

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
MONDAY 24 DECEMBER 2018**

CABINET

11 December 2018

PRESENT – Councillor Harker (in the Chair); Councillors Crumbie
C L B Hughes, S Richmond, McEwan, A J Scott and Wallis. (7)

APOLOGIES – Councillor K Nicholson.

INVITEES – Councillors Curry, Haszeldine and Mrs H Scott. (3)

APOLOGIES – Councillor K Nicholson.

C80. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

C81. REPRESENTATIONS – There were no representations made by Members or members of the public in attendance at the meeting.

C82. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 6 November 2018.

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

REASON – They represent an accurate record of the meeting.

C83. MATTERS REFERRED TO CABINET - There were no matters referred back for re-consideration to this meeting.

C84. ISSUES ARISING FROM SCRUTINY - There were no issues arising from Scrutiny considered at this meeting.

C85. KEY DECISIONS - (1) Darlington Sports Village – Pursuant to Minute C84(4)/Dec/17, the Leader introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) updating Cabinet on the progress made in respect of Darlington Mowden Park's (DMP's) proposal for a Darlington Sports Village (DSV) and seeking agreement to the ongoing approach to taking this project forward.

The submitted report outlined the background to the proposal; stated that the proposal was a collaboration between the Council and DMP, to create a multiuser communal sports village that would have an improved arena as a centrepiece asset with artificial pitches and reconfigured concourse for events, together with a centre of excellence for sports development and additional sports and leisure uses, accompanied by on site hotel, petrol garage station and some food convenience shopping; subject to a satisfactory and verified business plan the DSV would be formed with a joint venture between this Council and DMP; and financial and legal implications of the proposals.

RESOLVED – (a) That the progress made to date, as detailed in the submitted report, be noted, and the delays to some of the programme timetable, also as detailed in the submitted report, be acknowledged.

(b) That the principles and financial commitments, as articulated in Appendix 1 of the submitted report, be agreed.

(c) That the detailed business plan for the Darlington Sports Village be brought to Cabinet to consider further approvals needed.

REASONS – (a) To allow additional time to carry out detailed work on the creation of sustainable community sports facilities in Darlington.

(b) To seek to achieve significant economic regeneration including employment opportunities.

(c) To provide guarantee and security of access to adjacent Council land in the future.

(2) Advanced Design, Highways Maintenance, Northern Link Road, Darlington Station and the Town Centre – Approval of Capital Funding Release and Submissions of Funding Bids and Expressions of Interest - The Cabinet Member with the Leisure and Local Environment Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to the release of capital funding for advanced design fees allocated in the Medium Term Financial Plan Capital Programme, to bring forward regeneration projects and prepare sites for development; a highway Maintenance programme utilising funding allocated by the Department for Transport in November 2018; the development of a business case for Darlington Northern Link Road, utilising funding secured from the Tees Valley Combined Authority (TVCA); the development of a business case for Darlington Station, utilising any funding allocated from the TVCA to the Council; and seeking approval to bid for funding from the Local Highways Maintenance Challenge Fund and the National Productivity Investment Fund, subject to the criteria of those funds, and to submit an Expression of Interest to the Future High Streets fund, and any other Town Centre Regeneration funds, arising from the announcements in the Autumn Budget statement November 2018.

The submitted report stated that the release of funding would enable the Council to deliver a number of its economic ambitions; greater investment in maintaining the highway had been identified as a key priority for local people; that bids for any additional funding would likely to be short notice; and outlined the financial and legal implications.

Discussion ensued on the availability of additional funding through the Tees Valley Combined Authority; the Tees Valley Combined Authority's Investment Plan; the involvement of the Town Centre Board in the submission of any Expressions of Interest for Town Centre funding; and the involvement of the Park East and Park West Wards in any proposals involving the Town Centre.

RESOLVED – (a) That the release of the £150,000 for Advanced Design Fees to bring forward regeneration projects and to carry out necessary preparatory work on those development sites, as detailed in the submitted report, be approved.

(b) That the additional £770,000 funding awarded by the Department for Transport for highways maintenance, as detailed in the submitted report, be released.

(c) That the funding received from the Tees Valley Combined Authority for the business case development work for the Darlington Northern Link Road, as detailed in the submitted report, be released, and it be noted that the total amount of funding received

so far was £1,215,000, which included a further £250,000 that had just recently been allocated by TVCA.

(d) That any funding received from TVCA for the business case development work for Darlington Station, be released, following agreement on how the fund would be jointly managed between the Council and TVCA.

