

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY 1 AUGUST 2011**

**CABINET
19 July 2011**

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

INVITEES - Councillors Curry and Johnson. (2)

ALSO IN ATTENDANCE – Councillors Francis, Lister, Newall and E A Richmond. (4)

C21. DECLARATION OF INTERESTS - There were no declarations of interest reported at the meeting.

C22. REPRESENTATION – In respect of Minutes C26(2) and C32 below, representations were made by Members and members of public in attendance at the meeting.

C23. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 21 June 2011.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C24. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration.

C25. ISSUES ARISING FROM SCRUTINY - There were no issues arising from Scrutiny.

C26. KEY DECISIONS - (1) Children, Families and Learning Capital Programme 2011/12 - 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 Children, Families and Learning Capital Programme for 2011/12 and to the release of the capital funds in relation to that programme.

RESOLVED - (a) That the release of capital funding of £2,059,845, as outlined in Appendix A of the submitted report, be agreed.

(b) That the funding be released to support the priorities, as identified in Appendix B of the submitted report.

(c) That the prioritised capital investment programme for Children's Services, as identified in Appendix C and in paragraph 32 of the submitted report, be agreed, and the Director of People be authorised to enter into an agreement with schools to specify the use of funding.

(d) That the prioritised capital investment programme for Children's Services, as identified in Appendix C of the submitted report, be agreed and the Director of People be authorised to manage the authorisation of this funding.

REASONS - (a) Release of the funds will enable capital investment to be undertaken in the areas identified with the greatest need, in terms of asset management priorities.

(b) Detailed planning to identify priorities has been undertaken which ensures effective use of all investment.

(2) Darlington's Children and Young People Plan 2011/14 – Draft - 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 Darlington's draft Children and Young People's Plan 2011/14 (also previously circulated).

A DVD was shown at the meeting, which gave the views of a group of young people from Darlington on the Children and Young People's Plan 2011/14.

A young person in attendance at the meeting, addressed Cabinet in respect of his concerns about schools converting to Academies and its implications on educational statements. The Cabinet Member with the Children and Young People Portfolio responded to those issues and stated that he would be invited to a meeting with her and with the relevant officer within the Council to discuss those concerns.

RESOLVED - That Darlington's draft Children and Young People's Plan 2011/14, as appended to the submitted report, be agreed, and it be submitted to Council for consideration.

REASON - The Children and Young People's Plan 2011/14 is part of the Council's Policy Framework.

(3) Lifelong Learning Charges 2011/12 - 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 amending Appendix 9 of the 2011/12 Medium Term Financial Plan (also previously circulated).

RESOLVED - That the amendment to Appendix 9 of the 2011/12 Medium Term Financial Plan, as detailed in the submitted report, be approved.

REASON – Should the decision be made not to approve this proposal it will result in reduced income to the Council. This is due to the fact that where the Skills Funding Agency determines a course should be free for a particular priority group the Council can draw down 100 per cent of the course funding, but for those that are not declared as priority groups the Skills Funding Agency only pays 50 per cent of the costs and the Council is expected to recover the remaining 50 per cent from the learner.

(4) Review of Home Care - 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 undertaking a review of the Home Care Service in Darlington's four Extra Care Schemes.

RESOLVED - (a) That the in-house home care service, be reviewed, subject to ongoing consultation with staff and service users.

(b) That a further report be submitted to a future meeting of Cabinet providing options for future delivery of the service, together with the associated costs and charges.

REASONS - (a) The current service charge does not reflect the true cost of the service.

(b) Delivering the service in a different way can produce better outcomes and greater efficiencies.

(5) Local Sustainable Transport Funding - The Cabinet Member with Transport Portfolio introduced the report of the Director of Place (previously circulated) requesting that consideration be given to the release of grant funding allocated by the Department for Transport towards Darlington's Local Sustainable Transport Fund (LSTF) project.

RESOLVED - (a) That the grant funding for the delivery of the programme set out in the Local Sustainable Transport Fund bid, as detailed in Appendix 1 to the submitted report, be agreed.

(b) That authority to amend the proposed schemes and programme, be delegated to the Director of Place, in consultation with the Cabinet Member with the Transport Portfolio.

(c) That, subject to approval by the Department for Transport, the Assistant Director Policy and Regeneration, in consultation with the Cabinet Member with the Transport Portfolio, be authorised to work with Sustrans and partners to develop the business case for the Access to Education Project.

REASONS - (a) To deliver schemes and initiatives funded through the Local Sustainable Transport Fund grant to achieve the outcomes of supporting the development of a sustainable economy, reducing carbon emissions and improving personal health through the continuation of 'Local Motion' style activities.

(b) To be able to respond quickly to changes in circumstance in the delivery of schemes and initiatives, thus minimising any loss of grant funding.

(c) To be able to submit Darlington's business case for the Access to Education Project to meet deadlines set by Sustrans and Devon County Council.

