

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY, MONDAY, 21ST SEPTEMBER, 2009**

CABINET
8th September, 2009

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

APOLOGIES – Councillor Swainston.

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

C37. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

C38. REPRESENTATIONS – In respect of Minutes C41, C46 and C50 below, representations were made by Members in attendance at the meeting.

C39. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 7th July, 2009.

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

REASON – They represent an accurate record of the meeting.

C40. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration.

C41. ISSUES ARISING FROM SCRUTINY – HEALTH AND WELL BEING SCRUTINY COMMITTEE – OLDER PEOPLE’S STRATEGY REVIEW GROUP - The Cabinet Member with the Adult Services Portfolio introduced the report of the Director of Community Services (previously circulated) reporting the findings and recommendations of the Health and Well Being Scrutiny Committee’s review of the Older People’s Strategy. A copy of the final report was appended to the submitted report.

The Chair of the Health and Well Being Scrutiny Committee presented the final report of the Scrutiny Committee and outlined the work that the Scrutiny Committee had undertaken in reaching those recommendations.

The Cabinet Member with the Adult Services Portfolio welcomed the report, thanked the Scrutiny Committee for their work in reviewing the Action Plan and stated that the recommendations would contribute to the provision of improved services for older people.

RESOLVED – That the final recommendations of the Health and Well Being Scrutiny Committee, as detailed in the submitted report, be accepted and endorsed.

REASONS – (a) Successful implementation will support greater local community health and well being.

(b) The focus on seamless support is a key strand of the Government transformation agenda.

(c) Successful implementation will contribute to the wider prevention agenda.

(d) The recommendations within the submitted report have been co-produced with the citizens of Darlington.

C42. KEY DECISIONS – (1) Co-location Funding and the Release of Capital – 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 release of the Co-location Grant.

RESOLVED – (a) That the report be noted.

(b) That £2,725,000 Co-location Grant, be released.

REASON – The grant is designated for one purpose only and is consistent with the Children’s Plan and departmental objectives.

(2) Tees Valley Metro – The Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) seeking approval for Officers to carry out the next stage in preparing the case for Phase 1 of the Tees Valley Metro Project and reporting on work completed to date.

RESOLVED - (a) That the Assistant Chief Executive (Regeneration) be authorised to work with the Joint Strategy Unit, Network Rail and other stakeholders to progress the Tees Valley Metro Project through the Guide to Railway Investment Projects (GRIP) Stage 4 process, including obtaining any necessary planning permissions.

(b) That the Assistant Chief Executive (Regeneration) be authorised to work with Northern Rail and other stakeholders to evaluate the operational benefits and costs of Phase 1 of the Tees Valley Metro Project and to seek the inclusion of the Project within franchise agreements for train services.

(c) That the Assistant Chief Executive (Regeneration) be authorised to work with Network Rail and other stakeholders to make the case for the assessment in the Guide to Railway Investment Projects (GRIP) process for the provision of a new main line platform and associated improvements at Darlington Station.

(d) That the previous authorisation for the Assistant Chief Executive (Regeneration) and the Director of Corporate Services to continue negotiations with the other four Tees Valley Boroughs and other sources to endeavour to provide a combined local funding contribution of ten per cent of the capital cost towards the Tees Valley Metro project, be re-affirmed.

(e) That a further report be submitted to a future meeting of Cabinet for the approval of the precise commitment required from Borough Council funds and approval of any funding applications.

REASONS - (a) To carry out the next stage of the Guide to Railway Investment Projects (GRIP) process to further refine the capital cost estimates.

(b) To carry out the next stage of the evaluation process to clarify the detail of the operational costs and benefits.

(c) To investigate the potential for combining the Metro Project improvements at Darlington Station with those of benefit to main line services.

(d) To meet the Department for Transport requirement for a minimum of a ten per cent local contribution across the Project as a whole.

(e) To approve any business case in detail before submission.

(3) Assistive Technology – Charging Policy – 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 Telecare Charging Policy (also previously circulated).

The issue of charging per sensor was discussed at the meeting, and the Cabinet Member with the Adult Services Portfolio responded thereon.

RESOLVED - (a) That the Telecare Charging Policy of £1.50 per sensor per week, as detailed in Appendix A to the submitted report, be implemented with effect from 1st November 2009, for existing clients and with immediate effect for new clients.

(b) That the charge be included within Adult Social Services Charging for Home Care and Other Non-Residential Social Services Policy, as a new chargeable service.

(c) That the Housing Division Lifeline Services administer the proposed Telecare Charging Structure.

REASONS - (a) To enable the cost of providing and monitoring of assistive technology to be recovered

(b) To bring the proposed Charging Policy in line with the current Charging Policy for recovering service costs where reasonably possible.

(c) To allow sufficient time to advise service users of the introduction of the charge.

(4) Teesside University – Release of Funding – The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) requesting that consideration be given to the release of £500,000 of funding, to support the proposed Teesside University Development at Central Park and seeking in principle agreement, to the draft Heads of Terms for the Funding Agreement (also previously circulated).

RESOLVED – (a) That funding to the value of £500,000 be released towards the University development.

