

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
MONDAY 25 JULY 2016**

CABINET
12 July 2016

PRESENT – Councillor Harker (in the Chair); Councillors Copeland, C L B Hughes, McEwan, A J Scott and Wallis. (6)

INVITEES – Councillors Curry and Mrs H Scott. (2)

APOLOGIES – Councillors Dixon and I G Haszeldine. (2)

C16. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

C17. REPRESENTATIONS – In respect of Minutes C25 and C26 below, representations were made by members of the public in attendance at the meeting.

C18. DEATH IN SERVICE - THERESA EATON - The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Children and Adults Services (previously circulated) informing Members of the recent sad death in Service on Monday 20 June 2016 of Theresa Eaton, who was employed as a Specialist Family Support Worker within the Family Interventions team in Children's Services.

RESOLVED – (a) That, it be noted, with great sadness, the recent death in service of Theresa Eaton, a respected employee of the Council.

(b) That the actions of the Council, in conveying the sympathy to Theresa's family and the support offered from Human Resources and the Head of Service, as detailed in the submitted report, be noted.

REASON - To make Members aware of the recent death in service.

C19. MINUTES - Submitted - The Minutes (previously circulated) of the meetings of this Cabinet held on 14 and 22 June 2016.

In respect of Minute C7(3(c))/Jun/16, it was reported at the meeting that, due to the Chair declaring a pecuniary interest in respect of the report, the Deputy Leader would be consulted on the proposals for Durham Tees Valley Airport.

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 reconsideration.

C21 ISSUES ARISING FROM SCRUTINY - There were no issues arising from Scrutiny considered at this meeting.

C22. KEY DECISIONS - There were no key decisions to be made at the meeting.

C23. REVIEW OF OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN – Pursuant to Minute C85/Dec/15, the Deputy Leader introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) providing Members with an update of the outcome of cases which had been determined by the Local Government Ombudsman (LGO) since the preparation of the previous report to Cabinet on 8 December 2015.

Discussion ensued on the number of complaints received and the monitoring of the effectiveness of the measures put in place as a result of those complaints.

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 LGO 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.

C24. (URGENT ITEM) RURAL BROADBAND INFRASTRUCTURE ROLLOUT WITHIN THE BOROUGH OF DARLINGTON - The Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Economic Growth (previously circulated) outlining the sequence and phasing of the publicly funded Broadband infrastructure rollout for superfast internet speeds (up to 25mb/sec) in the rural areas of the Borough; explaining the strategy for the future roll out which had been made together with Digital Durham and the Tees Valley Broadband Group; and requesting that consideration be given to endorsing the forward programme for Phases 3 and 3+ over the periods 2017 to 2020.

RESOLVED – (a) That the current position, in respect of Phase 2, as detailed in the submitted report, be noted.

(b) That the intention of partners on the Phase 3 and 3+ , as detailed in the submitted report, be noted, namely:-

- (i) Phase 3 2017/18 : Hurworth, Middleton St George; and
- (ii) Phase 3+ 2018/20: Great Stainton, Sadberge, Houghton Le Side, Walworth/Denton.

REASONS - (a) The proposed rollout represents the best use of public money to support the delivery of broadband infrastructure in rural areas where public intervention is most needed.

(b) Acknowledges the progress and intentions of the commercial operator and use of Gainshare in the other rural areas.

C25. BLACKWELL GRANGE PLANNING AND DESIGN BRIEF FOR SITE HE4 - The Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Economic Growth (previously circulated) reporting the outcome of the consultation process for the Blackwell Grange Planning and Design Brief for Site He4, as shown on the plan appended to the submitted report, and requesting that consideration be given to the Planning and Design Brief (also previously circulated) to be used in informing planning decisions for the site and the disposal of Council land.

Discussion ensued on the number of properties to be built on the site and the proposed length of gardens of those properties.

RESOLVED - That the Blackwell Planning and Design Brief for Site He4, as appended to the submitted report, to inform planning decisions for the site and the disposal of Council land, as shown on the land appended to the submitted report, be endorsed.

REASONS - (a) The Planning and Design Brief is in line with the adopted Core Strategy, and the adopted Design of New Development Supplementary Planning Document.

(b) The Brief has been prepared in conjunction with the Blackwell Neighbourhood Forum and modified to take the Forum's comments into account.

(c) The outcome of the Council's consultation with neighbouring residents on the brief is detailed within the submitted report.

