

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
MONDAY 22 JULY 2019**

CABINET

Tuesday, 9 July 2019

PRESENT – Councillors Mrs H Scott (Chair), Crudass, Dulston, Howell, Johnson, Marshall, Mills and Tostevin

INVITEES – Councillors Curry, Harker, K Nicholson and Snedker

ALSO IN ATTENDANCE – Councillors Culley, Donoghue, Durham, B Jones and McCollom.

C17 DECLARATIONS OF INTEREST.

There were no declarations of interest reported at the meeting.

C18 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.

C19 TO APPROVE THE MINUTES OF THE MEETING OF THIS CABINET HELD ON TUESDAY, 11 JUNE 2019

Submitted – The Minutes (previously circulated) of the meeting of this Cabinet held on 11 June 2019.

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

REASON - They represent an accurate record of the meeting.

C20 MATTERS REFERRED TO CABINET

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

C21 ISSUES ARISING FROM SCRUTINY COMMITTEE

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

C22 KEY DECISIONS:-

(1) SCHOOL TERM DATES 2021/22

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 school term date arrangements (also previously circulated) for Darlington maintained schools for the academic year 2021/22, and to publishing those arrangements by the end of July 2019.

The submitted report stated that 42 schools within Darlington, and their respective Governing Bodies, had been consulted on the proposed school term dates for the 2021/22 Academic Year and outlined the responses to that consultation.

Discussion ensued on the number of schools that responded to the consultation; to the school term dates in North Yorkshire and County Durham; and to the possibility of undertaking further consultation in order to ensure dates were co-ordinated.

RESOLVED – That the proposed school term dates for Darlington maintained schools for the academic year 2021/22, as appended to the submitted report, be agreed for publication.

REASON - The draft dates are the ones preferred by the majority of schools and Governing Bodies that responded to the consultation, which ended on 24 May 2019.

(2) DARLINGTON PREVENTING HOMELESSNESS AND ROUGH SLEEPING STRATEGY 2019/24

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 the Darlington Preventing Homelessness and Rough Sleeping Strategy 2019/24 (also previously circulated).

The submitted report stated that Section 1(1) of the Homelessness Act 2002 requires housing authorities to carry out a homelessness review for their area and to formulate and publish a homelessness strategy based on the results of the review every five years; the strategy consisted of four main sections; following concern from the Government about rough sleeping, homeless strategies had been rebadged as homeless and rough sleeping strategies; outlined the aim of the strategy; and stated that the Adults and Housing Scrutiny Committee had been consulted on the draft strategy.

RESOLVED - That the Preventing Homelessness and Rough Sleeping Strategy 2019/24, as appended to the submitted report, be approved.

REASON - The Strategy identifies current and future needs and how we can best meet those needs.

(3) FIXED PENALTY NOTICE CHARGES

The Cabinet Member with the Community Safety Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to updating the existing charges for Fixed Penalty Notices (FPN's) with regard to environmental crime.

The submitted report stated that new legislation had been introduced that enabled the

Council to issue FPN's for a wider range of offences, such as fly tipping and littering from vehicles; outlined the proposed charges for those offences; and arrangements that would apply for under 18's who committed offences.

Discussion ensued on the increase in charges; how they compared with other neighbouring local authorities; how any additional revenue would be spent; and the enforcement of the domestic waste receptacle offences.

RESOLVED - That the proposed charges and early discount payments, as detailed in the appendix to the submitted report, be approved, with an implementation date of October 2019.

REASON - To provide an effective deterrent against environmental crime within the Borough.

(4) BOROUGH OF DARLINGTON PROPOSED SUBMISSION LOCAL PLAN 2016-36

The Cabinet Member with the Economy and Regeneration Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to the changes to the Darlington Local Plan following the consultation that had taken place between 21 June and 2 August 2018; the publication of the Proposed Submission copy of the Local Plan (incorporating the proposed changes) for the statutory six-week period to allow representations to be received prior to submission for independent examination; a number delegated powers to the Director of Economic Growth and Neighbourhood Services in consultation with the Economy and Regeneration Portfolio Holder as set out in the recommendations to the submitted report; and requesting that consideration be given to the revised timetable and process for producing the new Local Plan (including the revision of the Local Development Scheme).

