

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
MONDAY 27 OCTOBER 2014**

CABINET
14 October 2014

PRESENT – Councillor Dixon (in the Chair); Councillors Copeland, Harker, C L B Hughes, McEwan, D A Lyonette, A J Scott and Wallis. (8)

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

ALSO IN ATTENDANCE – Councillors Crichlow and Macnab. (2)

C54. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

C55. REPRESENTATIONS – No representations were made by Members or members of the public in attendance at the meeting.

C56. MINUTES - Submitted - The Minutes (previously circulated) of the meetings of this Cabinet held on 2 and 25 September 2014.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C57. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration.

C58. ISSUES ARISING FROM SCRUTINY – There were no issues referred from the Scrutiny Committees to this meeting.

C59. KEY DECISIONS – (1) Darlington Local Development Scheme 2014/17 - 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 Local Development Scheme (LDS) (also preciously circulated) for 2014/17.

The submitted report stated that the Council was required, by Section 15 of the Planning and Compulsory Purchase Act 2004, as amended by the Section 111 of the Localism Act 2011, to prepare a LDS.

Discussion ensued on the funding available to Parish Councils to prepare a neighbourhood plan.

RESOLVED – That it be recommended to Council that, the updated Local Development Scheme for the period 2014/17, as appended to the submitted report, be agreed, to take effect from 5 December 2014.

REASON - The Council is required to have an up to date Local Development Scheme (Planning and Compulsory Purchase Act 2004, as amended by Section 111, Localism Act 2011).

(2) Procurement Plan Update - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Assistant Chief Executive (previously circulated) requesting that consideration be given to the updated Procurement Plan (also previously circulated).

RESOLVED – That the assessment of strategic and non-strategic contracts as detailed in Appendix 1 of the submitted report, be approved, and that:

- (a) further reports on the procurement process for those contracts designated as strategic be brought to Cabinet for approval and the contract award decision be made by Cabinet; and
- (b) the contract award decisions for the contracts designated as non-strategic be delegated to the appropriate Director, as detailed in Appendix 1 of the submitted report.

REASONS - (a) The Contract Procedure Rules require Cabinet to approve the designation of contracts as strategic and non-strategic.

(b) The contracts designated strategic are of high value and high significance in respect of the impact on residents, Health and Safety and public safety.

(c) The contracts designated non-strategic are of a lower value and lower significance in respect of the impact on residents and public safety.

C60. REGULATION OF INVESTIGATORY POWERS - 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 the issues relevant to the use of the Regulation of Investigatory Powers Act (RIPA) 2000 and developments that have taken place since the last report to Cabinet in January 2014.

RESOLVED - (a) That the developments that have taken place since January 2014 in respect of the Regulation Investigatory Powers Act, and as detailed in the submitted report, be noted.

(b) That further reports be submitted to future meetings of Cabinet on the use of the Regulation of Investigatory Powers Act 2000 and associated issues.

REASONS - (a) To ensure the appropriate use of powers contained in the relevant legislation.

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

C61. AMENDMENTS TO THE LOCAL LETTINGS POLICY - The Cabinet Member with the Adult Social Care and Housing Portfolio introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) requesting that consideration be given to the proposed changes to the Council's current allocation's policy to enable more accommodation to be made available to younger people, and make best use of the Council's housing stock.

RESOLVED - (a) That people aged 18 years and over be eligible to apply for flats above ground floor level.

(b) That people aged 55 years and over be eligible to apply for ground floor flats.

REASON - The change increases the flexibility of the stock to meet a range of needs, improving lettings and addressing some of the unmet housing needs of younger people.

C62. ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014 - PUBLIC SPACES PROTECTION ORDERS - REQUEST FOR DELEGATED AUTHORITY - The Leader introduced the report of the Director of Commissioning (previously circulated) requesting that consideration be given, to awarding delegated authority to approve Public Spaces Protection Orders (PSPOs), to the Director of Public Health.

RESOLVED - (a) That the content of the report and legislation relating to Public Spaces Protection Orders, be noted.

(b) That delegated authority be given to the Director of Public Health to approve Public Spaces Protection Orders, unless they are likely to be considered to be sensitive or significant.

REASONS - (a) One of the objectives of the new legislation is to enable swift solutions to anti-social behaviour in communities. Delegating authority from Cabinet to a Council officer will reduce the timescale for the decision making process.

(b) Section 14 of the Local Government Act 2000 allows for delegation to take place in this way.

C63. PARTNERING WITH THE DARLINGTON CLINICAL COMMISSIONING GROUP - MEMORANDUM OF UNDERSTANDING - The Leader introduced the report of the Chief Officers Executive (previously circulated) updating Members on partnering arrangements with the Darlington Clinical Commissioning Group (DCCG), and requesting that consideration be given to a Memorandum of Understanding (also previously circulated).

