

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY 19 DECEMBER 2011**

CABINET

6 December 2011

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

INVITEES – Councillors Curry, I Haszeldine and Mrs H Scott. (3)

APOLOGIES – Councillor Swainston.

C84. DECLARATIONS OF INTEREST – In respect of Minutes C90(1) and (2) below, Councillor Copeland declared personal but non-prejudicial interests respectively, as she had a Blue Badge and she may also live in a property that may be included in the Housing Retrofit Programme.

C85. REPRESENTATION – No representations were made at the meeting.

C86. MINUTES - Submitted - The Minutes (previously circulated) of the meetings of this Cabinet held on 1 and 22 November 2011.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C87. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration.

C88. ISSUES ARISING FROM SCRUTINY - There were no matters arising from Scrutiny.

C89. ANNUAL AUDIT LETTER 2010/11 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources (previously circulated) presenting the Annual Audit Letter for 2010/11 (also previously circulated) which provided a high level summary of the 2010/11 audit work undertaken by Pricewaterhouse Coopers, the Council's external Auditors. It was reported at the meeting that the Council had been issued with an unqualified audit report for 2010/11.

Simon Clegg and Neil Austin from PricewaterhouseCoopers, presented the main findings from the Annual Audit Letter 2010/11 and stated that the Council had, in addition to being issued with an unqualified audit report for 2010/11, had also been issued with an unqualified value for money conclusion on the Authority's arrangements for its use of resources.

In presenting the report particular reference was made to the high quality of the Council's accounts and supporting working papers; implementation of the International Financial Reporting Standards (IFRS); component accounting; valuation of the Council's property, plant

and equipment; valuation of its shareholdings in related companies; redundancies; change in inflation measures for pensions; economy, efficiency and effectiveness; and the Annual Government Statement. The Annual Audit Letter stated that Contract Management, particularly in relation to the Darlington Schools PFI project had been identified for targeted audit work.

A number of questions were raised in the meeting relating to the PFI project; splitting of the asset register; and the valuation of the housing stock. The Director of People, Simon Clegg and Neil Austin, PricewaterhouseCoopers responded thereon.

RESOLVED - That the Annual Audit Letter 2010/11, as appended to the submitted report, be noted.

REASON – To enable Cabinet to receive the results of the external audit work carried out.

C90. KEY DECISIONS - (1) (URGENT ITEM) Review of the Blue Badge Scheme - The Cabinet Member with Adult Social Care and Housing Portfolio introduced the report of the Director of People (previously circulated) requesting that consideration be given to the changes required to the Blue Badge parking scheme for disabled people in order to implement the Government's Reform Programme for the scheme, which is scheduled to be implemented on 1 January 2012, including the increase in the fee for a Blue Badge parking permit and the establishment of a new nationally operated Blue Badge Improvement Service (BBIS).

Particular references were made to the abuse of the current system and to the issuing of temporary Blue Badges.

RESOLVED - (a) That the £10 charge for the Blue Badge parking permit, in line with other local authority proposals both regionally and nationally, be adopted.

(b) That changes to administration and IT systems in order to implement the new system be approved.

(c) That the operation of the new arrangements for Blue Badge parking and for disabled parking enforcement be reviewed during 2012 in consultation with disabled people.

REASONS - (a) Local authorities have to adopt the above reforms and are being charged £5 per transaction.

(b) The proposals will help to address future pressures and increased demand.

(c) To continue to improve the operation of disabled parking in the Borough.

(2) (URGENT ITEM) Housing Retrofit Programme 2013/16 - The Cabinet Member with Adult Social Care and Housing Portfolio introduced the report of the Director of People and the Director of Place (previously circulated) requesting that consideration be given to this Council participating in a new partnership with the City of Newcastle Council and other local authority partners and registered providers in the North East region, to deliver a pioneering housing retrofit programme, to improve the energy efficiency and insulation levels of homes in Darlington across all sectors.

A Member enquired at the meeting how the properties that would be included within the programme would be identified, and the Director of Place responded thereon.

RESOLVED - (a) That £50,000 of capital funding be released to cover the procurement costs incurred by the City of Newcastle Council, which represents an equal contribution from each of the Local Authority partners.

(b) That Members support the inclusion of a minimum of 1500 properties in Darlington across all housing sectors in the proposed programme, subject to a future Cabinet report outlining the detail of any partnership agreement with the City of Newcastle Council.

REASONS - (a) The Housing Retrofit Programme can make a significant contribution towards the Council's Carbon Management Plan 2010 with 20 per cent of carbon emissions emanating from domestic homes.

(b) To address significant thermal deficiencies in some of Darlington's older housing stock. The Private Sector Stock condition survey identified 16.6 per cent of privately owned housing stock having a thermal deficiency of a total volume of 40,180 private properties.

(c) The Housing Retrofit Programme is an effective, value for money, regional response to the opportunity provided through a new initiative called the 'Green Deal' to insulate 'difficult to treat', old single cavity wall, or, non-traditional construction housing.

(d) The Housing Retrofit Programme provides an opportunity for households across all sectors to benefit from a wide range of energy efficiency measures which include renewable clean energy generation.

(e) There are significant economies of scale anticipated through the joint procurement of 'Green Deal' improvements by City of Newcastle's procurement framework.

(f) There are economic and employment benefits to the delivery of the Housing Retrofit Programme with new or safeguarded direct and indirect jobs being created or sustained, as part of the local delivery of the programme and subsequent supply chain benefits.

(3) Darlington Town Centre Business Improvement District (BID) 2012/17 - The Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Place (previously circulated) requesting that consideration be given to the proposal to establish a Business Improvement District (BID) for Darlington Town Centre with effect from 2 April 2012 for which a ballot would take place from 1 to 30 March 2012.