A report from the Place Scrutiny Committee was circulated at the meeting to update Cabinet on the findings of the Task and Finish Review Group established to undertake a review of the draft Borough of Darlington Local Plan 2016/36. The report made a recommendation to Cabinet in respect of the removal, from the plan, of the Springfield Park access road for the Skerningham development.

RESOLVED – That as a result of the recommendation from the Place Scrutiny Committee, the decision on the Borough of Darlington Local Plan 2016/36, be deferred to a later date, to enable further traffic modelling work to be carried out for the Skerningham development.

REASON – To comply with the wishes of Cabinet.

(5) REDEVELOPMENT OF THE VICTORIAN INDOOR MARKET

The Cabinet Member with the Economy and Regeneration Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to the allocation of funds for the redevelopment of the Darlington Victorian Indoor Market.

The submitted report stated that in 2017 the Council entered into a partnership

agreement with Market Asset Management Limited (MAM) for the management and refurbishment of the Victorian Indoor Market and the management and improvement of Darlington's outdoor market; outlined the aims of the partnership; the partnership agreement with MAM; the work undertaken with MAM to ensure the necessary works were delivered in a timely fashion; the main elements of the redevelopment proposals; and the financial and legal implications.

Particular references were made to the inclusion of toilets in the plans for the Indoor Market; the funds available through the Government's Future High Street Fund; and to the loss of stalls in the Indoor Market.

RESOLVED – (a) That the principle of making the additional investment, from the Tees Valley Combined Authority Indigenous Growth Fund, in the Victorian Market project for the development of the Winter Garden and food and beverage outlets, as detailed in the submitted report, be supported.

(b) That Director of Economic Growth and Neighbourhood Services, in conjunction with the Portfolio Holder for Economy and Regeneration, be given delegated authority to proceed and to bring a further update back to Cabinet when costings are finalised, planning is confirmed, and an execution plan detailed.

REASON – To contribute to the further economic wellbeing and vitality of the Town Centre.

(6) ANNUAL PROCUREMENT PLAN

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 Annual Procurement Plan (also previously circulated) and updating Cabinet on the contracts previously designated as Strategic and on the decisions taken by the Procurement Board, to waive the Contract Procedure Rules, and agree direct contract awards.

RESOLVED – (a) That the assessment of strategic and non-strategic contracts, as presented in Appendix 1 of the submitted report, be approved, and:

- (i) the contract award decisions for the contracts designated as non-strategic be delegated to the appropriate Director, as listed in the plan at Appendix 1 of the submitted report; and
- (ii) the contract award decisions for the contracts designated as strategic, as listed in the plan at Appendix 1 of the submitted report, be delegated to the Procurement Board to approve and report back to Cabinet.

(b) That the update on contract waiver decisions made by Procurement Board, as detailed in the submitted report, be noted.

REASONS – (a) In respect of strategic/non-strategic contracts, the recommendations are supported by the following reasons: -

- (i) the Contract Procedure Rules require Cabinet to approve the designation of contracts as strategic and non-strategic;
- (ii) contracts designated strategic are of high value and high significance in respect of the impact on residents, Health and Safety and public safety; and
- (iii) the contracts designated non-strategic are of a lower value and lower significance in respect of the impact on residents and public safety.

(b) In respect of Procurement Board waiver decisions, the recommendations are supported by the following reasons: -

- (i) in order to comply with the Contract Procedure Rules; and
- (ii) to provide Cabinet with information about the decisions made by the Procurement Board.