(6) Submission of a Bid to the European Union for Funding for the 'Connect' Project - The Cabinet Member with Transport Portfolio introduced the report of the Director of Place (previously circulated) advising Members of the opportunity to participate in a trans-national project entitled 'Connect', and seeking approval to be a partner in a bid for Interreg funding.

RESOLVED - (a) That this Council continue to work with other European Union partners to develop the project and Interreg funding bid further, as set out in the submitted report.

(b) That authority to agree the detail of the proposal, be delegated to the Assistant Director Policy and Regeneration, in consultation with the Cabinet Member with the Transport Portfolio.

REASONS - (a) To build upon the existing success of the BAPTS project and the strong partnership working across other EU cities in terms of driving forward innovative projects to

support and promote sustainable transport solutions; and to seek additional funding to maximise the benefits of transport investment across the Borough. The bid will use existing committed funding from the Medium Term Financial Plan and additional funding from third parties.

(b) To ensure that the timescales for the bidding process can be met.

C27. REVIEW OF OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN - 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 considered by the Local Government Ombudsman and indicating any points of particular attention since the preparation of the report for the meeting of Cabinet held on 11 January 2011.

RESOLVED - That the report be noted.

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

(b) The contents of the report do not suggest that further action, other than detailed in the submitted report, is required.

C28. MAKING PLACES AND ACCOMMODATING GROWTH DEVELOPMENT PLAN DOCUMENT - ISSUES AND OPTIONS CONSULTATIONS - The Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Place (previously circulated) seeking agreement to undertake targeted consultations on the outstanding issues and options that need to be considered prior to preparing the Preferred Options document of the Making Places and Accommodating Growth Development Plan Document.

RESOLVED - (a) That targeted consultations be undertaken on the remaining issues and options for the Making Places and Accommodating Growth Development Plan Document.

(b) That a temporary delegation be made to the Assistant Director Policy and Regeneration to agree the consultation arrangements, in consultation with the Cabinet Member with the Economy and Regeneration Portfolio and the Councillors of all wards affected.

REASONS - (a) To ensure efficient and effective use of staff resources in preparing the Accommodating Growth Development Plan Document.

(b) To help reduce consultation fatigue amongst the Borough's residents.

(c) To avoid unnecessary delays in undertaking the early stages of preparing the Accommodating Growth Development Plan Document.

C29. DARLINGTON LOCAL DEVELOPMENT FRAMEWORK - DESIGN OF NEW DEVELOPMENT SUPPLEMENTARY PLANNING DOCUMENT - The Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Place (previously circulated) identifying the limited consequential changes required to be made to the design of new Development Supplementary Planning Document following the adoption of the Local Development Framework Core Strategy and arising from changes to National Legislation and Planning Guidance since 2009 and setting out the transitional arrangements proposed where the developers are already engaged with the Council as part of pre-application negotiations.

RESOLVED – That it be recommended to Council that:-

- (a) the contents of the revised Darlington Local Development Framework Design of New Development Supplementary Planning Document, be agreed;
- (b) the revised Design of New Development Supplementary Planning Document, as appended to the submitted report, be adopted; and
- (c) the transitional arrangements, as set out in paragraph 28 of the submitted report, be agreed.

REASONS - (a) To continue to progress towards fulfilling the statutory requirements to have an up to date Local Development Framework in place.

(b) To fulfil the regulatory requirements of Local Development Framework document preparation.

C30. FLOOD AND WATER MANAGEMENT ACT 2010 - The Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Place (previously circulated) providing Members with an overview of the Flood and Water Management Act 2010 and seeking endorsement of the draft preliminary Flood Risk Assessment (also previously circulated).

It was reported at the meeting that the surface water systems had been renewed by Northumbrian Water in the College Ward, where flooding had been an issue, however, the area had flooded again recently due to a problem with the gulleys. The Cabinet Member with the Economy and Regeneration Portfolio responded thereon.

RESOLVED - That the report be noted and the draft Preliminary Flood Risk Assessment, as appended to the submitted report, be endorsed.

REASON - To meet statutory requirements.

C31. DELEGATION OF AUTHORITY FOR THE NATIONAL ILLEGAL MONEY LENDING TEAM - The Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Place (previously circulated) requesting that consideration be given to the delegation of the Council's function relating to the enforcement of legislation against illegal money lenders operating within the Borough of Darlington to Birmingham City Council.

RESOLVED - (a) That the function for the enforcement of Part III of the Consumer Credit Act 1974 to be carried out in the Borough of Darlington and the power of prosecution be delegated to Birmingham City Council, for any matters associated with, or discovered, during an investigation by the England Illegal Money Lending Team.

(b) That the 'Protocol for Illegal Money Lending Team Investigations', as appended to the submitted report, be agreed and the authority delegated to the Director of Place to enter into the agreement on behalf of Darlington Borough Council and approve minor alterations if required.

REASONS - (a) Delegation of the Council's function relating to the enforcement of Part III of the Consumer Credit Act 1974 to Birmingham City Council would enable the Illegal Money Lending Team for England to enforce the legislation within the Borough of Darlington.

