

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
TUESDAY 17 MARCH 2015**

CABINET
3 March 2015

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

APOLOGIES – Councillor I. Haszeldine (1)

INVITEES – Councillors Curry and Mrs H. Scott (2)

ALSO IN ATTENDANCE – Councillors Coultas, Crichlow, Harman, Johnson, Long and Newall. (6)

C121. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

C122. REPRESENTATIONS – No representations were made by Members or members of the public in attendance at the meeting.

C123. MINUTES - Submitted - The Minutes (previously circulated) of the meetings of this Cabinet held on 3 and 17 February 2015.

RESOLVED - That the Minutes be confirmed as correct records.

REASON - They represent an accurate record of the meeting.

C124. MATTERS REFERRED TO CABINET - There were no matters referred back to this meeting for reconsideration.

C125. ISSUES ARISING FROM SCRUTINY – (1) Alcohol Task and Finish Review Group - Final Report - The Cabinet Member with the Health and Partnership Portfolio introduced the report of the Assistant Chief Executive (previously circulated) reporting the final findings of the Alcohol Task and Finish Review Group which had been established by the Health and Partnerships Scrutiny Committee to scrutinise the indicators relating to alcohol within the Health profile for Darlington and make appropriate recommendations to Cabinet.

The Chair of the Health and Partnerships Scrutiny Committee presented the report on behalf of that Scrutiny Committee and outlined the background to the work undertaken together with the findings and reasons for the recommendations.

RESOLVED - (a) That the findings of the Alcohol Task and Finish Review Group be noted and that the thanks of Cabinet be extended to the Health and Partnerships Scrutiny Committee for the work it has undertaken.

(b) That the Officers be requested to continue to action the recommendations deliverable within existing resources

REASON - To conclude the work undertaken by the Review Group established by the Health and Partnerships Scrutiny Committee.

(2) Cycling In Darlington Pedestrian Heart - The Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (previously circulated) seeking approval to the recommendations of the Place Scrutiny Committee on cycling in the Pedestrian Heart.

The Chair of the Place Scrutiny Committee presented the report on behalf of that Scrutiny Committee and outlined the background to the work undertaken together with the findings and reasons for the recommendations.

In addition, Cabinet also heard from a member of the public who was a friend of Mr Coates, a resident who had been severely injured in an accident in the Pedestrian Heart, and the comments of Councillor Coultas.

RESOLVED - That the thanks of Cabinet be extended to the Place Scrutiny Committee for the work it has undertaken and that the following recommendations be approved :-

- (a) that the Council and the Police be encouraged to work together to inform cyclists of the concerns of pedestrians, particularly the elderly, through events and road safety marketing and publicity;
- (b) that it be noted that the Cycle Training includes advice on how to ride responsibly in the Town Centre where a child's school journey involves this route;
- (c) that the Police provide increased focus on anti-social behaviour particularly on bikes and skateboards;
- (d) that the profile of the incident reporting mechanism and the Code of Conduct be highlighted using various media forms, including social media, to encourage cyclists to be considerate and aware of other users of the pedestrianised area;
- (e) that improved signage be provided to delineate where cyclists can and cannot cycle in the pedestrianised area and that these be reported to Place Scrutiny Committee in six months;
- (f) that a further Attitude Survey be undertaken in February 2016, to be reported to Place Scrutiny Committee, as part of a comprehensive monitoring exercise;
- (g) that a Road Safety Audit be undertaken;
- (h) that Officers be requested to investigate the provision of a dedicated cycle route around the Pedestrian Heart in conjunction with cycling groups; and
- (i) that best practice of other local authorities be investigated.

REASON - To conclude the work undertaken by the Place Scrutiny Committee.

(3) Young Carers Review Group – Final Report - The Cabinet Member with the Children and Young People Portfolio introduced the report of the Assistant Chief Executive (previously circulated) reporting the final findings of the Young Carers Review Group which had been established by the Children and Young People Scrutiny Committee to examine the Darlington Young Carers Action Plan and the progress made towards the actions in that Plan by the new service providers.

