

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

**CABINET**  
3rd November, 2009

**PRESENT** - Councillor Williams (in the Chair); Councillors Copeland, Dixon, Harker, McEwan, D.A. Lyonette, A.J. Scott and Wallis. (8)

**APOLOGIES** – Councillors Chapman and Swainston. (2)

**INVITEES** – Councillors Barker and Mrs. Scott. (2)

**ALSO IN ATTENDANCE** – Councillors Dunstone, Coultas and Richmond. (3)

**C70. DECLARATION OF INTERESTS** - There were no declarations of interest reported at the meeting.

**C71. REPRESENTATIONS** – There were no representations made at the meeting from members of the public.

**C72. MINUTES** - Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 6th October, 2009.

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

**REASON** - They represent an accurate record of the meeting.

**C73. MATTERS REFERRED TO CABINET** - There were no matters referred back for reconsideration.

**C74. ISSUES ARISING FROM SCRUTINY** – There were no issues arising from Scrutiny.

**C75. TRANSITION FROM PRIMARY TO SECONDARY SCHOOL** – The Lead Officer, Quality Assurance and Standards, within the Children’s Services Department, gave a presentation to Members on the Key Stage 2/3 Transition Project, the aim of which was to assist pupils with the transition from primary to secondary schools.

Year 7 pupils from five of the Borough’s Secondary Schools attended Cabinet, to present to Members their suggestions on how to make Darlington a better place, based around the ‘Love where you live’ theme of the project, and Members responded thereon.

**RESOLVED** – (a) That the thanks of Cabinet be extended to the pupils for their suggestions on how to make Darlington a better place.

(b) That Year 7 pupils be invited to attend future meetings of Cabinet, on an annual basis, on the work being undertaken as part of the Transition Project.

**REASON** - (a) To convey the wishes of Cabinet.

(b) To enable future Year 7 pupils to attend future meetings of Cabinet.

**C76. KEY DECISIONS – (1) Transport Asset Management Plan – Release of Capital Funds** – The Cabinet Member with the Transport Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to the release of capital funds, for the enhancement of existing specialist systems, associated with the development of the Transport Asset Management Plan.

**RESOLVED** – That £37,500 capital funding, be released, for the purchase of equipment and services, as detailed in the submitted report.

**REASON** – To aid the development of the Transport Asset Management Plan and to improve value for money and effectiveness in managing the highway network.

**(2) (URGENT ITEM) Tees Valley Bus Network Improvement** – The Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) seeking approval to the submission of an updated business case to the Department for Transport, as part of the process leading to the release of their funding, and requesting that consideration be given to the release of capital resources for design and project management.

Particular reference was made to the current access issues by public transport to North Road Station.

**RESOLVED** - (a) That the list of infrastructure schemes, as shown in Appendix 1 to the submitted report, be approved and the availability of the local funding required, be confirmed.

(b) That Officers be authorised to proceed to obtain the necessary highway or traffic regulation orders required to implement the infrastructure schemes, as detailed in Appendix 1 to the submitted report.

(c) That the Assistant Chief Executive (Regeneration) be authorised to agree the content of the business case requesting the release of funding from the Department for Transport in consultation with the Cabinet Member with the Transport Portfolio.

(d) That capital resources of £90,000 be released, for design and project management.

(e) That the appropriate provision for revenue cost implications be made in the review of the Medium Term Financial Plan for 2010/14.

**REASONS** - (a) To meet the requirements for funding set by the Department for Transport.

(b) To deliver the infrastructure schemes set out in Appendix 1 to the submitted report.

(c) To meet the desired timescale for submission of the final business case.

(d) To help deliver the project management and design processes required to implement the project without delaying the existing transport investment programme.

**(3) Darlington Local Development Framework – Statement of Community Involvement –** The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) identifying the key changes to the Council’s Statement of Community Involvement (SCI) and seeking agreement for the draft SCI, as appended to the submitted report, to go out to public and stakeholder consultation in Autumn 2009.

Discussion ensued on the proposed changes to the planning applications process.

**RESOLVED** – That the draft revised Statement of Community Involvement, as appended to the submitted report, be agreed and published as the basis for public and other consultations.

**REASON** – In order to fulfil the statutory requirement to have an up-to-date Statement of Community Involvement in place.

**(4) Accommodation Review** – 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 current phase of the Council’s proposed Accommodation Review Strategy; the release of funding for the physical works and moves proposed as part of that review; and the development of an Office Accommodation Strategy.

**RESOLVED** - (a) That the £800,000 funding required to deliver the physical works, moves and associated costs relating to the Accommodation Review, be approved and released from the 2009/10 Capital Medium Term Financial Plan.

