

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE MONDAY 18TH
NOVEMBER, 2019**

CABINET

Tuesday, 5 November 2019

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

INVITEES – Councillors Curry, Harker and Snedker

APOLOGIES – Councillors Howell, K Nicholson and Marshall

ALSO IN ATTENDANCE – Councillors Durham, B Jones, Keir and McCollom

C60 DECLARATIONS OF INTEREST.

There were no declarations of interest reported at the meeting.

**C61 TO HEAR RELEVANT REPRESENTATION (FROM MEMBERS AND THE
GENERAL PUBLIC) ON ITEMS ON THIS CABINET AGENDA.**

In respect of Minute C66 below, representations were made by members of the public in attendance at the meeting.

**C62 TO APPROVE THE MINUTES OF THE MEETING OF THIS CABINET HELD ON
TUESDAY, 8 OCTOBER 2019**

Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 8 October 2019.

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

REASON - They represent an accurate record of the meeting.

C63 MATTERS REFERRED TO CABINET

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

C64 ISSUES ARISING FROM SCRUTINY COMMITTEE

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

C65 KEY DECISION - TEES VALLEY JOINT WASTE MANAGEMENT CONTRACT

The Leader of the Council introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to adopting the Outline Business Case (OBC) for the future treatment of

municipal residual waste on behalf of the five Tees Valley (TV) Councils; entering into an Inter-Authority Agreement (IAA), between the five Tees Valley authorities in respect of the TV municipal residual waste treatment project; and the Terms of Reference for the Project Delivery Group (all also previously circulated).

The submitted report outlined the background to the project; stated that currently Hartlepool, Stockton, Middlesbrough and Redcar and Cleveland operated a single contract for waste disposal; Darlington operated a separate Waste Treatment and Disposal Contract; the OBC had been developed to address the future treatment of municipal residual waste (waste remaining after recycled material had been removed) when the current contract(s) expired in March 2025; the strategic outline case was agreed in 2017; and that the IAA had set out the terms of the joint working arrangements for the project and had appointed Hartlepool Borough Council as the Lead Authority in carrying out the procurement milestones. References were also made to the risk implications of the contract; financial considerations; legal implications; and the consultation undertaken.

It was reported that the Place Scrutiny Committee had consider the Cabinet report and in supporting the adoption of the OBC, IAA and Terms of Reference had recommended that the procurement process should consider the implications of the Government's climate change agenda and targets to reduce pollution from consumption, which if met, would result in a reduction in municipal waste.

Discussion ensued on the scrutiny of the procurement process.

RESOLVED - (a) That the Outline Business Case for the future treatment of municipal residual waste, on behalf of the five Tees Valley Authorities, as appended to the submitted report, be adopted.

(b) That the Council enter into the Inter-Authority Agreement (IAA) between the five Tees Valley Authorities in respect of the Tees Valley Municipal Residual Waste Treatment project, substantially on the terms as detailed in Appendix 2 to the submitted report, and that the Managing Director be authorised to approve any minor amendments to the IAA.

(c) That the financial commitment to Darlington's share of the procurement and project costs of £1m, as detailed in the submitted report, be noted, and the funds be released subject to approval by full Council as part of the 2020/21 Medium Term Financial Plan, to be applied to the Project in accordance with the IAA.

(d) That the Council enter into an agreement with the Combined Authority to repay the £1m associated with the procurement over a 25-year period with the final details of the agreement being delegated to the Assistant Director Resources, in consultation with the Director of Economic Growth and Neighbourhood Services, Assistant Director Law and Governance and the Cabinet Member with the Leisure and Local Environment Portfolio.

(e) That the Director of Economic Growth and Neighbourhood Services, in consultation with the Assistant Director Resources, Assistant Director Law and Governance and the Cabinet Member with the Leisure and Local Environment Portfolio, be authorised to accept any minor changes to the Outline Business Case,

the Inter Authority Agreement and Terms of Reference of the Project Board if required.

REASONS - (a) To enable Darlington to participate in the joint procurement of the wider Tees Valley residual waste treatment facility for post 2025.

(b) Entering into the IAA sets down the legal parameters for the procurement, ensuring that no individual authority can withdraw without financially compensating the other authorities for the relevant share of procurement costs and other losses.

C66 REPLACEMENT OF DOG CONTROL ORDERS WITH PUBLIC SPACE PROTECTION ORDERS

The Cabinet Member with Community Safety Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to proceeding with an eight week period of public consultation to replace previous Dog Control Orders, with Public Space Protection Orders (PSPO's), and introduce wider powers concerning the walking and supervision of dogs and the exclusion of dogs from cemeteries (with some exceptions).