RESOLVED - That the thanks of Cabinet be extended to the Children and Young People Scrutiny Committee and that the findings and following recommendations be noted :-

(a) that the work of DISC since its commencement in September, 2013 as this Council's Young Carers Service be acknowledged;

(b) that the awareness raising with schools, and in particular with primary schools and faith schools and those schools with young people from the Black and Minority Ethnic Communities (BME), be encouraged to continue;

(c) that the 'drop in' centre at the Queen Elizabeth Sixth Form College be actively advertised more widely; and

(d) that the Children and Young People Scrutiny Committee continue to monitor the Young Carers Action Plan.

REASON - To enable Cabinet to consider the Children and Young People Scrutiny Committee's recommendations.

C126. KEY DECISIONS - (1) Better Care Fund Section 75 Agreement between Darlington Borough Council and Darlington Clinical Commissioning Group - The Cabinet Member with the Health and Partnerships Portfolio introduced the report of the Director of Commissioning (previously circulated) requesting that consideration be given to the use of a Section 75 (S.75) Agreement between this Council and the Darlington Clinical Commissioning Group (CCG) in relation to the Better Care Fund (BCF)

It was reported that although the current arrangements for the financial management of the BCF payments were set out in a Section 256 Agreement between this Council and the Darlington CCG, which covered the funds held up to 31 March 2015, the introduction of the Care Act 2014, required the use of Section 75 Agreements to establish pooled budgets between the two organisations and the delegation of functions of one organisation to another.

RESOLVED - (a) That the S.75 Agreement Heads of Terms as set out in the submitted report be approved..

(b) That approval of the final wording of the agreement be delegated to the Director Neighbourhood Services and Resources, in consultation with the Cabinet Member with the Health and Partnerships Portfolio and the Director of Commissioning.

REASONS - (a) In accordance with the Care Act 2014, a S.75 Agreement must be in place to allow for the transfer of any monies allocated through the BCF programme to health and social care services.

(b) The final wording and the identification of the most beneficial arrangements for hosting the S.75 Agreements need to be agreed in partnership with the Darlington Clinical Commissioning Group.

(2) Delivery of the Local Transport Plan 2011-2026 - The Cabinet Member with the Transport Portfolio introduced the report of the Director of Economic Growth (previously circulated) updating Members on the delivery of Darlington's Local Transport Plan (LTP) set within the context of Darlington's Strategy for delivering economic growth, new housing and an increase in jobs and seeking approval for the release of capital Integrated Transport and Highway Maintenance funds for the LTP delivery plan in 2015/16; a funding bid to the Local Highways Maintenance Challenge Fund and release of the grant funding should the bid be successful; and the release of capital from Tees Valley Unlimited funding sources to deliver the Central Park and Bank Top master plan should the bid be successful.

RESOLVED - (a) That the progress in delivering the Local Transport Plan be noted and that the Councils outcome focused approach to achieving transport outcomes be endorsed.

(b) That £0.886M Integrated Transport Block and £1.738M Highway Maintenance funding be released for the Local Transport Plan for expenditure in 2015/16 as shown in Table 3 of the submitted report.

(c) That funding, secured from the Local Highways Maintenance Challenge Fund in 2015/16, be released, should the Council be successful in securing this grant funding.

(d) That funding, secured from Tees Valley LEP Local Growth Fund in 2015/16, be released, should the Council be successful in securing this funding.

(e) That the success in accessing further LSTF grant funding for 2015/16 be noted.

REASONS - (a) To enable the continued delivery of the Transport Strategy in years the 2015/16 to 2017/18.

(b) To enable Officers to proceed with delivery of Local Highways Maintenance Challenge Funded schemes if this bid is successful.

(3) Bank Top Masterplan - The Cabinet Members with the Economy and Regeneration Portfolio introduced the report of the Director of Economic Growth (previously circulated) advising Members of the proposed feasibility and masterplan for Darlington Bank Top Station to be developed in 2015; seeking approval to the approach and methodology to procure consultancy support to deliver the Masterplan to secure the future of this key economic asset; and seeking approval for the expenditure required to undertake the required consultancy work.

RESOLVED - (a) That the approach taken by the Council and partners to secure investment in Darlington Bank Top Station be endorsed

(b) That a sum of £300,000 be released to develop the masterplan, subject to final confirmation of funding from the Local Growth Fund, via Tees Valley Unlimited.

