

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY, 19TH JANUARY, 2009**

CABINET
6th January 2009

PRESENT - Councillor Williams (in the Chair); Councillors Chapman, Copeland, Dixon, Harker, McEwan, D.A. Lyonette, A.J. Scott and Wallis (9)

INVITEES – Councillors Freitag, Haszeldine and Mrs. Scott and Mr. A. MacConachie. (4)

ALSO IN ATTENDANCE – Councillor Armstrong, Barker, Coultas, Dunstone, Johnson and Richmond. (6)

C113. DECLARATION OF INTERESTS – In respect of Minute C123 below, Councillor Freitag declared a personal but non-prejudicial interest, as he was a Trustee of both MIND and eVOLution.

C114. REPRESENTATIONS – In respect of Minutes C118(1) and C119 below, representations were made by Members and members of the public in attendance at the meeting.

C115. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of Cabinet held on Tuesday, 2nd December, 2008.

RESOLVED – That the Minutes be confirmed as a correct record.

REASON – They represent an accurate record of the meeting.

C116. MATTERS REFERRED TO CABINET – There were no matters referred back for reconsideration.

C117. ISSUES ARISING FROM SCRUTINY – There were no issues arising from scrutiny.

C118. KEY DECISIONS – (1) A68 Local Safety Scheme – Proposed Crossover Closure at Burtree Lane and the Farm Access Crossovers on the A68 Between Swan House Roundabout and Rotary Way Roundabout. – The Cabinet Member with the Transport Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to the objections received to the proposed Traffic Regulation Order to permanently close the crossover gaps on the A68 between Swan House Roundabout and Rotary Way Roundabout, including the gap at Burtree Lane.

A Member in attendance at the meeting referred to a number of issues, including three projects that could have implications on the traffic on the A68; traffic congestion in the Cockerton area; and consultation undertaken on the proposals.

References were made to the problems that could be caused by tractors using the A68 as a result of the farm access crossovers being closed; potential problems that the tractors could encounter in entering the farm access points; the proposed Cattle Mart scheme which would include the creation of a roundabout on the A68; and to the cutting of the verges.

Discussion ensued on the accidents on the A68; speeding; traffic management; and enforcement.

The Cabinet Member with the Transport Portfolio and the Director of Community Services responded to the issues raised thereon.

(NOTE – For the decision of Cabinet see Minute C129 below).

(2) Civil Parking Enforcement – The Cabinet Member with the Transport Portfolio introduced the report of the Director of Community Services and the Director of Corporate Services (previously circulated) outlining the principles of Civil Parking Enforcement and seeking approval for the capital scheme to undertake preparatory work on the application and business transformation process.

Discussion ensued on the current abuse and enforcement of parking restrictions; costs associated with the scheme; and requests for new restrictions.

RESOLVED – (a) That the principle of introducing Civil Parking Enforcement, be approved, and officers be authorised to take all preparatory steps necessary to introduce Civil Parking Enforcement.

(b) That the application be prepared on the basis that:

- (i) the Borough be designated as a Civil Enforcement Area (CEA) and a Special Enforcement Area (SEA); and
- (ii) the application includes all the powers available under the Traffic Management Act, including immobilisation and removal of vehicles and moving traffic conventions.

(c) That immobilisation and removal of vehicles be not part of the initial implementation.

(d) That moving traffic contraventions be considered at a later date.

(e) That the trunk roads that run through the Borough, namely the A1 (M) and the A66, be the only roads excluded from the scheme.

(f) That all off street car parks owned by the Council within the proposed Civil Enforcement Area/Special Enforcement Area be included within the draft application.

(g) That the higher Band 2 Level Penalty Charge Notices (PCN) be used for feasibility and the application.

(h) That a draft revised parking strategy be consulted upon to seek the views of the local community including the Police.

(i) That Civil Enforcement procedures be developed and brought back to a future meeting of Cabinet for approval.

- (j) That the Traffic Regulation Order (TRO) review will not consider new requests but review existing restrictions.
- (k) That no new Traffic Regulation Orders other than those already in the process or associated with an approved scheme be considered.
- (l) That the scheme of delegation be amended to allow any objections received as part of the Traffic Regulation Order process to be considered by a Cabinet Sub-Committee consisting of three Members of Cabinet.
- (m) That delegated authority be given to the Director of Corporate Services, in consultation with the Borough Solicitor, to agree the terms of agreements with the DVLA, Traffic Penalty Tribunal, Traffic Enforcement Centre (TEC) and Debt Recovery Agents (bailiffs) and to enter into those agreements.
- (n) That a capped fee level be negotiated on each Penalty Charge Notice when employing debt recovery agents.
- (o) That prudential borrowing of £400,000 and a Local Transport Plan (LTP) contribution of £200,000 from the 2009/10 allocation, be approved, and the funding for the capital scheme be released and spend be authorised on any necessary set-up costs associated with the preparatory and business transformation work.
- (p) That a further report be submitted to a future meeting of Cabinet outlining progress on feasibility, business transformation and the draft application to enable consideration being given to the submission of a formal application.