RESOLVED - (a) That the Darlington Town Centre BID proposal for 2012/17, as detailed in the Draft BID Proposal and Business Plan as appended to the submitted report, be supported.

(b) That the Assistant Director, Policy and Regeneration be authorised, in consultation with the Cabinet Members with the Economy and Regeneration and Leisure and Environment Portfolios (as part of the BID Task Group/Interim Board) be authorised to make any minor changes that may be required to the BID Proposal and Business Plan, prior to it being finalised in early January 2012.

(c) That the Chief Executive, as the Returning Officer appointed by the Council under the Representation of the People Act 1983, make arrangements for a ballot to be held on the BID proposal in March 2012, or as soon as can be arranged thereafter.

(d) That, in supporting the BID proposal, it be agreed that this Council vote 'YES' in the BID ballot in respect of each of the Council's 18 eligible rateable hereditaments in the BID area, as detailed in Appendix A of the submitted report.

(e) That the Leader of the Council be nominated to cast the vote in respect of the Council's 18 eligible hereditaments in the BID boundary area.

(f) That the financial implications for the Council of the proposed Town Centre BID, as detailed in the submitted report, be noted.

(g) That in the event of a successful BID ballot vote, it be agreed that the Council take on legal responsibility for the collection and enforcement of the BID Levy, with the duty delegated to the Assistant Director, Housing and Adult Social Care, a Council charge (to be paid annually by the BID Company for the 5 year term of the BID) of £6000 per annum for administering the billing, collection, recovery and auditing of the BID levy be applied, and that those responsibilities be set out in the Operating Agreement between the BID Company and the Council.

(h) That the payment to the Town Centre BID Company, on the basis of net monies collected from the BID levy, with payment made by the tenth working day of the month following collection.

(i) That, in the event of a successful BID ballot vote, the Operating Agreement be formally completed in accordance with Contract Procedure Rules under powers delegated to the Assistant Director, Resources.

REASONS - (a) The proposed BID provides a financially sustainable model to improve the appearance, safety/security and access of and to the Town Centre. It provides a resource to promote Darlington Town Centre as a place to visit, to shop and to do business.

(b) As a business ratepayer, collection authority and provider of services within the Town Centre, the Council's support in the BID proposal and the BID vote is required to ensure the success of the Darlington Town Centre BID and all that this means in terms of the future viability and vitality of the town centre.

C91. ANNUAL ASSESSMENT OF DARLINGTON CHILDREN'S SERVICES - The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of People (previously circulated) updating Members on the annual assessment of Darlington Children's Services.

RESOLVED - (a) That the Annual Assessment judgement of Children's Services for 2011, as detailed in the submitted report, be noted.

(b) That Annual Assessment of Darlington Children's Services, be referred to the Children and Young People Scrutiny Committee for their information and consideration

REASON - To inform the current performance of Children's Services in Darlington.

C92. TEES VALLEY UNLIMITED BUSINESS PLAN - The Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Place (previously circulated) highlighting to Members the content of the Tees Valley Unlimited Business Plan and seeking its endorsement.

RESOLVED – (a) That the Tees Valley Unlimited Business Plan, be endorsed.

(b) That a briefing session for Cabinet/Members be arranged on the role of Tees Valley Unlimited and its Business Plan.

REASON – (a) In order to support the objectives and priority actions for driving forward the delivery of the Tees Valley statement of ambition.

(b) To inform all Members on the role of Tees Valley Unlimited.

C93. PROJECT POSITION STATEMENT AND CAPITAL PROGRAMME MONITORING - QUARTER TWO 2011/12 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources and the Director of Place (previously circulated) providing Members with a summary of the latest capital resource and commitment position to inform monitoring of the affordability of funding of the Council's capital programme and updating Members on the current status of all construction projects currently being undertaken by the Council.

The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources and the Director of Place (previously circulated) providing Members with a summary of the latest capital resource and commitment position to inform monitoring of the affordability of funding of the Council's capital programme and updating Members on the current status of all construction projects currently being undertaken by the Council.

RESOLVED - (a) That the status position on construction projects, as detailed in the submitted report, be noted.

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

(c) That the adjustments to resources, as detailed in paragraph 19 of the submitted report, be noted.

(d) That the resource virements, as indicated in paragraph 20 of the submitted report, be noted.

REASONS - (a) To inform Cabinet of the current status of construction projects.

(b) To make Cabinet aware of the latest financial position of the Council.

(c) To maintain effective management of resources.

C94. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C95. DURHAM TEES VALLEY AIRPORT – With the prior approval of the Leader to the matter being treated as urgent to enable the council to make a decision within the required timescales, the Leader introduced the report of the Chief Executive (previously circulated) requesting that consideration be given to appropriate delegation to enable officers to respond to the changing situation at the Durham Tees Valley Airport, on behalf of the Council as shareholder.

Discussion ensued on the devaluation of shares; investment in the airport; usage of the airport by the airlines and passengers; and its promotion.

RESOLVED - (a) That the Leader of the Council be authorised to take decisions in relation to the Council's shareholder in Durham Tees Valley Airport on behalf of the Council without further financial investment.

(b) That the Director of Resources be granted delegated powers to finalise the verification of any paperwork necessary to give effect to the decision.

REASONS – To enable the Council to respond to the requirements of the shareholding agreement within the timescales of that agreement.

C96. 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 item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 3 of Part I of Schedule 12A to the Act.

C97. 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 Resources (both previously circulated) requesting that consideration be given to the transactions and the terms negotiated therein.

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 9 DECEMBER 2011**