

**DECISIONS SHOULD NOT BE IMPLEMENTED  
BEFORE MONDAY 20 FEBRUARY 2012**

**CABINET**  
7 February 2012

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

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

**APOLOGIES** – Councillors I Haszeldine.

**ALSO IN ATTENDANCE** – Councillors Carson, Johnson, Long and Richmond. (4)

**C108. DECLARATION OF INTERESTS** – In respect of Minute C123(1) below, Councillor Mrs H Scott declared a personal but non prejudicial interest as she had a relative who was the Chair of Governors at Mowden Infant and Junior School.

**C109. REPRESENTATIONS** – In respect of Minutes C112, C115, C116 and C120 below, representations were made by Members and members of public in attendance at the meeting.

**C110. MINUTES** - Submitted - The Minutes (previously circulated) of the meeting of Cabinet held on Tuesday 10 January 2012.

**RESOLVED** - That the Minutes be confirmed.

**REASON** - They represent an accurate record of the meeting.

**C111. MATTERS REFERRED TO CABINET** - There were no matters referred back for reconsideration.

**C112. ISSUES ARISING FROM SCRUTINY - SPEED MANAGEMENT WITHIN THE BOROUGH REVIEW GROUP** - The Cabinet Member with Transport Portfolio introduced the report of the Director of Resources and the Director of Place (previously circulated) reporting the findings and recommendations of the review undertaken by the Place Scrutiny Committee on Speed Management within the Borough, which was established to seek a range of views as to the impact of the introduction of 20 mile per hour (mph) speed limits within the Borough.

The Chair of the Place Scrutiny Committee addressed Cabinet in relation to the work undertaken by the Scrutiny Committee during the review and thanked the Committee, Officers and the 20's Plenty Campaign Organiser, for their input into that review.

**RESOLVED** - (a) That the following recommendations of the Place Scrutiny Committee, be endorsed, namely :-

- (i) Darlington Borough Council continues to support the introduction of 20 mph zones or limits where appropriate and continues to deliver schemes based on evidence within the available resources;
  - (ii) areas be prioritised using evidence from road casualty/speed data and information from School Travel Plans but also general environmental impact and quality of life issues especially with regard to encouraging cycling and walking;
  - (iii) Community Speed Watch be promoted and encouraged;
  - (iv) the work undertaken by 'Twenty's Plenty' be applauded and they be encouraged to promote a culture of driving at 20 mph and to work closely with Community Speed Watch to discourage speeding within the Borough;
  - (v) publicity be undertaken to highlight the achievements in casualty reduction and encourage the public to keep accident statistics low;
  - (vi) area based solutions be specifically developed; and
  - (vii) Place Scrutiny Committee monitors the recommendations arising out of this review and takes them into consideration during scrutiny of the next Local Transport Plan; and
- (b) that the following statement formulated by Councillor David Lyonette, Cabinet Member with the Transport Portfolio, Councillor Long, Chair of Place Scrutiny, Officers and the 20's Plenty Campaign Organiser that summarises the recommendations and findings from Place Scrutiny Committee be endorsed:-

'Darlington Borough Council agrees that 20 mph is safer and preferable in residential roads and that in time, and as resources allow, the Council will continue to implement wide area schemes across the Borough, excluding distributor or arterial roads, as cost effectively as possible'.

**REASON** - To conclude the work undertaken by the Place Scrutiny Committee Review Group and confirm the approach being taken in relation to speed management and the introduction of 20 mph speed limits.

**C113. KEY DECISIONS - (1) School Place Planning Arrangements - Basic Need Funding**  
 - The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of People (previously circulated) seeking Members agreement to the creation of additional school places in the current area of highest need.

**RESOLVED** - That the identification of Mowden Infant and Junior school for future expansion to meet a demand for school places in the area, be approved.

**REASONS** - (a) Expansion of the school will enable the creation of 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) Cabinet approval to expand Mowden Infant and Junior School will enable the feasibility work to continue, public consultation to begin and the more detailed design stage of the project to commence.

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

**(2) Implementing the Third Local Transport Plan** - The Cabinet Member with Transport Portfolio introduced the report of the Director of Place (previously circulated) requesting that consideration be given to the implementation plan for the delivery of capital investment through the Third Local Transport Plan in 2012/13; the release of year three funding for the Tees Valley Bus Network Improvement major scheme; the release of funding for Bikeability cycle training in primary schools; and the release of additional funding in 2011/12 received from the Department for Transport.