REASONS – (a) At present the responsibility for parking enforcement is divided between the Council and the Police. It is recognised that split responsibility is not an efficient or effective way to enforce parking regulations. Civil Parking Enforcement will unify the vast majority of enforcement and enable the Council to demonstrate it is fulfilling its network management duty under the Traffic Management Act (TMA) and provide additional benefits.

- (b) Deliver effective traffic management and enforce local transport policies to assist in the Council's strategy to manage congestion.
- (c) Improve Road Safety by enforcing parking regulations that are in place to deter dangerous or obstructive parking.
- (d) Improve the local environment by enforcing anti-social parking behaviour that is detrimental to the environment that the community enjoy.
- (e) Improve the quality and accessibility of public transport by ensuring movement along bus routes and unobstructed access to bus stop locations.
- (f) Meet the needs of disabled people, some of whom will be unable to use public transport and depend entirely on the use of a car, by enforcing blue badge spaces, dropped kerbs and other restrictions to ensure access is available.
- (g) Manage and reconcile the competing demands for road space of road users by ensuring the infrastructure and facilities in place are managed to ensure access and ease of use.

(3) Prudential Indicators Update and Treasury Management Half-Year Review – The Cabinet Member with the Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) seeking approval to revised Prudential Indicators and providing a half yearly review of the Council’s borrowing and investment activities.

RESOLVED – (a) That the revised prudential indicators and limits, as detailed within Tables 1 to 11 of the submitted report, be approved.

(b) That the Treasury Management half yearly review, be noted.

(c) That the report be forwarded to Council, in order for the updated prudential indicators to be approved.

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.

(d) To enable further improvements to be made in the Council’s Treasury Management function.

C119. DARLINGTON SAFEGUARDING – POSITION STATEMENT – The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Children’s Services (previously circulated) providing Members with information regarding Darlington’s child protection system.

In response to concerns raised by a Member in attendance at the meeting, the Cabinet Member with the Children and Young People Portfolio stated that the child protection system was based on the national model and the policies and procedures used were in-built into that system; a number of audits of child protection had been undertaken in 2008; and that this Council had excellent working relationships with the external agencies involved in child protection such as the Police and Health.

Discussion ensued on the independence of the Local Safeguarding Children Board; recruitment and retention of social workers; and the number of referrals.

RESOLVED – (a) That the report be noted.

(b) That regular updates and briefing sessions be agreed.

REASONS – (a) The protection of children within Darlington is a key statutory responsibility of the Council.

(b) Members need information and understanding of the child protection processes and performance of services to ensure those responsibilities are fulfilled.

C120. CHILDREN'S SERVICES ANNUAL PERFORMANCE ASSESSMENT 2008 – The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Children's Services (previously circulated) informing Members of the outcome of the Annual Performance Assessment of this Council's Children's Services for 2008.

A letter from Ofsted was appended to the submitted report summarising the findings of the 2008 Annual Performance Assessment.

The Cabinet Member with the Children and Young People Portfolio stated that the data profile used was validated data for 2007 and not 2008 and that school performance in 2008 had improved.

RESOLVED – That the report be noted.

REASON – In order to be informed of the current performance of Darlington Borough Council's Children's Services.

C121. ADULT SOCIAL SERVICES ANNUAL PERFORMANCE ASSESSMENT - The Cabinet Member with the Adult Services Portfolio introduced the report of the Director of Community Services (previously circulated) informing Members of the outcome of the annual Performance Assessment of Social Care Services for Adults, carried out by the Commission for Social Care Inspection.

The notification letter from the Commission for Social Care Inspection (CSCI) on the 2008 Annual Performance Assessment was appended to the submitted report.

RESOLVED – That the report be noted.

REASON – In order to be informed of the current performance of the Social Care Services for Adults.

C122. OUTCOME OF COMPLAINTS MADE TO THE OMBUDSMAN – REVIEW – Pursuant to Minute C102/Dec/08, the Leader introduced the report of the Director of Corporate Services (previously circulated) providing Members with an update of the outcome of cases which had been considered by the local Ombudsman and indicating any points of particular attention and/or referral to the Standards Committee since the last meeting of Cabinet held on 2nd December, 2008.

