

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE TUESDAY, 16TH JUNE, 2009**

CABINET
2nd June, 2009

PRESENT – Councillor Williams (in the Chair); Councillors Chapman, Copeland, Harker, McEwan, D.A. Lyonette and A.J. Scott. (7)

APOLOGIES – Councillors Dixon, Wallis and Swainston. (3)

ALSO IN ATTENDANCE – Councillors Curry, Haszeldine and Mrs. Scott and Mr. A. MacConachie. (4)

C2. DECLARATION OF INTERESTS - There were no declarations of interest reported at the meeting.

C3. REPRESENTATIONS – A Member in attendance at the meeting made representations in respect of Minute C8(3) below.

C4. MINUTES - Submitted - The Minutes (previously circulated) of the meetings of Cabinet held on 28th April and 21st May, 2009.

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

REASON - They represent an accurate record of the meeting.

C5. TIMINGS OF MEETINGS – RESOLVED – That meetings of this Cabinet be held at 5.00 p.m. for the remainder of the Municipal Year 2009/10.

REASON – To reflect the views of Cabinet.

C6. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration.

C7. ISSUES ARISING FROM SCRUTINY – There were no issues arising from scrutiny.

C8. KEY DECISIONS – (1) Civil Parking Enforcement - The Cabinet Member with the Transport Portfolio introduced the report of the Director of Community Services, Director of Corporate Services and Assistant Chief Executive (Regeneration) (previously circulated) providing Members with an update on the preparatory work in respect of the introduction of Civil Parking Enforcement and seeking authority to submit a formal application to the Secretary of State for the powers to enforce parking under the Traffic Management Act. A copy of the consultation report on Civil Parking Enforcement was appended to the submitted report.

Members raised a number of issues at the meeting including the re-lining process and parking across dropped kerbs, and the Director of Community Services responded thereon.

Discussion ensued on the reasons for drivers parking illegally; the availability of spaces in alternative car parks in the Town Centre; signage showing availability of car parking spaces; and to the poor usage of Chesnut Street car park.

RESOLVED – (a) That a formal application be submitted to the Secretary of State, substantially in the terms as set out in Appendix 1 to the submitted report, to introduce Civil Parking Enforcement and Bus Lane Enforcement throughout the administrative area of the Council.

(b) That the Assistant Chief Executive (Regeneration) be authorised to agree the final version of the Parking Strategy, in consultation with the Cabinet Member with the Transport Portfolio.

(c) That the Director of Corporate Services be authorised to:-

- (i) agree the final versions of the Application and Business Case, Civil Parking Enforcement Procedures, The Exemptions, Waivers and Dispensations Policy and Parking Representation Policy in consultation with the Cabinet Member with the Transport Portfolio; and
- (ii) complete all relevant order notices and revocations where such powers were not delegated to officers under the Council’s Scheme of Delegation.

REASONS – (a) At present the responsibility for parking enforcement is divided between the Council and the Police. It is recognised that split responsibility is not an efficient or effective way to enforce parking regulations. Civil Parking Enforcement will unify the vast majority of enforcement and enable the Council to demonstrate it is fulfilling its network management duty under the Traffic Management Act (TMA) and provide additional benefits.

(b) Deliver effective traffic management and enforce local transport policies to assist in the Council’s strategy to manage congestion.

(c) Improve Road Safety by enforcing parking regulations that are in place to deter dangerous or obstructive parking.

(d) Improve the Local Environment by enforcing anti-social parking behaviour that is detrimental to the environment that the community enjoy.

(e) Improve the quality and accessibility of public transport by ensuring movement along bus routes and unobstructed access to bus stop locations.

(f) Meet the needs of disabled people, some of whom will be unable to use public transport and depend entirely on the use of a car, by enforcing blue badge spaces, dropped kerbs and other restrictions to ensure access is available.

(g) Manage and reconcile the competing demands for road space of road users by ensuring the infrastructure and facilities in place are managed to ensure access and ease of use.

(2) Darlington Local Development Framework – Tees Valley Joint Minerals and Waste Development Plan – Draft Submission Documents - The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) seeking authority to publish and subsequently submit to Government, the development plan documents (also previously circulated) which will guide future minerals and waste development in Darlington.