C26. APPROPRIATION OF LAND FOR PLANNING PURPOSES AT BLACKWELL - The Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Economic Growth (previously circulated) requesting that consideration be given to the appropriation of land at Blackwell, as shown on the plan appended to the submitted report, including parts of the former Blackwell Grange Golf Course, for residential development.

Discussion ensued on the number of properties to be built on the site and on the consultation undertaken to date.

RESOLVED - That the appropriation of the land, as identified in the submitted report and as shown on the plan appended to the submitted report, be approved, for planning purposes under section 122 of the Local Government Act 1972 and subject to the powers provided by section 237 of the Town and Country Planning Act 1990.

REASONS - As the appropriation of the land for planning purposes will facilitate the restoration of the remaining open space to parkland, will contribute to the improvement of the local economy by providing high quality dwellings and will allow public access to the remaining open space.

C27. COMPLAINTS, COMPLIMENTS AND COMMENTS ANNUAL REPORTS 2015/16 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Neighbourhood Services and Resources and the Director of Children and Adults Services (previously circulated) requesting that consideration be given to the 2015/16 Complaints, Compliments and Comments Annual Reports for

Adult Social Care, Children's Social Care, Corporate, Housing and Public Health (all also previously circulated).

RESOLVED - (a) That the report and 2015/16 Complaints, Compliments and Comments Annual Reports for Adult Social Care, Children's Social Care, Corporate; Housing; and Public Health, all as appended to the submitted report, be noted.

(b) That the overall improvement in performance against the extended timescales in the Council's complaints procedures, be noted.

(c) That the further recommendations made in the Adult Social Care and Housing Complaints, Compliments and Comments Annual Reports, as appended to the submitted report, be endorsed.

REASONS - (a) To make Cabinet aware of the number and nature of the complaints received by the Council and the organisational learning that has taken place as a result.

(b) To enable the Council to further improve its services as a result of the complaints received and continue to improve satisfaction with complaints handling.

C28. XENTRALL SHARED SERVICES ANNUAL REPORT 2015/16 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) requesting that consideration be given to the eighth Xentrall Annual Report.

RESOLVED - That the report be noted.

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

C29. REGULATION OF INVESTIGATORY POWERS – Pursuant to Minute C45/Sep/15, the Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) informing and updating Members on issues relevant to the use of the Regulation of Investigatory Powers Act (RIPA) 2000 and developments that had taken place since the last report to Cabinet in September 2015.

RESOLVED – (a) That the developments that have taken place since September 2015, as detailed in the submitted report, be noted.

(b) That the appointment of the Assistant Director, Housing and Building Services as Designated Authorising Officer for Regulation of Investigatory Powers Act directed surveillance applications, be approved.

(c) That the Regulation of Investigatory Powers Act Policy, as appended to the submitted report, be approved.

(d) That further reports on the use of the Regulation of Investigatory Powers Act 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 Regulation of Investigatory Powers Act and that its procedures are in accordance with national guidance.

(b) To help in giving transparency about the use of the Regulation of Investigatory Powers Act in this Council.

(c) The Regulation of Investigatory Powers Act Policy needs to be updated and reviewed when necessary.

C30. 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 Director of Neighbourhood Services and Resources (previously circulated) providing an update on the current position on former housing tenant arrears, Housing Benefit overpayments, Non-Domestic Rates and Council Tax, and requesting that consideration be given to writing-off debts of £1,500,482.

RESOLVED - That a total amount of £134,030 of former housing tenant arrears, £101,381 of Housing Benefit overpayments and £1,265,071 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 - Regular arrangements for writing off debts are in accordance with best practice for good financial management.

C31. TREASURY MANAGEMENT ANNUAL REPORT AND OUTTURN - PRUDENTIAL INDICATORS 2015/16 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) requesting that consideration be given to important information regarding the regulation and management of the Council's borrowing, investments and cash-flow; the treasury management annual report; and the Prudential Indicators results for 2015/16, in accordance with the Prudential Code.

RESOLVED - (a) That the outturn 2015/16 Prudential Indicators, as detailed in the submitted report and at Appendix 1 of the submitted report, be noted.

(b) That the Treasury Management Annual Report for 2015/16, as detailed in the submitted report, be noted.

(c) That the report be forwarded to Council, in order for the 2015/16 Prudential Indicators to be noted.

REASONS - (a) In order to comply with the Prudential Code for Capital Finance in Local Authorities.

(b) To inform Members of the Performance of the Treasury Management function.