(b) That the Director of Corporate Services, in consultation with the Cabinet Member with the Efficiency and Resources Portfolio, be authorised to progress the project, and to vary the scope of the works and the resulting costs where deemed appropriate to achieve the desired outcomes.

**REASONS** – (a) To progress the Council’s Accommodation Review Strategy.

(b) To achieve the early relocation of staff and to reduce the number of properties rented by the Council.

**(5) Annual Procurement Plan – Update** – The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) presenting the updated annual Procurement Plan for consideration.

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

- (i) the procurement strategies for those contracts designated as strategic be brought to Cabinet for approval in advance of the tenders being issued and that the contract award decision be made by Cabinet; and
- (ii) the contract award decisions for the remainder of the contracts, as detailed in Appendix 1 to the submitted report, be delegated to the relevant officers as set out in the Contract Procedure Rules, as contained within this Council’s Constitution.

**REASONS** – The Contract Procedure Rules require Cabinet to approve the designation of contracts as strategic and non-strategic and:

- (i) the contracts designated strategic are of high value and high significance in respect of the impact on residents, Health and Safety and public safety; and
- (ii) the contracts designated non-strategic are of a lower value and lower significance in respect of the impact on residents and public safety.

**C77. DOMICILIARY SERVICES FOR ADULTS** – The Cabinet Member with the Adult Services Portfolio introduced the report of the Director of Community Services (previously circulated) informing Members of the renewal of the Domiciliary Care Contract with Carewatch, for a period of three months under Director’s delegated powers, to allow the current review process to be completed and to ensure that there was no immediate risk to any of the service users currently receiving a service.

**RESOLVED** - That the actions taken by the Director of Community Services, under Contract Procedure Rule 16, be approved, and a three month agreement for Domiciliary Care be entered into with Carewatch at an hourly rate of £11.02.

**REASONS** – (a) The renewal period will allow the remainder of the reviews to be undertaken and will allow the Direct Payments Support Service to undertake their own reviews.

(b) The renewal period will ensure that there is no immediate risk to any of the Service Users currently receiving a service from Carewatch and that there is a smooth transfer to either Direct Payments or to an alternative Provider.

**C78. REVIEW OF THE MEDIUM TERM FINANCIAL PLAN AND PROPOSED BUSINESS MODEL FOR THE FUTURE** – The Chief Executive submitted a report (previously circulated) presenting Members with an update on the medium term funding position and requesting that consideration be given to the business model for responding to the increased financial challenge anticipated over the coming decade.

Discussion ensued on the implications of the current economic climate on the Third Sector and the involvement of Members, staff and partners in developing the revised Medium Term Financial Plan.

**RESOLVED** – (a) That the challenging financial climate the Council faces, be noted.

(b) That the business model, as detailed in the submitted report, be approved.

(c) That Cabinet continue to work with the Corporate Management Team to develop a revised Medium Term Financial Plan, to be presented to a special meeting of Cabinet in January 2010.

**REASONS** – (a) To enable Members to be aware of the latest financial projections.

(b) To agree an approach to delivering the Medium Term Financial Plan.

(c) To enable statutory deadlines to be achieved in setting the Council’s budget.

**C79. 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 in Darlington and reviewing initiatives underway, or proposed, in response to the current situation.

**RESOLVED** – (a) That the latest intelligence and research relating to the impact of the economic downturn and recession, as detailed in the submitted report, be noted.

(b) 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 noted.

(c) That this Council continues to work with strategic partners to identify what more can be done to mitigate the impact on local businesses and communities due to the economic downturn and recession.

**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.

**C80. (URGENT ITEM) CHRISTMAS AND NEW YEAR CAR PARKING CHARGES** – The Cabinet Member with Transport Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to reviewing car parking charging arrangements for Christmas and New Year holidays.

**RESOLVED** – (a) That 25th and 26th December and 1st January be days on which no charges be levied for on and off street car parking.

(b) That this year car parking be free in on and off street car parks from 3.30 p.m. on the Thursdays leading up to Christmas on which there are Christmas markets in the town centre.

**REASON** - To clarify the charge free parking arrangements in Darlington.

**C81. NORTH EAST SMART TRANSPORT TICKETING INITIATIVE** – The Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) informing Members of the work being undertaken regionally to develop and implement smart public transport ticketing for the North East of England and seeking approval for the use of additional funding recently made available through the Regional Funding Allocation (RFA), to contribute to financing the project.

**RESOLVED** – (a) That £441,406 of additional Regional Funding Allocation capital grant, be released, to support the development and implementation of the regional smart ticketing project.

(b) That, subject to the finalisation of governance arrangements, as described in the submitted report, this funding be held at a regional level by a single accountable organisation such as the Tyne and Wear Integrated Transport Authority.

