

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY, 18TH JANUARY, 2010**

CABINET
5th January, 2010

PRESENT - Councillor Williams (in the Chair); Councillors Copeland, Dixon, McEwan, D.A. Lyonette, A.J. Scott and Wallis. (7)

INVITEES – Councillors Barker, I. Haszeldine and Mrs. Scott. (3)

ALSO IN ATTENDANCE – Councillors Armstrong, Burton, G. Cartwright, Coultas, Dunstone, Francis, Galletley, L. Haszeldine, Johnson, Lewis, Long, Richmond and Walker. (13)

APOLOGIES – Councillors Harker and Hughes. (2)

C107. DECLARATIONS OF INTEREST – In respect Minute C120 below, Councillors Coultas and Johnson declared personal and prejudicial interests as they were trustees of a number of the organisations detailed in the submitted report.

C108. REPRESENTATIONS – Representations were made by Members in attendance at the meeting in respect of Minutes C113(2), C119, C120, C122(2) and C123 below.

C109. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 1st December, 2009.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C110. COMPREHENSIVE AREA ASSESSMENT AND ANNUAL AUDIT AND INSPECTION LETTER – The Leader introduced the report of the Assistant Chief Executive (previously circulated) providing Members with an update on the outcome of the Area and Organisational Assessments (both previously circulated) under the new Comprehensive Area Assessment (CAA) inspection regime and presenting the Annual Audit Letter 2008/09 (also previously circulated).

Philippa Corner of the Audit Commission and Janet Eilbeck and Paul Harrison from PricewaterhouseCoopers, presented the main findings from the assessments and the Annual Audit Letter 2008/09 and highlighted the main changes from the previous inspection regime.

Particular references were made to the fact that this Council had not been awarded any flags under the Organisational Assessment, particularly in respect of this Council's Sustainable Transport Strategy and Council Housing, and the perceived lack of substance behind the statements contained within the documents. Philippa Corner and Janet Eilbeck responded to those issues thereon.

RESOLVED – That the Area Assessment, Organisational Assessment and the Annual Audit letter, all as appended to the submitted report, be noted.

REASON – To enable Cabinet to receive the results of the external assessments.

C111. MATTERS REFERRED TO CABINET - There were no matters referred to Cabinet.

C112. ISSUES ARISING FROM SCRUTINY – There were no issues arising from Scrutiny.

C113. KEY DECISIONS – (1) Physical Contact and the Use Of Physical Intervention in Educational Settings – Guidance - The Director of Children’s Services submitted a report (previously circulated) requesting that consideration be given to the Guidance on Physical Contact and the Use of Physical Intervention in Educational Settings (also previously circulated) in order to assist School Governing Bodies in setting policies.

RESOLVED – That the Guidance on Physical Contact and the Use of Physical Intervention in Educational Settings, as appended to the submitted report, be endorsed, as an exemplar policy as a basis for School Governing Bodies to develop their own policies.

REASON – (a) The current local authority guidance does not reflect the most recent legislation and the Department of Children, Schools and Families (DCSF) guidance.

(b) Our existing guidance combines a mixture of both guidance and policy. The revised document has now been divided and rewritten as ‘Guidance’ and ‘Exemplar Policy’ in order to help schools establish an appropriate policy.

(2) Darlington Local Development Framework Core Strategy – Revised Preferred Options - The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) requesting that consideration be given to the Darlington Local Development Framework (LDF) Core Strategy Revised Preferred Options document (also previously circulated) as a basis for consultation.

A Member in attendance at the meeting enquired when a decision on the Cross Town Route would be made and when the briefing for Members on the Core Strategy would be undertaken. The Assistant Chief Executive (Regeneration) responded thereon.

RESOLVED – (a) That the Local Development Framework Core Strategy: Revised Preferred Options, as appended to the submitted report, be agreed.

(b) That the Local Development Framework Core Strategy: Revised Preferred Options, as appended to the submitted report, form the basis for carrying out public and other consultations, in line with regulatory requirements and the Council’s adopted Statement of Community Involvement.

