

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

**CABINET
6 March 2012**

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

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

ALSO IN ATTENDANCE – Councillors Coultas, Johnson, Regan and Richmond. (4)

C128. DECLARATIONS OF INTEREST – There were no Declarations of Interest reported at the meeting.

C129. REPRESENTATIONS – There were no representations made at the meeting from Members or Members of the public in attendance at the meeting.

C130. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on Tuesday 7 February 2012.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C131. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration.

C132. ISSUES ARISING FROM SCRUTINY - There were no issues arising from Scrutiny.

C133. TEES VALLEY UNLIMITED BUSINESS PLAN – The Managing Director, Tees Valley Unlimited gave a presentation to Cabinet on the work of Tees Valley Unlimited (TVU).

TVU was officially recognised as the Local Enterprise Partnership for the Tees Valley in November 2010 with a remit to drive the transition to a high value, low carbon economy and to create a more diversified and inclusive economy, in the Tees Valley. During the first year of its operation, the TVU performed well and had worked closely with businesses and public sector partners, in securing over £70M of funding from the Regional Growth Fund (RGF) Rounds 1 and 2. In addition to this twelve sites had been awarded Enterprise Zone status across the Tees Valley, one of which was located in Darlington at the Central Park site.

References were also made during the presentation to the objectives of the TVU; bids Round three of the RGF; TVU Leadership Board; completion of the four sector plans on health, digital, advanced manufacturing and logistics produced to maximise existing and future economic opportunities; learning and skills provision required to meet the needs of new and existing businesses; and the TVU Business Plan.

A number of issues were raised by Members including the lack of lending to businesses as a result of their business plans not being strong enough; access to broadband in Darlington; the companies in the supply change for the proposed Hitachi development at Ayclife; skill levels; and access to European funding. The Managing Director, TVU, responded thereon.

C134. DEATH IN SERVICE - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Place (previously circulated) informing Members of the recent sad death in service on Wednesday 8 February 2012 of Kenneth Chambers, a valued member of Street Scene, Environmental Services.

RESOLVED - (a) That the recent sad death of Kenneth Chambers (Kenny), a respected employee of the Council, be noted.

(b) That the actions of the Council in conveying sympathy to Kenny's family and the support offered from Human Resources Services, be noted.

REASON - To make Members aware of the recent death in service.

C135. KEY DECISIONS - (1) 2013/14 School Admission Arrangements - 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 local authority's Admission Policy (also previously circulated) for the 2013/14 academic year and the co-ordinated arrangements for all schools in the Borough.

RESOLVED - That the Primary and Secondary Admissions Policies and oversubscription criteria for 2013/14, as appended to the submitted report, be approved.

REASONS - (a) The Authority is under a statutory duty to consult and adopt an admission scheme for both Primary and Secondary school places for the 2013/14 academic year.

(b) If the scheme is not approved and returned to the DfE by 15 April 2012 the Secretary of State may impose a scheme on the Authority.

(2) Policy for the Provision of Transport for Adult Social Care Service Users - 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 proposed Adult Social Care Policy for the Provision of Adult Social Care Transport for Adult Social Care Service Users (also previously circulated), taking into account the potential adverse impacts that had been identified through consultation, as a consequence of implementing the policy.

RESOLVED - That taking into account the impact assessment against the need to achieve the savings within the context of the Medium Term Financial Plan, the Policy for the Provision of Adult Social Care Transport for Adult Social Care Service Users, as appended to the submitted report, be approved, and be implemented from 1 April 2012.

REASONS - (a) Members have now been provided with the feedback from the consultation on the draft MTFP 2012/13 to 2015/16 to allow them to give full consideration to the impacts not only of the Equality Impact Assessment and proposed mitigations attached in the submitted report, but also the Equality Impact Assessments of the other budget proposals.

(b) Savings are required to support the Council in meeting its overall budget savings.

(3) (URGENT ITEM) Housing Investment Programme 2012/13 - The Cabinet Member with Adult Social Care and Housing Portfolio introduced the report of the Director of People (previously circulated) advising Members of the resources available for Housing capital investment during 2012/13 and requesting that consideration be given to the Housing Investment Programme to utilise those resources.

RESOLVED - That the annual Housing Investment Programme 2012/13, as detailed in table two of the submitted report, be agreed, and the funding released.

REASON - To enable the works and projects identified in the annual Housing Investment Programme for 2012/13 to proceed.

(4) (URGENT ITEM) Cockerton Regeneration 2012/14 - Procurement of Developer Partners - The Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Place and the Director of People (previously circulated) seeking Members agreement for Officers to negotiate directly with Dunelm Property Services Limited (a subsidiary of the Esh Group) and Endeavour Housing, as a special purchaser procurement, in relation to the demolition and re-provision of housing on the Cockerton Estate.

RESOLVED - (a) That officers be authorised to enter into negotiations directly with Dunelm Property Services Limited and Endeavour Housing Association, as special purchasers in relation to the demolition and re-provision of housing on the Cockerton Estate.

(b) That the Director of Resources submit a further report to a future meeting of Cabinet on the completion of negotiations with recommendations for a Development Agreement and appropriate safeguards to protect the Council's interests and minimise its risks, as referred to in paragraph 23 of the submitted report.

(c) That, in the event of negotiations referred to in (a) and (b) breaking down, officers be authorised to procure developer partners through a tender process using the Homes and Communities Framework agreement or a Council procurement.

(d) That the demolition and clearance works to be undertaken through Design and Building Services in order to comply with Department of Communities and Local Government conditions as part of the Council House Finance reforms, be approved.

