

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY, 4TH OCTOBER, 2004**

CABINET
21st September, 2004

PRESENT – Councillor Williams (in the Chair); Councillors Dixon, Harker, Lister,
D.A. Lyonette, McEwan, L. Vasey and Wallis. (8)

APOLOGIES – Councillor Bristow.

ABSENT -

ALSO IN ATTENDANCE – Councillor Johnson.

C77. DECLARATION OF INTERESTS – In respect of Minute C100 below, Councillor Dixon declared a personal and non-pecuniary interest as a non-executive member of the Primary Care Trust.

C78. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of Cabinet held on 24th August, 2004.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C79. MATTERS REFERRED TO CABINET – There were no matters referred back for reconsideration.

C80. ISSUES ARISING FROM SCRUTINY – There were no issues referred from Scrutiny Committee to this meeting.

C81. KEY DECISIONS – (1) Best Value Review of Regulatory Services – Stage 3 Report
– The Cabinet Member with the Community Protection Portfolio introduced the report of the Director of Development and Environment (previously circulated) presenting the outcomes from the Best Value Review of Regulatory Services and requesting that consideration be given to the Improvement Action Plan (also previously circulated) which was expected to bring about a step improvement in services over a five year period, following completion of the review.

RESOLVED – That the Best Value Review of Regulatory Services, be approved.

REASONS – (a) The review and outcome will contribute to the Council's overall aims and objectives.

(b) Service improvements will result from the implementation of the Improvement Action Plan.

(2) Highway Winter Service Operational Plan 2004/05 – The Cabinet Member with the Highways and Transport Portfolio introduced the report of the Director of Development and Environment (previously circulated) seeking approval of the Highway Winter Service Operational Plan 2004/05.

RESOLVED – That the Highway Winter Service Operational Plan 2004/05, be approved.

REASON – In order to discharge its statutory duties, it is essential that the authority has in place an operational plan setting out its policies and actions in respect of winter services.

(3) Darlington Local Development Framework – Consultation Draft Statement of Community Involvement - Planning and Compulsory Purchase Act 2004 – The Cabinet Member with the Regeneration and Planning Portfolio introduced the report of the Director of Development and Environment (previously circulated) requesting that consideration be given to the implementation of two key elements of the new arrangements for development plans being introduced by the Planning and Compulsory Purchase Act 2004, namely a draft consultation of its first Statement of Community Involvement (SCI) which would explain how the Council would seek to involve the community in planning matters generally and the role of Members in bringing about the local development framework.

RESOLVED – (a) That consultation on the Draft Darlington Borough Council Statement of Community Involvement, as appended to the submitted report, be amended as necessary to reflect final Government advice, and be undertaken as soon as practicable after commencement of the relevant provisions of the Planning and Compensation Act 2004.

(b) That the procedure/protocol for the role of Members in progressing the Replacement Local Plan, through initial consultation to formal deposit, be maintained in respect of the emerging Local Development Framework.

(c) That further reports be submitted to Cabinet on any further changes in respect of the transition to the new development plan system.

REASONS – (a) It is necessary to have a full Local Development Framework in place by March 2007.

(b) Consideration of, and decisions on, the matters covered is necessary at this stage to assist in meeting this deadline.

(4) Procurement Strategy – Draft – The Head of Policy submitted a report (previously circulated) requesting that consideration be given to this Council's revised draft Procurement Strategy (also previously circulated).

RESOLVED – That it be recommended to Council that the revised draft Procurement Strategy, as appended to the submitted report, be adopted.

REASONS – (a) To ensure that Darlington Borough Council meets the milestones of the National Procurement Strategy and the IEG3 Directive.

(b) To help the Council in achieving an excellent CPA rating.

(5) Capital Strategy and Asset Management Plan – The Director of Development and Environment and the Director of Corporate Services submitted a report (previously circulated) requesting that consideration be given to the Council’s Capital Strategy and Asset Management Plan (both also previously circulated).

RESOLVED – That it be recommended to Council that the Capital Strategy and the Asset Management Plan, both as appended to the submitted report, be approved.

REASON – To provide the Council with a Capital Strategy and Asset Management Plan to follow when Capital Investment and Asset Management decisions are made.

C82. COUNCIL-WIDE DOMESTIC VIOLENCE POLICY – The Cabinet Member with the Education Portfolio introduced the report of the Director of Education (previously circulated) requesting that consideration be given to the Social Affairs and Health Scrutiny Committee’s recommendations to adopt the Council-Wide Domestic Violence Policy as a joint policy between this Council and the Darlington Primary Care Trust.

