

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
MONDAY 17 JUNE 2013**

CABINET
4 June 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, I Haszeldine and Mrs. Scott. (3)

ALSO IN ATTENDANCE – The Mayor, Councillor Johnson; and Councillors Francis and E A Richmond. (3)

C1. DECLARATIONS OF INTEREST – There were no declarations of interested reported at the meeting.

C2. REPRESENTATIONS – In respect of Minutes C171(1), (2) and (3) and C175 and C178, a Member in attendance at the meeting made representations on those items.

C3. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 7 May 2013.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C4. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration.

C5. ISSUES ARISING FROM SCRUTINY - There were no issues arising from Scrutiny.

C6. 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 Thursday 9 May 2013 of Ian Whattam, a valued member of the Street Scene Team within the Services for Place.

RESOLVED - (a) That the recent tragic death of Ian Whattam, a respected employee of the Council, be noted with great sadness.

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

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

C7. KEY DECISIONS - (1) Extended Customer Centre and Town Hall Ground Floor Refurbishment Works - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources (previously circulated) setting out the drivers for undertaking a project to extend the existing Customer Centre, along with the associated refurbishment of the ground floor of the Town Hall, and to seek approval for the release of funding for the project.

A query was raised at the meeting in respect of the estimated budget for the project and the potential for over-spend and the possibility of the Department of Education (DfE) contributing towards the costs. The Director of Resources, Cabinet Member with the Efficiency and Resources Portfolio and the Leader responded thereon.

RESOLVED - (a) That the £750,000 funding required to deliver the proposal to extend the customer centre and the associated refurbishment of the ground floor of the Town Hall, as detailed in the submitted report, be approved and released from the 2013/2014 capital Medium Term Financial Plan (MTFP).

(b) That £46,000 of capital funding within the Adults budget be realigned to this project.

(c) That the Director of Resources, in consultation with the Cabinet Member with the Efficiency and Resources Portfolio, be authorised to progress the project, and to vary the scope of the works and the resulting costs where deemed appropriate to achieve the desired outcomes.

REASONS - (a) To progress the Council's Customer Strategy in particular around achieving a Single Point of Contact.

(b) To improve the customer experience.

(c) To equip the Council with contemporary fit for purpose facilities with capacity to deal with increased customer numbers.

(d) To support the Council's Asset Rationalisation project.

(e) To achieve efficiency savings through the co-location of disparate customer facing staff.

(f) To improve the customer experience by providing facilities that are fit for purpose.

(2) Warm Up North – Inter Authority Agreement - The Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Place (previously circulated) seeking approval for the terms and conditions of the Inter Authority Agreement (IAA) and requesting that delegated authority be given to the Director of Resources to sign the IAA on the award of the Warm Up North contract.

In respect of the funding of the project, discussion ensued on what the funding could be used for and on prudential borrowing.

RESOLVED - (a) That the Council's entry into the Inter Authority Agreement with the partner authorities, as summarised in paragraph 18 of the submitted report, be approved.

(b) That the Director of Resources be granted delegated authority to enter into an Inter Agency Agreement (IAA) within six months of the award of the Warm Up North contract, between Newcastle City Council and the delivery partner.

REASONS - (a) The Inter Authority Agreement (IAA) follows the same principles as the Memorandum of Understanding approved by Cabinet on 3 April 2012.

(b) Procurement through a consortium of local authority partners will deliver the best value for money, and, provide the most cost efficient way of procuring a preferred Green Deal delivery partner.

(c) The full procurement costs incurred by Newcastle City Council have yet to be confirmed. However, full procurement costs will be confirmed by Newcastle City Council and approved by the Project Steering Group, in advance of the signing of the IAA.

(3) Darlington Local Plan: Making and Growing Places Preferred Options - The Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Place and the Director of Resources (previously circulated) seeking agreement to a draft development plan document entitled 'Making and Growing Places Preferred Options' (also previously circulated) containing draft site allocations and development management policies, and for it to be the subject of public and other consultations from mid June 2013 and requesting that consideration be given to the disposal of specific sites, to help ensure that the Council owned sites mentioned in the document can be brought forward for development at the appropriate time.

Discussion ensued on a number of issues included within the options document namely, the land at Carmel School; Teesside Airport; the proposed housing development on Carmel Road; and sites for Travelling Showpeople. Particular reference was made to the importance of the document in attracting new businesses and people to the town.

RESOLVED - (a) That subject to non-substantive editorial changes by the Director of Place, the Making and Growing Places Preferred Options document, as included at Appendix 1 of the submitted report, and the draft Policies Map, be agreed, as the basis for public and other consultations.

(b) That the Council owned sites listed in paragraph 87 of the submitted report be declared surplus to requirements and the Director of Resources be authorised to dispose of the sites at the appropriate time for new housing development.

REASONS - (a) To fulfil the requirements of the Town and Country Planning (Local Planning)(England) Regulations 2012 as they apply to local plan making.

(b) To make progress in meeting the statutory requirement to have an up to date local plan in place for the Borough of Darlington.

(c) To help ensure that the Council owned sites being proposed as development allocations can be brought forward for development at the appropriate time.

(d) To help stimulate appropriate development in the Borough.

C8. REPRESENTATION ON OTHER BODIES 2013/14 - The Leader introduced the report of the Director of Resources (previously circulated) requesting that consideration be given to this Council's representation on other bodies for the 2013/14 Municipal Year, to which Cabinet appoints.

RESOLVED – (a) That the appointments to the other bodies, as detailed in paragraph 6 of the submitted report, for the 2013/14 Municipal Year, be approved.

(b) That a representative of the Council, be nominated to represent the Council on the Darlington Credit Union.