REASON - In order to support the continued growth of the Darlington economy recognising the key strategic nature of Darlington Bank Top Station in the sub-region for transport and communications.

C127. A COMBINED AUTHORITY FOR THE TEES VALLEY - The Leader introduced the report of the Chief Executive and the Director of Economic Growth (previously circulated) reiterating the rationale for the establishment of a Combined Authority for the Tees Valley (including Darlington, Hartlepool, Middlesbrough, Stockton and Redcar and Cleveland); advising Members of the outcome of the consultations undertaken thereon, and the draft scheme for submission to the Secretary of State.

The Chair of the Place Scrutiny Committee advised Cabinet of a special meeting it had held to look at the arrangements for a Combined Authority and made specific reference to the role of a Scrutiny Panel and its support arrangements.

RESOLVED - (a) That the positive nature of the consultation results be noted.

(b) That the Draft Scheme be referred to Council for consideration and endorsement prior to submission to the Secretary of State.

(c) That the Chief Executive, in consultation with the Leader of the Council, be given delegated authority to make any minor changes which may be required to the draft scheme through the negotiation process with the Department for Communities and Local Government (DCLG)

(d) That it be noted that further reports may be forthcoming to Committee as required following DCLG processes.

REASON - To ensure that Darlington Borough Council and the Tees Valley maximise the opportunity to develop the economy and positively shape and secure a more prosperous economic future.

C128. CALENDAR OF COUNCIL AND COMMITTEE MEETINGS 2015/16 - The Leader introduced the report of the Assistant Chief Executive (previously circulated) requesting that consideration be given to a calendar of Council and Committee Meetings for the 2015/16 Municipal Year.

RESOLVED - That the calendar of Council and Committee Meetings 2015/16, attached as an Appendix to the submitted report, be approved, and that the proposed dates for the meetings of Council be referred to the Annual Council meeting scheduled to be held on Thursday 21 May 2015, for approval.

REASON - To ensure that the calendar of meetings is approved for the forthcoming Municipal Year.

C129. CHILDREN'S SERVICES CAPITAL PROGRAMME FOR PRIMARY SCHOOLS - The Cabinet Member with the Children and Young People Portfolio introduced the

report of the Service Director - Children, Families and Learning (previously circulated) advising Cabinet of the outcome of feasibility projects undertaken to provide additional school places on the eastern side of the Borough and seeking approval for the release of capital funding to support these projects.

RESOLVED - (a) That £3,168,081.50 of capital funding be released, as outlined in paragraph 21 of the submitted report, for the provision of additional accommodation at Heathfield Academy School.

(b) That the Service Director - Children, Families and Learning be authorised to proceed with those works developed during the feasibility stage of the project, as outlined in the submitted report, subject to planning consent.

(c) That the recommendation to retain the existing Red Hall Primary School on its current site and develop detailed design proposals to expand the school as required to meet the needs of the Eastern Urban Fringe development be accepted.

(d) That £260,000 basic need funding be released to support the remodelling of the entrance at Red Hall primary school to address safeguarding issues.

(e) That £50,000 basic need funding be released to support advanced feasibility and design fees should these be required to consider options for any other school place planning requirements in line with developing and revising the School Organisation Plan.

REASONS - (a) The feasibility project concludes that Heathfield School and Red Hall Primary can, and should be, expanded on the existing site to ensure consistency for those schools and to ensure value for money in terms of capital spend.

(b) The draft programme meets the requirement needed for the future housing developments currently identified on the Eastern side of the Borough.

(c) The recommendations will create additional primary places which will help to meet the Authority's statutory requirement to provide a school place for all children of school age in its area and enable parents to express a choice of a local school.

C130. ECONOMIC STRATEGY ANNUAL MONITORING REPORT - The Cabinet Member with the Economy and Regeneration Portfolio introduced the report of the Director of Economic Growth (previously circulated) updating Members on the Economic Strategy Annual Monitoring Report and seeking approval of the 2015/2016 Economic Strategy Action Plan (also previously circulated).

RESOLVED - That Members endorse the Economic Strategy Annual Monitoring Report and the 2015/2016 Action Plan.

REASON - The Action Plan sets out the tasks and targets for the continued delivery of the Economic Growth agenda.

