

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE TUESDAY 24 JULY 2012**

**CABINET
10 July 2012**

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 and Johnson. (2)

ALSO IN ATTENDANCE – Councillors Francis, Lewis, Macnab and Stenson. (4)

APOLOGIES – Councillors I Haszeldine and Mrs H Scott. (2)

C23. DECLARATION OF INTERESTS – In respect of Minute C237 below, Councillor Copeland declared a non-pecuniary interest.

C24. REPRESENTATIONS – In respect of Minutes C28(2) and C32 below, representations were made by a member of public and Members in attendance at the meeting.

C25. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 12 June 2012.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C26. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration.

C27. ISSUES ARISING FROM SCRUTINY - There were no issues arising from Scrutiny.

C28. KEY DECISIONS - (1) Proposed Land Transfer to Heathfield Academy Trust - The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of People (previously circulated) requesting that consideration be given to the proposed land transfer at nil consideration to Heathfield Academy Trust and informing Members of the provisions being put in place in connection with the proposed land transfer to ensure that the Council can control the use, for the period required, and ensure that the burden of the grant funding is transferred along with the asset.

RESOLVED - (a) That the report be received.

(b) That the transfer of the Well Being Centre on the terms as detailed in Option 1, paragraphs 16 to 24 of the submitted report, be approved.

(c) That the Assistant Director, Resources, be authorised to complete the transfer accordingly.

REASONS - (a) The requirements of the grant funding obligate the authority to maintain the current use and purpose of the asset (Well-being Centre) until the end of the claw back period in 2026. The transfer of the land (Well-being Centre) to the Heathfield Academy Trust is a balanced financial decision of the transfer at undervalue against the costs of the Authority retaining the land and therefore maintaining the current use and purpose, including consequential unknown staffing costs, and repairs and maintenance costs.

(b) The Heathfield Academy Trust welcomes the transfer and has provided suitable indemnity to the Authority against claw back of the grant funding from the Department for Education (DfE). It is in the spirit of the original agreement between the school and the Authority i.e. that the Authority would support with running costs only and the Academy will have responsibility for the delivery of the well-being service from the Centre.

(2) Mowden Schools Expansion - Project Update - The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of People (previously circulated) advising Members on the progress of feasibility work previously approved by Cabinet and seeking approval to release basic need capital grant to progress the expansion of Mowden Schools.

The Ward Members addressed Cabinet in respect of the proposed expansion of the school and its likely adverse impact on residents in the area through increased traffic on the roads.

RESOLVED - (a) That a project budget of £3,050,290 be agreed from Basic Need Capital Grant allocation and that the release of funding be approved to enable the project to progress.

(b) That the Assistant Director, Resources, be authorised to agree terms and enter into any necessary agreements with the Academy.

REASONS - (a) The expansion will create additional primary places which will help to meet the Authority's statutory requirement to provide a school place for all children of school age in its area and enable parents to express a choice of a local school.

(b) To address the challenge from the Office of the Schools Adjudicator.

(c) To secure the necessary agreements.

(3) (URGENT ITEM) Potential Sites for Gypsies, Travellers and Travelling Showpeople Consultation - The Cabinet Member with the Economy and Regeneration Portfolio introduced the report of the Director of Place (previously circulated) on the responses to, and an analysis of, the recent consultation on potential Gypsies, Travellers and Travelling Showpeople sites and requesting that consideration be given to the sites to be proposed as land allocations in a draft local development plan document, so as to fulfil the requirements to meet the identified accommodation needs of Gypsies and Travellers over the plan period.

Discussion ensued on the feasibility work to be undertaken on the sites in relation to their potential for expansion; the consultation process; and on the funding of the proposals.

RESOLVED - (a) That the list of sites, as detailed in paragraph 44 of the submitted report, be agreed for inclusion in the Council's preferred option for meeting the identified needs of

Gypsies, Travellers and Travelling Showpeople within the emerging Local Plan.

(b) That the list of sites, as detailed in paragraph 43 of the submitted report, be discounted as potential Gypsy and Traveller sites.

REASONS - (a) The Council is required to meet the identified accommodation needs of Gypsies and Travellers.

(b) To continue to progress towards fulfilling statutory requirements to have an up to date local plan in place.

(c) The list of preferred sites set out in paragraph 44 of the submitted report represents best fit in relation to the search criteria for sites as set out in paragraph 38 of the submitted report.

(4) Darlington Housing Strategy 2012/17 - The Cabinet Members with the Economy and Regeneration Portfolio and the Adult Social Care and Housing Portfolio introduced the report of the Director of Place (previously circulated) requesting that consideration be given to Darlington's Housing Strategy 2012/17 (also previously circulated).

