

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
MONDAY 16 DECEMBER 2013**

CABINET

3 December 2013

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

INVITEES – Councillors Curry and Haszeldine. (2)

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

C86. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

C87. REPRESENTATIONS – In respect of Minute C91(4), below a member of the public in attendance at the meeting made representations in respect of that item.

C88. MINUTES - Submitted - The Minutes (previously circulated) of the meetings of this Cabinet held on 5 and 13 November 2013.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C89. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration.

C90. ISSUES ARISING FROM SCRUTINY – There were no issues referred from the Scrutiny Committees to this meeting.

C91. KEY DECISIONS - (1) Feethams Developments - Multi Storey Car Park (MSCP) - The Cabinet Member with the Economy and Regeneration Portfolio introduced the report of the Director of Place (previously circulated) updating Members on the options for the development of a multi storey car park (MSCP) accessed from Beaumont Street and requesting that consideration be given to the development and specification of the MSCP; the granting of delegated authority to progress and finalise the design details and specification for the MSCP; the procurement strategy for the development; the estimated revenue financial consequences of the scheme, noting the range of costs is dependant on varying factors in the future; the release of £7m for the construction of the MCSP; a policy change in the operation of four long stay car parks (Park Place East, Park Place West, Hird Street and St Hilda's) extending the period of the short stay park to three hours; and to the updating of the procurement plan to include the procurement of facilitating works for the temporary car park.

RESOLVED – That, based on an appraisal of the construction and layout options for the multi-storey car park, as detailed within the submitted report, the:-

- (a) allocation of £7.0M for the construction of the MSCP, be released;
- (b) estimated revenue financial consequences of the scheme, as detailed in table 5 of the submitted report, noting the range of costs is dependent on varying factors in the future, be noted;
- (c) procurement of the detailed design and construction of the multi-storey car park, to include the option of providing premises for Shopmobility, be approved;
- (d) Director of Place, in consultation with the Director of Resources and the respective portfolio holders, be authorised to progress the design details and specification for the multi-storey car park;
- (e) use of the National SCAPE Framework, as the preferred procurement route for the development, be agreed; and
- (f) eligible period of short stay parking at Park Place East, Park Place West, Hird Street and St Hilda's car parks from the current maximum of one hour to three hours, be agreed.

REASONS - (a) Based on evidence on demand for parking in the Feethams area, and projected increases in demand associated with new development, 650 parking spaces in the multi-storey car park is considered to be the minimum requirement in order to meet future parking requirements.

(b) Although the provision of commercial space would, if occupied, benefit the urban character of the car park, there is a significant risk that the Council is unable to lease the commercial space at the rate required to recover the additional cost in providing this space.

(c) Stopping up of cobbled lane immediately East of Beaumont Street North car park would have minimal impact on traffic and pedestrian movements. Access to the private parking area to the rear of 12 Houndgate will be retained.

(d) To enable the design to advance in line with the required timetable without the need for further Cabinet resolutions.

(e) The National SCAPE Framework is the preferred Procurement Strategy for the design and build for the proposed MSCP. It delivers value for money and enables the Council to work within the timescale required to develop the MSCP so as to minimise the period of disruption to the availability of parking in the Feethams area of the Town Centre.

(f) To increase the available options for short stay parking by visitors to the Town Centre. This change will also mean that the four car parks will have the same tariff schedule as already in place in all other council long stay car parks (excluding Park Lane, near Bank Top Station).

(2) Darlington Domestic Abuse Strategy 2011 Refresh - The Leader introduced the report of the Director of People (previously circulated) presenting Darlington's Refreshed Domestic Abuse Strategy 2011 (also previously circulated).

RESOLVED - That the Refreshed Domestic Abuse Strategy 2011, as appended to the submitted report, be adopted.

REASON - A strategy with multi-agency support is necessary to guide service provision, commissioning and development activity in respect of tackling domestic abuse in the future.

(3) A67 Carlbury Bank Landslip - The Cabinet Member with the Transport Portfolio introduced the report of the Director of Place and the Director of Resources (previously circulated) confirming the decision made under delegated authority by the Director of Resources to submit an application to the Department for Transport for funding to undertake repairs to the A67 Carlbury Bank Landslip and requesting that consideration be given, subject to a successful funding application, to the release of capital and authorising the Director of Place to award the contracts.