C131. BLACKWELL MEADOWS COMMUNITY SPORTS HUB EXPANSION - The Cabinet Member with the Leisure and Local Environment Portfolio introduced the report of the Director of Economic Growth (previously circulated) seeking delegated powers to

the Director of Economic Growth to negotiate heads of terms and enter into a lease with Darlington Rugby Football Club (DRFC) for land that was required for an extension to the Community Sports Hub car park at Blackwell Meadows; seeking approval to release Sport England funding, equating to a maximum of £70,000 should an application be successful, to contribute towards the cost of the Community Sports Hub car park extension; and seeking agreement to relax the existing restrictive covenant on the Rugby Club's land at Blackwell Meadows to allow DRFC to secure adequate borrowing to fund the necessary alterations to the ground, clubhouse and changing rooms to facilitate the relocation of Darlington Football Club (DFC).

RESOLVED - (a) That the Director of Economic Growth be granted delegated powers to negotiate heads of terms and enter into a lease with DRFC for the land that is required for the car park.

(b) That Sport England funding be released, equating to a maximum of £0.070m should an application be successful to contribute towards the cost of the Community Sports Hub car park extension.

(c) That the restrictive covenant on the Rugby Club's land at Blackwell Meadows be relaxed, in line with paragraph 14(c) as detailed in the submitted report.

REASONS - (a) To enable the public of Darlington to continue to access the leisure facilities offered by DRFC through the Community Sports Hub.

(b) To assist in the facilitation of the expansion to a strategically important Community Sports Hub.

(c) To assist in the increase in sport participation numbers within the Borough.

(d) To assist in the relocation of Darlington Football Club to the Town, and to maximise economic benefits of hosting home match days within the Borough.

(e) To protect previous Council investment made in the provision of community sport pitches.

(f) To enable DRFC to secure the funding necessary to complete the proposed expansion of the Community Sports Hub at Blackwell Meadows and secure the relocations of Darlington Football Club back to Darlington.

C132. CHANGE TO CONTRACT PROCEDURE RULES - The Leader introduced the report of the Assistant Chief Executive (previously circulated) requesting that consideration be given to updating and amending the Council's Contract Procedure Rules (CPR) to ensure that they supported wider objectives and good practice, together with the delivery of budget reductions and legal compliance.

RESOLVED - (a) That approval be given to the revised Contract Procedure Rules, as appended to the submitted report, which aim to : -

- (i) incorporate the Social Value Act;
- (ii) give effect to the regulations which introduce the European Directive into UK law;

- (iii) give effect to co-production and support to the not for profit sector;
- (iv) support procurement with local businesses and SMEs;
- (v) introduce rules in relation to agreeing the Price Quality/Split;
- (vi) introduces rules in relation to setting the Contract Term;
- (vii) formalise the Procurement Board and its role;
- (viii) change the levels at which one quote and three quotes must be obtained, and at which tendering must be carried out;
- (ix) amend the rules in relation to waivers; and
- (x) amend the rules in relation to Strategic Procurement Decisions

(b) That other changes to the Constitution and Rules which are consequential to the decisions above be approved.

REASONS - (a) To give effect to new legislation.

(b) To support efficiencies and reduce administration.

(c) To support economic growth and building stronger communities through supporting local SMEs and the not-for-profit-sector.

C133. RELEASE OF CAPITAL ALLOCATION IN THE MEDIUM TERM FINANCIAL PLAN – HIGH LEVEL INSPECTIONS AND REMEDIAL WORKS - The Leader introduced the report of the Director of Economic Growth (previously circulated) seeking approval to the release of funding, allocated within the Capital Medium Term Financial Plan (MTFP), to pay for high level inspections and high level remedial works to Council buildings.

RESOLVED - (a) That £100K allocated within the Capital MTFP for high level inspections and high level remedial works to Council buildings be released.

(b) That the Director of Economic Growth be authorised to proceed accordingly.

REASON - To safeguard the condition of Council's buildings.

C134. HOME EQUIPMENT LOANS SERVICE - The Cabinet Member with the Adult Social Care and Housing Portfolio introduced the report of the Director of Commissioning (previously circulated) advising Members of the intention to award the contract for the provision of a Home Equipment Loans Service.

