

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY, 16TH MARCH, 2009**

CABINET
3rd March, 2009

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

INVITEES – Councillor Curry, H. Scott and Mr. A. McConachie. (3)

ALSO IN ATTENDANCE – Councillors Armstrong, Coultas, Johnson and Richmond(4)

APOLOGIES – Councillors Haszeldine and Swainston. (2)

C150. DECLARATION OF INTERESTS – There were no declarations of interest reported at the meeting.

C151. REPRESENTATIONS – In respect of Minutes C155(1) and C158 below, representations were made by Members in attendance at the meeting.

C152. MINUTES - Submitted - The Minutes (previously circulated) of the meetings of Cabinet held on 3rd and 17th February, 2009.

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

REASON - They represent an accurate record of the meeting.

C153. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration.

C154. ISSUES ARISING FROM SCRUTINY – There were no issues arising from scrutiny.

C155. KEY DECISIONS – (1) Children’s Services Capital Programme 2009/10 – 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 Children’s Services Capital Programme for 2009/10 (also previously circulated) and seeking the release of the capital funds in relation to that programme.

A Member in attendance at the meeting raised a number of issues in respect of the Building Schools for the Future funding and the allocation of £8,000,000, over a two year period, to support 14-19 Diploma development in Secondary Schools and the Cabinet Member with the Children’s Services Portfolio and the Assistant Director, Resources and Planning, responded to those concerns thereon.

Discussion ensued on early years capital funding; possibility of re-establishing the early years partnership; monitoring role of Scrutiny; and the provision of additional classrooms at Harrowgate Hill Primary School and the implications that this may have on the health and safety issues due to the increased number of children.

RESOLVED – (a) That £24,324,741 of capital funding, be released, to undertake the Capital Projects, as detailed in the submitted report.

(b) That the priorities, as identified in Appendix A to the submitted report, be agreed.

(c) That the capital investment programme for Children’s Services, as identified in Appendix B to the submitted report, be approved.

REASONS – (a) Through the Local Asset Management Planning Arrangements, all schools have agreed to the proposed programme of works.

(b) Detailed planning to target need has been undertaken which ensures effective use of all investment.

(2) Funding Changes for 16 to 19 Education and Training – Delivery Arrangements – The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Children’s Services (previously circulated) updating Members on the progress to date in preparing for the transfer of funding and commissioning responsibility for the delivery of quality education and training for young people aged between 16 and 19 years from the Learning and Schools Council (LSC) to individual Local Authorities from 2010 and outlining the Tees Valley Sub-Regional Group’s Stage 2 Assessment proposal detailing commissioning and partnership arrangements to support the transfer.

RESOLVED – That the Tees Valley Sub-Regional Group’s Stage 2 Assessment submission to the Government Office North East (GONE) and the Department for Children, Schools and Families, as appended to the submitted report, be endorsed.

REASON – In order to deliver statutory functions from 2010.

(3) Reconnections Policy - The Cabinet Member with the Neighbourhood Services and Community Safety Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to the Reconnections Policy (also previously circulated).

Discussion ensued on whether other Local Authorities were implementing a similar policy.

RESOLVED – That the Reconnections Policy, as appended to the submitted report, be approved.

REASONS – (a) To ensure homeless services in Darlington are available for those with the most appropriate needs.

(b) To ensure that people without a local connection to Darlington and who are not in need of homeless services, are supported to be reconnected back to their own Local Authority area.

(4) Pre-Budget Report – Devolving Responsibilities to City Regions – The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) seeking endorsement of a bid for City Regional pilot status, in order to achieve the objectives of the Tees Valley Multi-Area Agreement, previously agreed by Cabinet.

RESOLVED – (a) That the development and submission of a City Region pilot bid for the Tees Valley and a commitment to the development of new statutory arrangements, if required, to enable the devolution of additional functions, powers and funding from the centre, that cannot be devolved under current legislation and that the Tees Valley authorities consider to be of benefit to the area, be endorsed.

(b) That any detailed proposals for the creation of new functions, powers or funding at the City Region level, including any significant changes to the current governance arrangements and details of any proposed statutory arrangements, be brought back to the Cabinet for detailed consideration

REASON - This decision will enable further opportunities to be explored with Government to enhance the Tees Valley Multi Area Agreement and seek benefits for the Tees Valley Area in securing additional powers and facilities from Government that will improve our Economic Development as a City Region.

(5) Community Safety Plan Refresh – The Cabinet Member with the Neighbourhood Services and Community Safety Portfolio introduced the report of the Chief Executive (previously circulated) requesting that consideration be given to the Council’s refreshed Community Safety Plan 2008/11 (also previously circulated).