(b) This would enable the Illegal Money Lending Team for England to investigate illegal money lenders operating within the Borough of Darlington and deliver more effective enforcement action against lenders who are operating across the country.

C32. CONSULTATION ON THE FUTURE HYPER-ACUTE STROKE SERVICES IN DARLINGTON - The Cabinet Member with the Health and Partnerships Portfolio introduced the report of the Director of People (previously circulated) requesting that consideration be given to a plan of engagement for Darlington's response to the consultation on the future of Hyper-Acute Stroke Services in County Durham and Darlington.

The Chair of the Health and Well Being Scrutiny Committee addressed Cabinet and stated that a Review Group had been established to scrutinise the issue; outlined the work that the Group had undertaken to date; the work that it intended to do in order to respond to the consultation fully; and the main areas of concern.

RESOLVED - (a) That the areas of concern being raised about the proposed location for the hyper-acute stroke service, be noted.

(b) That the plan of engagement, as detailed in the submitted report, be agreed.

(c) That the work of the Health and Well Being Scrutiny Committee in commissioning further research and engagement activity, as described in the plan of engagement as detailed in the submitted report, from a Task and Finish Group, be noted.

(d) That the Director of People be authorised to submit a response on the consultation, to incorporate the work of the Health and Well Being Committee's Review Group, as part of this process, prior to 11 September 2011.

REASON - To ensure that the views of Darlington residents and their representatives are fully heard in the consultation on the future of hyper-acute stroke services in Darlington and County Durham and because the consultation period ends before the next meeting of Cabinet.

C33. TREASURY MANAGEMENT ANNUAL REPORT AND OUT-TURN PRUDENTIAL INDICATORS 2010/11 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources (previously circulated) providing Members with information regarding the regulation and management of the Council's borrowing, investments and cash flow.

RESOLVED - (a) That the out-turn 2010/11 Prudential Indicators, as detailed within the submitted report and those detailed in Appendix 1 to the submitted report, be noted.

(b) That the Treasury Management Annual Report for 2010/11, as detailed in the submitted report, be noted.

(c) That the report be forwarded to Council, in order for the 2010/11 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.

C34. COMBINED SERVICE AND FINANCIAL PERFORMANCE REPORT - QUARTER FOUR 2010/11 - The Leader introduced the report of the Chief Executive (previously circulated) reporting the Council's service and financial performance at year end 2010/11.

RESOLVED - (a) That the areas where targets have not been met and the action planning being taken to address those key areas of under-performance, as detailed in the submitted report, be noted.

(b) That the below target performance against the Sustainable Community Strategy and on target performance for the Corporate Plan, as detailed in the submitted report, be noted.

(c) That the provisional financial out-turn for 2010/11 compared with the approved 2010/14 Medium Term Financial Plan, as detailed in the submitted report, be noted.

REASON - To maintain appropriate management arrangements for the Council's finances to make effective use of the Council's resources and to continue to effectively manage services and improve value for money.

C35. REVENUE OUT-TURN 2010/11 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources (previously circulated) presenting the revenue out-turn 2010/11 to allow Members to consider the results in light of the Council's Medium Term Financial Plan for the general fund and also to consider the collection fund and housing revenue account out-turn.

RESOLVED - (a) The satisfactory results for 2010/11 revenue out-turn, as detailed in the submitted report, be noted.

(b) That the increase in General Fund corporate resources of £0.004M from General Fund corporate reserves, as detailed in the submitted report, be noted.

(c) That the net contributions from departmental resources of £1.506M to General Fund corporate reserves, as detailed in the submitted report, be approved.

(d) That resources totalling £1.202M be approved to be carried forward to 2011/12.

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

C36. REVENUE BUDGET MONITORING 2011/12 - QUARTER ONE - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources (previously circulated) providing an early forecast of the 2011/12 revenue budget out-turn as part of the Council's continuous financial management processes.

RESOLVED - (a) That the forecast revenue out-turn for 2011/12 and actions being taken to manage the Councils finances and services, as detailed in the submitted report, be noted.

(b) That further regular reports be made 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.

C37. CAPITAL PROGRAMME OUT-TURN 2010/11 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources (previously circulated) providing information on the delivery of the Council's capital programme, the financial out-turn position as at 31 March 2011 and the proposed financing of the 2010/11 capital expenditure.

A query was raised at the meeting in respect of virements, and the Director of Resources responded thereon.

RESOLVED - (a) That the delivery and financial out-turn of the 2010/11 Capital Programme, as detailed in the submitted report, be noted.

(b) That the adjustments to resources, as detailed in paragraph 14 of the submitted report, be approved.

(c) That the resource virements, as indicated in paragraph 15 of the submitted report, be approved.

(d) That the variances to be carried forward within Children's Services and Transport, to be funded from 2011/12 allocations, as detailed in the submitted report, be approved.

REASONS - (a) To enable Members to note the progress of the 2010/11 Capital Programme and to allow the capital spend to be fully financed.

(b) To maintain effective management of resources.

**DECISIONS DATED -
FRIDAY 22 JULY 2011**