(e) That a bid for funding from the Local Highways Maintenance Challenge Fund and the National Productivity Investment Fund, be submitted, subject to the criteria of those funds, and that the funding be subsequently be released.

(f) That an Expression of Interest be submitted to the Future High Streets fund and any other Town Centre Regeneration funds arising from the announcements in the Autumn Budget statement November 2018.

Delegations

(g) That the Director of Economic Growth and Neighbourhood Services, be authorised to agree the programme of maintenance work with the Portfolio Holder for Transport.

(h) That the Director of Economic Growth and Neighbourhood Services be authorised to agree the programme of Advanced Design work with the Portfolio Holder for Economy and Regeneration.

(i) That the Director of Economic Growth and Neighbourhood Services be authorised to agree the content of any bid to the Department for Transport for Local Highways Maintenance Challenge Fund and the National Productivity Investment Fund in conjunction with the Portfolio Holder for Transport.

(j) That, in consultation with the Portfolio Holder for Economy and Regeneration, the Director of Economic Growth and Neighbourhood Services be authorised to agree the content of any Expression of Interest to the Future High Streets fund and any other Town Centre Regeneration funds arising from the announcements in the Autumn Budget Statement November 2018.

REASONS – (a) The Advanced Design Fees will enable progress to be made on bringing forward regeneration projects and sites for development. The release of funding will enable some focussed development work on Town Centre Regeneration to enable the Council to respond to a funding announcement from Government that has a tight deadline for return.

(b) The maintenance funding needs to be allocated to the highways maintenance programme and used by 31 March 2019.

(c) The next stage is to further develop the Outline Business Case for the Darlington Northern Link Road to ensure the case can be made for the scheme in future National Funding Programmes.

(d) A Strategic Outline Business Case for Darlington Station has been submitted to Government. Further work is now required to develop an Outline Business Case to progress the scheme through the Government gateways to build the case for the scheme to enter future National Funding Programmes.

(e) To ensure that the timescales can be met when the funding criteria and process are released by the Department for Transport for both bidding for and defraying the funding.

(f) To enable an Expression of Interest to the Future High Streets fund and any other Town Centre Regeneration funds to be submitted.

(3) Medium Term Financial Plan - The Leader introduced the report of the Chief Officers Executive (previously circulated) requesting that consideration be given to the Medium Term Financial Plan (MTFP) for 2019/20 to 2022/23, including setting a budget and council tax increase for 2019/20, and a Capital Programme for 2019/20 to 2022/23, for consultation.

The submitted report stated that between the financial years 2010/11 and 2018/19 the Council had faced unprecedented financial challenges from reductions in public sector spending, which had meant an overall real terms decrease in government funding of £47.5M, anticipated to increase to £51M by 2022/23; this had resulted in the Council agreeing reductions in planned expenditure of over £57M leading to a reduction to date of 747 in the Council's workforce; the report had been prepared before the Local Government Finance Settlement (LGFS) which was expected to be announced on 6 December; the Council undertook a significant consultation exercise in 2016, following an in-depth and detailed review of all services which resulted in the agreement of a Core Offer budget which allowed for a small futures fund allocated to discretionary services; although the Core Offer remained challenging, the Council agreed to use unallocated balances of £4.1M to invest in five areas which held great value to the community; and that the Council's financial position was robust with a four year balanced MTFP.

In presenting the report the Leader stated that the figure detailed in paragraph 42 of the submitted report, was £856,000 and NOT £856M; the finance settlement had been delayed; this Council had one of the lowest rates of Council Tax in the region; and confirmed that the MTFP was deliverable.

Discussion ensued on the budget; the ambitions for the town; and the funding of social care and children's services.

RESOLVED – That the Revenue MTFP as set out in Appendix 7 of the submitted report, and the proposed Capital Programme summarised in Appendix 8 of the submitted report, be approved for consultation, including:-

- (i) a Council tax increase of 2.99 per cent for 2018/19; and
- (ii) the Schedule of Charges, as set out in Appendix 3 of the submitted report

REASONS – (a) The Council must set a budget for the next financial year.

(b) To enable the Council to continue to plan services and finances over the medium term.

(c) To ensure decisions can be made in a timely manner.

(4) Housing Revenue Account – MTFP 2019/20 TO 2022/23 - The Cabinet Member with the Housing, Health and Partnerships Portfolio introduced the report of the Managing Director (previously circulated) requesting that consideration be given to the proposals for the revenue budget, rent levels and service charges for the Council's Housing

Revenue Account (HRA) for the financial year 2019/20, in the context of the HRA Medium Term Financial Plan to 2022/23, and the 30 year Business Plan.

