

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY 22 OCTOBER 2012**

CABINET
9 October 2012

PRESENT - Councillor Dixon (in the Chair); Councillors Harker, C L B Hughes, D A Lyonette, A J Scott and Wallis. (6)

INVITEES – Councillors Curry and Mrs H Scott. (2)

ALSO IN ATTENDANCE – Councillors Carson, Coultas B Jones, D Jones, Kelley, Long and E A Richmond. (7)

APOLOGIES – Councillor Copeland and McEwan. (2)

(NOTE – Prior to the start of the meeting representatives from Kids and Co presented the Leader with a cake in order to highlight the strength of feeling of parents and staff in respect of the proposed closure of the Nursery.)

C51. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

C52. REPRESENTATIONS – In respect of Minute C56(3) below, representations were made by Members in attendance at the meeting.

C53. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 3 September 2012.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C54. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration.

C55. ISSUES ARISING FROM SCRUTINY - There were no issues arising from Scrutiny.

C56. KEY DECISIONS - (1) Health and Well Being Strategy - The Leader introduced the report of the Director of People (previously circulated) requesting that consideration be given to the draft Health and Well Being Strategy (also previously circulated).

RESOLVED - That the draft Health and Well Being Strategy, as appended to the submitted report, be recommended to Council for approval.

REASON - To discharge the statutory duty through the Health and Well Being Board to prepare and adopt the Health and Well Being Strategy.

(2) Tenancy Policy - The Leader introduced the report of the Director of Place (previously circulated) requesting that consideration be given to the Tenancy Strategy and Tenancy Policy (both also previously circulated).

Discussion ensued on flexible tenancies, and in particular, their use in rural areas.

RESOLVED - (a) That the Tees Valley Tenancy Strategy, as appended to the submitted report, be approved.

(b) That the Darlington Borough Council Tenancy Policy, as appended to the submitted report, be approved.

REASONS - (a) The documents respond to the changes introduced through the Localism Act that the Council is required to produce.

(b) The changes introduced within the Tenancy Policy will help to make the best use of some limited types of properties within the Council stock. For some years annual house building has fallen behind the growth in identified needs and this situation is likely to continue for the foreseeable future placing additional pressure on existing stock.

(c) The changes will also help to manage some of the consequences of the introduction of the Welfare reforms.

(d) This is a limited introduction of Flexible Tenancies that falls in line with most other local Registered Providers in the Tees Valley.

(3) Accessible Community Transport - The Cabinet Member with Transport Portfolio introduced the report of the Director of Place (previously circulated) requesting that consideration be given to the award of grant funding for the provision of accessible community transport services and further work being undertaken to develop additional community transport capacity which better meets local needs, provides value for money and is sustainable in the long term.

Members in attendance at the meeting addressed Cabinet in respect of three of the bids, one of which was successful and two were unsuccessful; the bid process; and the next stages for the unsuccessful bidders.

RESOLVED - (a) That the award of £43,500 grant funding to eVOLution to implement 'the Pink' community bus service in the West End of Darlington, be approved, and the Director of Place be given delegated authority to agree the detailed arrangements with eVOLution.

(b) That the award of £87,900 grant funding to Darlington Association on Disability (DAD) for the provision of an accessible taxi service, development of a code of practice for taxi operators to improve taxi services for disabled people and development of a brokerage service to assist local people to find accessible transport services/vehicles, be granted, and the Director of Place be given delegated authority to agree the detailed arrangements with DAD.

(c) That the award of grant to the schemes from DART and Hurworth Parish Council in their current form, be not agreed, and the Director of Place be directed to explore further options with those organisations, utilising the Community Transport Association, and other models that might resolve local community transport needs.

REASONS - (a) The application has been evaluated according to published evaluation criteria and the outcome is that a community transport service for the West End of Darlington presents the most sustainable and appropriate accessible transport solution to meet identified community needs.

(b) The application has been evaluated according to published evaluation criteria and the outcome is that an accessible taxi service, code of conduct and accessible transport brokerage scheme presents the most sustainable and appropriate accessible transport solution to meet the needs of disabled people.

(c) The proposals that have been submitted from DART and Hurworth Parish Council require further development work in order to better meet the key criteria of sustainability and deliverability.

(d) The identified funding has been available to provide or support community (public) transport and it should be retained for this purpose as there is still a requirement to provide further accessible community transport services.

(4) Darlington Local Planning Policy Framework - The Leader introduced the report of the Director of Place (previously circulated) requesting that consideration be given to endorsing elements of former national planning guidance that should continue to be relied on in taking decisions on planning applications.