RESOLVED - That the Memorandum of Understanding, as detailed in the submitted report, be approved, to ensure clear principles are agreed and set out for both organisations.

REASONS - (a) To ensure the partnership has clear principles and understanding to be able to successfully work together.

(b) To detail the clear focus of the Strategic Partnership is that Darlington Clinical Commissioning Group and Darlington Borough Council can better maximise the benefits and effectiveness in commissioning of care and services for local people by working together. The aim is to secure the integration of the commissioning of care and services for local people through improved ways of working. The first phase of which provides leadership and co-ordination of service commissioning through new and improved ways of working.

C64. COMPLAINTS, COMPLIMENTS AND COMMENTS ANNUAL REPORTS 2013/14 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) providing Cabinet with the 2013/14 Complaints, Compliments and Comments Annual Reports for Adult Social Care, Children's Social Care, Corporate, Housing and Public Health, and to make Cabinet aware of amendments made to the Council's complaints procedures.

Discussion ensued on issues relating to the Refuse Collection Service.

RESOLVED - (a) That the 2013/14 Complaints, Compliments and Comments Annual Reports for Adult Social Care, Children's Social Care, Corporate and Housing as appended to the submitted report, be noted.

(b) That the progress made in relation to the further recommendations, as set out in the Corporate Complaints, Compliments and Comments Annual Report 2013/14 and as detailed in paragraph 23 of the submitted report, be noted.

(c) That the amendments made to the Council's complaints procedure, as detailed in paragraphs 26 to 28 of the submitted report, be noted.

REASONS - 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 ensure Cabinet is aware of the progress made in respect of how the Council handles complaints since the introduction of the Complaints and Information Governance Team.

C65. FEETHAMS PROGRAMME - PROGRESS UPDATE AND RIVERSIDE PARK - The Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Economic Growth (previously circulated) setting out the progress made in relation to delivering the vision for the Feethams Area; identifying the issues currently facing the delivery of the Riverside Park; and requesting that consideration be given to the appropriate recommendations to enable the timely delivery of this key infrastructure requirement.

The Leader reported at the meeting that to meet the terms of the agreement with the Homes and Community Agency, the Council was required to spend the funding on the Riverside Park.

RESOLVED - (a) That the content of the report and the progress made in respect of delivering the Feethams Brief and Programme, as detailed in the submitted report, be noted.

(b) That the £405,000 land receipt, generated through the disposal of the former Bus Depot (ie the Feethams Leisure Development land receipt) earmarked for the delivery of the riverside park, be noted.

(c) That £50,000 of the land receipt, generated through the Feethams Leisure Development, be released, and the Director of Economic Growth be authorised, in consultation with the Cabinet Member with the Economy and Regeneration Portfolio, to advance the feasibility, design and planning, in respect of the Riverside Park, in accordance with the riverside brief, as detailed in Appendix 2 of the submitted report.

(d) That the use of the SCAPE Framework, in respect of the design and construction of the riverside park, be approved.

(e) That the capital expenditure (not covered by the land receipt) of £150,000, to fund enabling and access accommodation works, as detailed in the submitted report, be approved.

REASONS - (a) To ensure Members are aware of the on-going implementation of the vision for the Feethams area as described in the Feethams Planning and Development Brief and the Town Centre Fringe masterplan.

(b) To ensure that the Council are able to meet the terms of the agreement with the Homes and Community Agency in respect of the land receipt generated through the Feethams Leisure Development.

(c) To enable feasibility, design and planning of the riverside park to progress, to enable works to advance once the area is made available following the completion of the Multi Storey Car Park.

(d) To ensure that all access accommodation works required can be funded, if required, through the land receipt without adding unnecessary delay to the commencement of the Feethams Leisure Development.

C66. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C67. NETWORK IMPROVEMENTS AT WEST PARK HOSPITAL AND HUNDENS LANE – With the agreement of the Leader to the matter being treated as urgent to enable a decision to be made at the earliest possible date, the Cabinet Member with the Adult Social Care and Housing Portfolio introduced the report of the Director of Commissioning (previously circulated) requesting that consideration be given to the release of capital funds for IT and network improvements for this Council’s staff working at West Park Hospital and sharing accommodation with colleagues from Health and Hundens Lane.

RESOLVED – That £24,900 be released from the capital budget to fund IT and network improvements, and in doing so, note that the on-going revenue costs for the three year period totalling £33,000 are already included within the existing revenue budgets.

REASONS – To support this Council’s commitment to the co-located operating model with Tees Esk and Wear Valley Trust and the County Durham and Darlington Foundation Trust, based at West Park Hospital and Hundens Lane respectively.

**DECISIONS DATED –
MONDAY 20 OCTOBER 2014**