(b) That the principles of the draft Heads of Terms, as appended to the submitted report, be approved and the Assistant Chief Executive (Regeneration), in consultation with the Cabinet Member with the Economy Portfolio, be authorised to conclude negotiations.

(c) That subject to negotiations being satisfactorily concluded, the Borough Solicitor be authorised to complete the Funding Agreement.

REASON - The securing of the University development in Darlington, is an important step in achieving wider educational skills, prosperity and market positioning for Darlington, in line with the two priorities, and Prosperous and Aspiring themes, in One Darlington : Perfectly Placed.

(5) (URGENT ITEM) Local Authority New Build Programme 2009/11 - 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 submission of a Homes and Communities Agency application for funding to facilitate a Local Authority New Build programme, to increase the supply of affordable housing.

RESOLVED - (a) That the funding bid with the Home and Communities Agency in July 2009 be supported and the delivery of affordable homes for rent on each of the four local authority proposed sites, as detailed in the submitted report, subject to the successful outcome of the Home and Communities Agency funding bid in September 2009 and relevant planning permissions, be approved.

(b) That the required level of capital borrowing to support the delivery of net affordable housing, as detailed in the submitted report, be approved.

REASONS - (a) The Tees Valley Strategic Market Housing Assessment 2007 has identified that Darlington has an affordable housing need of 626 affordable dwellings per annum to continue to meet local housing need.

(b) The number of net affordable housing dwellings is a key National Performance Indicator (NI154).

(c) The funding bid offers a unique opportunity to secure approximately £3,000,000 of capital investment for Darlington from the Home and Communities Agency.

(d) The delivery of net affordable homes delivered to CSH Level 4 will contribute to the Tees Valley Climate Change Strategy through reduced carbon emissions and reduced carbon 'footprint'. This will also provide a sustainable model of accommodation tackling fuel poverty.

(e) The scheme provides an opportunity to relieve some of the existing housing market pressure on our local authority waiting lists and reduce homelessness.

(6) 'Kickstart' - The Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) outlining the 'Kickstart' funding bid for public transport services and seeking agreement to implement the Council's scheme for services 1, 1B should the funding bid be successful.

RESOLVED – That subject to the funding bid being successful, the Assistant Chief Executive (Regeneration), in consultation with the Cabinet Member with the Transport Portfolio, be authorised to:

- (a) secure a contract with Arriva for the enhanced service provision; and
- (b) release the funding, to be provided by Marchday Group PLC (Lingfield Point) to implement two bus stops with shelters and real time displays within Lingfield Point.

REASONS - (a) The introduction of a cross town route, from the east of the town to the west, will provide improved accessibility by bus to education (Darlington College), and employment opportunities (Lingfield Point Business Park and town centre). In addition it provides improved accessibility in the opposite direction for residents of Red Hall and Lingfield to education (Darlington College and The Sixth Form College), health (Memorial Hospital in Darlington and Bishop Auckland General Hospital) and employment (Faverdale and destinations in County Durham) therefore encouraging social inclusion.

(b) The service supports the outcomes of Darlington's Sustainable Community Strategy in particular in improving access to services, supporting economic growth and reducing carbon emissions.

(c) It will contribute to 'locking in' the benefits of the Darlington Eastern Transport Corridor, which was built to tackle traffic congestion and to enable Darlington to achieve its plans for economic regeneration in the area in keeping with the Government's wider transport objectives.

(d) To help the sustainable regeneration of Lingfield Point by introducing a local bus service, that would bring people from across the urban area of Darlington as well as from further afield in County Durham.

(e) It will prove to be an attractive alternative to the car and to achieve growth in bus passengers numbers in order for the service to be commercially viable at the end of the 'Kickstart' funding period.

C43. OMBUDSMAN – ANNUAL LETTER – The Leader introduced the report of the Director of Corporate Services (previously circulated) presenting the Annual Letter of the Ombudsman in relation to complaints against this Authority.

RESOLVED - (a) That the Annual Letter from the Local Government Ombudsman for 2008/9, as appended to the submitted report, be welcomed.

(b) That the improvement in response times and reduction in complaints, be noted, and Directors be asked to continue the strong performance in this area.

(c) That further reports be submitted to meetings of this Cabinet on Ombudsman complaints to consider any action required during the year ahead.

REASONS - To ensure that where weaknesses are identified improvements can be made to the handling and management of complaints referred to the Local Government Ombudsman.

C44. ANNUAL REVIEW OF SIGNIFICANT PARTNERSHIPS 2008/09 – The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Assistant Chief Executive (previously circulated) presenting the outcome of the third annual review of Significant Partnerships led by the Chief Executive of the Darlington Partnership and based upon partnership toolkit questionnaires completed by the Council’s partnership lead officers.

Discussion ensued on the role of Scrutiny Committees in scrutinising the partnerships.

RESOLVED – That the review of Significant Partnerships, as detailed in the submitted report, be endorsed.

REASONS – (a) To enhance Corporate Governance arrangements in Significant Partnerships.

(b) To enhance the relevance and performance of partnerships in Darlington in anticipation of Comprehensive Area Assessments.