RESOLVED - That it be recommended to Council that the following specific technical and procedural guidance be agreed as interim planning policy that could be a material consideration in making decisions on planning applications, until they are included in an appropriate adopted development plan document or supplementary planning document, namely:-

- (a) PPS7 Annexe A;
- (b) PPS7, para 28 - definitions of higher quality and poorer quality agricultural land;
- (c) PPG24 – Planning and Noise – Annexes 3 and 6;
- (d) Development on Land Affected by Contamination, Yorkshire and Humberside Pollution Advisory Council, March 2011; and
- (e) the Design Guide and Specification for Residential and Industrial Estate developments.

REASON – In the interest of maintaining detailed good practice guidance in relation to the specific planning issues.

(5) Procurement Plan - Update - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources (previously circulated) presenting to Members an update of the Procurement Plan (also previously circulated).

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

- (a) 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
- (b) contract award decisions for the contracts designated as non-strategic be delegated to the appropriate Director, as listed in the plan at Appendix 1 to the submitted report.

REASONS - (a) The Contract Procedure Rules require Cabinet to approve the designation of contracts as strategic and non-strategic.

(b) The contracts designated strategic are of high value and high significance in respect of the impact on residents, Health and Safety and public safety.

(c) The contracts designated non-strategic are of a lower value and lower significance in respect of the impact on residents and public safety.

(6) LOCAL GOVERNMENT REORGANISATION SETTLEMENT REGARDING NEWCASTLE INTERNATIONAL AIRPORT – With the prior approval of the Leader to the matter being treated as urgent to enable a decision to be made at the earliest opportunity, 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 agree a settlement with Durham County Council of an outstanding issue in relation to Local Government Reorganisation.

Discussion ensued on the process of informing Members of the valuation of the shares.

RESOLVED - (a) That the settlement of the Local Government Reorganisation – Newcastle International Airport, on the terms as outlined in paragraph 8 of the submitted report, be approved.

(b) That Director of Resources be granted delegated authority, in consultation with the Cabinet Member with the Efficiency and Resources Portfolio, to agree the valuation of the shares.

REASONS – To allow settlement at a fair financial level.

C57. ANNUAL LETTER OF THE LOCAL GOVERNMENT OMBUDSMAN - The Leader introduced the report of the Director of Resources (previously circulated) requesting that consideration be given to the Annual Letter of the Local Government Ombudsman in relation to complaints and education appeals against the authority.

RESOLVED - That the Annual Letter from the Local Government Ombudsman for 2011/12, as appended to the submitted report, be welcomed.

REASON - To enable the local authority to continue to learn from complaints, improve service provision and increase efficiency.

C58. UPDATE ON FUTURE OPTIONS FOR THE FORMER ARTS CENTRE ON VANE TERRACE - The Leader introduced the report of the Chief Executive (previously circulated) updating Members on the 'Project Vane' investment proposal to revitalise and repurpose the Vane Terrace building as a venue for both cultural and enterprise related activities and requesting that consideration be given to a revised timetable for a decision to be made on the future of the Vane Terrace premises.

RESOLVED - (a) That Officers continue to work with the proposers of 'Project Vane' to see whether a viable proposal can be put together.

(b) That consideration of the options for the Arts Centre Vane Terrace premises, be deferred, up until April 2013.

REASONS - (a) To allow time for the 'Project Vane' proposers to have received a decision from the Arts Council on their grant application and to have pulled together the other elements of the funding package.

(b) The benefits of 'Project Vane' would be substantial in relation to 'One Darlington: Perfectly Placed', in relation to Creative Darlington: Investing in a Creative Community, and in relation to the Economic Strategy.

C59. RIGHT TO BUY RECEIPTS - The Leader introduced the report of the Director of Place (previously circulated) requesting that consideration be given to the Council entering into an agreement with the Secretary of State to enable it to retain additional Right to Buy (RTB) Receipts for investment in new affordable rented houses, subject to certain conditions.

RESOLVED – That the Council enters into the agreement with the Secretary of State, as appended to the submitted report, to enable it to retain additional Right to Buy receipts for investment in new affordable rented homes should this become financially viable in the future.

REASON - To enable the Council to respond quickly if sufficient RTB receipts were generated to make investment in new affordable homes viable.