**RESOLVED** - (a) That the 2012/13 funding for the Third Local Transport Plan for expenditure, as detailed in the Appendix to the submitted report, be released.

(b) That this Council's continued participation in the Tees Valley Bus Network Improvement project, be agreed and the associated Department for Transport (DfT) capital and revenue grant funding for year three of the project, as shown in Appendix 1 of the submitted report, be released.

(c) That the bid for Bikeability cycle training funding be endorsed and the grant be released, subject to acceptable grant conditions.

(d) That further Local Transport Plan funding worth £114,000 for expenditure in 2011/12, as set out in the submitted report, be released.

**REASONS** - (a) To deliver schemes in year 2 of the Third Local Transport Plan.

(b) To continue to deliver improvements for bus travel, using grant funding from the Department for Transport.

(c) To expand the delivery of level 1 and 2 cycle training to all year 5/6 pupils in the Borough.

(d) To use additional Local Transport Plan funding to benefit the local transport network.

**C114. IMPLEMENTATION OF CARESTORE - RELEASE OF CAPITAL FUNDS** - 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 release of supported capital expenditure funding for improving information management in Adult and Children's Social Care by implementing the Carestore Project.

**RESOLVED** – That £30,623 be released to implement the Electronic Document and Record Management System through the Carestore Project.

**REASONS** - (a) Creation of a single integrated client record in Children's and Adults Social Care.

(b) Improved responsiveness to, and compliance with, Government legislation including the Data Protection Act (1998).

(c) Efficiencies in time, information sharing, security, data quality and accuracy.

**C115. (URGENT ITEM) THIRD SECTOR STRATEGIC GRANTS 2012/15** - The Cabinet Member with the Health and Partnership Portfolio introduced the report of the Director of People (previously circulated) presenting proposals for the allocation of strategic grants to third sector organisations that would support deliveries of the strategic objectives of the Council.

A representatives from the Darlington Media Group addressed Cabinet in respect of the decision not to allocate any grant to that organisation and the implications of that decision. Reference was also made to the closure of the Arts Centre which was where the group were currently based.

Representatives from Darlington Citizen's Advice Bureau (CAB) also addressed Cabinet in respect of the reduction in their grant, and made particular references to the services that the Bureau provided; their clients; the benefits that they brought to their clients and to the town as a whole; and the work that they had been undertaken in order to make them more efficient in preparation for the cuts and reduce any duplication of services.

The Cabinet Member with the Health and Partnership Portfolio, Leader of the Council and the Director of Place responded to those issues thereon.

**RESOLVED** - (a) That the grant allocations, as detailed in the submitted report, be agreed.

(b) That £45,989 be ring-fenced for eVOLution.

**REASONS** - The funding has been allocated following a fair and open process and has been set against criteria that were available to organisations prior to submission. This will enable :-

(a) the third sector to participate fully in the delivery of strategic outcomes; and

(b) the Council to make most effective use of resources for third sector support.

**C116. WOODBURN NURSERY, SALUTATION ROAD, DARLINGTON** - 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 declaring the site of Woodburn Nursery, as shown on the plan appended to the submitted report, surplus to operational requirements and seeking authority to dispose of it.

Members of the public addressed Cabinet in respect of the consultation undertaken on the proposals for the Woodburn Nursery site; problems and issues with the current use of the site; and the future use of the site.

The Cabinet Member with the Efficiency and Resources Portfolio and the Director of Place responded thereon.

**RESOLVED** - (a) That the site of Woodburn Nursery be declared surplus to operational requirements and authority to dispose of it be granted.

(b) That the Director of Resources be authorised to proceed to market the site and complete a sale as and when market conditions permit.

**REASON** - To achieve a Capital Receipt for the Council's Medium Term Financial Plan.

**C117. PROJECT POSITION STATEMENT AND CAPITAL PROGRAMME MONITORING - QUARTER THREE 2011/12** - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources (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 and updating Members on the current status of all construction projects currently being undertaken by the Council.

**RESOLVED** - (a) That the status position on construction projects, as detailed in the submitted report, be noted.

(b) That projected capital expenditure and resources, as detailed in the submitted report, be noted.

(c) That the adjustments to resources, as detailed in paragraph 19 of the submitted report, be approved.