The submitted report stated that should the Council wish to enforce the provisions within the existing Dog Control Orders, which lapsed under legislation in October 2017, they would need to be replaced by 20 October 2020 with PSPO's; consultation would need to be undertaken prior to the PSPO's being implemented; dog related anti-social behaviour was still a concern to some residents and businesses; PSPO's were introduced in the Anti-Social Behaviour, Crime and Policing Act 2014; a PSPO was designed to deal with a particular nuisance or problem in an area, which must have a detrimental effect on the quality of life of those in the community; and that the PSPO's were designed to ensure that the law-abiding majority could enjoy public spaces, safely and free from anti-social behaviour.

Members of the public and representatives from dog walking businesses within the Borough, in attendance at the meeting, addressed Cabinet in respect of the proposal to replace the current dog control orders with Public Space Protection Orders and the proposal to limit the number of dogs that could be walked at the same time to four dogs.

Particular references were made to the differences between Dog Control Orders and PSPO's; the impact that the change from Dog Control Orders to PSPO's would have on responsible dog owners/walkers; the need to educate people rather than prosecute; the number of dogs that could be walked at the same time and the implications of introducing the proposed limit; to the fact that responsible dog owners/walkers were being penalised for those irresponsible dog owners/walkers; to the need to address and tackle the problems caused by irresponsible dog owners/walkers; and the consultation process.

The Cabinet Member with the Community Safety Portfolio responded to the issues raised, and in doing so, welcomed the comments raised at the meeting and encouraged as many people as possible to respond to the consultation on the proposals.

RESOLVED - That a consultation period of eight weeks (prior to a further report being submitted to Cabinet) to consider the implementation of Public Space Protection Orders for control of dogs, as detailed in the submitted report, be approved.

REASON - To enable consultation to take place prior to Cabinet making the final decision on whether or not to introduce new PSPOs for dog control in Darlington.

C67 DARLINGTON TOWN CENTRE STRATEGY 2019/30 - CONSULTATION OUTCOME

The Leader introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to the responses received from the public consultation undertaken on the draft Darlington Town Centre Strategy (2019-2030). A full analysis of the consultation responses was appended to the submitted report.

The submitted report stated that the Darlington Town Centre Strategy proposed a new joint vision for the Town Centre and the development of several proposals that aimed at encouraging the delivery of key strategic sites in Darlington Town Centre, namely the Victorian Indoor Market; Skinnergate and the Yards and the Wynds; Northgate area; and Crown Street area. Reference was also made to the financial, legal and equality considerations.

Discussion ensued on the whether consideration would be given to re-introducing a bus station in the Town Centre; the responses received to the consultation; and to proposals for Town Centre living.

RESOLVED - That the Darlington Town Centre Strategy 2019-2030, be adopted.

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

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

C68 DARLINGTON TOWN CENTRE – PROPERTY ACQUISITIONS AND DEVELOPMENT SITE OPPORTUNITIES

The Leader introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to the proposed developments identified in Darlington Town Centre and to the use of Compulsory Purchase Order (CPO) powers in order to complete land assembly.

The submitted report stated that Cabinet approved the release of £10M funding from the Tees Valley Combined Authority Ingenious Growth Fund for key intervention areas within the Town Centre which would have the greatest impact and aligned to the Town Centre Strategy; outlined those key interventions which included strategic site assembly including purchase of land and buildings, ensuring sites were 'development ready' and public realm improvements and infrastructure investment; and outlined the work undertaken to date.

RESOLVED - (a) That the continued acquisition of properties to deliver the objectives of the Town Centre Strategy, be approved.

(b) That the Future High Street Fund bid for the development of a residential quarter in the Crown Street/East Street area of the town centre, be supported.

(c) That the use of Compulsory Purchase Order powers for the site assembly requirements for the delivery of a convenience store on Commercial Street car park, be agreed, and a further report be presented to Members on the next steps once negotiations with landowners has been completed and whether Compulsory Purchase Order was required.

REASONS - (a) To ensure that the Council delivers on the ambitions of the Darlington Town Centre Strategy.

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

C69 LOCAL WEALTH BUILDING AND SOCIAL VALUE PROCUREMENT

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 enhanced approach to local wealth building and social value within the Council's procurement process.

The submitted report stated that the Council had been working with the Darlington Partnership to utilise public sector procurement to help grow the local economy and maximise the benefits of such procurement for the Borough; stated that the cost and quality of the provision of services and products would always remain the major determining factors in public procurement; and that the additionality offered by tenderers would deliver additional benefits at no additional cost to the Council.

Particular references were made to the aims of the proposals which were to increase spend within the local areas to assist in growing the economy and, through the tender evaluation process, incentivise tenderers to deliver additional benefits for the residents and businesses of Darlington, known as social value in areas such as employment of local people; employment of care leavers; a positive impact on local environmental issues; and employment of apprentices.

RESOLVED - (a) That the Social Value Procurement Framework, as detailed at Appendix 2 of the submitted report, be approved.

(b) That the Social Value Charter, as detailed at Appendix 3 of the submitted report, be approved.

