposed strategic interventions would contribute to the development of a café culture, moving away from the declining, traditional retail space; enhance the feeling of safety, wellbeing, and ownership of the space; and that the

improvements would encourage more people to visit and spend their leisure time and money in the area's cafes and shops, which would benefit the local economy. Particular reference was made to the proposal to utilise some of the funding from the Tees Valley Indigenous Growth Fund to invest in the upgrade of Coniscliffe Road, to create a focal point for outdoor dining and hospitality, together with a social space for local people and visitors to the town.

**RESOLVED** – (a) That the upgrade and improvement works to Coniscliffe Road, as set out in the submitted report, be supported, to meet a range of aspirations namely; accommodating a pavement café culture, strengthening green infrastructure, promoting active travel – cycling and walking, supporting local businesses and creating a safe, attractive, and working streetscape for the future.

(b) That £700,000 from the Tees Valley Indigenous Growth Fund, be allocated, for upgrading and improvement works in Coniscliffe Road and that it be noted that a further £240,000 would be match funded through Darlington's Town Board Fund.

(c) That the works required, be designated as a non-strategic procurement.

**REASONS** – (a) To contribute to the further economic wellbeing and vitality of the town.

(b) To comply with the Council's Procurement Rules.

## **C161 INGENIUM PARC – PROPOSAL TO MARKET AND DISPOSE OF LAND FOR DEVELOPMENT**

The Cabinet Member with the Economy Portfolio introduced the report of the Chief Executive (previously circulated) requesting that consideration be given to the marketing of land at Ingenium Parc, as shown cross hatched on the plan (also previously circulated) and to the preferred developers of the land.

The submitted report stated that the land was in the ownership of the Council and was allocated for employment uses; an access road funded through the Tees Valley Combined Authority (TVCA) to open up the site had been constructed but developers were now required to bring forward plot(s) for potential occupiers; and that this could be by way of direct sale or Expressions of Interest through the NEPO portal with a view to selecting a Preferred Developer.

It was reported that further infrastructure in the form of additional roads, sewers and utility services might be required to open later phases for development and that if this was the case, and for the Council to remain procurement compliant, it was considered advisable for the Council to market plots on an 'Open Tender' basis in line with the Public Contracts Regulations 2015 and the Council's Contract Procedure Rules.

**RESOLVED** – (a) That the disposal of plots on a direct sale and to marketing the land to seek Expressions of Interest if required, as detailed in the submitted report, be agreed.

(b) That Delegated Authority be given to the Chief Executive to negotiate provisional disposal terms, with the final terms being reported to a future meeting of Cabinet.

(c) That the Assistant Director Law and Governance be authorised to enter into any necessary agreements to facilitate the above-mentioned developments.

**REASONS** – (a) To promote new development and Economic Growth.

(b) To facilitate future expansion of Ingenium Parc and ensure the availability of development land for employment related uses.

## **C162 COLLECTION OF COUNCIL TAX, BUSINESS RATES AND RENT 2021/22**

The Cabinet Member with the Resources Portfolio introduced the report of the Group Director of Operations (previously circulated) providing Members with an update on the collection of Council Tax, Business Rates and Council rents during 2021/22 and requesting that consideration be given to the writing-off of debts over £500 that are considered to be irrecoverable.

The submitted report stated that the collection of Council Tax, Business Rates and Council rents during 2021/22 had continued to be a significant challenge due to the Covid-19 pandemic; normal recovery and enforcement activities had been restricted with Courts only taking on a limited numbers of cases and the recovery of some debts delayed; despite the challenges, a total of £118.4M had been collected in 2021/22; and that approval was being sought to write-off a total of £859,531 of debts in respect of individual cases exceeding £500 for the financial year 2021/22, where it had become apparent that no further steps could be taken to recover the sums due.

**RESOLVED** – (a) That the contents of the report be noted.

(b) That the write-off of £859,531 for debts over £500, subject to further steps for recovery being taken, wherever possible, if and when contact with the debtor is made, be approved.

**REASONS** – (a) The collection of Council Tax, Business Rates and Council rents underpins the Council's Medium Term Financial Plan.

(b) The write-off of irrecoverable debts enables the Council's accounts to be maintained in accordance with Financial Procedure Rules.