(d) That the resource virements, as indicated in paragraph 20 of the submitted report, be approved.

**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.

**C118. REVENUE BUDGET MONITORING 2011/12 - QUARTER THREE** - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources (previously circulated) providing an up to date forecast of the 2011/12 revenue budget outturn as part of the Council's continuous financial management processes and requesting £80,000 be transferred to an earmarked reserve, for a deferred Public Enquiry.

**RESOLVED** - (a) That the forecast revenue outturn for 2011/12 and actions being taken to manage the Council's finances and services, as detailed in the submitted report, be noted.

(b) That £80,000 for the Local Development Framework deferred Public Enquiry be transferred to an earmarked reserve for use in 2013/14.

(c) That further regular reports be made to Cabinet to monitor progress and take prompt action if necessary.

**REASONS** - (a) To continue effective management of resources.

(b) To ensure the resources for the public enquiry are available when required.

(c) To continue to deliver services to agreed levels.

**C119. MEMBERSHIP CHANGES** - There were no membership changes made at the meeting.

**C120. (URGENT ITEM) ADULT SOCIAL CARE POLICY DECISION REVIEW** - With the 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 Adult Social Care and Housing Portfolio introduced the report of the Director of People (previously circulated) requesting that Members reconsider a decision made by Cabinet on 22 November 2011, in relation to the eligibility criteria and the severe disability premium in light of new information.

A representative from Darlington Association on Disability addressed Cabinet in respect of the report and stated that the issue had arisen due to a lack of undertaking of the eligibility criteria and the severe disability premium and he felt that there was a need to invest in universal services rather than change the policy.

The Cabinet Member with the Adult Social Care and Housing Portfolio and the Leader responded to those issues thereon.

**RESOLVED** - (a) That the decision of Cabinet on 22 November 2011, set out in Minute C83 in paragraph (c) ii (1) in relation to eligibility criteria, be revoked.

(b) That the packages of those individuals who have been affected by the implementation of the policy, and want to return to the previous package, be immediately re-instated.

(c) That the Director of People be authorised to proceed to consult on a proposal to amend the eligibility criteria with all service users except those in receipt of residential care packages.

**REASON** - (a) To enable the Council to make and implement a robust decision.

(b) To achieve savings estimated in MTFP in future years.

**C121. 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 paragraphs 3, 5 and 6 of Part I of Schedule 12A to the Act.

**C122. JOHN STREET CYCLE ROUTE (EXCLUSION PARAGRAPH NOS. 3, 5 AND 6)** - The Cabinet Member with the Transport Portfolio introduced the report of the Director of Place (previously circulated) seeking authority to progress land acquisition, including the making of a Compulsory Purchase Order (CPO), to acquire land to develop the John Street Cycle Scheme.

**RESOLVED** - (a) That the Director of Resources be authorised to make a Compulsory Purchase Order for the acquisition of relevant interests, as set out in Appendix 3 of the submitted report, under sections 239 and 240 and all other powers of compulsory purchase appropriate to footpath and cycleway contained in the Highways Act 1980 as amended.

(b) That the Director of Resources be authorised to publish and serve all necessary notices consequent upon the making of the Order and submit the Order to the Secretary of State for Transport for confirmation and to take any other steps required in connection with the making and submission of the Order, including effecting any minor amendments to the Order, Order Map or relating documentation should it prove necessary to do so.

(c) That the Director of Resources be authorised in the event that the Order is confirmed with or without modification by the Secretary of State to publish and serve all necessary Notices, consequent upon the confirmation, including Notice of Confirmation of the Order.

(d) That the Director of Resources be authorised to continue to seek agreement by negotiation with all parties pending confirmation of the Order with the terms of any agreement reported to a future Cabinet meeting through the schedule of transactions.

(e) That the Director of Resources submit a further report to Cabinet once the Compulsory Purchase Order has been confirmed and before serving the first notice to treat or making a general vesting declaration to give the Council legal title to the land, providing detail of anticipated acquisition, compensation and associated legal and professional costs.

**REASONS** - (a) To secure the land required to construct the John Street Cycleway scheme.

(b) To secure the land or rights required to construct the John Street Cycleway scheme, if necessary subject to reservations in favour of Network Rail to allow the railway operator to continue to carry out its statutory obligations.

**C123. 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 13 FEBRUARY 2012**