

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY, 15TH DECEMBER, 2008**

CABINET
2nd December 2008

PRESENT – Councillor Williams (in the Chair); Councillors Chapman, Copeland, Dixon, Harker, McEwan, D.A. Lyonette, A.J. Scott and Wallis (9)

INVITEES – Councillors Barker, Haszeldine and Mrs. Scott and Mr. A. MacConachie. (4)

APOLOGIES – Councillor Swainston.

ALSO IN ATTENDANCE – Councillors G. Cartwright, Galletley, Johnson, Long and Richmond and Miriam Davidson, Director of Public Health. (6)

C94. DECLARATION OF INTERESTS – In respect of Minute C100(4) below, Councillor Long declared a personal interest as she was a member of a number of groups and a resident of the area. Following a request from the Borough Solicitor to clarify the interest, Councillor Long confirmed that it was a Personal interest.

C95. SAFEGUARDING CHILDREN – The Director of Children’s Services outlined the work being undertaken by the Council in relation to safeguarding children. It was reported that partners had recently carried out a multi-agency review and case audit, through the Safeguarding Children Board. All the agencies involved have undertaken an audit of their own procedures and the Safeguarding Children Board is producing an Action Plan to address any gaps identified by the audits.

Members were informed that in addition to those audits, a number of practitioner training sessions would be held between January and March in order to promote best practice in safeguarding children. There are currently 50 children registered with protection plans in Darlington. Each of these will be reviewed by a multi-agency team of officers and the review will include external validation. All Child Protection Conferences in Darlington have an independent Chair. Immediately prior to, and again during, the Joint Area Review in 2008, case files were subject to external scrutiny and the safeguarding services were judged to be ‘good’.

Reference was also made to the importance of the recruitment and retention of social workers in order to best safeguard children.

IT WAS AGREED – (a) That a report on Safeguarding Children be submitted to future meetings of Cabinet and Council.

(b) That a briefing session be arranged for all Members of the Council on Safeguarding Children.

REASON – To inform Members of the work being undertaken by the Council in relation to Safeguarding Children.

C96. REPRESENTATIONS – In respect of Minutes C100(5) and (6), C103, C107 and C112, representations were made by Members in attendance at the meeting.

C97. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of Cabinet held on Tuesday, 4th November, 2008.

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

REASON - They represent an accurate record of the meeting.

C98. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration.

C99. ISSUES ARISING FROM SCRUTINY – There were no issues arising from scrutiny.

C100. KEY DECISIONS – (1) Learning Disability/Supporting People Service – Joint Tender – Procurement Strategy – The Cabinet Member with the Adult Services Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to the procurement strategy for the joint tender for the provision of a Learning Disability/Supporting People Service, covering services provided by both Adult Social Care and Supporting People.

RESOLVED – (a) That the contract for the Learning Disability/Supporting People Service, proceed to tender.

(b) That the procurement strategy for the jointly commissioned Learning Disability/Supporting People Service, as detailed in the submitted report, be approved.

REASONS – (a) This procurement will enable services to be commissioned on a partnership basis, which is supported by a number of government policies.

(b) Joint commissioning will streamline provision, provide clarity and continuity and economies of scale, for the Council.

(c) Meet the requirements of the National Supporting People Strategy.

(d) Joint commissioning will focus on the delivery of key requirements of Valuing People Now and REACH standards.

(2) Domiciliary Care Service (Adult Social Services and Darlington PCT) – Joint Tender – Procurement Strategy - The Cabinet Member with the Adult Services Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to the joint tender for the provision of a Domiciliary Care Service for Adult Social Services and Darlington PCT.

RESOLVED – (a) That the contract for Domiciliary Care Services, proceed to tender.

(b) That the procurement strategy for the jointly commissioned Domiciliary Care Service (Adult Social Services and Darlington PCT), as detailed in the submitted report, be approved.

REASONS – (a) This procurement will enable services to be commissioned on a partnership basis, which is supported by a number of Government policies.

(b) This procurement meets the aims of the Health and Well Being agenda by being evaluated against the ethos and principles outlined in papers such as ‘Our Health, Our Care, Our Say (DoH 2006), Valuing People (White Paper: 2001), NSF for Older People (2005) and the Sustainable Community Strategy (DBC 2008) in providing Domiciliary Care Services to individuals living in Darlington.

(c) Improved continuity of care regardless of who the commissioning body is particularly around joint packages of care.