Discussion ensued on anti-social behaviour and the role of the Community Wardens and Police in tackling it.

RESOLVED – (a) That the refreshed Community Safety Plan, as appended to the submitted report, be endorsed.

(b) That the amendments to the plan be referred to Council for approval as part of the Council's Policy Framework

REASONS – (a) Community Safety remains a priority for the Borough.

(b) The strategy outlines how the Crime and Disorder Reduction Partnership will continue to make Darlington even safer.

(6) Second Local Transport Plan Expenditure 2009/10 – The Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) requesting that consideration be given to a variation to the previously agreed programme for the Second Local Transport Plan, in order to meet emerging priorities and, for completeness of the transport capital programme, to confirm the agreed programme for the Road Safety Grant and Cycling England funding.

RESOLVED – (a) That the changes to the Second Local Transport Plan capital programme for 2009/10, with expenditure broken down across schemes as detailed in Appendix 1 to the submitted report, be approved.

(b) That the Specific Road Safety Grant programme for expenditure on activities and schemes to further improve road safety, as detailed in Appendix 2, be approved.

(c) That the Cycling Demonstration Town programme, as detailed in Appendix 3 to the

submitted report, be approved.

(d) That the Scheme of Delegation to Officers be amended to include the previously agreed power for the Assistant Chief Executive (Regeneration) under general matters, as follows.

Vary, in consultation with the relevant Cabinet Member the timing of the implementation of transport schemes within the lists of schemes approved by Cabinet.

REASONS – (a) To ensure that the most effective use is made of the settlements for 2009/10 by permitting a timely start to be made on the full programme of works.

(b) To maximise the opportunity for match funding through Cycling England and Interreg IVB Programme (European funding).

C156. ECONOMIC DOWNTURN UPDATE – The Leader introduced the report of the Chief Executive (previously circulated) informing Members of the latest economic downturn intelligence, assessing the impact of the effects being felt here in Darlington and reviewing initiatives underway or proposed in response to the emerging situation.

RESOLVED – (a) That the range of initiatives underway and planned as part of the Council's response to the economic downturn and recession, as detailed in the submitted report, be approved.

(b) That the Council continues to work with strategic partners to identify what more can be done to mitigate the impacts of the economic downturn.

(c) That the report be referred to the Darlington Partnership Board, for consideration at its meeting scheduled to be held on 11th March, 2009.

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

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

C157. LOCAL AREA AGREEMENT REFRESH – The Leader introduced the report of the Chief Executive (previously circulated) presenting details of the revised targets as part of the first annual refresh of the Darlington Local Area Agreement, for approval.

Discussion ensued on the revised targets and how realistic they were due to the current economic downturn.

RESOLVED – (a) That the rationale for proposed target revisions, as outlined in Appendix 1 to the submitted report, be noted.

(b) That the revised Local Area Agreement targets, as attached at Appendix 2 to the submitted report, be approved.

(c) That the Chief Executive, in consultation with the Leader, be authorised to make any target revisions as final negotiations conclude.

REASONS – (a) To meet the refresh process timetable as agreed with Government Office North East.

(b) To comply with the relevant statutory guidance.

C158. DEPARTMENTAL SERVICE PLANS – The Leader introduced the report of the Chief Executive (previously circulated) presenting the Council’s four departmental Service Plans (also previously circulated) in accordance with the corporate and service planning timetable for 2009/13.

Particular reference was made at the meeting on the need for up to date data to be included within the Service Plans and to the role of the Scrutiny Committees in monitoring the performance of those Plans.

RESOLVED – That the four new departmental plans, as appended to the submitted report, be approved.

REASONS – (a) To contribute to the implementation of the Corporate Medium Term Plan.

(b) To complete a key part of the Council’s performance management arrangements, leading to further service improvement.

C159. COMBINED SERVICE AND FINANCIAL PERFORMANCE REPORT QUARTER 3, 2008/09 – The Leader introduced the report of the Chief Executive and all Directors (previously circulated) reporting the Council’s service and financial performance at the end of the third quarter of 2008/09.

RESOLVED – (a) That the areas where targets have not been met including, the children’s services and early years element of the Local Area Agreement, be noted, and action planning be taken to address those key areas of under performance.

(b) That the overall on target performance against the Local Area Agreement and Corporate Plan where data is available for reporting and below target performance of one indicator for the Sustainable Community Strategy, be noted.

