

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY, 14TH DECEMBER, 2009**

CABINET
1st December, 2009

PRESENT - Councillor Williams (in the Chair); Councillors Chapman, Copeland, Dixon, Harker, McEwan, D.A. Lyonette, A.J. Scott and Wallis. (9)

INVITEES – Councillors Barker, Haszeldine and Mrs. Scott and Mr. A. MacConachie.(4)

ALSO IN ATTENDANCE – Councillors Armstrong, Coultas, Francis, Hughes, Johnson and Long and Ms. L. Middleton and Ms. S. Rayner from the Care Quality Commission. (8)

APOLOGIES – Councillor Swainston.

C89. DECLARATIONS OF INTEREST – In respect of Minute C99 below, Councillor McEwan declared a personal and prejudicial interest, and left the meeting during consideration of that item only.

C90. REPRESENTATIONS – In response to a question raised by the Leader, the Chief Executive and the Director of Children’s Services reported that this Council had achieved the early release of £57M of funding, through Building Schools for the Future, for the refurbishment of three schools within the Borough and in respect of Minutes C102, C93, C100 and C97 below, Councillors Johnson, Long and Hughes made representations respectively.

C91. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of Cabinet held on 3rd November, 2009.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C92. SERVICE INSPECTION OF ADULT SOCIAL CARE - The Cabinet Member with the Adult Services Portfolio introduced the report of the Director of Community Services (previously circulated) presenting to Members the outcome of the recent service inspection of Adult Social Care. A copy of the Inspection Report from the Care Quality Commission and the Action Plan, prepared in response to the recommendations contained within that report, were both appended to the submitted report.

Laura Middleton and Julie Rayner, of the Care Quality Commission, presented the main findings from the review and the Director of Community Services presented the Action Plan.

RESOLVED – (a) That the report be noted.

(b) That the Action Plan, as appended to the submitted report, be performance monitored by the Health and Well Being Scrutiny Committee.

C93. MATTERS REFERRED TO CABINET – PEDESTRIAN HEART - The Chair of the Resources Scrutiny Committee introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to the recommendation from that Scrutiny Committee, following their investigation into whether the advice given by officers, not to take further action in relation to payments for the Pedestrian Heart works, unless further evidence comes to light, was sound.

Particular references were made to the overall success of the Pedestrian Heart scheme; to the management of the contract; and to the improvements that had been implemented to project management procedures.

RESOLVED – (a) That the recommendations from the Scrutiny Committee, as detailed in the submitted report, be accepted in full.

(b) That Mr. Smith and Mr. Hume and the Resources Scrutiny Committee, be thanked for the time taken to examine the issues in detail.

REASONS – (a) To follow the advice of relevant experts and avoid additional expenditure.

(b) To recognise the contribution made in the consideration of the issues.

C94. ISSUES ARISING FROM SCRUTINY – There were no issues arising from Scrutiny.

C95. KEY DECISIONS – (1) Legal Advice Network Darlington (LAND) - The Cabinet Member with the Communities and Engagement Portfolio introduced the report of the Assistant Chief Executive (previously circulated) requesting that consideration be given to proceeding with the lottery funded Legal Advice Network Darlington (LAND) Partnership Project, the aim of which, is to improve access to free legal advice at a generalist level in relation to debt and housing, but also increasing capacity for employment advice at a specialist level.

It was reported at the meeting that the project had changed its name to the Community Advice Partnership.

RESOLVED – That the work of the Community Advice Partnership (formerly known as the Legal Advice Network Darlington (LAND)) as a significant partnership, be supported and annual reports as part of the partnership toolkit procedure be submitted to future meetings of Cabinet.

REASON – To facilitate compliance with the Partnership Toolkit and the Council’s Risk Management Strategy.

(2) Regional Financial Assistance Policy - The Cabinet Member with the Neighbourhood Services and Community Safety Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to the adoption of the Regional Financial Assistance Policy (also previously circulated) from 1st April, 2010, targeting investment in relation to Darlington’s approved Private Sector Housing Renewal Strategy and to the adoption of the Memorandum of Understanding between North East Councils and the North East Loans Administrator (to be appointed), establishing the roles and responsibilities in the delivery of the Financial Assistance Policy.

RESOLVED – (a) That the Regional Financial Assistance Policy, as appended to the submitted report, be adopted, and it be implemented from 1st April, 2010.

(b) That the Memorandum of Understanding between North East local authority partners, be endorsed.

REASONS – (a) National policy is supportive of the adoption of regional financial assistance policies and common packages of financial assistance to achieve service efficiencies. Additional funding is provided by Government to support regional policies.

(b) The regional Financial Assistance Policy allows an element of local flexibility and choice as to how services are provided and delivered locally and Local Authority's can select the financial assistance products to suit their community needs.

(3) Sports Facilities and Playing Pitch Strategies – Draft - The Cabinet Member with the Health and Leisure Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to the Sports Facilities and Playing Pitch Strategies for Darlington.