RESOLVED - (a) That the decision made under delegated authority by the Director of Resources to submit a bid to the Department for Transport for funding to undertake repairs to the A67 Carlbury Banks Landslip, as detailed in the submitted report, be confirmed.

(b) That, subject to a successful application, the scheme be progressed and the Capital funding required to match fund the project, as detailed in the submitted report, be agreed.

(c) That the project be reclassified as non-strategic on the annual procurement plan and the awarding of contracts for the project be delegated to the Director of Place.

REASON - (a) To secure funding to stabilise the embankment and restore transport certainty along the A67.

(b) To ensure the project can be delivered within the funding timescales and to the project programme contained within the application.

(4) (URGENT ITEM) Gypsy and Traveller Site Extension on Neasham Road - The Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Place (previously circulated) presenting the outcome of the feasibility study that researched the options for providing a new gypsy and traveller site, providing up to 20 permanent pitches.

A member of public in attendance at the meeting addressed Cabinet in respect of a potential site for the provision of gypsy and traveller pitches.

RESOLVED - (a) That the revised HCA grant of £1.8M be drawn down to enable the Council to proceed with the provision of 20 new pitches, as detailed in the submitted report.

(b) That 20 new Gypsy and Traveller pitches be delivered, by developing an adjacent site to the existing Neasham Road settlement.

(c) That the position relating to the operation and management of the new site, as detailed in the submitted report, be noted, and officers be instructed to report to a further meeting of Cabinet to determine the preferred management arrangements

(d) That the contract for the investment works in connection with the proposed site extension and refurbishment work, as detailed in the submitted report, be awarded to the internal Design and Building Services Departments.

REASONS - (a) The recommendations provide the most cost effective way and certainty of delivery to provide 20 new Gypsy and Traveller pitches to meet the housing needs of this community and the HCA grant conditions.

(b) Delivery of 20 new Gypsy and Traveller pitches will contribute towards the Local Plan commitment of 35 new Gypsy and Traveller pitches by 2016.

(c) The Homes and Communities Agency (HCA) grant funding allocation of £1.8M will be secured by delivering the 20 new Gypsy and Traveller pitches by March 2015.

(d) To deliver the proposed investment works to a high quality and competitively, by awarding the works to the internal Design and Building Services Departments, utilising their skills and experience, closely monitoring and managing the investment work.

(5) Contract Award for the Provision of Personal Care and Domestic Support for Tenants in Extra Care Housing - With the prior approval of the Leader to the matter being treated as urgent to enable the decision to award the contract to be made at the earliest opportunity, 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 award of a combined contract for the provision of personal care and domestic support for tenants and extra care housing from 1 April 2014 and to enter into a service agreement for the outsourcing of the in-house home care service including provisions relating to the transfer of the in-house home care employees and the pension provision.

RESOLVED - (a) That the Evaluation Panel's recommendation to award the contract for the provision of personal care and domestic support for tenants in extra care housing, to Contractor Four, as detailed in the submitted report, be approved, from 1 April 2014 to 31 March 2020, with the option (exercisable by the Council) of up to two further contract extensions of 24 months each.

(b) That the Director of People, in consultation with the Cabinet Member with the Adult Social Care and Housing Portfolio and the Director of Resources, be authorised to finalise the arrangements to ensure the effective transfer and outsourcing of the in-house home care service to the new provider.

REASONS - (a) In accordance with the agreed selection criteria, the tender process for the contract for personal care and domestic support, identified Contractor Four as the most suitable provider to achieve the outcomes identified within the service specification.

(b) Combining contracts for personal care and domestic support will achieve a more equal, transparent and consistent service provision. It will support quality of care and also provide an opportunity to ensure “value for money” by allowing the opportunity for the new provider to offer seamless, more holistic personalised support.

(c) The in-house care and support services are not financially sustainable for the Council.

C92. REVIEW OF OUTCOME OF COMPLAINTS TO THE OMBUDSMAN - The Leader introduced the report of the Director of Resources (previously circulated) providing Members with an update of the outcome of cases which had been determined by the Local Government Ombudsman and indicating any points for particular attention since the preparation of the report to Cabinet on 4 July 2013.

RESOLVED - That the report be noted.

REASONS - (a) It is important that Members are aware of the outcome of complaints made to the LGO in respect of the Council’s activities.

(b) The contents of this report do not suggest that further action, other than detailed in the report, is required.