C23 CORPORATE PARENTING PANEL - REVISED ARRANGEMENTS

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 revised arrangements for the Corporate Parenting Panel and to updating the Panel's Terms of Reference accordingly.

The submitted report stated that at the request of the young people, a workshop was held at their meeting on 2 October 2018 with the aim of reviewing how the Corporate Parenting Panel worked.

RESOLVED - That the proposal to hold formal and informal meetings of the Corporate Parenting Panel, be approved, and the subsequent amendments to each of the Terms of References, as appended to the submitted report, be approved.

REASONS – (a) The role of the Corporate Parent is a statutory responsibility of all Members of Darlington Borough Council regardless of political alignment.

(b) There is a need to ensure that corporate parenting responsibilities are fulfilled in an open and transparent manner.

(c) Members need to be assured that a high standard of provision and service to children looked after is maintained.

(d) Members are aware of the work the Corporate Parenting Panel undertakes on the wider Council's behalf.

C24 DARLINGTON TOWN CENTRE STRATEGY 2019-2030

The Cabinet Member with the Economy and Regeneration Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously

circulated) requesting that consideration be given to commencing public consultation on the draft Darlington Town Centre Strategy 2019/30 (also previously circulated).

The submitted report stated that the Town Centre was a key element in the economic, social and environmental fabric of the town; given the changes in both the environment of the high street and changes in peoples shopping habits there was a need to develop plans that had business investment at their heart and be focussed on transforming the place into a complete community hub incorporating health, housing, arts, education, entertainment, leisure, business/office, as well as retail; outlined the aim and vision of the Town Centre Strategy; the four geographical areas where intervention was required to deliver the strategy; the financial and legal implications; and the proposed consultation approach.

Particular reference was made at the meeting on the need to consult on the strategy in a more meaningful way how in order to gain the views and interest of the public.

RESOLVED - That the Town Centre Strategy 2019/30, as appended to the submitted report, be supported, and a consultation exercise on the Strategy be undertaken with stakeholders, partners and communities.

REASONS – (a) To ensure that the Council has an established and agreed vision for the future of Darlington Town Centre.

(b) Suitable alternative uses of sites are pursued to support the actions detailed in the Darlington Town Centre Footfall Strategy (2018).

(c) To contribute to the further economic wellbeing and vitality of the Town Centre.

C25 RELEASE OF CAPITAL PROGRAMME FUNDING FOR LAND ASSEMBLY, SITE DESIGN AND DEVELOPMENT IN THE TOWN CENTRE

The Cabinet Member with the Economy and Regeneration Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to the release of £10m of capital funding from the Tees Valley Indigenous Growth Fund, for land assembly, site design and development, and bring forward regeneration projects and prepare sites for development within Darlington Town Centre which supports the delivery of the Town Centre Strategy 2019/30.

The submitted report stated that the funding was required for up front expenditure to purchase land/buildings, prepare sites and stimulate development to enable the Council to deliver its priorities and to meet income targets in the Medium Term Financial Plan, through attracting new business, delivering new homes and growing the economy; the developed sites were expected to achieve either capital receipts and / or lead to new business rates income, new jobs and new homes within the Town Centre; and stated that additional funding was also likely to be available through the Government's Future High Street Fund.

RESOLVED – (a) That the £10m of funding from the Tees Valley Combined Authority (TVCA) Indigenous Growth Fund, be released, subject to the completion of due diligence and release by TVCA, which will be targeted in key intervention areas

within the Town Centre which will have the greatest impact and aligned to the Town Centre Strategy, those interventions to include:

- (i) strategic site assembly including purchase of land and buildings;
- (ii) ensuring sites are 'development ready'; and
- (iii) public realm improvements and infrastructure investment.

(b) That £150,000 of advanced design fees allocated in the 2019/20 Medium Term Financial Plan to support the economic objectives of the Council, be released.