(d) Provides a sound platform for future service design and care reform in terms of integration and personalisation.

(3) Highway Winter Maintenance Operational Plan 2008/09 – Pursuant to Minute C85(2)/Nov/08, the Cabinet Member with the Transport Portfolio introduced the report of the Director of Community Services (previously circulated) providing clarification on proposed modifications to the Highway Winter Maintenance Operational Plan for the Winter season 2008/09.

Following a concern raised by a Member, it was reported that the use of part of Baydale Road was not an official bus route, but that clarification would be sought from Arriva, in respect of this issue.

RESOLVED – (a) That the modifications to the Highway Winter Maintenance Plan, as identified in the submitted report, be approved.

(b) That the clarifications in relation to the sections of road being removed from the schedule of gritted streets, as detailed in the submitted report, be noted.

(c) That Major Street and Chandos Street, be included within the schedule of gritted streets.

(d) That inclusion of school bus routes, as a valid criteria for gritting, be approved, and all school bus routes continue to be gritted.

REASON - To ensure that the statutory duty is fulfilled and the modifications are included to ensure the plan is current and operating efficiently.

(4) (URGENT ITEM) Swimming – Grant from Government - The Cabinet Member with the Health and Leisure Portfolio introduced the report of the Director of Community Services (previously circulated) outlining the issues surrounding the Government’s free swimming initiative.

Discussion ensued on the consultation period for the grant initiative; alternative options; and on the funding implications of the grant.

RESOLVED – That the grant offer for the under 16's be declined and the grant offer for the over 60's be accepted.

REASON – (a) The grant allocation for over 60's free swimming in 2009/10 and 2010/11 meets the projected income from this user group.

(b) The grant allocation for under 16's free swimming in 2009/10 and 2010/11 is significantly lower than the projected income yield from this user group and would leave an additional revenue pressure of approximately £170,000 p.a., potentially increasing to £220,000 in 2011/12.

(5) Potential Sale of Land at the Arts Centre to the Queen Elizabeth Sixth Form College - The Cabinet Member with the Health and Leisure Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to the sale of part of the Arts Centre building to the Queen Elizabeth Sixth Form College to enable them to develop.

A number of issues were raised at the meeting, including consultation on the proposals; implications for residents on any increase in the student population; re-provision of facilities that would be lost in the Arts Centre by the proposals; funding implications; provision of courses at Darlington College; and architectural features that could be lost by the proposed development. The Director of Corporate Services and the Cabinet Member with the Health and Leisure Portfolio responded to the issues thereon.

RESOLVED – (a) That the principle of disposing of a portion of the Arts Centre to the Queen Elizabeth Sixth Form College, be approved.

(b) That consultation be undertaken on the proposal to dispose of part of the Arts Centre to the Queen Elizabeth Sixth Form College, and that a further report be submitted to a future meeting of Cabinet, following that consultation.

REASONS – (a) To enable the Queen Elizabeth Sixth Form College to continue to develop and support the aims of the Community Strategy.

(b) To enable Members to consider the results of the consultation.

(6) Darlington Local Development Framework – Design of New Development Supplementary Planning Document - The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) outlining the contents and highlighting some of the key issues that were addressed in the Darlington Local Development Framework Design of New Planning Supplementary Planning Document (also previously circulated).

A Member in attendance at the meeting reported that developers had expressed concerns that design proposals contained within the document would make houses more expensive which would have an impact on the availability of affordable housing.

RESOLVED - That the Local Development Framework Design of New Development Supplementary Planning Document, as appended to the submitted report, be agreed as the basis for carrying out public and other consultations, in line with regulatory requirements and the Council's commitments to community engagement, as set out in the adopted Statement of

Community Involvement.

REASON - To fulfil the regulatory requirements of Local Development Framework document preparation.

(7) Review of Council Borrowing - The Cabinet Member with the Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to measures to mitigate the effects of the current financial and economic downturn by achieving savings in the Council's capital financing costs.

RESOLVED – That the proposed repayment of loans, as detailed in the appendix to the submitted report, funded by replacement loans at lower interest or reduced investments, be approved.

REASONS – (a) Savings in annual financing costs can be made, which would mitigate the forecast reductions in investment income.

(b) The savings and risks involved in the proposed action are more advantageous to the Council than the estimated costs and risks of not acting.

(8) Publications Scheme – The Freedom of Information Act 2000 - The Cabinet Member with the Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) seeking approval to the revised draft Publication Scheme (also previously circulated) which was a statutory document required by the Freedom of Information Act 2000.

