

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
MONDAY 23 JULY 2018**

CABINET
10 July 2018

PRESENT – Councillor Dixon (in the Chair); Councillors Harker,
C L B Hughes, A J Scott and Wallis (5)

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

Apologies – Councillors McEwan and S Richmond. (2)

C24. REPRESENTATIONS – No representations were made by Members or members of the public in attendance at the meeting.

C25. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

C26. MINUTES - Submitted - The Minutes (previously circulated) of the meetings of this Cabinet held on 5 and 29 June 2018.

RESOLVED – That, with the amendment to Minute C2 to refer to the declaration of interest to Minute C10 and NOT Minute C9, the minutes be confirmed as a correct record.

REASON – They represent an accurate record of the meeting.

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

C28. ISSUES ARISING FROM SCRUTINY - There were no issues arising from Scrutiny considered at this meeting.

C29. PUBLIC SPACES PROTECTION ORDER DARLINGTON TOWN CENTRE - The Leader introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) highlighting the potential benefits from introducing a Public Space Protection Order (PSPO) in Darlington Town Centre and requesting that consideration be given to proceeding with wider public consultation on the implementation of a Public Space Protection Order (PSPO) in Darlington Town Centre.

The submitted report stated that anti-social behaviour nationally appeared to be on the increase and that it had had an impact on businesses and visitors to the town centre; the Council had worked closely with partners, particularly the Police, in recent months and that although a number of actions had taken place that had had a positive impact there were still on-going issues that could be addressed through a PSPO; that a PSPO

would place restrictions on behaviour which could be punishable by a fine; outlined the benefits of a PSPO; and the financial and legal implications.

Chief Inspector Sue Robinson outlined the support from the Police for the introduction of a PSPO for Darlington Town Centre and outlined the areas that would be given priority going forward which included anti-social behaviour; begging in the town centre; and street drinking.

Discussion ensued on the impact on other areas close to the town cent of the introduction of the order; the role of the police should the order be implemented; and the consultation process.

RESOLVED - That a consultation period of twelve weeks, be endorsed, on the implementation of a Pubic Space Protection Order for Darlington Town Centre, and that a further report be submitted to a future meeting of Cabinet following that consultation.

REASON - To enable consultation to take place prior to Cabinet making the final decision on whether or not to introduce a PSPO for Darlington Town Centre.

C30. KEY DECISIONS – (1) SCHOOL TERM DATES 2020/21 - The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Children and Adults Services (previously circulated) requesting that consideration be given to the setting of the school term date arrangements for Darlington maintained schools for the academic years 2020/21, as detailed in the appendix to the submitted report, and to the publishing of those dates by the required deadline of the end of July 2018.

The submitted report stated that all schools within Darlington had been consulted on the proposed school term dates for 2020/21; outlined the consultation undertaken; and the results of that consultation.

Discussion ensued on the consultation process undertaken with other local authorities in the region to ensure consistency, as far as possible, with school term dates.

RESOLVED – That the proposed school term dates for Darlington maintained schools for the academic year 2020/21, as detailed in the appendix to the submitted report, be agreed for publication.

REASON - The draft dates are the ones preferred by the majority of schools and Governing Bodies following the consultation exercise which ended on 18 May 2018.

(2) Eastern Growth Zone Infrastructure Improvements - 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 providing a funding contribution from the Economic Growth Investment Fund (EGIF) towards the delivery of a strategic access road between Yarm Road and Tornado Way, that will compliment planned highway infrastructure investment to deliver wider transport and economic benefits to the surrounding area.

The submitted report stated that the Eastern Growth Zone comprised of Darlington's key existing and future employment sites; feasibility work had been undertaken which had resulted in funding that would enable highway improvements at key locations; the feasibility work had identified that a strategic link between Yarm Road and Tornado Way would complement planned investment and be beneficial to the wider transport network; and outlined the financial and legal implications.

Particular reference was made as to whether traffic congestion at Allington Way could be looked at as part of the scheme.

RESOLVED – (a) That the associated planned infrastructure investment, as detailed in the submitted report, for the delivery of wider transport and economic benefits, be noted.

(b) That the release of £500k from the Economic Growth Investment Fund, be approved, to contribute towards the delivery of the strategic link road between Yarm Road and Tornado Way.

REASON - To compliment planned infrastructure investment and deliver wider transport and economic benefits.

(3) Well Managed Highways Infrastructure – A Code of Practice - The Cabinet Member with the Leisure and Local Environment Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) advising Members of a new national code of practice for managing all highway assets.