RESOLVED – That the report be noted.

REASONS – (a) It is important the Members are aware of the outcome of complaints made to the local Ombudsman in respect of the Council's activities.

(b) The contents of the report do not suggest that further action is required.

C123. CARERS' STRATEGY AND IMPLEMENTATION PLAN 2008/11 – The Cabinet Member with the Adult Services Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to the adoption of the Carers' Strategy and Implementation Plan 2008/11 (also previously circulated).

RESOLVED – That the Carers’ Strategy and Implementation Plan 2008/11, as appended to the submitted report, be approved.

REASONS – (a) The Strategy will enable the Council to respond to the challenges of the new National Carers’ Strategy and to build on its previous commitments to carers in Darlington.

(b) The Strategy will assist the Council to deliver the vision outlined in the Sustainable Community Strategy.

C124. ANNUAL REVIEW OF SIGNIFICANT PARTNERSHIPS – The Cabinet Member with the Resources Portfolio introduced the report of the Assistant Chief Executive (previously circulated) presenting the outcome of the second annual review of significant partnerships led by the Chief Executive of Darlington Partnership and based upon the partnership toolkit questionnaires completed by the Council’s partnership lead officers.

RESOLVED – (a) That the report be noted.

(b) That the report be referred to the Resources Scrutiny Committee.

REASONS – (a) To enhance Corporate Governance arrangements in Significant Partnerships.

(b) To enhance the relevance and performance of Partnerships in Darlington in anticipation of comprehensive area assessments.

C125. COMBINED SERVICE AND FINANCIAL PERFORMANCE REPORT – QUARTER 2 – 2008/09 – The Leader introduced the report of the Chief Executive (previously circulated) reporting the Council’s service and financial performance at the end of the second quarter of 2008/09.

RESOLVED – (a) That the areas where targets had not been met, as detailed in the submitted report, including the Children’s Services and Early Years element of the Local Area Agreement, be noted, and action planning be undertaken to address those key areas of under performance.

(b) That the overall on target performance against the Sustainable Community Strategy, Local Area Agreement and Corporate Plan, where data is available for reporting, be noted.

C126. MEMBERSHIP CHANGES – There were no membership changes to outside bodies to which Cabinet appoints made at the meeting.

C125. LORRAINE O’DONNELL, ASSISTANT CHIEF EXECUTIVE– The Leader reported at the meeting that this was the last ordinary meeting of Cabinet that Lorraine O’Donnell, Assistant Chief Executive, would be attending, prior to her taking up her new post at Durham County Council

RESOLVED – That the best wishes of Cabinet be extended to Lorraine O’Donnell in her new post at Durham County Council.

REASON – To convey the best wishes of Cabinet.

C127. 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 5 of Part I of Schedule 12A to the Act.

C129. A68 LOCAL SAFETY SCHEME – PROPOSED CROSSOVER CLOSURE AT BURTREE LANE AND THE FARM ACCESS CROSSOVERS ON THE A68 BETWEEN SWAN HOUSE ROUNDABOUT AND ROTARY WAY ROUNDABOUT (EXCLUSION PARAGRAPH NO. 5) – Pursuant to Minute C118(1) above, consideration was given to Appendix 3 (also previously circulated) of the report on the A68 Local Safety Scheme.

RESOLVED – (a) That the introduction of a Prohibition of Driving Order to close the gaps in the central reserve on the A68 between Swan House Roundabout and Rotary Way Roundabout, be approved.

(b) That the revocation of existing ‘No Right Turn’ and ‘No U-turn’ Traffic Regulation Orders, be agreed.

REASON – (a) The proposed crossover closures are considered necessary on road safety grounds. By physically closing the Burtree Lane crossover, the right turning accident problem from the A68 into Burtree Lane will cease. By physically closing all the farm crossovers from Swan House Roundabout to Rotary Way Roundabout, large farm vehicles will no longer straddle the outside lanes of both carriageways whilst turning into the farms and fields thereby removing potential conflict and enhancing road safety for other drivers.

(b) The proposed crossover closures are the preferred option of Durham Constabulary to reduce the prevailing level of personal injury accidents.

(c) The proposed crossover closure at Burtree Lane will address the regular contravention of the right turn ban onto the northbound carriageway of the A68.

(d) To demonstrate that the Council has considered its statutory duty to investigate the cause of road traffic accidents and take appropriate action to prevent their recurrence, pursuant to Section 39(3) of the Road Traffic Act 1988.

**DECISIONS DATED -
FRIDAY, 9TH JANUARY, 2009**