RESOLVED – That the Publication Scheme, as appended to the submitted report, provided by the Information Commissioner's Office (ICO), be adopted and published and it be linked to the Council's website A-Z Directory.

REASON – The Publication Scheme needs to be reviewed and republished, in line with the Information Commissioner's Office's recommendations, to maintain compliance with the Freedom of Information Act 2000.

C101. ELECTIVE HOME EDUCATION POLICY - The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Children's Services (previously circulated) requesting that consideration be given to the Elective Home Education Policy (also previously circulated).

RESOLVED – That the Elective Home Education Policy, as appended to the submitted report, be approved.

REASON – With the number of home-educated children and justifiable concerns around safeguarding, it is important that our policy and procedures ensure that children are safe and that education is suitable.

C102. OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN - REVIEW - Pursuant to Minute C86/Nov/08, the Leader introduced the report of the Director of Corporate Services (previously circulated) providing Members with an update of the outcome of cases which had been considered by the Local Ombudsman and indicating any points of particular attention and/or referral to the Standards Committee since the last meeting of Cabinet held on 4th November 2008.

RESOLVED - That the report be noted.

REASONS - (a) It is important that Members are aware of the outcome of complaints made to the Local Ombudsman in respect of the Council's activities.

(b) The contents of the report do not suggest that further action is required.

C103. CREDIT CRUNCH AND THE ECONOMIC DOWNTURN - The Leader introduced the report of the Chief Executive (previously circulated) outlining the impacts observed to date on the Council, the residents and the economy of Darlington, from the global financial crisis and resultant economic downturn.

A concern was raised by a Member, as to when firm proposals would be implemented to address the credit crunch and economic downturn.

RESOLVED – (a) That the arrangements being made to monitor and report on the economic downturn, as detailed in the submitted report, be approved.

(b) That within available resources, efforts continue to provide support to residents and local businesses and they be reported to a future meeting of Cabinet.

(c) That the information available to date on the impact of the economic downturn on the Council, the Borough's residents, and its economy, as detailed in the submitted report, be noted.

REASONS – (a) To make an effective contribution to the collective response to the credit crunch and economic downturn.

(b) To ensure all key stakeholders are kept aware of developments.

C104. NORTH EAST FUEL POVERTY DECLARATION - The Cabinet Member with the Sustainable Environment and Climate Change Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) advising Members of the North East Fuel Poverty Declaration (also previously circulated) and requesting that the Declaration be signed on behalf of the Council.

RESOLVED – That the North East Fuel Poverty Declaration, as appended to the submitted report, be signed on behalf of the Council.

REASONS – (a) Supports the Sustainable Community Strategy.

(b) Delivery of Climate Change Action Plan, identified as a priority area for action.

C105. INVESTMENT IN HEALTH IMPROVEMENT – The Cabinet Member with the Health and Leisure Portfolio introduced the report of the Director of Public Health and the Assistant Chief Executive (previously circulated) identifying a governance mechanism to enable the Council and partners to work together to achieve the health improvement outcomes in the Sustainable Community Strategy and Local Area Agreement.

The mechanism was for investment of NHS funding, through the Council as accountable body for the Local Strategic Partnership, in projects and services to improve health.

Discussion ensued on the scrutinising of the Local Area Agreement.

RESOLVED - (a) That the continued development of effective partnership working through the PCT's willingness to engage in the spirit and practice of Local Area Agreement joint working, as detailed in the submitted report, be noted.

(b) That the development of a mechanism by which the PCT can invest in partnership health improvement, be agreed.

(c) That officers be requested to report detailed proposals for the governance arrangements to deliver partnership health improvements.

REASONS - (a) To improve the health outcomes of residents identified in the Sustainable Community Strategy and Local Area Agreement.

(b) To strengthen further partnership working in Darlington.

C106. CHESNUT STREET CAR PARK – REVIEW OF CHARGE LEVEL - The Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (Regeneration) and the Director of Corporate Services (previously circulated) requesting that consideration be given to the charge level at Chesnut Street Car Park.

RESOLVED – That the charges for the Chesnut Street Car Park be reduced to the levels, as detailed in the submitted report.

REASON – To encourage greater use of the Chesnut Street car park and to provide the option to encourage greater use of Garden Street Car Park.

C107. STREET SCENE - The Cabinet Member with the Neighbourhood Services and Community Safety Portfolio introduced the report of the Director of Community Services (previously circulated) presenting the mid term review of the Street Scene project, detailing what had worked well and areas for improvement.