(c) To comply with the requirements of the Local Government Act 2003.

C32. REVENUE BUDGET MONITORING 2016/17 – QUARTER 1 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) providing Members with an early forecast of the 2016/17 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 2015/16 outturn results.

RESOLVED - (a) The forecast revenue outturn for 2016/17, 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.

C33. PROJECT POSITION STATEMENT AND CAPITAL PROGRAMME MONITORING OUTTURN 2015/16 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Neighbourhood Services and Resources and the Director of Economic Growth (previously circulated) providing information on delivery of the Council's Capital Programme, the financial outturn position as at 31st March 2016 and the proposed financing of the 2015/16 Capital expenditure; 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 that programme.

RESOLVED – (a) That the delivery and financial outturn of the 2015/16 Capital Programme, as detailed in the submitted report, be noted.

(b) That the status position on construction projects, as detailed in the submitted report, be noted.

(c) That the adjustments to resources, as detailed in paragraph 22 of the submitted report, be approved.

REASONS - (a) To enable Members to note the progress of the 2015/16 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.

C34. PROJECT POSITION STATEMENT AND CAPITAL PROGRAMME MONITORING QUARTER ONE 2016/17 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Neighbourhood Services and Resources and the Director of Economic Growth (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 requesting that a consideration be given to a number of changes to that programme.

RESOLVED – (a) That the status position on construction projects, as detailed in the submitted report, be noted.

(b) That 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.

C35. BLACKWELL MEADOWS COMMUNITY SPORTS HUB EXPANSION - The Cabinet Member with the Leisure and Local Environment Portfolio introduced the report of the Director of Economic Growth (previously circulated) providing Members with an update on the progress of the Blackwell Meadows Community Sports Hub expansion and requesting that consideration be given to the necessary authorisations to progress the Council's contribution to enable the project.

Discussion ensued on potential parking issues on match days once the Darlington Football Club moved to the site.

RESOLVED - (a) That the revised capital costs, as detailed in the submitted report in relation to the car park element of the project, be accepted, and the capital be released.

(b) That the Director of Neighbourhood Services and Resources be given delegated powers to agree a repayment mechanism within the car parking lease for the recovery of the current project shortfall, in consultation with the Director of Economic Growth.

REASONS - (a) To enable the public of Darlington to continue to access the leisure facilities offered by DRFC through the Community Sports Hub.

(b) To assist in the facilitation of the expansion to a strategically important Community Sports Hub.

(c) To assist in the increase in sport participation numbers within the Borough.

(d) To assist in the relocation of Darlington Football Club to the town, and to maximise economic benefits of hosting home match days within the Borough.

(e) To protect previous Council investment made in the provision of community sport pitches.

C36. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C37. 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.

C38. LAND AT FORMER EASTBOURNE SCHOOL PHASE II - DISPOSAL OF ADDITIONAL LAND (EXCLUSION PARAGRAPH NO 3) - The Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Economic Growth and Director of Neighbourhood Services and Resources (previously circulated) updating Members on progress made with regard to the disposal of land at Eastbourne School Phase II and requesting that consideration be given to declaring Area A on the plan attached at Annex 1 to the submitted report, surplus to operational requirements, including Area A in the sale of the Phase II land; and reallocating the provision of sporting facilities from the proceeds of sale within the levels previously authorised.

RESOLVED - (a) That the land, as shown as Area A in Annex 1 of the submitted report, be declared surplus to the Council's requirements and added to the Phase II land to be sold to the Esh Group.

(b) That the Director of Neighbourhood Services and Resources, in consultation with the Portfolio Holder, be authorised to reallocate the sports provision and resolve the on-site access and parking arrangements as identified in the submitted report.

REASONS - (a) To satisfy planning conditions that would otherwise prevent implementation of planning consent for the development of Phase II.

(b) To maximise the capital receipt from the sale of all of the land to be sold for Phase II.

(c) To enable the renewal and improvement of sporting facilities within the Borough.

C39. SCHEDULE OF TRANSACTIONS (EXCLUSION PARAGRAPH NO 3) - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report and schedule of the Director of Economic Growth (both previously circulated) requesting that consideration be given to the schedule of transactions and seeking approval of the terms negotiated therein.

RESOLVED - That the schedule, as appended to the submitted report, be approved and the transactions completed on the terms and conditions detailed therein.

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

**DECISIONS DATED –
FRIDAY 15 JULY 2016**