Discussion ensued on the impact of the changes to the benefit system on the residents of the Borough and the implications of the Equalities Act 2010.

RESOLVED - That the Darlington Housing Strategy 2012/17, as appended to the submitted report, be approved.

REASONS - (a) A revised Housing Strategy is required to replace the existing Housing Strategy which expires this year.

(b) The revised Strategy reflects the recent changes in the national and local housing landscape, including the implications of the welfare reforms.

(c) The Strategy provides a clear set of objectives and actions across a broad housing agenda.

(5) Cockerton Regeneration - Development Agreement - The Cabinet Members with the Adult Social Care and Housing Portfolio and the Economy and Regeneration Portfolio introduced the report of the Director of Place (previously circulated) outlining and seeking approval to the proposed delivery approach for the Cockerton Regeneration Programme and seeking approval to delegate authority to the Director of Resources to agree formal contracts for the delivery of the Programme with the Esh Group and agree the terms of a Tri-Partite Agreement to own and manage the new affordable homes for rent with a registered provider (usually a housing association).

RESOLVED - (a) That affordable homes for rent and associated public benefits be procured with the Esh Group utilising the Two Castles Framework Agreement.

(b) That the Council land identified for the provision of private market sale properties, as detailed in Appendix 1 to the submitted report, be disposed of to the Esh Group for the nominal value of a £1 as a Special Purchaser.

(c) That the Director of Resources be authorised to agree and enter into formal contracts with the Esh Group and an appropriate Registered Provider (usually a Housing Association) to ensure

the new affordable homes for rent are owned and managed by the Registered Provider on completion and the land for private market sale properties is disposed of to the Esh Group for private sale, having regard to the principles under the Heads of Terms as detailed in Appendix 2 to the submitted report.

REASONS - (a) Procuring with the Esh Group secures the Housing and Communities Agency grant funding of £900k for Darlington, and, provides the most effective and coordinated means of delivering the affordable homes for rent and associated public benefits (open spaces, provision of play equipment, possible traffic calming and pathway resurfacing) through the approved Two Castles Housing Association Framework. The Esh Group will be required to enter into a tri-partite agreement to dispose of the completed new affordable homes for rent to a Registered Provider (usually a Housing Association) in accordance with the terms of the Two Castles Housing Association Framework Agreement.

(b) The private market sale properties can be delivered through a Special Purchaser arrangement providing greater control of delivery, continuity of regeneration works through one approved private developer, and, the consequent reduction of risk to the Council.

(6) Enterprise Zone Business Rates Discount Scheme - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Place (previously circulated) seeking approval for the Enterprise Zone Business Rates Discount Scheme for Central Park.

RESOLVED - That the Enterprise Zone Business Rates Discount Scheme for Central Park, as detailed in the submitted report, be approved.

REASONS - (a) The Local Authority is required to adopt a Business Rates discount scheme for Enterprise Zones in its area.

(b) The scheme will support the Tees Valley Enterprise Zone objective to move towards a high value, low carbon economy and to support emerging growth sectors.

C29. REVIEW OF THE MEDIUM TERM FINANCIAL PLAN INCLUDING 2011/12 OUT-TURN AND QUARTER ONE BUDGET MANAGEMENT - JULY 2012 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Chief Officers Executive (previously circulated) updating Members on the Medium Term Financial Plan (MTFP) in light of the 2011/12 out-turn and requesting that consideration be given to an approach to the next phase of transforming the Council.

Discussion ensued on a number of the figures included within the report and on the actual savings made.

RESOLVED - (a) That the 2011/12 out-turn, as detailed in the submitted report, be noted.

(b) That the carry forward requests, as detailed in paragraph 8 of Appendix 1 to the submitted report, be agreed.

(c) That the forecast revenue out-turn for 2012/13, as detailed in the submitted report, be noted.

(d) That the decision on terms and conditions, as set out in paragraph 16 to the submitted report and Appendix 3 of the submitted report, be deferred until the Councils overall financial position and plans are clearer.

(e) That the approach to preparing the 2013/14 budget, as detailed in paragraph 21 of the submitted report, be agreed.

REASONS - (a) Members understand the impact of the revenue out-turn.

(b) To continue effective management of resources.

(c) To enable services to deliver planned outcomes.

(d) To balance the impact of changes in Employee Terms and Conditions with the impact on services of proposals in the next phase of transformation.

(e) To enable a medium term approach to be taken.