(c) That the latest projected financial outturn for 2008-09 compared with the budget approved by Council in February 2008, be noted.

REASON - To maintain appropriate management arrangements for the Council’s finances to make effective use of the Council’s resources and to continue to effectively manage services and improve value for money.

C160. OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN – REVIEW – 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 since the preparation of the report for the meeting of Cabinet held on 6th January, 2009.

RESOLVED - That the report be noted.

REASON – (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, other than detailed in the

submitted report, is required.

C161. REPRESENTATION ON OUTSIDE BODIES – DURHAM VALUATION TRIBUNAL – The Leader introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to the nomination of Members to serve on the Durham Valuation Tribunal from 1st April, 2009.

RESOLVED – That Councillor Nutt, Mr. R. Bennett and Mr. E. Wilson, be nominated to serve on the Durham Valuation Tribunal, from 1st April, 2009, and that those appointments transfer to the Valuation Tribunal for England from 1st October, 2009.

REASON – To ensure that this Council is represented on the Durham Valuation Tribunal.

C162. DELEGATED POWERS – LANDFILL ALLOWANCE TRADING SCHEME – The Cabinet Member with the Sustainable Environment and Climate Change Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to delegated powers being granted to the Assistant Director – Environmental Services, in respect of the Landfill Allowance Trading Scheme.

RESOLVED – That the Scheme of Delegation be amended to include new powers for the Assistant Director – Environmental Services to be included under the powers of the Director of Community Services as follows:

‘The Assistant Director – Environmental Services has delegated powers to Exercise the duties and responsibilities of the Trading Officer under the Waste Emissions and Trading Act 2003 in relation to the Landfill Allowance Trading Scheme.’

REASON - To allow the Council to trade landfill allowance permits.

C163. ELECTRONIC DOCUMENT MANAGEMENT SYSTEM FOR THE DEVELOPMENT SECTION – PROCUREMENT – The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) requesting that consideration be given to designating the procurement of an electronic document management and retrieval system for the Development Control Service as non-strategic procurement under the Contract Procedure Rules.

RESOLVED – That the procurement of an electronic document management system for the Development Control Section, be designated as non-strategic procurement under the Contract Procedure Rules.

REASONS – (a) With a view to procuring an electronic document management system at the earliest opportunity to improve the efficiency and customer experience of the Development Control Service.

(b) To comply with the Contract Procedure Rules.

C164. FORMER TENANT ARREARS AND HOUSING BENEFITS OVERPAYMENTS – WRITE-OFF – The Cabinet Member with the Neighbourhood Services and Community Safety Portfolio introduced the report of the Director of Community Services (previously circulated) updating Members on the current position in respect of former tenant arrears and housing benefit overpayments, and seeking approval to write-off debts of £44,611 and £51,425 respectively.

RESOLVED – That the total amount of £44,611 for former tenant arrears and £51,425 for the housing benefit overpayments, 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 the Audit Commission best practice for good financial management.

C165. DARLINGTON BOROUGH ART COLLECTION – The Cabinet Member with the Health and Leisure Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to the Darlington Borough Arts Collection Acquisition, Loan and Disposal Policy (also previously circulated) which will inform the future management and development of the collection.

RESOLVED – (a) That the report be noted.

(b) That the Acquisition, Loan and Disposal Policy for Darlington Borough Arts Collection, as appended to the submitted report, be adopted.

REASON – The adoption of the Policy will ensure suitable management procedures are in place for the protection and development of the collection. This may also support applications for grant aid in the future.

C166. SECTION 106 FUNDS – RELEASE – The Cabinet Member with the Health and Leisure Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to the release of developer contributions through 106 Agreements to carry out improvements to parks and play areas.

RESOLVED – That Section 106 funding, as detailed in the submitted report, be released.

REASON – To enable the continued improvement of parks and play areas across the Borough.

C167. CAPITAL PROGRAMME MONITORING APRIL TO DECEMBER 2008 – The Cabinet Member with the Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) updating Members on 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 required for Children’s Services and Community Services budgets, as detailed in the submitted report, be approved.

(c) The additional funding of £28,000 from the Department of Children, Schools and Families, relating to Devolved Formula Capital, as detailed in the submitted report, be noted and released.

(d) That the award of £128,000 from the Big Lottery Fund’s Children’s Play Programme, as detailed in the submitted report, be noted and released.

(e) That the commuted sum of £16,000 in relation to Abbey Road, received from Charles Church, as detailed in the submitted report, be noted and released.

(f) That the budget reduction of £50,000 on the Arnold Road Allotment Relocation, as detailed in the submitted report, be noted.