The submitted report stated that the Government had introduced a compulsory one per cent reduction in social and affordable rents for four years commencing in 2016/17, through the Welfare Reform and Work Bill 2015, and as a result, all Council tenants would receive an average 61p reduction in weekly rent.

RESOLVED – That the following be approved for consultation, namely that:-

(a) an average weekly social rent reduction of 1 per cent for 2019/20 be implemented giving an average social rent of £70.53 and affordable rent of £77.92;

(b) garage rents and service charges be increased, as shown in Table 3 of the submitted report;

(c) the budget, as set out in Appendix 1 of the submitted report, be approved; and

(d) the Housing Business Plan, as set out in Appendix 2 of the submitted report, be agreed.

REASON - To enable consultation on the recommendations which would enable the Council to deliver an appropriate level of service to tenants to meet housing need and to support the economic growth of the Borough through housing development.

C86. REVIEW OF OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN – The Leader and Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Managing Director, Director of Children and Adults Services and the Director of Economic Growth and Neighbourhood Services (previously circulated) providing Members with an update of the outcome of cases which had been determined by the Local Government and Social Care Ombudsman (LGSCO) and the Housing Ombudsman (HO) since the preparation of the previous report to Cabinet on 9 October 2018.

The submitted report stated that during the first half of 2018/19 the Council received six upheld maladministration injustice decisions from the LGSCO, compared to four for the same period in 2017/18; all six of the upheld maladministration decisions related to Adult Services and associated financial matters; that there were no themes running through those complaints upheld by the LGSCO; and that the actions identified to remedy those complaints should ensure there was not a re-occurrence.

RESOLVED - That the contents of the report be noted.

REASONS – (a) It is important that Members are aware of the outcome of complaints made to the LGSCO and the HO in respect of the Council's activities.

(b) The contents of this report do not suggest that further action, other than detailed in the report, is required.

C87. FLEXIBLE TENANCIES FOR UNDER 35'S – Pursuant to Minute C159/May/17, the Cabinet Member with the Housing, Health and Partnerships Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to a change the Council's Tenancy

Policy to remove the need to provide two year Flexible Tenancies to single people aged 35 or under.

The submitted report stated that the Local Housing Allowance (LHA) cap was proposed by the Government in 2015; the introduction of the LHA cap would have particularly affected single people aged under 35 and as a consequence it was agreed that people aged under 35 who took up a new tenancy would be offered a two year flexible tenancy to limit the risk of tenancy failure (Minute C159/May/17 refers); and that as the Government had subsequently decided not to introduce the LHA Cap and not to enact the provisions in the Housing and Planning Act 2016 that would have forced Local Authorities to let all properties on Flexible Tenancies, there was now no need to treat new single tenants under the age of 35 differently to other tenants.

RESOLVED – (a) That the specific requirement to offer two year flexible tenancies to single people aged under 35, be removed.

(b) That anyone who has been allocated a two year flexible tenancy should be given the opportunity to transfer to a secure tenancy.

REASON – The Government have made a number of policy changes removing the risks associated with the introduction of the LHA cap and therefore removing the need for a two year flexible tenancy to address the risks.

C88. MEMBERSHIP CHANGES – There were no membership changes reported at the meeting.

C89. EXCLUSION OF THE PUBLIC - RESOLVED - 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.

C90. DISPOSAL OF FORMER BECK HOUSE SITE AND LAND ADJACENT TO WEST AUCKLAND ROAD (EXCLUSION PARAGRAPH NO 3) – The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to the disposal of the former Beck House site and adjacent land at West Auckland Road, Darlington as shown on the plan (also previously circulated), for commercial development and access, in line with the terms as set out in the submitted report.

RESOLVED – (a) That the disposal of the land, as shown on the plan appended to the submitted report, be approved, and the Director of Economic Growth in consultation with the Portfolio holder, be authorised to conclude negotiations in line with the terms, as set out in the submitted report.

(b) That the Assistant Director - Law and Governance be authorised to complete all necessary documentation.

REASONS – (a) To facilitate the development of a large area of land at Faverdale.

(b) To take advantage of the opportunity to sell the former Beck House site at an enhanced price reflecting access and improved visibility to the adjacent land.

**DECISIONS DATED –
MONDAY 10 DECEMBER 2018**