C45. (URGENT ITEM) DODMIRE SCHOOL SAFER ROUTES TO SCHOOL SCHEME – CONSIDERATION OF OBJECTIONS – The Cabinet Member with the Transport Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to an objection that has been received to the publication of a notice, under the terms of Section 90a of the Highways Act 1980, to construct speed cushions in a number of roads in the area to the west of Dodmire School.

RESOLVED – (a) That the objection, received to the construction of speed cushions in a number of roads in the area to the west of Dodmire School, be set aside.

(b) That the proposals be implemented as advertised.

REASONS – (a) The resident’s objection is not considered to be substantive for the reasons expressed in the submitted report.

(b) The scheme consultation process indicates that a majority of local residents support the proposed scheme.

C46. SUPPORTING PEOPLE REVIEW OF SERVICES FOR PEOPLE WHO ARE HOMELESS OR AT RISK OF HOMELESSNESS AND YOUNG PARENTS – 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 procurement of Supporting People services for people who are homeless or at risk of homelessness and young parents.

A Member in attendance at the meeting raised a number of issues at the meeting, relating to the procurement process, involvement of local charities in providing services and on the number of emergency units proposed. The Cabinet Member with the Neighbourhood Services and Community Safety Portfolio, responded thereon.

RESOLVED – (a) That the service specifications for the procurement of Supporting People Services for people who are homeless or at risk of homelessness and young parents, as detailed in paragraphs 14 to 19 of the submitted report, be agreed.

- (b) That the procurement of the contracts, as detailed in the submitted report, be classed as strategic.
- (c) That the outcome of the tendering exercise be reported to Cabinet for the award of contracts.
- (d) That the outcome of the strategic review and consultation be forwarded to Health and Well Being Scrutiny Committee for their information.

REASONS – (a) They reflect the outcomes of the strategic review of these services, and the views of a wide range of stakeholders, service providers and service users.

- (b) The proposed changes in services will better meet the needs of these client groups.
- (c) The improved homeless services could have a significant potential impact on current providers

C47. MEMBERSHIP CHANGES – There were no Membership changes reported at the meeting.

C48. 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 3 of Part I of Schedule 12A of the Act.

C49. KEY DECISIONS – (1) (URGENT ITEM) Supported Bus Services Update (Exclusion Paragraph No. 3) – The Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) updating Members on the execution of their decisions to procure eight supported bus service contracts and seeking approval to award alternative tenders for four contracts.

RESOLVED – That the award of the contracts, based on alternative tenders received, as detailed in Appendix 2 to the submitted report, be approved.

REASON – The alternative tenders are of more benefit to both local people and the Council.

(2) Former Beaumont Hill School Sites (Exclusion Paragraph No. 3) – The Cabinet Member with the Neighbourhood Services and Community Safety Portfolio introduced the report of the Assistant Chief Executive (Regeneration), Director of Community Services and the Director of Corporate Services (previously circulated) requesting that consideration be given to proposals submitted by a company in relation to the three former Beaumont Hill School sites, subject to them securing funding from the Homes and Communities Agency and subject to obtaining planning permission.

A number of issues were raised at the meeting in relation to the proposals, and the Cabinet Member with the Neighbourhood Services and Community Safety Portfolio responded thereon.

RESOLVED – (a) That subject to Homes and Communities Agency funding and planning permission being obtained, the disposal of the former Beaumont Hill School sites to the developer as detailed in the submitted report, be approved.

(b) That the Director of Corporate Services, in consultation with the Cabinet Member with the Efficiency and Resources Portfolio, be authorised to complete negotiations and agree terms in line with those as set out in the submitted report.

(c) That the Borough Solicitor be authorised to complete the legal documentation accordingly.

(d) That the payment of the fees, as outlined in the submitted report, be approved.

REASONS – (a) The proposal should lead to the delivery of affordable housing and development of the whole of the sites earlier than could otherwise be achieved in the current housing market.

(b) The development if completed by 2011 should provide a boost to the local construction industry and associated jobs that have suffered as a consequence of this recession and will help to address employments targets.

(c) The development of affordable housing units will contribute to existing identified housing need and towards national performance indicators NI154/155.

C50. LAND AT BLACKWELL MEADOWS (EXCLUSION PARAGRAPH NO. 3) – The Cabinet Member with the Health and Leisure Portfolio introduced the report of the Corporate Management Team (previously circulated) requesting that consideration be given to a request received from the landowners for this Council to relax restrictions on land at Blackwell Meadows (as shown on the plan appended to the submitted report).

Discussion ensued on a number of issues relating to the request.

RESOLVED – That the restrictions, on land at Blackwell Meadows, be relaxed, up to a limit of £100,000, subject to land owners being able to secure a loan.

REASONS – (a) To enable the public of Darlington to continue to access leisure facilities offered by the land owners.

(b) To assist in facilitating the relocation of playing pitches.

C51. 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 Corporate Services (both previously circulated) requesting that consideration be given to the Schedule of Transactions and seeking approval of the terms negotiated.

RESOLVED – That the Schedule, as appended to the submitted report, be approved and the transactions be 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, 11TH SEPTEMBER, 2009**