RESOLVED – That the recommendation of the Social Affairs and Health Scrutiny Committee, that the previously agreed Domestic Violence Policy be adopted as a joint policy with Darlington Primary Care Trust, be approved.

REASON – The Council policy is an example of good practice and its adoption by the Primary Care Trust will send a strong and positive message to the community of the importance of tackling issues of domestic violence.

C83. SOCIAL SERVICES ANNUAL REVIEW OF PERFORMANCE AND DELIVERY IMPROVEMENT STATEMENT – The Cabinet Member with the Social Services Portfolio introduced the report of the Director of Social Services (previously circulated) informing Members of the Annual Review letter sent from the Commission for Social Care Inspection (CSCI) (also previously circulated) and on the Delivery and Improvement Statement which had been submitted to the CSCI.

RESOLVED – (a) That the contents of the Annual Review of Performance letter, as appended to the submitted report, be noted.

(b) That the submission of the Delivery and Improvement Statement by Social Services to the Commission for Social Care Inspection, be noted.

REASON - The Commission for Social Care Inspection requires the Social Services Department to:

(a) present the report and the Delivery and Improvement Statement to an open meeting of the relevant executive committee of the Council;

(b) make the performance report available to members of the public at the same time; and

(c) copy the performance letter and report to the Council’s appointed auditor, and to the NHS and Education partners.

C84. DOMICILIARY SERVICES – PROPOSED CONTRACTING ARRANGEMENTS –

The Cabinet Member with the Social Services Portfolio introduced the report of the Director of Social Services (previously circulated) providing Members with information in respect of the proposed changes in relation to the service provision for people with a learning disability and requesting that consideration be given to the proposed tendering process for specialist domiciliary services.

RESOLVED – (a) That the changes in contracting for a Supported Living Agreement for People with Learning Disabilities to a Specialist Domiciliary Service for Adults, be approved.

(b) That the tender process for Specialist Domiciliary Service, as outlined in the submitted report, be approved.

REASON - The change in contracting will provide a support service in the form of a Specialist Domiciliary Service to all adults with a disability and not limited to adults with a learning disability. A specialist service will cover physical impairment, sensory impairment, and mental health issues offering better choice to service users.

C85. MENTAL HEALTH SUPPORTED CAPITAL EXPENDITURE – The Cabinet Member with the Social Services Portfolio introduced the report of the Director of Social Services (previously circulated) requesting that consideration be given to the release of Department of Health Supported Capital Expenditure of £78,000 for the purchase of information communication technology resources within Darlington’s integrated Health And Social Services Community Mental Health Teams.

RESOLVED – That the release of £78,000 mental health supported capital expenditure, be approved.

REASON – To allow the Mental Health Service Associated Teams to have better quality access to social services systems in order to facilitate the integrated electronic client record and to provide better quality information.

C86. COMPREHENSIVE PERFORMANCE ASSESSMENT – SELF ASSESSMENT –

The Leader introduced the report of the Chief Executive (previously circulated) presenting draft information to be supplied to the Audit Commission in the form a Self Assessment document (also previously circulated) to support the Council’s corporate assessment as part of the Comprehensive Performance Assessment (CPA) process for 2004.

RESOLVED – (a) That the authority undertake a corporate assessment in order to move towards an ‘excellent’ rating.

(b) That the self assessment, as appended to the submitted report, be submitted to the Audit Commission following amendments as detailed in paragraph 15 of the submitted report and following agreement by the Leader.

REASON – To ensure that the authority presents information to support the improvement achieved since the last comprehensive performance assessment.

C87. OMBUDSMAN COMPLAINTS – REVIEW – Pursuant to Minute C64(2)/Aug/04, the Leader introduced the report of the Director of Corporate Services (previously circulated)

providing Members with an update of the outcome of the cases which had been considered by the Local Ombudsman and indicating any points of particular attention and/or referral to the Standards Committee since the meeting of Cabinet held on 24th August, 2004.

RESOLVED – That the report be noted.

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

(b) The Contents of this report do not suggest that further action is required.

C88. CLOSED CIRCUIT TELEVISION CONTROL ROOM – FUTURE PLANNING – The Cabinet Member with the Community Protection Portfolio introduced the report of the Director of Corporate Services (previously circulated) seeking approval to the proposed approach to the continued delivery of the closed circuit television (CCTV) community service.

RESOLVED – (a) That the Closed Circuit Television service be authorised to bid for contracts with other public and private organisations.

(b) That bids only be submitted where it is of benefit to the overall service provision for the residents of Darlington.