C60. CIVIC THEATRE - The Cabinet Member with the Leisure and Local Environmental Portfolio introduced the report of the Director of Place (previously circulated) presenting to Members a proposal to develop a restoration plan for the Civic Theatre (also previously circulated).

Discussion ensued on the restoration of the Civic Theatre and on the situation with regard to the Council's other assets.

RESOLVED - (a) That a restoration project for the Civic Theatre and a Stage 1 application for Heritage Lottery funding, be agreed.

(b) That £50,000 of capital funding be released to cover the cost of the Heritage Lottery Funding Stage 1 application.

REASON - To enable the first round application to be completed and submitted to the Heritage Lottery Funding.

C61. REGULATION OF INVESTIGATORY POWERS - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources (previously circulated) informing and updating Members on the issues relevant to the use of Regulation of Investigatory Powers Act 2000 and developments that have taken place since the last report to Cabinet in June 2012.

RESOLVED - (a) That the developments that have taken place since June 2012, as detailed in the submitted report, be noted.

(b) That the adoption of the updated and amended Regulation of Investigatory Powers Policy, be approved.

(c) That further reports on the use of Regulation of Investigatory Powers and associated issues be submitted to Members.

REASONS - (a) To ensure appropriate use of powers contained within relevant legislation.

(b) To raise awareness and to ensure compliance when RIPA powers are used.

C62. COMPLAINTS, COMPLIMENTS AND COMMENTS, FREEDOM OF INFORMATION, ENVIRONMENTAL INFORMATION AND SUBJECT ACCESS REQUEST ANNUAL REPORTS 2011/12 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources (previously circulated) providing Members with the Corporate Complaints, Compliments and Comments Annual Report 2011/12; Adult Social Care Complaints, Compliments and Comments Annual Report 2011/12; Children's Social Care Complaints, Compliments and Comments Annual Report 2011/12; and the Freedom of Information, Environmental Information and Subject Access Request Annual Report (all also previously circulated).

RESOLVED - (a) That Corporate Complaints, Compliments and Comments Annual Report 2011/12; Adult Social Care Complaints, Compliments and Comments Annual Report 2011/12; Children's Social Care Complaints, Compliments and Comments Annual Report 2011/12; and the Freedom of Information, Environmental Information and Subject Access Request Annual Report, all as appended to the submitted report, be noted.

(b) That the work of the Complaints and Information Governance (CIG) Team in ensuring the Council handle both complaints and requests for information in an effective and efficient manner, be noted.

REASONS - (a) To make Cabinet aware of the number and nature of the complaints received by the Council and the organisational learning that has taken place as a result.

(b) To ensure Cabinet is aware of the progress made in respect of how the Council handles complaints since the introduction of the CIG Team (formerly the Corporate Complaints Unit).

(c) To make Cabinet aware of the progress made by the CIG Team in ensuring the Council understands the nature of the requests for information it receives and facilitating the publication of the most frequently requested information in order to increase the efficiency with which the Council is able to deal with such requests.

C63. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C64. 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 13 of Part I of Schedule 12A to the Act.

C65. WHEELED BINS - CONTRACT AWARD DECISION (EXCLUSION PARAGRAPH NO 3) - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources and the Director of Place (previously circulated) presenting to Members the details of the procurement process for wheeled bins and requesting that consideration be given to the contract award.

The Director of Resources circulated an amended report at the meeting.

RESOLVED - That the contract for the supply of Wheeled Bins be awarded to the contractor ranked first, as detailed in the appendix to the submitted report.

REASON - The bid submitted by the supplier ranked first in Appendix 1 represents the most advantageous tender in accordance with the evaluation criteria.

C66. HONEYPOT LANE GYPSY AND TRAVELLER SITE - PROVISION OF COMMUNITY FACILITY (EXCLUSION PARAGRAPH 3) - The Leader introduced the report of the Director of People and the Director of Resources (previously circulated) requesting that consideration be given to a number of issues relating to the Sure Start building located at the Honeypot Lane Gypsy and Traveller site.

RESOLVED - (a) That the original capital grant sum, as indicated in the submitted report, be set aside in the Medium Term Financial Plan – Capital, pending the outcome of discussions with the Department of Education.

(b) That the proposed change of use and request for Landlord consent to convert the former Sure Start building by the existing leaseholder into residential accommodation for their own use, be granted.

REASON – (a) To ensure there is adequate financial provision with the Council's Medium Term Financial Plan.

(b) The proposed change of use represents the best way forward in terms of asset management.

**DECISIONS DATED -
FRIDAY 12 OCTOBER 2012**