The submitted report stated that the Well Managed Highways Infrastructure Code of Practice (CoP) replaced existing codes and promoted a risk based approach; as well as providing guidance, the CoP had 36 recommendations which had been used to develop a number of operational documents that would evidence how the Council had incorporated those recommendations into every day highway asset management operations; it was not a statutory document and that adoption of the recommendations were a matter for each Highway Authority to consider based on risk, needs and priorities; and that it would come into effect on October 2018.

RESOLVED – (a) That the adoption of the principles set out in the Well Managed Highway Infrastructure (CoP), the requirement to progress the specific recommendations and that operational highway asset management policies and procedures would be introduced or amended to reflect the new CoP, be noted.

(b) That delegated authority be given to the Director of Economic Growth and Neighbourhood Services, or nominated officers, to develop, update, bring into operation and review the policies and procedures that follow principles in the CoP.

REASON - To facilitate the efficient and effective management of the Council's highway infrastructure by incorporating recommendations and principles within the CoP.

C31. PROGRESS REPORT - RED HALL REGENERATION MASTER PLAN AND NEIGHBOURHOOD RENEWAL STRATEGY - The Cabinet Member with the Housing, Health and Partnerships Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) updating Members on progress on the execution of the Red Hall Master Plan and Neighbourhood Renewal Strategy together with their integration with the Healthy New Town initiative and requesting that consideration be given to revising the action plan in the light of current circumstances and evidence.

The submitted report outlined the background to the proposals; the progress of the various projects contained within the Master Plan; the proposals contained within the Neighbourhood Renewal Strategy; financial implications of the proposals; equality considerations; and the consultation undertaken.

RESOLVED – (a) That the progress against the Master Plan and the Neighbourhood Renewal Strategy, as detailed in the submitted report, be noted.

(b) That the Healthy New Town Board decision to implement the 10,000 step initiative and associated benches scheme, as detailed in the submitted report, be noted.

(c) That it be noted that the Great Places Arts Project, to be implemented 2018 to 2020, will explore the connections to the Stockton and Darlington Railway story.

(d) That the Director of Economic Growth and Neighbourhood Services be authorised to proceed to execute the following projects, namely:-

- (i) improvements to the informal footpath network adjacent to the Red Hall Stables site (project 12 within the Master Plan);
- (ii) provision of car parking facilities for the community centre subject to planning permission (part of project 14);
- (iii) negotiate improvements to the current local shopping provision on site (part of project 5);
- (iv) facilitation of the local garden grow your own initiative; and
- (v) explore the options for the Friends of Red Hall to manage or assist in the management of the woodland and Nature Reserve.

(e) That the dependency of the proposals to extend Red Hall School, the implementation of new transport infrastructure and further considerations of an enhanced local centre on the emerging Burdon Hill development proposals, be noted.

(f) That the intention to incorporate Healthy New Town principles into the Burdon Hill development and the Local Plan, as detailed in the submitted report, be noted.

(g) That officers consider whether any parts of the feasibility report that has assessed the merits of improving on the Radburn design principles could be reasonably implemented and will report further on those considerations.

REASONS – (a) In order that progress against the aims of the Red Hall Master Plan and Neighbourhood Strategy can be communicated with residents, relevant stakeholders and funders.

(b) To enable reasonable adjustments to be made to implement the next actions to execute the Red Hall Master Plan and Neighbourhood Renewal Strategy.

C32. GARDEN WASTE COLLECTION SERVICE - 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 introduction of an 'opt in' pay for use Garden Waste Collection Service for residents of the Borough.

The submitted report stated that all the other north-east authorities provided a fortnightly service, either using a wheeled bin or sack, with six of them charging for the service and five of them not; outlined the current options available to residents of the Borough to dispose of their garden waste; the proposal to introduce a fortnightly charged for garden waste collection service for a 30 week period from April to November, using a 240 litre bin, at a proposed cost of £35 per year; and the financial and legal implications of introducing the service, with a proposed start date of April 2019.

Particular reference was made to the benefits that the scheme would have on both the environment and on recycling rates.

RESOLVED – (a) That a consultation exercise with residents of the Borough, be approved, to gauge interest for the introduction of a Garden Waste Collection Service.

(b) That subject to enough residents wanting to participate in a Garden Waste Collection Service, the new service be introduced from April 2019 and that the final decision to implement the service be delegated to the Director of Economic Growth and Neighbourhood Services in consultation with Cabinet Member for Leisure and Local Environment Portfolio.

REASON - Subject to enough interest from residents, to enable a Garden Waste Collection Service to be introduced.