Discussion ensued on the number of complaints received; Street Champions; satisfaction rates for the services; and the provision of information to Ward Councillors.

RESOLVED – (a) That the progress made in implementing Street Scene and the financial efficiencies achieved to date, as detailed in the submitted report, be noted.

(b) That the actions taken so far to improve Street Scene services, as detailed in the submitted report, be endorsed, and the further actions proposed to improve the services, also as detailed in the submitted report, be noted.

REASON – To ensure that Street Scene services continue to improve and are responsive to Members and residents.

C108. LOCAL LAND CHARGES – ADJUSTMENT OF FEES - The Cabinet Member with the Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) seeking authority to vary the level of fees charged by the Local Land Charges Service.

RESOLVED – That the revised Local Land Charges fees, as detailed in the submitted report, be approved.

REASON – To enable the Local Land Charges Service to revise a scale of fees to reflect the current state of the market and changes in transactions.

C109. REVENUE BUDGET MONITORING – APRIL TO OCTOBER 2008 - The Cabinet Member with the Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) updating Members on the 2008/09 revenue budget and actions taken since the last update report to Cabinet.

RESOLVED – (a) That the projected increase in expenditure compared with the approved revenue budget, as detailed in the submitted report, be noted.

(b) That officers be requested to continue to review the revenue budget to identify savings that can be achieved, within the existing policy.

REASONS – (a) To make Cabinet aware of the latest financial position of the Council.

(b) To reduce net expenditure in line with projected resources.

C110. CAPITAL PROGRAMME MONITORING – APRIL TO OCTOBER 2008 - The Cabinet Member with the Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) presenting an update of the capital programme including spending and resource levels.

RESOLVED – (a) That the projected capital expenditure and resources, as detailed in the submitted report, be noted.

(b) That the resource virements, as detailed in the submitted report, be approved.

(c) That the underspend of £0.090M on the Pupil Referral Unit/Phoenix Centre scheme, be noted and returned to Corporate Resources.

(d) That the minor variations in a number of Community Services schemes amounting to £0.008M, as detailed in the submitted report, be funded by Corporate Resources.

(e) That the additional costs of £0.171M on land sales schemes, as detailed in the submitted report, be approved and funded from Corporate Resources.

(f) That the reduction of £0.260M in the projected cost of the externally funded Bus Depot works, as detailed in the submitted report, be noted.

(g) That the additional funding required by the Housing Capital Programme for works at Rockwell House and Branksome Hall of £0.250M and £0.042M for Disabled Facilities Grants, be approved, to be financed from future years Housing Capital Programme and by a temporary increase in departmental unsupported borrowing if the costs are incurred in this financial year.

(h) That the increased costs on the South Park Changing Facilities project of £0.034M, be approved, to be financed from departmental unsupported borrowing.

REASONS – (a) To make Cabinet aware of the latest financial position of the Council.

(b) To maintain effective management of resources.

C111. MEMBERSHIP CHANGES – There were not membership changes to outside bodies to which Cabinet appoints made at the meeting.

C112. (URGENT ITEM) SUPPORTED BUS SERVICE CONTRACTS 2009/14 – With the prior approval of the Leader to the matter being treated as urgent, the Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) presenting evidence in relation to the travel needs in the Borough for bus services that were funded by the Council and recommending the tendering of contracts that complement commercially operated bus routes.

A Member addressed Cabinet and circulated a letter at the meeting, from residents of the Harrowgate Hill, Haughton North and North Road areas, highlighting their concerns at the changes to the bus services in those areas and proposing a number of options to address those concerns.

RESOLVED – (a) That tenders be sought for existing supported services and variations on them, as detailed in Appendix 5 and paragraphs 37 and 38 of the submitted report.

(b) That tenders be sought for a five year period.

(c) That a further report be submitted to the special meeting of Cabinet scheduled to be held on Tuesday, 17th February, 2009, to allow consideration to be given to the award of the supported bus service contracts.

REASONS – (a) To ensure that the proposed solutions to identified travel needs are procured at the best possible price to the Council.

(b) To award any contract deemed desirable in light of tenders received with regard to the budget available and additional analysis of evidence received.

(c) That an increase, beyond inflation, to the current budget for supported services cannot be supported in the current financial climate.

(d) To consider all available relevant information.

**DECISIONS DATED -
FRIDAY, 5TH DECEMBER, 2008**