(c) That the Assistant Chief Executive (Regeneration), in consultation with the Cabinet Member with the Economy Portfolio, be authorised to make any minor changes to the wording prior to finalising the Revised Preferred Options document.

(d) That the Assistant Chief Executive (Regeneration), in consultation with the Cabinet Member with the Economy Portfolio, be authorised to undertake any further consultations that are necessary to enable a sound Core Strategy to be presented to Council and finalised for submission to the Government for public examination, in accordance with the timetable of preparation set out in the Council’s Local Development Scheme 2009/12.

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

(b) To avoid unnecessary delays in the remaining stages of Local Development Framework Core Strategy preparation.

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

(3) Asset Management – Allocation of Land - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) seeking approval to allocate Council-owned land, as shown on the plan appended to the submitted report, for potential residential development in connection with the Local Development Framework (LDF) and, in particular, the Strategic Housing Land Availability Assessment (SHLAA) process.

RESOLVED – That the sites, as identified in the submitted report and shown on the plan appended to the submitted report, be declared available for disposal subject to final Cabinet approval.

REASON – To meet Department for Communities and Local Government (CLG) guidance and to protect the Council’s interest.

(4) Procurement Plan Update – The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) presenting an update of the Procurement Plan to Cabinet for consideration and requesting that consideration be given to the Procurement Strategy for the Procurement of the Framework Agreement for the Provision of Works for Contractors for approval.

RESOLVED – (a) That the assessment of strategic and non-strategic contracts, as detailed in Appendix 1 to the submitted report, be approved, and that:

- (i) the procurement strategies for those contracts designated as strategic be brought to Cabinet for approval in advance of the tenders being issued and that the contract award decision be made by Cabinet;
- (ii) the decision for the award of the contract for the construction of 34 dwellings at Springfield be delegated to the Director of Community Services; and
- (iii) the contract award decisions for the remainder of the contracts, as detailed in Appendix 1 to the submitted report, be delegated to the relevant officers in accordance with the Contract Procedure Rules.

(b) That the Procurement Strategy for the procurement of the Framework Agreement for the Provision of Works for Contractors, as detailed in the submitted report, be approved.

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

- (i) the contracts designated strategic are of high value and high significance in respect of the impact on residents, Health & Safety and public safety;
- (ii) the reporting deadlines for a strategic procurement would impact significantly on the tight deadlines imposed by the funding body; and
- (iii) the contracts designated non-strategic are of a lower value and lower significance in respect of the impact on residents and public safety.

(b) This procurement meets the requirements of the Public Contracts Regulations 2006 and will allow Community Services to access suitably qualified contractors at times of high workload.

(5) Potential Indicators Update and Treasury Management Half-Year Review 2009/10 -

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 revised Prudential Indicators and providing a half-yearly review of the Council's borrowing and investment activities.

RESOLVED – (a) That the Treasury Management half yearly review, as detailed in the submitted report, be noted.

(b) That the report be forwarded to Council for approval of the updated prudential indicators, as detailed within Tables 1 to 11 of the submitted report.

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.

(d) To enable further improvements to be made in the Council's Treasury Management function.

C114. SAFEGUARDING – CHILDREN'S SOCIAL WORK SERVICES - The Director of Children's Services submitted a report (previously circulated) requesting that consideration be given to the identified action taken to address pressures within the Children's Social Work service and the support provided by Legal Services.

Discussion ensued on the recruitment and retention of staff; trends in referrals; and to whether the changes proposed were sufficient to deal with the increased referrals. The Director of Children's Services responded thereon.

RESOLVED – (a) That the identified action taken to address pressures within the Children's Social Work Service and Legal Services, as detailed in the submitted report, be supported.

(b) That additional resources of £229,097, increasing per annum, which have been built into the proposed Medium Term Financial Plan, be noted.

REASON - This proposal will ensure that the minimum requirements needed to ensure an acceptable level of caseloads and practise supervision is in place.