C33. DARLINGTON TOWN CENTRE FOOTFALL STRATEGY UPDATE – The Leader introduced the report of the Director of Economic Growth and Neighbourhood Services, to provide an update to Members on the implementation of the recently approved Footfall Strategy, which was presented to Cabinet in November 2017.

The submitted report outlined the background to the introduction of the Strategy and the work undertaken in delivering it and performance, in relation to footfall, car park usage, retail units and crime and disorder.

Discussion ensued on the importance of joint working with the town centre businesses; visiting Darlington being an experience; and stated that the town needed to build on what already worked.

RESOLVED – (a) That the content of the report, be noted.

(b) That the ongoing positive work with regard to the town centre, as detailed in the submitted report, be supported, and further updates be submitted to Cabinet as necessary.

(c) That a refresh of the Town Centre Masterplan be agreed.

REASONS – (a) To ensure the Council has a focused plan to support the town centre.

(b) To monitor performance of the town centre.

C34. REGULATION OF INVESTIGATORY POWERS - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Managing Director (previously circulated) informing and updating Members on issues relevant to the use of the Regulation of Investigatory Powers Act 2000; developments that have taken place since the last report to Cabinet in January 2018; and requesting that consideration be given to approving an updated RIPA Policy (also previously circulated), as a result of recent changes to the Council's senior management structure.

RESOLVED – (a) That the developments that have taken place since January 2018, as detailed in the submitted report, be noted.

(b) That the RIPA Policy, as detailed at Appendix 1 of the submitted report, be approved.

(c) That further reports on the use of RIPA 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 and national guidance.

(b) To update the RIPA policy and procedures to reflect the new management structure.

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

C35. XENTRALL SHARED SERVICES ANNUAL REPORT 2017/18 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Managing Director (previously circulated) requesting that consideration be given to the latest Xentrall Annual Report.

The submitted report stated that Xentrall Shared Services, the Stockton and Darlington Partnership, was established in May 2008 and had just celebrated its tenth anniversary; the agreement covered ICT (strategy and operations), Transactional HR, Transactional Finance and Design and Print; the initial savings that were identified were £7.4 m over a ten year period; and that those savings had been achieved, and that the additional efficiencies and benefits that had been made were almost double the original target; and that in recognition of the success of the partnership it had been amended from the original ten year period into an on-going rolling agreement.

RESOLVED - That the report be noted and the success of Xentrall in reaching its tenth anniversary and achieving almost double its original savings target of £7.4m., be acknowledged.

REASON - To allow Members to receive information about the progress of the partnership.

C36. PROJECT POSITION STATEMENT AND CAPITAL PROGRAMME MONITORING QUARTER ONE 2018/19 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Managing Director and the Director of Economic Growth and Neighbourhood Services (previously circulated) providing Members with 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 the projected outturn of the current Capital Programme was £130.989M against an approved programme of £131.295M; the investment was delivering a wide range of improvements to the Council's assets and Council services; the programme, including commitments, remained affordable within the Medium Term Financial Plan (MTFP); the Council had a substantial annual construction programme of work, with 31 live projects currently being managed by the Council with an overall project outturn value of £70.055M; the majority of the projects were running to time, cost and quality expectations; and that the projects were either managed 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 status position on construction projects, as detailed in the appendix to 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 19 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.

C37. REVENUE BUDGET MONITORING 2018-19 – QUARTER 1 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Managing Director (previously circulated) providing an early forecast of the 2018/19 revenue budget outturn as part of the Council's continuous financial management process and informing Cabinet of the budget rebasing exercise carried out following the 2017/18 outturn results.

The submitted report stated that this was the first revenue budget management report to Cabinet for 2018/19; the latest projections following a rebasing exercised showed an overall improvement of £0.955M, which was due to £0.530M of balances carried forward from 2017/18 and the rebasing exercise, which returned £0.425M to general reserves; Children and Adult Services were forecasting a break even position overall, although Children's Services, were forecasting an over spend of £0.908M.

RESOLVED – (a) That the forecast revenue outturn for 2018/19, as detailed in the submitted report, be noted.

(b) That further regular reports be made to Cabinet 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.

C38. WRITE-OFF OF FORMER HOUSING TENANT ARREARS, HOUSING BENEFIT OVERPAYMENTS, NON-DOMESTIC RATES AND COUNCIL TAX - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Managing Director and the Director of Economic Growth and Neighbourhood Services (previously circulated) providing an update on the current position on former Housing tenant rent arrears, Housing Benefit overpayments, Non-Domestic Rates and Council Tax, and requesting that consideration be given to the writing off of debts totalling £1,391,772.