REASONS - (a) Enable the Council to continue to meet its obligations under the Public Services (Social Value) Act 2012.

(b) Deliver a range of additional social, economic and environmental benefits to Darlington's residents, businesses and the local economy from Council spend without increasing cost to the Council.

C70 LAND AT SNIPE LANE, DARLINGTON - PROPOSED ACQUISITION

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 house and 5.3 acres of land at Snipe Lane (as shown hatched on the plan appended to the submitted report).

The submitted report stated that the acquisition of 55 acres of land at Neasham Road for potential residential development had been agreed to facilitate the relocation of the Cattle Mart from Clifton Road; the land was proposed for development as private housing; the house and land as Snipe Lane was adjacent to the Neasham Road land; and that the owner had provisionally agreed to sell his land holding to the Council.

RESOLVED - (a) That the house and 5.3 acres of land at Snipe Lane, as identified in the submitted report, be acquired on the terms as set out in Appendix 2 of the submitted report.

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

REASONS - (a) To acquire land for potential future residential development.

(b) To give the Council control of land adjacent to its currently proposed residential development site at Neasham Road.

C71 COUNCIL TAX SUPPORT - SCHEME APPROVAL 2020/21

The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Managing Director (previously circulated) seeking approval of the draft Council Tax Support (CTS) scheme (also previously circulated) for 2020/21.

The submitted report stated that the Council was required to set a Council Tax Support scheme each year and that no changes were proposed to the existing scheme.

RESOLVED - That it be recommended to Council that the draft Council Tax Support scheme for 2020/21, as appended to the submitted report, be approved and adopted, including:-

(a) continuing to provide up to 100 per cent Council Tax Support for care leavers under the age of 25; and

(b) continuing to provide up to 80 per cent Council Tax Support for all other working people.

REASONS - (a) The Council is required to publish a local Council Tax Support scheme for 2020/21 by 11 March 2020.

(b) The Council Tax Support schemes since 2013 have all been implemented

successfully without any major challenges.

(c) The continued application of a reduced entitlement for working aged people is still appropriate, given the current financial position of the Council.

C72 COUNCIL TAX EMPTY PROPERTY PREMIUM

The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Managing Director (previously circulated) requesting that consideration be given to proposed changes to the Council Tax empty property premium.

The submitted report stated that a 50 per cent Council Tax premium was introduced in April 2013 for all unoccupied and unfurnished domestic properties which had been empty for two or more years; new legislation was introduced in November 2018 allowing Councils to increase the Council Tax premium; consultation had been undertaken with long-term empty properties on the proposals; and that the Efficiency and Resource Scrutiny Committee had considered the proposals and no amendments were proposed.

RESOLVED - (a) That the responses to the consultation, as set out in Appendix 1 of the submitted report, be noted.

b) That it be recommended to Council that the proposed changes to the Council Tax empty property premium from April 2020, be approved and adopted, including:-

- (i) increasing the Council Tax premium for properties empty for two years or more to 100 per cent from April 2020;
- (ii) increasing the Council Tax premium for properties empty for five years or more to 200 per cent from April 2020;
- (iii) increasing the Council Tax premium for properties empty for ten years or more to 300 per cent from April 2021; and
- (iv) providing protection for those owners who were making genuine efforts to bring their long-term empty properties back into use.

REASONS - (a) To further encourage landlords and property owners to bring their empty homes back into use as soon as possible.

(b) To reduce the detrimental impact long-term empty properties can have on other nearby properties and local communities.

(c) To increase the supply of much needed housing in Darlington, as most long-term empty properties could be brought back into use as affordable homes.

(d) To penalise those owners who deliberately leave their properties empty for years.

C73 REVENUE BUDGET MONITORING 2019/20 - QUARTER 2

The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Managing Director (previously circulated) providing an up-to-date forecast of the 2019/20 revenue budget outturn as part of the Council's continuous financial management process.

The submitted report stated that the latest projection showed an overall decline against the Medium Term Financial Plan (MTFP) of £0.125m which was a decrease of £0.804m from the position reported at Quarter 1 (Minute C29/Jul/19 refers); the decline was primarily due to a significant decline in Children's Services position of £1.822m caused by an increase in the number of children requiring support from the Local Authority; and that this decline had been offset in part by improvements in Adults of £0.309m, Resources of £0.168m, Council wide saving of £0.258m and the release of £0.188m from the demand and complexity risk contingency.

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.

C74 PROJECT POSITION STATEMENT AND CAPITAL PROGRAMME MONITORING - QUARTER 2 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 £205.456m against an approved programme of £205.487m; the investment was delivering a wide range of improvements to the Council's assets and services; the programme remained affordable; the Council had 33 live projects, with an overall project outturn value of £68.765m, 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 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.

**DECISIONS DATED –
FRIDAY, 8TH NOVEMBER, 2019**