C30. CORPORATE PLANNING AND PERFORMANCE FRAMEWORK - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of People (previously circulated) presenting proposals for a new Corporate Plan and supporting framework for service delivery planning and performance management and seeking approval of the Service Plans and Corporate Plan for 2012/13 (all also previously circulated).

RESOLVED - The draft Corporate Plan, attached at Appendix 2 to the submitted report, be approved.

(b) That the structure and proposed plan alignment for the new 'One Darlington: Perfectly Placed' Delivery Strategy, as detailed at Appendix 1 to the submitted report, and as outlined in paragraphs 7 to 11 of the submitted report, be approved.

(c) That the service planning and performance management arrangements, as detailed in the submitted report, be approved.

(d) That the suite of Service Plans for all Service Groups, as appended at Appendix 5 to the submitted report, be approved.

REASONS - (a) To provide a new corporate planning and performance management framework for the Council.

(b) To ensure effective arrangements for maintaining and improving Council performance, providing reassurance to inspecting bodies.

C31. ACCOMMODATION REVIEW - MEDIUM TERM FINANCIAL PLAN SAVINGS - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources (previously circulated) requesting that consideration be given to the next phase of the Accommodation Review to deliver savings identified in the Medium Term Financial Plan (MTFP).

RESOLVED - That the £0.400m funding required to deliver the refurbishment works and associated costs identified in the Accommodation Review, as outlined in the submitted report, be approved and released from the 2012/13 Capital MTFP.

REASONS - (a) To progress the Council's Asset Rationalisation Project.

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

C32. NORTH ROAD BUS PRIORITY JUNCTION IMPROVEMENT - OBJECTIONS TO TRAFFIC REGULATION ORDER - The Cabinet Member with the Transport Portfolio introduced the report of the Director of Place (previously circulated) requesting that consideration be given to objections received in response to proposed changes to the Traffic Regulation Orders to facilitate the North Road/Whessoe Road junction improvement.

A member of the public and a Member of the Council addressed Cabinet in respect of a number of concerns relating to certain parts of the scheme and requested that further consideration be given to those concerns before making a decision. The Cabinet Member with the Transport Portfolio and the Director of Place responded thereon.

RESOLVED - (a) That the objections to the proposed restrictions, as detailed in the submitted report, be set aside.

(b) That the Traffic Regulation Order be implemented as advertised, with the exception of:

- (i) the waiting restrictions in the back lane to the rear of 119 to 125 North Road which are not now proposed; and
- (ii) the loading bay in Aldam Street which is not now proposed.

REASONS - (a) To ensure the expeditious movement of traffic in accordance with the Council's statutory network management duty.

(b) In accordance with the approved Tees Valley Bus Network Improvement strategy and delivery plan.

(c) To improve sustainable travel options.

C33. PROJECT POSITION STATEMENT AND CAPITAL PROGRAMME OUT-TURN 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 information on delivery of the Council's Capital Programme, the Financial out-turn Position as at 31 March 2012 and the proposed financing of the 2011/12 Capital expenditure and updating Members on the current status of all construction projects currently being undertaken by the Council.

RESOLVED - (a) That the delivery and financial out-turn of the 2011/12 Capital Programme, as detailed in the submitted report, be noted.

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

(c) That the adjustments to resources, as detailed in paragraph 24 of the submitted report, be approved.

REASONS - (a) To enable Members to note the progress of the 2011/12 Capital Programme and to allow the capital spend for to be fully financed.

(b) To maintain effective management of resources.

(c) To inform Cabinet of the current status of construction projects.

C34. TREASURY MANAGEMENT ANNUAL REPORT AND OUT-TURN PRUDENTIAL INDICATORS 2011/12 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources (previously circulated) providing information regarding regulation and management of the Council's borrowing, investments and cash flow, which is a requirement of the Council's reporting procedures and covers treasury activity for 2011/12.

RESOLVED - (a) That the out-turn 2011/12 Prudential Indicators, as detailed in submitted report and as detailed in Appendix 1 of the submitted report, be noted.

(b) That the Treasury Management Annual Report for 2011/12, as detailed in the submitted report, be noted.

(c) That the report be forwarded to Council, in order for the 2011/12 Prudential Indicators to be noted.

REASONS - (a) In order to comply with the Prudential Code for Capital Finance in Local Authorities.

(b) To inform members of the Performance of the Treasury Management function.

(c) To comply with the requirements of the Local Government Act 2003.

C35. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C36. 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.

C37. 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 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 -
MONDAY 16 JULY, 2012**