C115. PLAY BUILDER CAPITAL GRANT 2009/11 – RELEASE - The Director of Children’s Services submitted a report (previously circulated) requesting the release of external funding received from the Department of Children, School and Families to develop 22 Play Builder sites over the next two years.

RESOLVED – That £1,128,558 of external funding received from the Department of Children, Schools and Families, be released, for the improvement and development of 22 playbuilder sites across the Borough.

REASON – To enable the improvement and development of 22 playbuilder sites across the Borough.

C116. (URGENT ITEM) SKERNE PARK COMMUNITY CENTRE SECURITY IMPROVEMENTS - The Director of Children’s Services submitted a report (previously circulated) requesting the release of £35,500 of Community Cashback capital grant to make external improvements to Skerne Park Community Centre.

RESOLVED – That £35,500 of Community Cashback capital funding, be released, for external improvements to Skerne Park Community Centre.

REASON – (a) To tackle youth related Anti Social Behaviour (ASB) incidents.

(b) To increase community confidence in using the centre.

(c) To increase community confidence with the justice system.

C117. COMPREHENSIVE AREA ASSESSMENT – ANNUAL RATING OF COUNCIL CHILDREN’S SERVICES FOR 2009 – The Director of Children’s Services submitted a report (previously circulated) informing Members of the outcome of the new annual rating of Children’s Services.

Particular references were made to the pupil referral unit; children with special educational needs; and to the number of children and young people admitted to hospital.

RESOLVED – That the report be noted.

REASON – To inform Members of the current performance of Children’s Services in Darlington.

C118. ADULT SOCIAL SERVICES ANNUAL PERFORMANCE ASSESSMENT - The Cabinet Member with the Adult Services Portfolio introduced the report of the Director of Community Services (previously circulated) informing Members of the outcome of the Annual Performance Assessment of Social Care for Adults carried out by the Care Quality Commission (CQC).

It was reported at the meeting that the Health and Well Being Scrutiny Committee were monitoring the performance in respect of Outcome 7 ‘Maintaining personal dignity and respect’.

REASON – That the report be noted.

REASON – In order to inform Members of the current performance of Adult Social Services.

C119. 10:10 CAMPAIGN PLEDGE - The Cabinet Member with the Sustainable Environment and Climate Change Portfolio introduced the report of the Assistant Chief Executive (Regeneration) requesting that consideration be given to this Council signing up to the 10:10 Campaign to reduce carbon emissions.

RESOLVED – That this Council sign up to the 10:10 Campaign Pledge.

REASONS – (a) To support delivery of the Darlington Climate Change Strategy and Action Plan.

(b) To contribute to local and national targets for CO² reduction.

C120. (URGENT ITEM) STRATEGIC REVIEW OF FUNDING FOR THE THIRD SECTOR – 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 the continuation of existing arrangements for strategic funding of the third sector until 31st March, 2011.

Particular references were made to the need for flexibility during the year in respect of emerging organisations and projects and to the need for stability in this sector. The Cabinet Member with the Communities and Engagement Portfolio responded thereon.

RESOLVED – (a) That existing strategic funding arrangements be continued until 31st March, 2011, subject to any necessary changes during 2010/11.

(b) That the Assistant Chief Executive, in consultation with the Cabinet Members with the Efficiency and Resources and Communities and Engagement Portfolios, be authorised to take any further decisions required for the financial year to the end of March 2011.

REASONS – (a) Cabinet needs to agree funding proposals as part of the governance arrangements for the Council.

(b) Third sector organisations need to have certainty about funding arrangements to enable business plans and budget proposals to be set for 2010/11 and any necessary HR procedures implemented.

C121. DOG CONTROL ORDERS - 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 implementation of a range of Dog Control Orders within the Borough.

RESOLVED – (a) That Dog Control Orders be introduced to cover the following prescribed offences:

- (i) failure to remove dog faeces Borough-wide;
- (ii) not keeping a dog on a lead in the following locations – Pedestrian Heart, Memorial Hospital grounds, formal areas of South Park, communal areas on Council owned allotments, Emley Moor Green and Brinkburn Dene;

- (iii) not putting and keeping a dog on a lead when directed by an authorised officer Borough-wide; and
- (iv) permitting a dog to enter land from which dogs are excluded (this will apply to children's play areas, areas for sporting recreation and selected school grounds).