REASON – To comply with the nominations received from the Political Groups.

C9. REVIEW OF OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN – Pursuant to Minute C86/Dec/12, 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 (LGO) and indicating any points for particular attention since the preparation of the report to the meeting of Cabinet held on 4 December 2012.

RESOLVED – That the contents of 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 the report do not suggest that further action, other than detailed in the report, is required.

C10. CIVIC THEATRE RESTORATION - The Cabinet Member with the Leisure and Local Environmental Portfolio introduced the report of the Director of Place (previously circulated) updating Members on progress with regard to the restoration project for the Civic Theatre.

Discussion ensued on the role of the 'Friends of the Civic Theatre' in the project.

RESOLVED - (a) That the setting up of a compulsory restoration levy at a cost of £1 per ticket, with the exception of dedicated children's performances (except the Pantomime), be approved, and that this levy be introduced from July 2013.

(b) That the Director of Resources be given delegated authority, in consultation with the Cabinet Member with the Efficiency and Resources Portfolio, to pursue the acquisition of the properties, as identified in the submitted report, at a price in line with the figures referred to in Appendix 3 of the submitted report (this information is exempt from publication under Schedule 12 A of the LGA 1972).

(c) That the removal of the booking fee be noted.

(d) That the establishment of a Restoration Trust be supported, in principle, with a Council nomination to the Trust Board.

(e) That the overall funding strategy, as detailed in the submitted report, be approved, and an application to the Heritage Lottery Fund (HLF) Stage 1 be submitted later this year.

REASONS - (a) To enable the Council to fund its contribution towards the HLF Restoration Project.

(b) To enable the Restoration Project to address the inherent operational issues within the Civic Theatre.

(c) To ensure that the Authority is legally compliant as a result of changes in the law with regard to booking fees.

(d) To encourage further fundraising from a non-Council body and to provide advocacy for the Civic Theatre.

(e) To enable the Restoration Project to move forward to the next stage.

C11. XENTRALL SHARED SERVICES ANNUAL REPORT - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources (previously circulated) presenting the fifth Xentrall Annual Report to Cabinet.

A Member in attendance at the meeting enquired about the full costs of Xentrall Shared Services since it was established in 2008. The Director of Resources responded thereon.

RESOLVED - That the report be noted.

REASON – To enable Cabinet to consider the performance of Xentrall Shared Services.

C12. 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 (RIPA) 2000 and developments that had taken place since the last report to Cabinet in October 2012.

RESOLVED - (a) That the developments that have taken place since October 2012, as detailed in the submitted report, be noted.

(b) That further reports on the use of the Regulation of Investigatory Powers Act (RIPA) 2000 and associated issues, be submitted to future meetings of Cabinet.

REASONS - (a) Note the developments that have taken place since October 2012.

(b) Receive further reports on the use of RIPA and associated issues.

C13. ANNUAL REVIEW OF SIGNIFICANT PARTNERSHIPS 2012/13 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of People (previously circulated) presenting the outcome of the annual review of significant partnerships to enable Cabinet to consider the partnerships that the

Council is involved with and to ensure that they have adequate governance arrangements in place.

RESOLVED - That the review of significant partnerships be endorsed, and the actions being taken to address outstanding issues, as detailed in the submitted report, be noted.

REASONS - (a) To enhance corporate governance arrangements in significant partnerships.

(b) To enhance the relevance and performance of partnerships in Darlington.

C14. PROPOSED WRITE-OFF OF IRRECOVERABLE DEBTS - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources (previously circulated) seeking approval from Cabinet for the write-off of sundry debtor invoices with individual values greater than £500 that were considered to be irrecoverable.

A Member in attendance at the meeting enquired about the use of third party organisations, in the collection of debts. The Director of Resources responded thereon.

RESOLVED - That Sundry Debtor invoices over £500 to the value of £247,288.62 for 2012/13 be written-off, subject to further action if and when contacts are made.

REASONS - (a) It is considered all practical steps have been made to recover the debts.

(b) To enable the Council's accounts to be maintained in accordance with the Financial Procedure Rules.

C15. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C16. 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.

C17. LAND AT FORMER EASTBOURNE SCHOOL SITE (EXCLUSION PARAGRAPH NO. 3) - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report and plans of the Director of Resources (previously circulated) requesting that consideration be given to the Council owned land being part of the Eastbourne Sports Centre, as shown hatched on the plan no. 1 appended to the submitted report, being declared surplus to requirements; and seeking authority for the disposal of the land being part of the Eastbourne Sports Centre, the site of the former Eastbourne Youth Centre and part of the site of the former Eastbourne School site, as shown coloured grey on plan no. 1 appended to the submitted report, for residential development.

RESOLVED - (a) That the land, as shown hatched on plan no. 1 appended to the submitted report, be declared surplus to requirements.

(b) That the land, as shown coloured grey on plan no. 1 appended to the submitted report, be disposed of, and the Director of Resources be authorised, in consultation with the Cabinet Member with the Efficiency and Resources Portfolio to agree terms in line with those, as set out in paragraphs 44 to 49 of the submitted report and, to complete the appropriate documentation.

(c) That, subject to securing any necessary consents, the Director of Resources be authorised to grant a licence for a site compound in a location to be agreed and, to complete the appropriate documentation.

REASONS - (a) To contribute to the provision of Affordable Housing in line with the Local Plan.

(b) To secure a Capital Receipt from the sale of the land required for Phase I.

(c) To increase the level of Capital Receipts expected to be generated from subsequent sales of land in this location.

**DECISIONS DATED
FRIDAY 7 JUNE 2013**