C93. EQUALITY SCHEME 2012/16 UPDATE - The Cabinet Member with the Health and Partnerships Portfolio introduced the report of the Director of Resources (previously circulated) providing Members with an update on the direction of travel for equalities within the Council in the face of a changing local authority landscape and requesting that consideration be given to the proposed action plan (also previously circulated), to ensure the Council continues to meet its statutory duties in the future.

RESOLVED - (a) That the evidence gathering and option appraisal work take place over the next 3-6 months to identify the most effective and efficient way to meet our equality statutory requirements, as set out in the Equality Act 2010, including but not limited to the Public Sector Equality Duty.

(b) That work takes place to examine how local inequalities and social cohesion issues can also be delivered within the limited resources available across the Council.

(c) That a further report detailing evidence that has been gathered during the review and outlining options be considered at a future meeting of Cabinet in Spring 2014.

REASONS - (a) There is a continued requirement to comply with our statutory duties but a reduced capacity to deliver and we need to focus resources to ensure compliance.

(b) Social Cohesion and Inequalities, whilst closely linked to the Equality agenda are separate but by reviewing activity we may be able to focus resource in a way that also adds value by delivery of these agendas.

C94. PROJECT POSITION STATEMENT AND CAPITAL PROGRAMME MONITORING - QUARTER TWO 2013/2014 - 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 and funding of the Council's capital programme; updating Members on the current status of all construction projects currently being undertaken by the Council; and requesting that consideration be given to a number of changes to the programme.

RESOLVED - (a) That 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 18 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.

C95. CAPITAL RECEIPT FROM THE SALE OF THE FORMER ARTS CENTRE SITE

- The Cabinet Member with the Leisure and Local Environment Portfolio introduced the report of the Director of Place (previously circulated) updating Members on the recent consultation around how to maximise the community and arts benefit from the disposal of the former Arts Centre site and requesting that consideration be given to progressing with the preferred option for consultation, namely that the money should be used for capital costs to support bids for funding the building of a medium sized venue and investment in existing arts venues.

RESOLVED - (a) That the findings of the recent consultation on how the receipt from sale of the former Arts Centre site be employed to support the arts in Darlington, as detailed in the submitted report, be noted.

(b) That an application to the third round of Arts Council England's large scale capital programme to develop a small flagship theatre focused on performing arts for children and young people, but which is also available for other arts activities and the wider community, as detailed in the submitted report, be supported.

(c) That £600,000 of any capital receipt from the sale of the former Arts Centre site, be allocated, as match funding for this application.

(d) That the purchase of an 'option' agreement to enable the acquisition of a site adjacent to the Civic Theatre for the new venue, be noted, and it proceed to purchase should the Arts Council England application be successful.

(e) That, should the bid be successful, a revenue subsidy for the new venue be made available, no greater than the existing Civic Theatre subsidy.

(f) That the subsidy required for the proposed new venue be met by reallocating the current subsidy to the Civic Theatre, which would no longer be required at that stage, and would not require any additional budget commitment above the current MTFP.

(g) That a further report be submitted to a future meeting of Cabinet on options for using the rest of the capital receipt, once the amount is known, in the context of the existing commitment that all of the capital receipts from the sale of the former Arts Centre will be used to support the arts in Darlington.

(h) That the Director of Resources be given delegated authority to complete the option agreement and to the Assistant Director of Resources to complete the legal documentation.

REASONS - (a) Consultation has been undertaken with Darlington residents and the Arts Community through Darlington Citizen's Panel and Darlington for Culture about how to maximise the community and arts benefits from disposal of the former Arts Centre.

(b) The most popular option in the consultation was that the capital receipt from disposal of the former Arts Centre site should be used for capital costs to support building and /or redevelopment of new or existing venues. Survey results showed net agreement of 68.2% from the Darlington for Culture respondents and 48.9% from Darlington Citizen's Panel respondents for this option.

(c) There is a potential opportunity to create, through Arts Council funding, a vibrant, complimentary venue next to the Civic Theatre which has a national profile for children and young people's performing arts and is a local resource for all of Darlington's young people and an important cultural destination for families whilst also creating a small scale venue which will benefit the community arts within Darlington and providing a professionally managed venue to replace capacity lost by the closure of the Arts Centre. This meets the twin Objectives of the Creative Darlington Vision.

(d) It is anticipated that the Civic Theatre will not require subsidy by the time the new venue opens.

**DECISIONS DATED –
FRIDAY 6 DECEMBER 2013**