

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
MONDAY 20 JULY 2015**

CABINET
7 July 2015

PRESENT – Councillor Dixon (in the Chair); Councillors Harker, McEwan and A J Scott. (4)

INVITEES – Councillors Curry and Johnson and Dr A Jones. (4)

APOLOGIES – Councillors Copeland, CLB Hughes and Wallis. (3)

C19. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

C20. REPRESENTATIONS – In respect of Minutes C23 and C26 below, representations were made by a Member and a member of the public in attendance at the meeting.

C21. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 16 June 2015.

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

REASON - They represent an accurate record of the meeting.

C22. MATTERS REFERRED TO CABINET - There were no matters referred back to this meeting for reconsideration.

C23. ISSUES ARISING FROM SCRUTINY – CHILD POVERTY REVIEW GROUP – FINAL REPORT - The Leader introduced the report of the Assistant Chief Executive (previously circulated) presenting the final findings of the Child Poverty Review Group undertaken by the Children and Young People Scrutiny Committee to examine child poverty and vulnerable children.

The Vice Chair of the Children and Young People Scrutiny Committee addressed Cabinet in respect of the work undertaken by that Scrutiny Committee in conducting the review and in doing so, stated that there were a number of 'hot spots' located within the town where more children were living in poverty.

RESOLVED – That the findings and recommendations of the Children and Young People Scrutiny Committee's Child Poverty Review Group, as detailed in the submitted report, be noted.

REASON - To enable Cabinet to consider the recommendations of the Children and Young People Scrutiny Review.

C24. PROPOSED WAITING RESTRICTIONS ALBERT STREET – OBJECTIONS -

The Leader introduced the report of the Director of Economic Growth (previously circulated) informing Members of an objection received to proposed waiting restrictions in Albert Street and requesting that consideration be given on whether to proceed with the proposal.

RESOLVED - That the objection be set aside and officers be authorised to proceed with the amended proposal to introduce double yellow lines as advertised and also to advertise the introduction of limited waiting and include Nos. 10 to 16 Neasham Road in the proposed residents' parking scheme for Bank Top.

REASON - To prevent obstructive parking to the access and egress to the car park in Albert Street.

C25. COMPLAINTS, COMPLIMENTS AND COMMENTS ANNUAL REPORTS

2014/15 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) requesting that consideration be given to the Complaints, Compliments and Comments Annual Reports 2014/15 for Adult Social Care, Children's Social Care, Corporate, Housing and Public Health (all previously circulated); and requesting that consideration be given to the timescales in the Council's Corporate, Housing, Adult Social Care and Public Health Complaints Procedures.

RESOLVED - (a) That the content of the Complaints, Compliments and Comments Annual Reports 2014/15 for Adult Social Care, Children's Social Care, Corporate, Housing, and Public Health, all as appended to the submitted report, be noted.

(b) That extensions to the timescales in the Corporate, Housing, Adult Social Care and Public Health Complaints Procedures, as detailed in paragraph 30 of the submitted report, be endorsed.

REASONS - (a) To make Cabinet aware of the number and nature of the complaints received by the Council and the organisational learning that has taken place as a result.

(b) To enable the Council to provide responses to complaints in a timely manner, while better managing customers' expectations and improving customer satisfaction with complaints handling.

C26. ALLOTMENTS: PROPOSAL FOR COCKERTON ASSOCIATION TO BE GRANTED 'SELF-MANAGED' STATUS AND SURRENDER AND RE-GRANT OF LONG LEASES TO SIX OTHER ALLOTMENT ASSOCIATIONS -

The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Economic Growth (previously circulated) requesting that consideration be given to allowing Cockerton Allotment Association to become self-managed and to grant that association a new, 20 year lease, and to accepting the surrender of six existing self-managed allotment leases and to granting new long-term leases to those associations.

The Secretary of Smithfield Road Allotments Association addressed Cabinet in respect of the proposed new lease and the Chair and the Cabinet Member with the Efficiency and Resources Portfolio responded thereon.

RESOLVED - (a) That the commitment to the principle of allotment sites achieving self-managed status, be re-affirmed.