The submitted report stated that the write off of former Housing tenant rent arrears totalling £108,994, was being sought in respect of 74 individual cases where arrears exceeded £500 and that it represented 0.47 per cent of the annual rent debit of £23.4M; Housing Benefit overpayments totalling £129,915 was being sought where arrears exceeded £500, which represented 0.36 per cent of the total Housing Benefit Expenditure; and Non-Domestic Rates and Council Tax debts totalling £1,152,863 was being sought in respect of individual cases exceeding £500, which represented 1.31 per cent of the total debit raised.

RESOLVED - That a total amount of £108,994 of former Housing tenant arrears, £129,915 of Housing Benefit overpayments and £1,152,863 of Non-Domestic Rates and Council Tax, be written-off, subject to steps for recovery being taken, wherever possible, if and when contact is made.

REASON - As regular arrangements for writing off debts are in accordance with best practice for good financial management.

C39. PROPOSED WRITE-OFF OF IRRECOVERABLE DEBTS - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Managing Director (previously circulated) requesting that consideration be given to the write-off of sundry debtor invoices with individual values greater than £500 that are considered to be irrecoverable.

The submitted report stated that approval was being sought for the write-off of 23 individual sundry debts totalling £33,078.32, being less than 0.1 per cent of the debt collectable, in which it had become apparent that no further practicable or economic steps could be taken to recover the sums due.

RESOLVED - That Sundry Debtor invoices over £500 in value amounting to £33,087.32 for 2017/18 be written-off, subject to further action if and when contacts are made.

REASONS – (a) It is considered all practical steps have been made to recover the debts.

(b) To enable the Council's accounts to be maintained in accordance with the Financial Procedure Rules.

C40. MEMBERSHIP CHANGES – There were no membership changes reported at the meeting.

C41. 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 items on the grounds that they involve the likely disclosure of exempt information as defined in exclusion paragraph 3 of Part I of Schedule 12A to the Act.

C42. INGENIUM PARC – ACQUISITION AND LAND AGREEMENT (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 terms broadly agreed (subject to detail) for the acquisition of land as shown on the plan (also previously circulated), required for the Ingenium Parc access road including an option agreement for the disposal of land in phase 1 of Ingenium Parc; authorising future disposals of development plots on Ingenium Parc; and delegating authority to the Director of Economic Growth and Neighbourhood Services to market and negotiate sales terms as appropriate once the site is opened up and serviced.

The submitted report outlined the background to the proposals; the proposed terms; and the financial and legal implications.

RESOLVED – (a) That the acquisition of 915sqm of land from Cummins, as shown on the plan appended to the submitted report, be approved.

(b) That the grant of an option to Cummins to purchase land in phase 1 of Ingenium Parc, be approved.

(c) That authority be delegated to the Director of Economic Growth and Neighbourhood Services to negotiate and finalise the terms of the acquisition and the option, in line with the terms as set out in the submitted report.

(d) That authority be delegated to the Director of Economic Growth and Neighbourhood Services to market and dispose of plots at Ingenium Parc at open market value, including the sale to Cummins if they exercise the option, with terms agreed being reported to future Cabinet meetings.

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

REASONS – (a) To facilitate the creation of a suitable access road to open up Ingenium Parc for development.

(b) To promote economic growth through the sale of employment land with the potential to create over 2000 jobs.

(c) Positive addition to our inward investment sites portfolio.

C43. SCHEDULE OF TRANSACTIONS (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 Schedule of Transactions (also previously circulated) and to the terms negotiated.

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.

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

C44. DARLINGTON EAST END CLUB AND INSTITUTE, NEASHAM ROAD (EXCLUSION PARAGRAPH NO 3) – With the prior approval of the Leader to the matter being treated as urgent to enable the decision to be made at the earliest possible date, 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 acquisition of the Darlington East End Club and Institute and granting a lease back to the Club.

The submitted report outlined the background to the proposals; proposed terms; and the financial and legal implications.

RESOLVED – (a) That the acquisition of the Darlington East End Club and Institute, be approved, on the terms as set out in the submitted report.

(b) That the release of capital from the Economic Growth Investment Fund to fund the acquisition, as detailed in the submitted report, be approved.

(c) That the grant of a lease back to the Darlington East End Club, on the principal terms as set out in the submitted report, be approved, with the Director of Economic Growth and Neighbourhood Services being given delegated authority to finalise detailed terms as appropriate.

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

REASONS – (a) To facilitate the vision for Darlington Bank Top Station and the improvement of the eastern approach to the station.

(b) To take advantage of the opportunity to acquire the property at a reasonable price in advance of future requirements and avoiding statutory compensation provisions.

**DECISIONS DATED –
FRIDAY 12 JULY 2018**