(c) That delegated authority be given to the Director of Economic Growth and Neighbourhood Services, in consultation with the relevant Portfolio Holder(s), for expenditure of the TVCA Indigenous Growth Fund for individual projects, land acquisitions and commitments of up to £1,000,000 in value.

(d) That individual projects acquisitions and commitments of over £1,000,000, be brought back to future Cabinet meetings for agreement which will detail specific interventions and funding required.

REASONS – (a) To provide funding for regeneration projects and bring sites forward for development.

(b) Ensure decisions can be made in a timely manner to bring sites and building forward for development.

C26 DISPOSAL OF LAND AT FAVERDALE EAST BUSINESS PARK

The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) seeking approval to the sale of approximately 2.525 acres of land at Faverdale East Business Park, Darlington, as shown hatched on the plan appended to the submitted report, subject to the grant of planning permission for development.

The submitted report stated that the Council owned land at Faverdale East Business Park which was available for inward investment/industrial development; a number of plots had already been sold; and that an enquiry had been received to purchase a plot of land.

RESOLVED – (a) That the leasehold sale of 2.525 acres of land at Faverdale East Business Park, as shown on the plan appended to the submitted report, be approved on the terms as set out in Appendix B Part III of the submitted report.

(b) That the Assistant Director for Law and Governance be authorised to document the sale of the property accordingly.

REASONS – (a) To achieve a capital receipt for the Council.

(b) To assist business development and job creation in Darlington.

C27 XENTRALL SHARED SERVICES ANNUAL REPORT 2018-19

The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Managing Director (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 had just celebrated its twelfth year; 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 plus additional efficiencies and benefits totalling £14.6m of savings; 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 Cabinet note the report and acknowledge the continuing success of Xentrall Shares Services and the £14.6m savings it has achieved over the eleven years since it was formed.

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

C28 PROJECT POSITION STATEMENT AND CAPITAL PROGRAMME MONITORING - QUARTER ONE 2019/20

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 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 seeking approval to a number of changes to the programme.

The submitted report stated that the projected outturn of the current Capital Programme was £175.806m against an approved programme of £175.533m; the investment was delivering a wide range of improvements to the Council's assets and services; the programme remained affordable; the Council had 27 live projects, with an overall project outturn value of £52.005m, the majority of which were running to time; and that the projects were managed either by the Council's in-house management team, a Framework Partner or by Consultants source via an open/OJEU tender process.

RESOLVED – (a) That the status position on construction projects, 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 20 of the submitted report, be noted.

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.

C29 REVENUE BUDGET MONITORING 2019-20 - 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 2019/20 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 2018/19 outturn results.

The submitted report stated that the latest projections following the budget rebasing exercise showed an overall improvement of £0.679m, which was primarily due to the rebasing exercise which returned £0.511 to general reserves, along with £0.168m of balances following the 2018/19 outturn underspend; the risk contingency established in the Medium Term Financial Plan (MTFP) for Children's Services of £0.308m had been required and utilised; and that overall departmental expenditure, taking into account the rebasing exercise, was forecasting a break-even position.

RESOLVED – (a) That the forecast revenue outturn for 2019/20, 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.

C30 PROPOSED WRITE-OFF OF IRRECOVERABLE DEBTS 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) seeking approval from Cabinet for the write-off of former Housing tenant rent arrears, Housing Benefit overpayments, Non-Domestic Rates, Council Tax and Sundry Debtor invoices with individual values greater than £500 that are considered to be irrecoverable.

Particular references were made to the need for more information as to the 'other reasons' for the writing off of Housing Benefit overpayments and on the way the recoverable debts information was recorded.

RESOLVED - That a total amount of £77,315 of former Housing tenant arrears, £262,305 of Housing Benefit overpayments, £1,017,702 of Non-Domestic Rates and Council Tax, and £155,749 of Sundry Debtor invoices be written-off, subject to steps for recovery being taken, wherever possible, if and when contact is 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.

C31 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 12 JULY 2019**