(g) That the underspends on the following schemes, as detailed in the submitted report, be noted and returned to Corporate resources;

- (i) Town Hall lift replacement £2,000;
- (ii) Contact Centre £73,000;
- (iii) Fencing at Ullswater £4,000; and
- (iv) Public Realm Works £10,000.

(h) That the Corporate underspends, identified at (g) above, be used to offset the £3,000 overspend on the additional masonry work required at the Art Centre, as detailed in the submitted report.

(i) That the reduction of £25,000 in the projected cost of the Rockwell House and Branksome Hall works, as detailed in the submitted report, be noted.

(j) That the use of repaid improvement grants to fund the additional spending on Disabled Facilities Grants, instead of 'top slicing' from the 2009/10 allocation, as detailed in the submitted report, be approved.

(k) That the additional grant funding received from The Department for Transport of £1,229,000 for the Darlington Eastern Transport Corridor, as detailed in the submitted report, be noted.

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

(b) To maintain effective management of resources.

C168. REVENUE BUDGET MONITORING APRIL 2008 TO JANUARY 2009 – The Cabinet Member with the Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) informing Members of the latest forecast outturn of the 2008/09 revenue budget.

The Leader reported at the meeting that he had requested Officers to draft a report to the next ordinary meeting of Council scheduled to be held on Thursday, 26th March, 2009, to expand the current Resources Portfolio to the Efficiency and Resources Portfolio; incorporate efficiency into each portfolio; and to include a standard paragraph in reports on the impact on the organisations efficiency of each decision taken.

RESOLVED – (a) That, it be noted that, the latest projected 2008-09 outturn is in line with the 2009-13 Medium Term Financial Plan, approved by Council on 26th February, 2009.

(b) That further reports on the 2008-09 revenue accounts be made to the full Cabinet meetings scheduled to be held in May and July 2009.

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

(b) To keep Members informed of the Council's ongoing financial standing.

C169. MEMBERSHIP CHANGES - RESOLVED – That Councillor Hughes be appointed to the North East Contracting Consortium for Asylum Support (NECCAS).

REASONS – To ensure that this Council is represented on this Outside Body.

C170. 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 paragraphs 1, 2, 3 and 5 of Part I of Schedule 12A to the Act.

C171. CENTRAL PARK – HAUGHTON ROAD FOOT/CYCLE BRIDGE (EXCLUSION PARAGRAPH NOS. 3 AND 5) – The Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) outlining the issues facing the construction of the foot/cycle bridge over the main line railway at Haughton Road, options available to the Council and its partners and seeking agreement to the way forward.

RESOLVED – (a) That the recommended approach and actions, as detailed in paragraphs 92 to 97 of the submitted report, be agreed.

(b) That the Borough Solicitor be authorised to incur necessary legal costs should they be required.

(c) That a further report be submitted to a future meeting of Cabinet for further consideration of the options once the recommended actions have been carried out.

REASONS – (a) To minimise financial risks to the Council and its partners.

(b) To identify a way forward with the contact and appropriate future actions.

C172. CAFÉ FACILITIES AT SOUTH PARK AND HEAD OF STEAM (EXCLUSION PARAGRAPH NOS. 1 AND 2) – The Cabinet Member with the Health and Leisure Portfolio introduced the report of the Director of Community Services (previously circulated) seeking authority to market the opportunity of operating the café facilities at South Park and the Head of Steam, to identify an operator for the properties and to enter into an appropriate lease with the successful bidder.

RESOLVED – (a) That the operating of the cafés directly by the Council be discontinued when a private sector operator is identified and that the procurement of those services, be classed as non-strategic procurement under the Contract Procedure Rules.

(b) That the Director of Community Services be authorised to conclude the lettings of the subject properties in line with the terms, as outlined in the submitted report.

(c) That the Borough Solicitor be authorised to complete the appropriate documentation to conclude the leases accordingly.

REASONS – (a) To allow the staff resources currently engaged in providing services at the South Park café to be used more efficiently elsewhere.

(b) To facilitate an improvement in the range of catering offered from the café.

(c) To re-create an income stream in the form of rent produced by Council premises.

C173. SCHEDULE OF TRANSACTIONS (EXCLUSION PARAGRAPH NO. 3) – The Cabinet Member with the Resources Portfolio introduced the report and schedule of the Director of Corporate Services (previously circulated) requesting that consideration be given to the schedule of transactions (also previously circulated) and seeking approval of the terms negotiated.

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

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

**DECISIONS DATED -
FRIDAY, 6TH MARCH, 2009**