RESOLVED - That the Evaluation Panel's recommendation to award the contract, as detailed in paragraph 15 of the submitted report, and subject to the standstill period, be noted.

REASONS - (a) In accordance with the agreed selection criteria, the tender process identified this organisation as the most suitable contractor to achieve the outcomes identified within the service specification.

(b) Appointing this contractor will ensure ongoing provision of a Home Equipment Loans Service within the approved budget.

C135. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C136. 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.

C137. CENTRAL PARK – LAND DISPOSALS AND ACQUISITIONS (EXCLUSION PARAGRAPH NO 3) - The Leader introduced the report of the Director of Economic Growth (previously circulated) presenting the land assembly strategy for Central Park and to secure the necessary resolutions to acquire the remaining interests by negotiation; and also seeking approval to commence the Compulsory Purchase of the remaining interests at Central Park.

RESOLVED - (a) That the updated land assembly strategy, as set out in the submitted report and shown on the appended plan, be endorsed.

(b) That the Director of Economic Growth be given delegated authority, in consultation with the Cabinet Member with the Efficiency and Resources Portfolio, to negotiate and complete the purchase and extinguishment of the relevant properties and businesses within Central Park South in line with the costs as set out in the submitted report.

(c) That delegated powers be used to fund the shortfall as set out in paragraph 30 of the submitted report.

(d) That the Director of Economic Growth be granted delegated authority to award any appropriate demolition contracts in respect of the properties and interests acquired in line with the submitted report.

(e) That under recommendation (b) above, the Director of Economic Growth consult with the Cabinet Member with the Efficiency and Resources Portfolio, regarding the cost of the acquisitions.

REASONS - (a) To help achieve the delivery of Central Park.

(b) To enable the Council to fulfil its obligations as set out in the Collaboration Agreement in respect of the land assembly within the revised timescales.

(c) To enable the Council to fulfil its obligations as set out in the Collaboration Agreement in respect of delivering Central Park in line with the agreed masterplan.

(d) To help ensure the gateway site to Central Park is developed comprehensively and not undermined by the presence of third party ownerships and interests.

(e) To enable the onward disposal of development plots to facilitate inward investment and economic growth opportunities at Central Park.

C138. LAND AT FEETHAMS AND HOUNDGATE (EXCLUSION PARAGRAPH NO 3)

- The Leader introduced the report of the Director of Economic Growth (previously circulated) seeking approval to purchase from Tesco the freehold of the parcel of land situated at the corner of Feethams and Houndgate.

RESOLVED – That, subject to approval of funding by Council on 19 March 2015 :-

- (a) agreement be given to purchase the plot of land situated at the corner of Feethams and Houndgate and approve the purchase price and terms identified at paragraphs 13 and 14 in the submitted report;
- (b) the Director of Economic Growth, in consultation with the Cabinet Member with the Efficiency and Resources Portfolio, be authorised to conclude negotiations and complete the purchase; and
- (c) the Borough Solicitor be authorised to conclude the purchase accordingly.

REASON - To acquire a parcel of land which adjoins Council owned land will provide the Council with an opportunity to improve the appearance, use it for short stay car parking in the interim and control the development potential of the site in the future.

C139. BLACKWELL MEADOWS COMMUNITY SPORTS HUB EXPANSION (EXCLUSION PARAGRAPH NO. 3) – Pursuant to Minute C131 above, further consideration was given by Members to the plans by Darlington Rugby Football Club (DRFC) to expand the Community Sports Hub at Blackwell Meadows to increase membership of the existing sports clubs on site, as well as attracting new clubs.

RESOLVED - That the restrictive covenant on the Rugby Club's land at Blackwell Meadows be relaxed to enable Darlington Rugby Football Club (DRFC) to secure additional borrowing against the capital value of the asset at Blackwell Meadows but that the relaxation be capped at £450,000.

REASON – To enable Darlington Rugby Football Club (DRFC) to secure the funding necessary to complete the proposed expansion of the Community Sports Hub at Blackwell Meadows, and secure the relocation of Darlington Football Club back to Darlington.

**DECISIONS DATED –
MONDAY 9 MARCH 2015**