(b) That the relevant Director be authorised to negotiate and conclude the terms of an appropriate 20 year self-managed lease with Cockerton Allotment Association.

(c) That the surrender of leases from those allotment associations who require longer lease terms, as detailed in the submitted report, be accepted, and replacement 20 year leases be granted to those associations.

(d) That the Borough Solicitor be authorised to complete the necessary legal documentation

REASONS - (a) There is a financial deficit in respect of managing allotment sites which remain under the direct control of the Council. This should be reduced if Cockerton Allotment Association becomes self-managed. The loss of rent from the Cockerton site is small.

(b) There should be a reduction in the call on officer time if Cockerton Allotment Association becomes self-managed.

(c) The granting of new, longer leases to the six existing self-managed associations will enable them to seek more external funding, which, if received, should result in improvements to the allotments.

C27. PROCUREMENT BOARD UPDATE - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) updating Members on the decisions taken by the Procurement Board to waive the Contract Procedure Rules.

RESOLVED - That the report be noted.

REASONS - (a) In order to comply with the Contract Procedure Rules.

(b) To provide Cabinet with information about the decisions that have been made by the Procurement Board.

(c) To supplement the reports that are taken to Cabinet about proposed spend over £100,000, that are set out in the Annual Procurement Plan and the in year update to that report.

C28. TREASURY MANAGEMENT ANNUAL REPORT AND OUTTURN PRUDENTIAL INDICATORS 2014/15 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) providing important information regarding the regulation and management of the Council's borrowing, investments and cash-flow, which is a requirement of the Council's reporting procedures and covers treasury activity for 2014/15, and seeking approval of the Prudential Indicator results for 2014/15, in accordance with the Prudential Code.

RESOLVED - (a) That the outturn 2014/15 Prudential Indicators, as detailed within the submitted report and those as detailed in Appendix 1 of the submitted report, be noted.

(b) That the Treasury Management Annual Report for 2014/15, as detailed in the submitted report, be noted.

(c) That the report to be forwarded to Council, in order for the 2014/15 Prudential Indicators to be noted.

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.

C29. PROJECT POSITION STATEMENT AND CAPITAL PROGRAMME MONITORING OUTTURN 2014/15 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Neighbourhood Services and Resources and the Director of Economic Growth (previously circulated) providing information on the delivery of the Council's Capital Programme; the financial outturn position as at 31 March 2015; the proposed financing of the 2014/15 Capital expenditure; updating Members on the current status of all construction projects currently being taken by the Council; and requesting that consideration be given to a number of changes to the programme.

RESOLVED - (a) That the delivery and financial outturn of the 2014/15 Capital Programme, as detailed in the submitted report, be noted.

(b) That the status position on construction projects, as detailed in the submitted report, be noted.

(c) That the adjustments to resources, as detailed in paragraph 22 of the submitted report, be approved.

REASONS - (a) To enable Members to note the progress of the 2014/15 Capital Programme and to allow the capital spend to be fully financed.

(b) To inform Cabinet of the current status of construction projects.

(c) To maintain effective management of resources.

C30. PROJECT POSITION STATEMENT AND CAPITAL PROGRAMME MONITORING QUARTER ONE 2015/16 - The Cabinet Member with the Efficiency and Resources portfolio introduced the report of the Director of Neighbourhood Services and Resources and the Director of Economic Growth (previously circulated) providing a summary of the latest capital resource and commitment position, to inform monitoring of the affordability and funding of the council's capital programme; providing an update 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 the 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 resource virements, as indicated in paragraph 19 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.

C31. REVENUE OUTTURN 2014/15 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) presenting the revenue outturn 2014/15 (subject to Audit); requesting that consideration be given to the results in light of the Council's Medium Term Financial Plan (MTFP); and that consideration be given to the Collection Fund and Housing Revenue Account outturn.

RESOLVED - (a) That the revenue outturn for 2014/15, as detailed in the submitted report, be noted.

(b) That the additional carry forward requests of £0.728M, as detailed in the submitted report, be approved and carried forward into 2015/16.