## **C163 QUARTER 4 - COUNCIL PLAN 2020/23 - DELIVERING SUCCESS FOR DARLINGTON - PERFORMANCE REPORT**

The Leader introduced the report of the Chief Officers Executive (previously circulated) presenting an overview of progress made towards achieving the key outcomes of the Council Plan 2020/23 'Delivering Success for Darlington' together with the Performance Management Report April to September 2021 (also previously circulated).

The submitted report outlined the vision of the Council Plan 'Delivering Success for Darlington' which was structured around the key priorities of growing Darlington's economy; maximising the potential of young people; working with communities to maximise their potential; supporting the most vulnerable in the Borough; and a dedicated workforce who were proud to serve the Borough and an accessible, effective and engaged Council.

The performance management report outlined the Council performance up to the end of 2021/22 and provided a high-level update on overall progress, across all portfolios, towards the overarching vision and priorities together with an update on each Cabinet portfolio area, highlighting progress made against key actions and relevant key performance indicators

Particular reference was made at the meeting to the excellent work of the Lifeline Team.

**RESOLVED** – That the progress made against the Council Plan 2020/23 ‘Delivering Success for Darlington’, as set out in the performance management report appended to the submitted report, be noted.

**REASON** - To update Cabinet on the progress in implementing the Council Plan priorities.

#### **C164 XENTRALL SHARED SERVICES ANNUAL REPORT**

The Cabinet Member with the Resources Portfolio introduced the report of the Group Director of Operations (previously circulated) requesting that consideration be given to reviewing the progress and performance of Xentrall Shared Services, the Stockton and Darlington Partnership.

The submitted report stated that Xentrall Shared Services, the Stockton and Darlington Partnership, was established in May 2008 and was now in its fifteenth year; the agreement covered ICT, Transactional HR, Transactional Finance and Design and Print; the initial savings that were identified were £7.4M over the original ten year period of the partnership; those savings had been achieved plus additional efficiencies and benefits and significant additional savings; and that quality and performance of services had improved.

**RESOLVED** – That the report be noted and the continuing success of Xentrall Shared Services, since it was formed, be acknowledged.

**REASONS** – To allow Members to receive information about the progress of the partnership.

#### **C165 REVENUE OUTTURN 2021/22**

The Cabinet Member with the Resources Portfolio introduced the report of the Group Director of Operations (previously circulated) presenting the 2020/21 revenue outturn (subject to Audit) and requesting that consideration be given to the results in light of the Council’s Medium Term Financial Plan (MTFP) and the Housing Revenue Account outturn.

The submitted report stated that although the impact of COVID-19 had had a significant bearing on the Council’s services and the financial position for 2021/22, the year-end projection showed an overall improvement of £5.235M; outlined the variances from the original budget together with changes since the quarter three position; and stated that there were a number of additional carry-forward requests totalling £1.638M, which would assist with projected slippage and pressures in the coming year.

**RESOLVED** - (a) That the revenue outturn for 2021/22, as detailed in the submitted report,

be noted.

(b) That the carry forward of resources, as referred to in paragraphs 24 to 27 of the submitted report, be noted and approved.

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

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

#### **C166 REVENUE BUDGET MONITORING 2022/23 - QUARTER ONE**

The Cabinet Member with the Resources Portfolio introduced the report of the Group Director of Operations (previously circulated) providing an early forecast of the 2022/23 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 2022/23 and that the latest projections showed an overall improvement of £0.206M on the 2022/26 Medium Term Financial Plan, which was due to £0.216M of additional balances following the 2021/22 outturn; £0.513M of projected departmental overspends in 2022/23; and an increase of £0.503M in corporate reserves.

**RESOLVED** - (a) That the forecast revenue outturn for 2022/23, 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.

#### **C167 PROJECT POSITION STATEMENT AND CAPITAL PROGRAMME MONITORING - OUTTURN 2021/22**

The Cabinet Member with the Resources Portfolio introduced the report of the Group Director of Operations and the Group Director of Services (previously circulated) providing information to Members on the delivery of the Council's Capital Programme; the financial outturn position as at 31st March 2022; proposed financing of the 2021/22 capital expenditure; 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 that programme.

The submitted report stated that significant enhancements had been made to the Council's assets in three major programme areas of schools, housing and transport, mostly using external funding; those investment were delivering a wide range of improvements to the Council's assets and services; capital expenditure in 2021/22 totalled £43.388M; there were 48 live projects currently being managed by the Council with an overall value of £188.383M; the majority of those projects were running to time, cost and quality expectations with no foreseeable issues; and that the projects were managed either by the Council's in-house

management team, a Framework Partner or by Consultants sourced via an open/OJEU tender process.