REASONS – (a) Supporting the recommendation will help facilitate careful selection of a variety of fee earning opportunities that both compliment existing services and provide a source of additional income.

(b) The additional income will help address the need for additional staff.

(c) The additional income will help deal with issues of equipment obsolescence, increased demand for CCTV in public spaces and the overall long term sustainability of the service.

C89. DURHAM AND DARLINGTON TRANSPORT FOR HEALTH PARTNERSHIP – JOINT WORKING ARRANGEMENTS – The Cabinet Member with the Highways and Transport Portfolio introduced the report of the Director of Development and Environment (previously circulated) updating Members on the development of the Durham and Darlington Transport for Health Partnership, setting out the priorities for action and seeking a commitment to embrace and support the work of the group.

RESOLVED - That the Strategic Transport for Health Management Group be established, with representatives from this Council, consisting of the Director of Development and Environment, the Director of Social Services and the Cabinet Members with the Highways and Transport and Social Services Portfolios.

REASONS – (a) Access to health facilities will form an integral part of the next Local Transport Plan and this group will help to shape the Plan.

(b) To ensure that Darlington residents can access the most appropriate health care facilities both within the Borough and in the wider County Durham and Darlington NHS Trust area.

C90. COUNCIL DWELLING SURPLUS TO REQUIREMENTS – DISPOSAL – The Cabinet Member with the Housing Portfolio introduced the report of the Director of Community Services (previously circulated) seeking approval to dispose of a Council dwelling at No. 5 Haughton Road, that had become surplus to requirements.

RESOLVED – (a) That the Council dwelling at No. 5 Haughton Road, as detailed in the report, be disposed of as surplus to Council requirements.

(b) That the Director of Development and Environment and the Borough Solicitor be authorised to dispose of No. 5 Haughton Road, in accordance with the power set out in Section 32 of the Housing Act 1985, to ensure that the appropriate consent has been obtained prior to disposal, including the making of any application to the Secretary of State, if the disposal does not fall within the terms of the General Consent as to disposal.

REASONS – (a) To generate a capital receipt for the Council's Housing Revenue Account from the sale of a surplus Council dwelling.

(b) To achieve the disposal.

C91. DOORSTEP GREEN PROJECT – FIRTHMOOR ESTATE – The Cabinet Member with the Leisure Services Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to the release of grant funding for the Doorstep Green Project on Firthmoor Estate.

RESOLVED – That the release of £238,321 of capital funding, for the Doorstep Green Project on Firthmoor Estate, be released.

REASON – To enable the Holgate Moor Doorstep Green Scheme to progress.

C92. FINANCIAL ASSISTANCE 2004/05 – Pursuant to Minute C68/Aug/04, the Director of Corporate Services submitted a report (previously circulated) requesting that consideration be given to two applications in respect of financial assistance received from one charitable and non-profit making organisation and one individual.

RESOLVED – (a) South Darlington Credit Union – That a grant of £250 be made.

(b) Michael Philip Robinson – Invitation to swim at the British National Age Group Championships in Sheffield in August 2005 – That a grant of £300 be made.

REASON – The applications met the criteria for support.

C93. DISCRETIONARY RATE RELIEF 2004/05 – The Director of Corporate Services submitted a report (previously circulated) requesting that consideration be given to an application in respect of discretionary rate relief which had been received from a charitable and non-profit making organisation.

RESOLVED – That the YMCA be granted 20% discretionary rate relief in 2003/04, 2004/05 and 2005/06 in respect of its premises located at No. 92 Bondgate, Darlington.

REASON – To continue existing policy.

C94. CAPITAL PROGRAMME – MONTHLY MONITORING REPORT – JULY 2004 –

The Director of Corporate Services submitted a report (previously circulated) presenting an update of the capital programme and looking at spending and resource levels.

RESOLVED – (a) That the progress of the 2004/05 Capital Programme, as detailed in the submitted report, be noted.

(b) That additional resources of £0.024M. in relation to Closed Circuit Television – Parks, Cemeteries and Play Areas, be approved.

(c) That £0.028M. Department for Education and Skills Special Educational Needs Capital Funding, be released.

REASONS – (a) To note the progress of the agreed Capital Programme.

(b) To allow the CCTV – Parks, Cemeteries and Play Areas scheme and Educational Special Needs Capital schemes to proceed.

C95. REVENUE BUDGET MANAGEMENT – MONTHLY MONITORING REPORT –

JULY 2004 – The Director of Corporate Services submitted a report (previously circulated) presenting Directors’ projections of income and expenditure for the year compared with approved budgets, for consideration of the Council’s overall revenue budget position for 2004/05.