(c) That the earmarked reserves, referred to in paragraphs 27 and 28 of the submitted report, be approved.

REASON - In order to maintain appropriate management arrangements for the Council's finances and make effective use of the Council's resources.

C32. REVENUE BUDGET MONITORING 2015/16 – QUARTER 1 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) providing an early forecast of the 2015/16 revenue budget outturn as part of the Council's continuous financial management processes and informing Cabinet of the budget rebasing exercise carried out following the 2014/15 outturn results.

RESOLVED - (a) That the forecast revenue outturn for 2015/16 and actions being taken to manage the Council's finances, as detailed in the submitted report, be noted.

(b) That further regular reports be submitted to Cabinet in order to monitor progress and take prompt action if necessary.

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

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

C33. WRITE-OFF OF FORMER HOUSING TENANT ARREARS, HOUSING BENEFIT OVERPAYMENTS, NON-DOMESTIC RATES AND COUNCIL TAX - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) updating Members on the current position on former housing tenant arrears, Housing Benefit overpayments, Non-Domestic Rates and Council Tax, and requesting that consideration be given to the write-off of debts totalling £889,200.

Discussion ensued on the prevention of debt.

RESOLVED - That a total amount of £120,561 of former housing tenant arrears, £99,499 of Housing Benefit overpayments and £669,140 of Non-Domestic Rates and Council Tax, be written off, subject to steps for recovery being taken, wherever possible, if and when contact is made.

REASON - Regular arrangements for writing off debts are in accordance with best practice for good financial management.

C34. MEMBERSHIP CHANGES – That Councillor Curry be appointed to the vacancy on the Darlington and District Youth and Community Association.

C35. 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 paragraph 3 of Part I of Schedule 12A to the Act.

C36. ACQUISITION AND DISPOSAL OF LAND AT FAVERDALE EAST BUSINESS PARK (EXCLUSION PARAGRAPH NO 3) - The Cabinet Member with the Economy and Regeneration Portfolio introduced the report of the Director of Economic Growth (previously circulated) requesting that consideration be given to the acquisition and disposal of land on Faverdale East Business Park (as shown on the plan appended to the submitted report) to enable a local manufacturing company to relocate and expand their operations in Darlington.

RESOLVED - (a) That 1.33 hectares (3.30 acres) of land in private ownership adjacent to Faverdale East Business Park, as shown on the plan appended to the submitted report, be acquired.

(b) That 2.60 hectares (6.42 acres) of land on Faverdale East Business Park, as shown on the plan appended to the submitted report, be disposed of to the company named as detailed in the submitted report.

(c) That the Director of Economic Growth, in consultation with the relevant portfolio holder, be granted delegated approval to conclude negotiations for the acquisition and disposal in line with the terms and figures, set out in paragraphs 14 to 18 of the submitted report.

(d) That the Borough Solicitor be authorised to complete the necessary legal documentation.

REASONS - (a) To facilitate the expansion of an established Darlington based company.

(b) To enhance the environmental, social and economic well-being of the Borough.

(c) To support the implementation of Darlington's Economic Regeneration Strategy.

C37. DISPOSAL OF LAND AT FAVERDALE NORTH (EXCLUSION PARAGRAPH NO. 3) - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Economic Growth (previously circulated) requesting that consideration be given to the conditional sale of approximately 0.35ha (0.88 acres) of land at Faverdale North (as shown on the plan appended to the submitted report) subject to the grant of planning permission for the development of a light industrial unit with auxiliary office and storage yard.

RESOLVED - (a) That, subject to planning permission being granted, 0.35ha (0.88acres) of land at Faverdale North, be disposed of to the company as detailed in the submitted report.

(b) That the Director of Economic Growth be authorised to conclude negotiations and complete the sale, in line with the terms as set out in paragraph 7 of the submitted report.

(c) That the Borough Solicitor be authorised to complete the transaction as necessary.

REASONS - (a) To achieve a capital receipt for the Council.

(b) To bring forward development and enable a new business to become established in Darlington.

**DECISIONS DATED –
FRIDAY 10 JULY 2015**