Discussion ensued on the use of schools facilities for community uses.

RESOLVED - That the Action Plans, for the Sports Facilities and Playing Pitch Strategies, as appended to the submitted report, be approved.

REASONS – (a) To inform the planning process by providing a robust evidence base to inform the priorities for future sports facility and pitch provision and to help guide investment decisions.

(b) To support the development of community sport and physical activity in Darlington and help address the health improvement agenda.

C96. COMPLAINTS MADE TO THE OMBUDSMAN - REVIEW OF OUTCOME - The Leader introduced the report of the Director of Corporate Services (previously circulated) providing Members with an update of the outcomes of cases which have been considered by the Local Government Ombudsman and indicating any particular points for attention since the preparation of the report to the meeting of Cabinet held on 6th October, 2009.

RESOLVED – (a) The contents of the report be noted.

(b) That future reports to Cabinet be presented on a quarterly basis.

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.

C97. COMBINED SERVICE AND FINANCIAL PERFORMANCE REPORT – QUARTER TWO – 2009/10 - The Leader introduced the report of the Chief Executive and all Directors (previously circulated) reporting the Council's service and financial performance at the end of the second quarter of 2009/10 and providing an update on the financial information provided to Cabinet at its meeting held on 3rd November, 2009.

Particular reference was made to the 57 new jobs that were to be created, through funding received from the Department for Works and Pension, and to the employment of 27 apprentices by the Council.

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

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

(c) That the latest projected financial outturn for 2009/10, compared with the approved Medium Term Financial Plan, as detailed in the submitted report, be noted.

REASONS – 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.

C98. REPRESENTATION ON OTHER BODIES 2009/10 – MAIDENDALE NATURE AND FISHING RESERVE - The Leader introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to the appointment of a Member to the Maidendale Nature and Fishing Reserve.

RESOLVED – (a) That Councillor Dixon be appointed as an Associate Member of Maidendale Nature and Fishing Reserve Trust, in a non-voting capacity, for the remainder of the 2009/10 Municipal Year.

(b) That the appointment be included within the list of appointments to outside bodies made by Cabinet.

REASON - To enable this Council to be represented on the Trust as an Associate Member.

C99. COMMUNITY GRANT APPLICATION – WHINFIELD RESIDENTS ASSOCIATION - The Leader introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to an application received for Community Grant from Whinfield Residents Association, which was unable to be considered under the delegated powers of the Member with the Efficiency and Resources Portfolio.

RESOLVED – That the Whinfield Residents Association, be awarded a grant of £400 in the 2009/10 financial year.

REASON – To allow the application for community grant to be supported by Cabinet.

C100. CYCLING DEMONSTRATION TOWN – ADDITIONAL FUNDING - The Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) requesting that consideration be given to the release of additional funding, allocated by Cycling England, to enhance the Darlington Cycling Demonstration Town Programme.

Discussion ensued on the cycle parking provision within the Town Centre.

RESOLVED - (a) That funding of £70,000 from the Department of Transport, be released, to enhance the Darlington Cycling Demonstration Town programme.

(b) That the funding be divided between a Workplace Cycle Challenge (£40,000) and a SMART card activated cycle store (£30,000), as detailed in the submitted.

REASON - The additional funding has been allocated by the Department for Transport to ensure the delivery of the two schemes detailed within the submitted report.

C101. CORPORATE INFORMATION GOVERNANCE - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to the Corporate Information Governance Policy and Strategy and the Information Security Policy (all also previously circulated) and associated delivery framework.

RESOLVED – (a) That the Corporate Information Governance Policy and Strategy and Information Security Policy, as detailed in Appendices A, B and C to the submitted report, be approved.

(b) That the role and terms of reference of the Corporate Information Governance Group (CIGG), as detailed at Appendix D to the submitted report, be approved.

(c) That the delivery work programme, as detailed at Appendix E to the submitted report, be noted.

REASONS – (a) A strategic risk based approach to information governance and information security management supported by demonstrable and visible senior management support will ensure that legal and regulatory requirements and best practice are embedded into business as usual activities and consistently applied across the Council.

(b) The implementation of the policies and delivery of the work programme will provide the Council, its partners, key stakeholders, inspectorates and other interested parties with an appropriate level of assurance that information is managed in an efficient, effective and secure manner.

C102. DESIGNATION OF TWO SMALL AREAS OF LAND FOR NEW ALLOTMENT PLOTS - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to a proposal to appropriate two small areas of land from the current designation as agricultural and as public open space to a new designation of land available for allotments.

A statement of support to the designation of the land to the rear of the Ridgeway for allotment use, from two of the Harrowgate Hill Ward Councillors was read out at the meeting.

A Member in attendance at the meeting, referred to flooding affecting a number of properties in Salutation Road, near the allotment site, and requested that further consultation and investigations be undertaken in this area to ascertain the cause of the flooding prior to a decision being made in respect of the appropriation of land in Hummersknott, as shown on the plan appended to the submitted report, for allotments.