RESOLVED – (a) That the Tees Valley Joint Minerals and Waste Core Strategy and Policies and Sites Development Plan Documents, as appended to the submitted report, be approved, in so far as they relate to the Borough of Darlington and they be referred to Council for approval.

(b) That, subject to no substantive changes to the documents being necessary following publication, approval be given for subsequent submission to the Secretary of State for Communities and Local Government.

(c) That the Assistant Chief Executive (Regeneration), in consultation with Cabinet Member with the Economy Portfolio, be authorised to make any necessary minor amendments to the documents prior to publication and submission.

REASON - To enable the adoption in due course of minerals and waste policies in this Council's Local Development Framework.

(3) Eastbourne School - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) seeking authority to demolish Eastbourne School when vacated by the Academy; requesting that consideration be given to the release of funding from the capital medium term financial plan to meet the costs of demolition and associated works; and seeking authority to dispose of the whole or parts of the school site for development in due course.

A number of issues were raised at the meeting in respect of the demolition, including security of the site; recycling of equipment; access and egress to the site; disruption to residents; and the tender process to appoint a contractor for the demolition. A number of alternative suggestions were discussed at the meeting for the site including the possibility of retaining some of the sports facilities, including the pool, for community use and the possibility of the buildings being sold to builders for redevelopment. The Cabinet Member with Efficiency and Resources Portfolio, the Director of Community Services and the Director of Corporate Services responded thereon.

RESOLVED – (a) That the former Eastbourne School be declared surplus to the Council's requirements and, following vacation by the Academy, demolition be approved.

(b) That £400,000, approved in the 2009/10 Capital Medium Term Financial Plan, for this purpose, be released.

(c) That the Director of Corporate Services be authorised to dispose of the cleared site in line with the Planning and Development Brief when favourable market conditions prevail and, in consultation with the Cabinet Member with the Efficiency and Resources Portfolio, agree terms and complete disposals in due course.

(d) That the Borough Solicitor be authorised to conclude transactions accordingly.

REASONS – (a) Early demolition will minimise the Council's holding and security costs and reduce the Council's exposure to risk through potential damage from vandals and fire.

(b) The alternative uses for the buildings are cost prohibitive and in the current economic climate there is little prospect of finding a purchaser for the existing buildings at an attractive price.

(c) Disposal of the cleared site when favourable market conditions prevail will generate a capital receipt for the Council.

C9. OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN - REVIEW - Pursuant to Minute C160/Mar/09, 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 meeting of Cabinet held on 3rd March, 2009.

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, other than detailed in the submitted report, is required.

C10. REPRESENTATION ON OTHER BODIES 2009/10 - The Leader introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to this Council's Representation on Other Bodies for the 2009/10 Municipal Year, the appointments of which were the responsibility of Cabinet.

RESOLVED – That the following be appointed (or nominated) to represent this Council on the other bodies specified for the 2009/10 Municipal Year:-

Name of Organisation	Nomination(s)
Arts Council England North East	Cabinet Member with Health and Leisure Portfolio (Councillor Harker) and Chair of Economy and Environment Scrutiny Committee (Councillor Long)
Charitable Organisations for the Blind (COB)	Councillor Swift
County Durham and Darlington Foundation Trust – Board of Governors	Councillor Copeland
County Durham Waste Management Partnership Steering Group	Cabinet Member with Sustainable Environment and Climate Change Portfolio (Councillor Wallis)
Darlington and District Youth and Community Association (2002)	Councillors Baldwin and Nicholson
Darlington Borough Council Fostering Panel	Councillor Nutt

