

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

CABINET
7 April 2015

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 Mrs H Scott. (2)

C140. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

C141. REPRESENTATIONS – No representations were made by Members or members of the public in attendance at the meeting.

C142. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 3 March 2015.

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

REASON - They represent an accurate record of the meeting.

C143. MATTERS REFERRED TO CABINET - There were no matters referred back to this meeting for reconsideration.

C144. ISSUES ARISING FROM SCRUTINY – There were no issues referred from the Scrutiny Committees to this meeting.

C145. KEY DECISIONS - (1) 2016/2017 Admission Arrangements - The Cabinet Member with the Children and Young People Portfolio introduced the report of the Service Director, Children, Families and Learning (previously circulated) requesting that consideration be given to this Authority's admission arrangements (also previously circulated) for the 2016/2017 academic year, for all seven maintained schools in the Borough.

RESOLVED - (a) That the admission arrangements, as appended to the submitted report, be approved.

(b) That the Co-ordinated Admission Schemes for both primary and secondary applications for the 2016/17 academic year, as detailed in the submitted report, be adopted.

REASONS - (a) The Authority is under a statutory duty to determine admission arrangements for primary schools for which it is the admission authority for the academic year 2016/2017.

(b) If the scheme is not approved and returned to the DfE by the 15 April 2015 the Secretary of State may impose a scheme on the Authority.

(2) Annual Procurement Plan - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Chief Executive (previously circulated) presenting the Annual Procurement Plan (also previously circulated) to Cabinet for approval.

RESOLVED - That the assessment of strategic and non-strategic contracts as presented in Appendix 1 to the submitted report, be approved, and that: -

- (a) further reports on the procurement process for those contracts designated as strategic (including decisions made by the Procurement Board) be brought to Cabinet;
- (b) the contract award decisions for the contracts designated as non-strategic be delegated to the appropriate Director, as listed in the plan at Appendix 1 to the submitted report; and
- (c) the contract award decisions for the contracts designated as strategic, as listed in the plan at Appendix 1 to the submitted report, be delegated to the Procurement Board to approve and to report back to Cabinet.

REASON - (a) The Contract Procedure Rules require Cabinet to approve the designation of contracts as strategic and non-strategic.

(b) The contracts designated strategic are likely to be of high value and high significance in respect of the impact on residents, Health and Safety and public safety.

(c) The contracts designated non-strategic are likely to be of a lower value and lower significance in respect of the impact on residents and public safety

C146. AGREED SYLLABUS FOR RELIGIOUS EDUCATION - The Cabinet Member with the Children and Young People Portfolio introduced the report of the Service Director, Children, Families and Learning (previously circulated) requesting that consideration be given to the Agreed Syllabus for Religious Education (also previously circulated) in Darlington.

RESOLVED - That the Agreed Syllabus for Religious Education, as appended to the submitted report, be approved.

REASON - To enable schools to implement the new syllabus within the statutory framework.

C147. TRANSFORMING CARE PROGRAMME - CAPITAL FUNDING - The Cabinet Member with Adult Social Care and Housing Portfolio introduced the report of the Director of Commissioning (previously circulated) requesting that consideration be given to the release of funds from the Transforming Care Programme Capital Grant, to facilitate the discharge of an individual from hospital.

RESOLVED – That the release of £60,000 from the Transforming Care Capital Grant, be approved, to facilitate the discharge of an individual from hospital.

REASON - The Grant was awarded to the Council for the purpose set out in its original application, namely to support the discharge of an individual from hospital.

C148. XENTRALL LEGAL AGREEMENT - 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 varying the operational period of the shared service partnership with Stockton on Tees Borough Council.

RESOLVED - (a) That the on-going success of the partnership in achieving savings, as well as sustaining service performance, as detailed in the submitted report, be noted.

(b) That the role of Stockton-on-Tees Borough Council as host authority for the partnership for the operational period of the agreement, be confirmed.

(c) That the functions from Darlington Borough Council be delegated to Stockton-on-Tees Borough Council, to carry out executive functions for the delivery of ICT, print and design, transactional human resources and transactional finance for the operational period of the agreement.

(d) That a variation to the original ten year partnership agreement thereby making it a continuing agreement with no defined end date, but retaining the existing twelve month notice termination clause, be approved.

REASONS - (a) To enable the agreement to continue beyond the expiry of the current term.

(b) To give further clarity of the ongoing commitment of the Council to the Xentrall shared service delivery model.

(c) To enable the Council to continue to deliver financial efficiencies.

C149. REGULATION OF INVESTIGATORY POWERS - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Neighbourhood Services and 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 have taken place since the last report to Cabinet in October 2014.

RESOLVED - (a) That the developments that have taken place since October 2014, as detailed in the submitted report, be noted.

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

REASONS - (a) To ensure the appropriate use of powers contained in the relevant legislation.

(b) To help in giving transparency about the use of RIPA in this Council.

C150. DOLPHIN CENTRE CAPITAL PROGRAMME – RELEASE OF FUNDS FOR DOLPHIN CENTRE MECHANICAL, ELECTRICAL AND BUILDING REFURBISHMENT - The Cabinet Member with the Leisure and Local Environment Portfolio introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) requesting that consideration be given to the release of funds within the capital programme for the replacement/refurbishment of Dolphin Centre mechanical and electrical installations as well as building refurbishment work; and to agree the procurement plan for the appointment of the main contractor to carry out the works.

RESOLVED - (a) That the funding for the Dolphin Centre mechanical and electrical project, as detailed in the submitted report to the value of £2.7million, be released.

(b) That the procurement and appointment of the main contractor to undertake the works be carried out in accordance with procurement law and good procurement practice.

(c) That the procurement plan for the appointment of the main contractor, via a compliant tender process or OJEU compliant framework to achieve best value, be noted.

(d) That £210,000 of funding be allocated to cover the loss of income in the Dolphin Centre during the works.

REASONS - (a) To facilitate the necessary investment in the Dolphin Centre's mechanical and electrical installations.

(b) To designate use of contracts as strategic or non-strategic is a Cabinet function under the Council's Contract Procedure Rules.

C151. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C152. 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.

C153. LAND AT HAMMOND DRIVE (EXCLUSION PARAGRAPH NO 3) - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Economic Growth (previously circulated) informing Members of a restrictive covenant against development on the Council's land at Hammond Drive, Skerne Park; requesting that consideration be given to entering into an agreement to release the restriction in order to build 18 affordable Council flats; and seeking the release of funding from the Housing Capital Programme.

RESOLVED - (a) That the Director of Economic Growth's decision to enter into an agreement to release the restrictive covenant on the Council's land, on the terms as set out in the submitted report, be noted.

(b) That £15,000, plus legal costs, be released from the Housing Capital Programme.

REASON - To allow the building of 18 Council flats on the Council's land.

**DECISIONS DATED –
FRIDAY 10 APRIL 2015**