RESOLVED – (a) That the 2004/05 revenue budget projections, as appended to the submitted report, be noted.

(b) That further budget management reports be submitted regularly to Cabinet.

REASON – To ensure that robust revenue budget management procedures are maintained.

C96. AUDIT OF ACCOUNTS 2003/04 – The Director of Corporate Services submitted a report (previously circulated) reporting to Members the issues raised by the Council’s Auditors (PriceWaterhouseCoopers) when undertaking the audit of the Council’s 2003/04 accounts.

RESOLVED – (a) That the report of the Auditors on the Council’s 2003/04 accounts, as appended to the submitted report, be noted.

(b) That the accounts be not adjusted.

REASON – The explanations given in the report and to comply with statutory accounting requirements.

C97. MEMBERSHIP CHANGES – There were no membership changes to other bodies to which Cabinet appoints reported at the meeting.

C98. (URGENT ITEM) SITE PROTECTION FOR LAND OCCUPIED BY, OR ANTICIPATED MIGHT BE OCCUPIED ILLEGALLY, BY TRAVELLERS – With the prior approval of the Leader to the matter being treated as urgent in order to enable the Council

to adopt the most appropriate methods for dealing with illegal encampments at the earliest possible date, the Cabinet Member with the Community Protection Portfolio introduced the report of the Director of Development and Environment (previously circulated) requesting that consideration be given to engineering works being undertaken to prevent travellers illegally occupying land and other sensitive sites within Darlington.

RESOLVED – (a) That the works, as detailed in Appendix 1 to the submitted report, based on earth mounds and limited use of boulders, be approved at an estimated cost of £27,850.

(b) That the additional annual maintenance cost of £10,5000 be approved and the resources be allocated to the Community Services Medium Term Financial Plan.

(c) That the report and decision be deemed urgent for the purposes of call-in.

(d) That a comprehensive strategy for dealing with illegal traveller encampments be completed and approved before the end of February 2005.

REASON – (a) To enable the sites that have experienced significant illegal encampments during this year's extraordinary degree of traveller activity to be protected at the earliest opportunity from further illegal occupation.

(b) To maintain grass mounds to the same standard as adjoining recreation fields, regular grass cutting with hand operated machines will be required.

(c) Travellers are still occupying land illegally in Darlington and in order to undertake work at the earliest opportunity to protect the sites that have previously been occupied this year and are most at risk of yet more illegal occupation, it is necessary for works orders to be placed as soon as possible.

(d) To enable the Council to adopt the most appropriate methods of dealing with illegal encampments in a transparent matter.

C99. 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 7, 8 and 9 of Part I of Schedule 12A to the Act.

C100. HUNDENS INTERMEDIATE CARE CENTRE – REDEVELOPMENT (EXCLUSION NO. 8) – The Cabinet Member with the Social Services Portfolio introduced the report of the Director of Social Services and the Chief Executive of Darlington Primary Care Trust (previously circulated) informing Members of the progress in redeveloping the site at Hundens Lane into an intermediate care centre for older people in Darlington.

RESOLVED - That the proposals for the redevelopment of Hundens Lane, as detailed in the submitted report, as part of the intermediate care whole systems approach, be noted.

REASON – (a) The provision of intermediate care services is a key part of the Government's direction for health and social care services working together to maintain older people's independence.

(b) The redevelopment of Hundens Lane into an intermediate care centre for older people is an important part of Darlington's intermediate care services.

C101. NO. 33 CHURCH ROW, HURWORTH – LAND ADJACENT (EXCLUSION NOS. 7 AND 9) – The Director of Development and Environment and the Director of Community Services submitted a report and plan (both previously circulated) seeking authority to grant right of access across Council land at Church Row, Hurworth to the adjacent land owner (as shown on the plan appended to the submitted report).

RESOLVED - That the right of access, as outlined in the submitted report, be granted and the Borough Solicitor be authorised to complete the documentation as necessary.

REASONS – (a) To facilitate the construction of a private dwelling.

(b) To obtain a capital receipt.

C102. SCHEDULE OF TRANSACTIONS (EXCLUSION NOS. 7, 8 AND 9) – The Director of Development and Environment submitted a report and schedule (both previously circulated) requesting that consideration be given to the schedule and seeking approval of the terms negotiated.

RESOLVED – That the schedule, as appended to the submitted report, and the transactions completed on the terms and conditions detailed therein, be approved.

REASON – The terms negotiated require approval by Council before binding itself contractually to a transaction.

**DECISIONS DATED -
FRIDAY, 24TH SEPTEMBER, 2004**