RESOLVED – (a) That one plot of land, to the rear of the Ridgeway, as shown on the plan appended to the submitted report, be appropriated.

(b) That the Director of Community Services be given delegated authority to make the appropriation of the land following advertisement and consultation, as outlined in the submitted report, and proper consideration of responses received.

(c) That the principal of setting up new allotments on the land, to the rear of the Ridgeway, if the appropriation is made.

(d) That the decision on the plot of land at Hummersknott, as shown on the plan appended to the submitted report, be deferred to enable further consultation and investigations in this area, in relation to the flooding issues.

REASONS – (a) The current allotment service is not able to satisfy the current demand for allotments with only 760 Council owned plots across the town, largely at capacity, and over 466 people on the waiting list.

(b) Having the existing Association willing to take on the management of the newly designated land, any extra work that may have resulted from an expanded service is absorbed by the voluntary sector.

(c) Increasing the allotment provision brings with it many benefits to the sustainability agenda.

(d) To allow further investigation into the flooding issues in this area.

C103. CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE – INTERNET SAFETY TASK AND FINISH REVIEW GROUP – With the prior approval of the Leader to the matter being treated as urgent to enable the issue to be considered at an early date, the Chair of the Children and Young People Scrutiny Committee introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to the findings and recommendations of that Scrutiny Committee, following a Task and Finish Review on Internet Safety. A copy of the final report from the review was appended to the submitted report.

Discussion ensued on internet safety for both young and older people.

RESOLVED – (a) That the following recommendations of the Children and Young People's Scrutiny Committee, be endorsed, namely:-

- (i) that e-safety be part of the school curriculum and it be included in the work of schools within Darlington;
- (ii) that continuous improvements be made to education on e-safety and reviewed appropriately;

- (iii) that every child be made aware of a named person within their school or public internet access site (college, library, community centre etc) to whom behaviour believed to be unacceptable or frightening can be reported and that appropriate advice and assistance will be given. This information should be available as a reminder as each young person logs onto the computer (pop-up screen);
- (iv) appropriate message on e-safety to be distributed to every household (via a Council publication and/or website message) providing all residents with advice and information and a named officer at the Council with whom they may raise questions or concerns;
- (v) parental workshops to be made available to all who care for children in our community, content of which would be based upon suggestions from parents/carers themselves. This could be gauged on the answers to a brief questionnaire in the Town Crier or other means of communication;
- (vi) as a means of educating the wider community that varied text relating to e-safety ‘pop up’ at log on on all publicly provided computers in Darlington;
- (vii) to hold a Safer Internet Day to coincide with European E-Safety Day held each year and this academic year held on 10th February, to involve all sectors of the community in its preparation (especially encouraging the involvement of young people and the Children’s Forum and the most vulnerable in our Darlington community);
- (viii) that work be undertaken to ensure that our Looked After and Fostered Children have the e-safety advice and supervision whilst out of the school environment that they may require, with appropriate pastoral care to reinforce this advice; and
- (ix) to call on all relevant parties within the Darlington community (including the Council, Children’s Trust, Police, Community Partnerships, School Community etc) to establish an e-advisory committee where we can map the work that is currently done to deliver a safer internet and where we can respond to the e-safety needs of our citizens in a co-ordinated, efficient and effective way.

(b) That the comments of the Director of Children’s Services, as detailed in the submitted report, be noted.

REASONS – To enable Cabinet to consider the findings and recommendations of the Children and Young People Scrutiny Committee.

C104. MEMBERSHIP CHANGES – There were no membership changes reported at the meeting.

C105. 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.

C106. (URGENT ITEM) SUPPORTED PEOPLE TENDER FOR THE PROVISION OF HOUSING RELATED SUPPORT TO HOMELESS PEOPLE (EXCLUSION PARAGRAPH NO. 3) - The Cabinet Member with the Neighbourhood Services and Community Safety Portfolio introduced the report of the Director of Community Services (previously circulated) seeking approval to the retender of lots 1, 2 and 5 of the current Supporting People Procurement Process for the provision of housing related support to homeless people or people at risk of homelessness.

RESOLVED – (a) That Lots 1 and 2 be re-tendered as soon as possible, with an increased lot value for £30,000 per annum.

(b) That Lot 5 be re-tendered, disaggregating the Lot into two separate service commissions, one for self contained accommodation and the second for ten units of low level support incorporating two emergency rooms.

REASONS – (a) The tender Evaluation Panel recommend not to award the contracts for Lots 1 and 2 due to level of risk posed around financial and service sustainability, could expose the tenderers and Darlington Borough Council to considerable risk.

(b) The services would be more financially viable, with costs appropriately apportioned to Supporting People for service governance and management which would offer more security during current the economic climate.

(c) Re-tendering Lot 5 would create the opportunity to reconfigure the previous service specification; it would also address a key strategic priority to diversify the accommodation and support options for homeless people/people at risk of homelessness.

**DECISIONS DATED -
FRIDAY, 4TH DECEMBER, 2009**