Darlington College Corporation Board	No Vacancies
Darlington Partnership Board	Leader of the Council (Councillor Williams), Cabinet Member with Communities and Engagement Portfolio (Councillor A. J. Scott) and Councillor Mrs. Scott (Leader of the Opposition)
Darlington Railway Museum Trust	Cabinet Member with Health and Leisure Portfolio (Councillor Harker)
Disability Sport England – Northern Region	Councillors Nutt and York
Durham County Pension Fund Committee	Cabinet Member with Efficiency and Resources Portfolio (Councillor McEwan) and Chair of Resources Scrutiny Committee (Councillor Haszeldine)
Durham Tees Valley International Airport Limited	Councillor Williams (Director) with Councillor D. A. Lyonette as substitute Council Director
Durham Tees Valley International Airport Consultative Committee	Cabinet Member with Transport Portfolio (Councillor D. A. Lyonette)
Durham Valuation Tribunal	No Vacancies
Family Help Organisation	Councillors Mrs. D. Jones, J. Lyonette and Newall
Financial Incentives Appraisal Panel	Cabinet Member with Transport Portfolio (Councillor D. A. Lyonette), Chair of Economy and Environment Scrutiny Committee (Councillor Long) and Councillor Ruck
Firthmoor Community Centre Management Committee	Councillors Dixon and Vasey (Ward Members)
Groundwork North East Board	Cabinet Member with Health and Leisure Portfolio (Councillor Harker)
Local Access Forum	Councillor L. Haszeldine
Museum Libraries Archives North East - Company	Cabinet Member with Health and Leisure Portfolio (Councillor Harker)
National Society for Clean Air (Northern Division)	Councillors Ruck and Walker
North East Strategic Migration Partnership	Cabinet Member with Communities and Engagement Portfolio (Councillor A. J. Scott) (Councillor Hughes as named substitute)
North East Contracting Consortium for Asylum Support (NECCAS)	Councillor Hughes (Councillor Swift as named substitute)
North East Highways Training Centre – Management Committee	Cabinet Member with Transport Portfolio (Councillor D.A. Lyonette)
North East Purchasing Organisation	Cabinet Member with Efficiency and Resources Portfolio

(NEPO)	(Councillor McEwan), Chair of Resources Scrutiny Committee (Councillor Haszeldine) and Councillor Richmond
North East Regional Employers Organisation	Cabinet Member with Efficiency and Resources Portfolio (Councillor McEwan), Chair of Resources Scrutiny Committee (Councillor Haszeldine) and Vice-Chair of Resources Scrutiny Committee (Councillor Walker)
North East Sports Council	Councillor Nutt (Councillor Baldwin Observer status)
Northern Housing Consortium	Cabinet Member with Neighbourhood Services and Community Safety Portfolio (Councillor Dixon)
Northern Council of Education Authorities	Cabinet Member with Children and Young People Portfolio (Councillor Chapman), Chair of Children and Young People Scrutiny Committee (Councillor Hughes) and Councillor Armstrong
Northumbrian Regional Flood Defence Committee	Councillor Wallis (observer status until 1st June, 2011)
RELATE North East	Councillors M. Cartwright and Regan
Shopmobility Steering Group	Cabinet Member with Transport Portfolio (Councillor D.A. Lyonette) and Cabinet Member with Communities and Engagement Portfolio (Councillor A.J. Scott)
Skerne Park Youth and Community Centre - Management Committee	Councillors Hughes and J. Lyonette (Ward Members)
Strategic Transport for Health Management Group	Cabinet Member with Transport Portfolio (Councillor D. A. Lyonette) and Cabinet Member with Adult Services Portfolio (Councillor Copeland)
Tees Valley Environmental Protection Group	Cabinet Member with Sustainable Environment and Climate Change Portfolio (Councillor Wallis), Vice-Chair of Economy and Environment Scrutiny Committee (Councillor Lawton) and Councillor Maddison
Tees Valley Local Government Association	Leader of the Council (Councillor Williams) and Deputy Leader (Councillor Dixon)
Tees Valley Rivers and Fisheries Association	Member of Environment Scrutiny Committee (Councillor Jenkinson)
Tees Valley Unlimited	
Leadership Board	Leader of the Council (Councillor Williams)
Planning and Economic Strategy	Cabinet Member with Economy Portfolio (Councillor Williams)
Transport for Tees Valley	Cabinet Member with Transport Portfolio (Councillor D.A. Lyonette)

Housing Board

Cabinet Member with Neighbourhood Services and
Community Safety Portfolio (Councillor Dixon)

Tidy North Regional Consultative
Committee

Cabinet Member with Sustainable Environment and Climate
Change Portfolio (Councillor Wallis)

REASON – To comply with the nominations received from the political groups.

C11. PROPOSED WRITE-OFF OF IRRECOVERABLE NON-DOMESTIC RATES AND COUNCIL TAX - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) seeking approval to the write-off of arrears of non-domestic rates and council tax which were considered to be irrecoverable.

RESOLVED – That non-domestic rates arrears of £184,878.10 and council tax arrears of £133,313.59 be written off, subject to the implementation of further action if and when future contacts are made.