(c) That officers work with local authority partners and public transport operators to develop a governance structure for the regional smart ticketing project.

(d) That a further report be submitted to a future meeting of Cabinet on the detailed business case for Darlington and whether smart ticketing could be extended to include additional transactions such as leisure and recreation.

**REASONS** – (a) Plans for Smart Ticketing in the North East are very much in line with government objectives for the development of smart and integrated ticketing – as outlined in the consultation paper, ‘Developing a strategy for smart and integrated ticketing’.

‘Our vision for public transport in England is of universal coverage of smart ticketing infrastructure, supported by integrated and innovative ticket products which can be purchased easily and quickly, leading to a significantly improved travelling experience for the passenger’.

(b) Innovative use of smart ticketing has the potential to support the economic competitiveness of the north east, reduce carbon emissions and promote greater equality of opportunity for all citizens. The development of smart ticketing is gathering pace across the UK, with products in operation or development in Scotland, the North West, Yorkshire and London. As a region the North East can ill afford to fall behind in the use of this technology.

(c) There are substantial efficiency and cost saving benefits to be made in implementing a regional smart ticketing initiative in comparison to a local or sub-regional scheme.

(d) At this stage the Council is not making a firm commitment to participating in the operation of the regional smart ticketing scheme. This decision will be the subject of a future report detailing the full business case including revenue costs and potential efficiency savings from participating in the regional scheme.

**C82. CAPITAL PROGRAMME MONITORING – APRIL TO AUGUST 2009** – The Cabinet Member with the Efficiency and 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, and requesting approval to a number of minor changes to the programme.

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

(b) That the reasons for the variances within Children’s Services, as detailed in the submitted report, be noted.

(c) That the resource virements required for Children’s Services, Housing, Corporate Services and Community Services budgets, as detailed in the submitted report, be approved, with no change to overall resource approvals.

(d) That the additional externally funded resources of £20,000 available for Disabled Facility Grants, be noted.

(e) That the £44,000 increase in resources in respect of the Section 278 Agreement at Morton Palms, as detailed in the submitted report, be approved, and funded by Capital Receipts/Prudential Borrowing.

(f) That additional resources of £21,000, be released, in respect of the Library and Arts Centre, funded by Capital Receipts/Prudential Borrowing.

(g) That the reduction in departmental unsupported borrowing requirement relating to the Dinsdale Court scheme, 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.

**C83. REVENUE BUDGET MONITORING 2009/10 – QUARTER 2** – The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) providing an up-to-date forecast of the 2009/10 Revenue Budget Out-turn as part of the Council’s continuous financial management processes.

**RESOLVED** – (a) That the forecast revenue outturn for 2009-10 and actions being taken to manage the Councils finances and services, as detailed in the submitted report, be noted.

(b) That further regular reports be submitted to future meetings of Cabinet to monitor progress and take prompt action if necessary.

**REASONS** – (a) To continue effective management of resources.

(b) To continue to deliver services to agreed levels.

**C84. MEMBERSHIP CHANGES** – There were no Membership changes reported at the meeting.

**C85. 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 paragraph 3 of Part I of Schedule 12A of the Act.

**C86. HORSEMARKET, DARLINGTON (EXCLUSION PARAGRAPH NO. 3)** – 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 a request by the tenant of a property in Horsemarket, to surrender their lease prior to the earliest contractual date when the lease could be terminated.

**RESOLVED** – (a) That the request by the tenant, to surrender the lease of the property in Horsemarket, be accepted.

(b) That the Director of Corporate Services be authorised to conclude the transaction.

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

**REASONS** – (a) To allow the tenant to deal with his business affairs in an orderly manner.

(b) To bring the property back under the direct control of the Council.

**C87. 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.

**C88. (URGENT ITEM) THE FORUM MUSIC CENTRE (EXCLUSION PARAGRAPH NOS. 1 AND 3)** – With the prior approval to the matter being treated as urgent in order to make a decision at the earliest possible date, the Cabinet Member with the Economy Portfolio introduced the report of the Director of Corporate Services and the Assistant Chief Executive (Regeneration) (previously circulated) requesting that consideration be given to the provision of a secured loan to the Forum Music Centre.

**RESOLVED** – (a) That the Director of Corporate Services be authorised to complete a secured loan to the Forum Music Centre.

(b) That the Borough Solicitor be authorised to conclude the legal documentation accordingly.

(c) That £80,000 be set aside in the capital programme to cover the potential non-repayment of the loan.

**REASONS** – (a) To enhance the economic well-being of the Borough.

(b) To facilitate re-development of the wider Town Centre Fringe area.

(c) To ensure financial prudence.

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