

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE TUESDAY 20 NOVEMBER 2012**

CABINET
6 November 2012

PRESENT - Councillor Dixon (in the Chair); Councillors Copeland, Harker, C L B Hughes, McEwan, A J Scott and Wallis. (7)

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

ALSO IN ATTENDANCE – Councillors Lister and E A Richmond. (2)

APOLOGIES – Councillor D A Lyonette.

C67. DECLARATIONS OF INTEREST – In respect of Minute C72(1) below, Councillor Copeland declared a non-pecuniary interest; and in respect of Minute C72(2) below, Councillors I Haszeldine and Mrs H Scott declared non-pecuniary interests.

C68. REPRESENTATIONS – In respect of Minute C71 below, representations were made by a Member in attendance at the meeting.

C69. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 9 October 2012.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C70. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration.

C71. ISSUES ARISING FROM SCRUTINY - CORPORATE PARENTING PANEL REVIEW GROUP - The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of People (previously circulated) reporting the findings and recommendations of the Children and Young People Scrutiny Committee's Corporate Parenting Panel Review Group, established to examine the role of the Corporate Parenting Panel.

The Chair of the Children and Young People Scrutiny Committee addressed Cabinet in respect of the work undertaken by the Scrutiny Committee in undertaking the review.

The Cabinet Member with the Children and Young People Portfolio thanked the Chair and Members of the Children and Young People Scrutiny for their work in respect of the review.

RESOLVED – That the following recommendations of the Children and Young People Scrutiny Committee, be endorsed, namely that:-

- (a) the Membership of the Panel be increased to include a Liberal Democrat Member and also the Virtual Heads;
- (b) meetings of the Corporate Parenting Panel be formally agreed as part of the Municipal Calendar for 2013/14;
- (c) Members of the Corporate Parenting Panel be allowed named substitutes;
- (d) the Children and Young People Scrutiny Committee receive regular reports on the work of the Children in Care Council (the ‘Darlo Care Crew’); and
- (e) the work of the Corporate Parenting Panel be actively promoted across the authority and an annual report be presented to Council.

REASONS - (a) The role of the Corporate Parent is a statutory responsibility of all Members of Darlington Borough Council regardless of political alignment.

(b) There is a need to ensure that corporate parenting responsibilities are fulfilled in an open and transparent manner.

(c) Members need to be assured that a high standard of provision and service to children looked after is maintained.

(d) Members are aware of the work the Corporate Parenting Panel undertakes on the wider Council's behalf.

C72. KEY DECISIONS - (1) One Size Fits One : A Learning Disability Strategy for Darlington 2012/15 - The Cabinet Member with the Adult Social Care and Housing Portfolio introduced the report of the Director of People (previously circulated) requesting that consideration be given to the strategy for children, young people and adults with a learning disability, entitled ‘One Size Fits One: A Learning Disability Strategy for Darlington 2012/15’ (also previously circulated).

The Director of People reported at the meeting that the Strategy had been supported by the Shadow Clinical Commissioning Group.

RESOLVED - (a) That taking into consideration the impacts identified in the Disability Equality Impact Assessment, the strategy entitled ‘One Size Fits One: A Learning Disability Strategy for Darlington 2012/15’, as appended to the submitted report, be approved.

(b) That a further report be submitted to a future meeting of Cabinet outlining the detailed range of efficiencies highlighting potential risk, as outlined in paragraph 35 of the submitted report.

(c) That the support for the Strategy from the Shadow Clinical Commissioning Group, be noted.

REASONS - (a) At the meeting on 21 June 2011 Cabinet recommended the development of a sustainable Learning Disability Strategy.

(b) An all age strategy is in line with the Council's current reconfiguration around support for people.

(c) The outcomes have been co-produced with disabled children, young people, and adults and their family and carers.

(d) The focus on outcomes offers some flexibility in how the Council will support the delivery of this strategy.

(e) A joint strategy with the Shadow Clinical Commissioning Group and Darlington Together allows the opportunity to make efficiency and ensure value for money.

(2) Residential Care Home Agreement - The Cabinet Member with the Adult Social Care and Housing Portfolio introduced the report of the Director of People (previously circulated) advising Members of the outcome of the review of the current agreement for the provision of residential care 2007/13 and requesting that consideration be given to introducing a new agreement from April 2013/16; circumstances when the local authority will provide residential care to 'full fee payers' whose resources make them ineligible for local authority support; and to agree the Council's 'usual cost of care' under the Choice Accommodation Direction 1992.

RESOLVED - (a) That the outcome of the review of the current agreement for the Provision of Residential Care 2007/13, as detailed in the submitted report, be noted.

(b) That the new Residential Care Agreement, as detailed in the submitted report, be approved, for implementation from 1 April 2013 to 31 March 16 with the option of two further twelve months extension periods.

(c) That the criteria under which the Council will provide for 'full fee payers', as detailed in the submitted report, be approved.

(d) That the Council's 'usual cost of care' fee for people choosing to access care homes outside of the new agreement, as detailed in the submitted report, be agreed.