REASONS – (a) It is considered all practical steps have been take to recover the debts.

(b) To enable the Council’s accounts to be maintained in accordance with Financial Procedure Rules.

C12. PROPOSED WRITE-OFF OF IRRECOVERABLE SUNDRY DEBTS - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) seeking approval to the write-off of sundry debtor arrears in respect of invoices with individual values greater than £500 that were considered to be irrecoverable.

RESOLVED – That sundry debtor invoices over £500 in value amounting to £14,361.51 for 2008/09 be written off, subject to further action being taken if and when contact is made.

REASONS – (a) It is considered all practical steps have been made to recover the debts.

(b) To enable the Council’s accounts to be maintained in accordance with the Financial Procedure Rules.

C13. CAPITAL PROGRAMME – RELEASE OF FUNDING - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to the release of funding approved in the 2009/10 capital medium term financial plan to enable capitalised repairs to be progressed.

RESOLVED – That £220,000 of funding allocated within the Council’s 2009/10 capital medium term financial plan for capitalised repairs be released, to undertake the schemes as detailed in the submitted report.

REASON – To enable essential works to the Council’s buildings and assets to be progressed.

C14. MEMBERSHIP CHANGES - RESOLVED – There were no further membership changes reported at the meeting.

C15. 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 and 3 of Part I of Schedule 12A to the Act.

C16. KEY DECISIONS (1) – Joint Strategic Tender for a Framework Agreement for All Personal and Housing Related Support for Adults with a Learning Disability (Exclusion Paragraph No. 3) - 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 a number of successful tenderers to be invited onto the Framework Agreement for Personal and Housing Related Support for Adults with a Learning Disability.

RESOLVED – (a) That the revised award criteria, as detailed in paragraph 18, be approved.

(b) That tenderers D, E, F G, I, J, K, M, N and Q, as detailed in the appendix to the submitted report, be entered onto the Framework Agreement for all Personal and Housing Related Support for Adults with a Learning Disability.

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.

(e) A Framework Agreement enables the Department to maximise the number of providers available while offering no obligation to purchase a service from any of the providers on the Framework. Thus offering more choice to service users in line with Our Health, Our Care, Our Say.

(2) Joint Strategic Tender for a Framework Agreement for a Domiciliary Care and Domiciliary Continuing Healthcare Service for Adults and Older People (Exclusion Paragraph No. 3) - 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 inviting successful tenderers onto the Framework Agreement for a Domiciliary Care and Domiciliary Continuing Healthcare Service for Adults and Older People.

RESOLVED – (a) That the revised award criteria, as detailed in the submitted report, be approved.

(b) That Tenderers A, B, and D to M, and O, as detailed in the Appendix to the submitted report, be entered onto the Framework Agreement for a Domiciliary Care and Domiciliary Continuing Healthcare Service for Adults and Older People.

(c) That, subject to a satisfactory conclusion of enquiries into the issue surrounding Tenderer N, the Director of Community Services, in consultation with the Cabinet Member with the Adult Services Portfolio, be authorised to make the decision as to whether Tenderer N will be entered onto the Framework Agreement for Domiciliary Care and Domiciliary Continuing Healthcare Service for Adults and Older People.

REASONS – (a) This procurement will enable services to be commissioned on a partnership basis.

(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) A Framework Agreement enables the Department to maximise the number of providers available while offering no obligation to purchase a service from any of the providers on the Framework. Thus offering more choice to service users in line with Our Health, Our Care, Our Say.

(e) Provides a sound platform for future service design and care reform in terms of the Integration and Personalisation Agenda.

C17. PINE TREE GROVE, MIDDLETON ST GEORGE - ACCESS TO LAND (EXCLUSION PARAGRAPH NOS. 1 and 2) - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to the granting of a Right of Access across Council-owned land to a small development site at Pine Tree Grove, as shown on the plan appended to the submitted report.

RESOLVED – (a) That a right of access be granted on the terms outlined in the submitted report.

(b) That the Borough Solicitor be authorised to complete the appropriate documentation.

REASONS – (a) To achieve a capital receipt for the Council.

(b) To facilitate legal access to a development site.

**DECISIONS DATED -
MONDAY, 8TH JUNE, 2009**