**RESOLVED** - (a) That the delivery and financial outturn of the 2021/22 Capital Programme, 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 26 of the submitted report, be approved.

**REASONS** - (a) To enable Members to note the progress of the 2021/22 Capital Programme and to allow the capital spend to be fully financed.

(b) To inform Cabinet of the current status of construction projects.

(c) To maintain effective management of resources.

#### **C168 LAND AT BLACKWELL - PROPOSED DEVELOPMENT AND PARKLAND RESTORATION**

The Cabinet Member with the Resources Portfolio introduced the report of the Chief Executive (previously circulated) requesting that consideration be given to the disposal of 5.2 Hectares (13 acres) of land on the former Blackwell golf course, shown hatched on the plan at Appendix 1 (also previously circulated) and allocated as housing development land in the Local Plan; the funding of feasibility work to develop plans for a parkland restoration scheme, shown shaded grey on the plan at Appendix 1 (also previously circulated); and to engaging the services of Esh Homes Limited to develop appropriate plans and designs for a residential planning application for site 403.

The submitted report stated that the Council was planning to restore the historic parkland surrounding the Blackwell Grange Hotel; Council owned land of circa 5.2 hectares (13 acres) had been earmarked for residential development in the recently adopted Local Plan; a Heritage Impact Assessment (HIA), that had been commissioned to provide an overview and description of the heritage interest within and around the proposed allocated site 403, had supported its development; and that the sale of the land would fund the wider restoration of the parkland. It was also reported that Esh Homes Limited, the Council's joint venture partner, would develop the Council owned land and proposals would be brought to Cabinet in due course; to facilitate this development surveys and feasibility work would be undertaken; and the feasibility works and parkland restoration proposals would be jointly procured by Esh Homes Limited and the Council, in compliance with the Council's Contract Procedure Rules and the Public Contracts Regulations 2015.

Reference was made to the of advice of the HIA to retain the greenkeeper's building at the southern end of site 403, however, as there was no opportunity for re-use of the building, its limited architectural value and its condition, it was proposed to demolish it in order to provide an acceptable access into the development.

Representations were made by Members and members of the public at the meeting in

respect of the restoration of the parkland. Particular reference was made to the importance of the restoration of the parkland and requested assurances that the Local Plan would be referred to in its restoration due to the fact that it was the last Georgian pleasure park in the Borough, and that consideration be given to the establishment of a cross party Steering Group to guide the restoration, with input from the Community. Reference was also made to the demolition of the greenkeepers building, which was contrary to the HIA, and to where the access point was originally proposed for the site in the Local Plan; the integrity of the Local Plan; and the impact to the Council should it deviate from the Local Plan. The Cabinet Member with the Resources Portfolio responded thereon.

**RESOLVED** – (a) That the land shown hatched on the plan at Appendix 1 to the submitted report, marked as 403, be declared surplus to the Council’s requirements and the sale of the land to the Council’s joint venture partner, with terms being reported back to Cabinet for consideration, be authorised.

(b) That the costs identified in Part III of the report, be approved, and the release of funding necessary to appoint Esh Homes Limited and for the Council to undertake the feasibility and landscape work required to submit a planning application, together with demolition of the former greenkeepers building, be authorised, subject to obtaining the necessary consents, the costs to be funded from the Council’s Investment Fund and to be paid back on receipt of a capital receipt from the proceeds of the sale.

(c) That the Assistant Director – Law and Governance be authorised to execute the necessary documents to facilitate future development.

**REASONS** – (a) To provide a site capable of contributing to the delivery of new housing to satisfy the Borough’s housing need and to facilitate the restoration of the parkland area.

(b) To achieve a capital receipt for the Council and increased Council Tax receipts from new homes.

## **C169 SCHEDULE OF TRANSACTIONS**

The Cabinet Member with the Resources Portfolio introduced the report of the Chief Executive (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 appendix to 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.

## **C170 MEMBERSHIP CHANGES - TO CONSIDER ANY MEMBERSHIP CHANGES TO OTHER BODIES TO WHICH CABINET APPOINTS.**

There were no membership changes reported at the meeting.

**C171 TO CONSIDER THE EXCLUSION OF THE PUBLIC AND PRESS :-**

**DECISIONS DATED –  
FRIDAY 8 JULY 202**