REASONS - (a) The current agreement expires in March 2013.

(b) That it is not a statutory duty for the Council to provide contracts for those people who are able to fund their own care under current legislation with the exceptions outlined.

(c) The Council has a duty under the National Assistance Act 1948 to provide residential care for older people and older people with mental health needs where a community care assessment has identified the need for 24 hour care. Once a need is identified people are able to exercise choice to reside at a particular accommodation, the provisions for this are set out in LAC (2004)20: Guidance on National Assistance Act 1948 (Choice of Accommodation) Directions 1992 and National Assistance (Residential Accommodation) (Additional Payments and Assessment of Resources) (Amendment) (England) Regulations 2001.

(3) Social Fund Localisation - The Cabinet Member with the Adult Social Care and Housing Portfolio introduced the report of the Director of People (previously circulated) outlining the work undertaken to consider the most appropriate use of the grant funding provided by the Department for Works and Pensions for a local social fund service and requesting that consideration be given to delivering those local services, as identified in the submitted report.

RESOLVED - (a) That the Local Social Fund Policy, as outlined in Appendix 3 to the submitted report, be approved.

(b) That the service be delivered by Revenues and Benefits from April 2013 to March 2015 with the intention that People Commissioning undertake a strategic review to inform any future commissioning intentions from the 1 April 2015.

(c) That £16,000 be released in 2012/13 to cover the setup costs in preparation for delivering the service from April 2013.

REASONS - (a) The policy will provide financial support to households in crisis and allow individuals to move back into or remain in the community. These forms of support will be a critical resource as the LA attempts to mitigate the impacts of the welfare reforms which will lead to a significant increase in the number of households that are forced into financial crisis.

(b) The DWP has confirmed that while it will allow its Customer Information System (which holds key data on benefits claimed, value of benefits and payment dates) to be accessed to help assess localised social fund applications, this function will only be provided to services that currently access and are trained to use the system. The Revenues and Benefits staff already have access to this system and are trained in its use.

(c) Operating the scheme in house will allow for greater flexibility in how the scheme is managed and enable the Council to gather intelligence on who is using the service and how best to deliver the service in the future.

(d) Many of the customers accessing the Social Fund service will already be Housing Benefit and Council Tax Benefit recipients, so information will already be held on their systems that will assist in the processing of these applications.

(e) DBC will receive £4,000 from the DWP in setup funding but setup costs in 2012/13 will be £20,000 leaving a shortfall of £16,000. Setup costs will include the recruitment and employment of two additional staff from January 2013, training for new and existing staff, the purchase and licensing of ICT infrastructure and advertising costs.

(4) Warm Up North Pilot Project - The Cabinet Member with the Adult Social Care and Housing Portfolio introduced the report of the Director of Place (previously circulated) requesting that consideration be given to the release of funding secured from the Department of Energy and Climate Change (DECC) to deliver energy efficiency measures to domestic properties in Darlington through Building Services; the release of surplus ring-fenced Single Housing Investment Programme 3 (SHIP3) funding to commission property surveys as part of the Warm Up North programme; and

to the award of the service contracts following the procurement of a property survey partner.

RESOLVED - (a) That £130,000 of Department of Energy and Climate Change funding be released to finance 'whole house' energy efficiency measures to domestic properties in Darlington.

(b) That £140,000 of ring fenced Single Housing Investment Programme 3 (SHIP) funding be released to undertake detailed domestic and non-domestic public building surveys in preparation for the launch of Warm Up North in March 2013.

(c) That the Director of Place be given delegated authority to award a contract for the property survey work after the successful completion of a tender process.

Reasons - (a) The confirmation of the £130k of DECC funding for Darlington is governed by grant funding conditions which require the delivery of the programme no later than 31st March 2013.

(b) The success of the main Warm Up North programme due to commence in March 2013 is heavily reliant on robust property information to determine eligibility for Warm Up North assistance.

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

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

(5) Children, Families and Learning Capital Programme 2012/13 - 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 Children, Families and Learning Capital Programme for 2012/13 and releasing the capital funds in relation to those programmes.

RESOLVED - (a) That capital funding of £1,092,839, as outlined in Appendix A of the submitted report, be released.

(b) That the proposed prioritised capital investment programme for Children's Services, as identified in Appendix B of the submitted report, be agreed, and the Director of People be given delegated authority to manage the authorisation of that funding.

REASONS - (a) Release of the funds will enable capital investment to be undertaken in the areas identified with the greatest need, in terms of asset management priorities and providing retrospective support, if required, where work has already been undertaken.

(b) Detailed planning to identify priorities has been undertaken which ensures effective use of all investment.

(6) Future Public Health Configuration - The Cabinet Member with the Health and Partnership Portfolio introduced the report of the Director of People (previously circulated) informing Members on the process of transferring public health functions

from NHS County Durham and Darlington to this Council and requesting that consideration be given to the elements of governance in place for the smooth transfer of public health responsibilities during the transitional period April 2012 to March 2013; the operating model for public health within the Council after 1 April 2013; and the arrangements for a Tees Valley shared public health service.