REASONS - (a) In order to meet the required timescales to secure the HCA grant investment into the Cockerton Regeneration scheme the Council will need to work with Dunelm to which it is awarded.

(b) The time limits on the grant award are such that it would not allow for a normal tendering procedure without significant risk to the HCA grant being lost to Darlington.

(c) The reform of Council Housing finance has created time pressures to deliver the vacation and demolition of 77 properties on the estate in areas 1 to 5 identified on the plan appended to the submitted report and the suggested procurement route would provide the least risk to achieving this requirement.

(d) The Two Castles Housing Association Framework provides the only procurement route to achieve the Cockerton Regeneration programme within the timescales, new build targets, and grant conditions prescribed by the HCA.

(e) Some selective purchases, demolitions and redevelopment are required in Areas 1-6 to facilitate the regeneration programme.

C136. TRANSFER OF PUBLIC HEALTH FUNCTIONS TO DARLINGTON BOROUGH COUNCIL - The Cabinet Member with the Health and Partnerships Portfolio introduced the report of the Director of People (previously circulated) updating Members on their new responsibilities for public health functions that will transfer to the local authority from April 2013 and seeking in principle approval, for the configuration of local public health resources and a transition action planning process. A copy of the Public Health Transition Plan was appended to the submitted report.

Discussion ensued on the timescales for the transfer to the local authority and notification of any reduction in resources; oral health; preventative/lifestyle issues and their impact on length of life; and staff transfers.

RESOLVED - (a) That the new responsibilities on the local authority, as detailed in the submitted report, be noted.

(b) That the potential risks and steps being taken to mitigate them, as detailed in the submitted report, be noted.

(c) That the option of disaggregation from the joint arrangements with Durham and the exploration of collaboration with Tees Valley authorities, be pursued.

(d) That a further report be submitted to a future meeting of Cabinet with specific proposals relating to the timing of transfer and the proposed configuration of the Darlington Public Health Service.

REASONS - (a) To facilitate the effective transfer of the new functions and duties.

(b) To ensure value for money through the new working arrangements.

C137. CHANGES TO PARTNERSHIPS IN DARLINGTON - The Cabinet Member with the Health and Partnerships Portfolio introduced the report of the Director of People (previously circulated) informing Members of the changes in partnership arrangements in Darlington, noting the on-going discussions in relation to Darlington's future Health and Wellbeing Board.

RESOLVED - (a) That the progress made in changing partnership arrangements in Darlington, as detailed in the submitted report, be noted.

(b) That the discussions taking place with partners to further develop partnerships particularly in relation to Health and Wellbeing, be noted.

(c) That the commitment to the use of officer time, as outlined in the submitted, be confirmed.

REASONS - (a) To facilitate effective partnership working in Darlington in response to policy and financial changes

(b) To ensure continued partnership delivery of the priorities of *One Darlington: Perfectly Placed*.

C138. OBJECTION TO ROAD HUMP NOTICES - (1) Heathfield School - The Cabinet Member with Transport Portfolio introduced the report of the Director of Place (previously circulated) requesting that consideration be given to objections received to the publication of a notice under the terms of Section 90A of the Highways Act 1980 to construct physical traffic calming in the form of road humps and speed cushions, which formed an integral part of Heathfield School Safer Route to School Scheme, which was part of the Local Transport Plan capital programme.

RESOLVED - (a) That the objections to the construction of road humps, as detailed in the submitted report, be set aside.

(b) That the proposals be implemented as advertised.

REASONS - (a) The objections are not considered to be substantive for the reasons expressed in the submitted report.

(b) The scheme consultation process indicates that a majority of local residents support the proposed scheme.

(2) Reid Street School - The Cabinet Member with Transport Portfolio introduced the report of the Director of Place (previously circulated) requesting that consideration be given to the objections received to the publication of a notice under the terms of Section 90A of the Highways Act 1980 to construct road speed cushions, of which formed an integral part of the Reid Street School Safer Route to School Scheme, which was part of the Local Transport Plan capital programme.

RESOLVED - (a) That the objection to the construction of road humps, as detailed in the submitted report, be set aside.

(b) That the proposals be implemented as advertised.

REASONS - (a) The objection is not considered to be substantive for the reasons expressed in the main report.

(b) The scheme consultation process indicates that a majority of local residents support the proposed scheme.

C139. 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 about issues relevant to the use of the Regulation of Investigatory Powers Act 2000 and developments that have taken place since the last report to Cabinet in September 2011.

RESOLVED - (a) That the developments that have taken place since September 2011, as detailed in the submitted report, be noted.

(b) That further periodic reports on the use of RIPA and associated issues, be submitted to future meetings of Cabinet.

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

(b) To ensure compliance with the Codes of Practice and Guidance.

C140. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C141. SUPPORTED BUS SERVICES IMPLEMENTATION OPTIONS - 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 Transport Portfolio introduced the report of the Director of Place (previously circulated) requesting that consideration be given to the correcting of the detail of how to implement the Medium Term Financial Plan budget decision to withdraw funding for supported buses.

RESOLVED – That the withdrawal of contract DBC0919-23 serving the Glebe Road area be withdrawn from 3 June 2012, and all financial contributions towards contracts provided by neighbouring Councils be ceased as soon as is possible, as part of the budget decision to withdraw funding from supported bus services.

REASON - In order to achieve the budgeted MTFP savings.

**DECISIONS DATED -
MONDAY 12 MARCH 2012**