RESOLVED - (a) That the process of transferring public health resources, workforce and responsibilities from NHS County Durham and Darlington to this Council, as detailed in the submitted report, be noted.

(b) That the governance arrangements in place for the transfer and assurance mechanisms to project manage the transition, as detailed in the submitted report, be noted.

(c) That the public health operating model within the Council post April 2013 in which a distinct public health team will be aligned to the People Group and where the Director of Public Health will report directly and have direct accountability to the Chief Executive for the exercise of the local authority's public health functions, as detailed in the submitted report, be approved.

(d) That the inclusion of Darlington as a partner in the Tees Valley Public Health Shared Services arrangements where Redcar and Cleveland Borough Council will host the shared services on behalf of the other Tees Valley Councils and where a Tees Valley Public Health Board will ensure efficiency and effectiveness of the shared service, as detailed in the submitted report, be approved.

REASONS - (a) The extent of the changes in the public health system is huge, complex and far reaching. It is important that Members are appraised of the transition plans and the governance in place so they have assurance that the change is managed equitably, in line with national guidance and local best practice.

(b) The Health and Social Care Act 2012 gives local authorities critical, significant public health responsibilities. The Director of Public Health, as the lead officer for these functions, needs to have access to specialist resources spanning the three domains of public health (health protection, health improvement and healthcare public health). The Darlington local public health team alongside the Tees Valley shared services will provide the critical resource for the safe exercise of the Council's responsibilities.

(7) Council Tax Empty Property Discounts - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources (previously circulated) requesting approval to consult on proposals to change council tax discounts for empty dwellings and to introducing an empty homes premium for long-term empty dwellings.

RESOLVED - That the proposed changes to the Council Tax Empty Property Discounts, as detailed in paragraph 4 of the submitted report (Option 1 in the Appendix), be approved, to move forward for consultation.

REASONS - (a) The Council is required to set the level of discounts for empty dwellings and consider the introduction of an empty homes premium from April 2013.

(b) A public consultation is required on the proposals, prior to a decision being made.

(c) Option 1 best fits the guiding principles set out in the report.

C73. DARLINGTON COMMUNITY SUPPORT NETWORK - 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 establishment of a Darlington Community Support Network, through a phased approach, initially establishing a stakeholder group of key partner organisations to co-ordinate the development of the support network and initiating social capital mapping.

RESOLVED - (a) That the establishment of a Darlington Community Support Network stakeholder group of key partner organisations to co-ordinate the development of the Darlington Community Support Network, for an initial period of two years, be approved.

(b) That the first phase of the Darlington Community Support Network implementation, the Social Capital Mapping, be approved.

REASONS - (a) The Darlington Community Support Network will support the Council's budget strategy.

(b) A stakeholder group will help to determine the preferred model and organisational form for the Darlington Community Support Network which will provide a sustainable approach in the future.

(c) The first phase of social capital mapping will provide information and evidence and will also start to develop the DCSN.

C74. DARLINGTON'S HEALTH AND SOCIAL CARE DELIVERY PLAN 2013/16 - The Cabinet Member with the Health and Partnership Portfolio introduced the report of the Director of People (previously circulated) seeking approval for the draft Darlington Health and Social Care Delivery Plan 2013/16 (also previously circulated).

RESOLVED – That the draft Health and Social Care Delivery Plan, as appended to the submitted report, be approved.

REASON - To discharge the local authority's statutory duty as outlined in the Health and Social Care Act 2012, to identify local action for improving the Health and Well-Being of Darlington residents.

C75. REVENUE BUDGET MONITORING 2012/13 - QUARTER TWO - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources (previously circulated) providing Members with an up-to-date forecast for the 2012/13 revenue budget out-turn as part of the Council's continuous financial management processes.

RESOLVED - (a) That the forecast revenue outturn for 2012/13 and actions being taken to manage the Council's finances, as detailed in the submitted report, be noted.

(b) The proposed carry forward of departmental resources to 2013/14 referred to in paragraph 29 of the submitted report, be noted.

(c) Further regular reports be made 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.

C76. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C77. 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.

C78. LAND TO THE NORTH OF DARLINGTON ARENA (EXCLUSION PARAGRAPH NO. 3) – With the prior approval of the Leader to the matter being treated as urgent, the Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Place and Director of Resources (previously circulated) requesting that consideration be given to a request to acquire land to the north of Darlington Arena.

RESOLVED - (a) That the request by Darlington Mowden Park Rugby Football Club (DMPRFC) to acquire Council land to the north of the Darlington Arena for the development of playing pitches and sports related facilities, be approved.

(b) That the Director of Resources be authorised to conclude negotiations, to agree terms and settle compensation in line with those Head of Terms, as detailed in paragraph 26 of the submitted report.

(c) That the Assistant Director Resources be authorised to conclude the legal documentation accordingly.

REASONS - (a) To facilitate the development of playing pitches and sports related facilities in conjunction with the future use of the stadium.

(b) To generate a capital receipt, safeguard the Council's legal position and settle compensation.

**DECISIONS DATED -
MONDAY 12 NOVEMBER 2012**