(b) That existing byelaws for the exclusion of dogs in East Cemetery, North Cemetery and West Cemetery be retained.

(c) That the following be added as Paragraph 2 to Section P to the delegated powers of the Director of Community Services in the Scheme of Delegation:-

‘Power to amend or extend existing Dog Control Orders in consultation with the relevant Cabinet Member.’

REASONS – (a) To enable the Council to introduce Dog Control Orders.

(b) To enable officers to issue fixed penalty notices or prosecute individuals who fail to adhere to the prescribed orders.

C122. SINGLE PROGRAMME – (1) Town Centre Fringe Master Planning - The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) seeking agreement to the release £150,000 of capital funds for Town Centre Fringe Master Planning.

RESOLVED - That £153,000 of capital funding be released, as detailed in the submitted report.

REASONS – (a) To assist in the master planning of a strategically important area of Darlington, which will have wider benefits for both the residents and wider economy of Darlington (including existing businesses and new businesses).

(b) To enhance the environmental, social and economic well-being of the Borough.

(c) To feed into the Council's Local Development Framework – providing the tools necessary to promote and encourage high quality development which meets the needs of Darlington and its Community.

(d) Build upon existing Single Programme and Darlington Borough Council investment through the first Phase of the Master Planning exercise.

(2) Additional 2009/10 Projects - The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) requesting that consideration be given to the release of Single Programme Funding for 2009/10 and seeking agreement to release Single Programme Funding for 2009/10 and approve delegations.

Particular reference was made to the importance of the Darlington Business Incubator project and to potential linkages with the Teesside University.

RESOLVED – (a) That Single Programme Funding, be released, for the schemes as detailed in the report.

(b) That the Director of Corporate Services be authorised to acquire any land under the ‘Green Street Site Acquisitions’ project, including the demolition of any properties on the land that has been acquired, subject to the financial limitation as detailed in Appendix 1 to the submitted report.

REASONS – (a) To enhance the environmental, social and economic well-being of the Borough.

(b) It builds upon significant Single Programme investment such as through Central Park, Town Centre Fringe, Pedestrian Heart and the Connections Study. These projects will add value to these projects and will increase their positive impact in terms of job creation/safe-guarding, improving transport infrastructure and attracting inward investment into Darlington.

(c) Maximise this unique opportunity to bring forward projects of strategic significance in enhancing Darlington’s economic prosperity – including the positive impacts these projects will bring for the residents and business community of Darlington and the wider Tees Valley.

C123. RELEASE OF FUNDING – NORTH LODGE BANDSTAND - 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 the release of Council capital resources, Heritage Lottery Funding and Big Lottery Community Spaces Funding to carry out the refurbishment of North Lodge Bandstand.

RESOLVED – That £216,000 of Council capital resources, Heritage Lottery Funding and Big Lottery Community Spaces Funding be released, to carry out the refurbishment of North Lodge Bandstand.

REASONS – To enable the refurbishment of the bandstand in North Lodge Park to take place.

C124. MEMBERSHIP CHANGES – There were no membership changes reported at the meeting.

C125. 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.

C126. (URGENT ITEM) TENDER FOR THE PROVISION OF ACCOMMODATION BASED AND FLOATING HOUSING RELATED SUPPORT FOR HOMELESS PEOPLE, THOSE AT RISK OF HOMELESSNESS AND VULNERABLE ADULTS (EXCLUSION NO. 3) - 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 award of contracts for the provision of accommodation based and floating housing related support services for homeless people, those at risk at homelessness and vulnerable parents.

RESOLVED - That the Evaluation Panel’s recommendation to award contracts for Lots 3, 4, 6, and 7 to the highest scoring contractor in each of the individual Lot Evaluations, as detailed in Appendix 1 to the submitted report, be approved.

REASONS – (a) In accordance with the adopted selection criteria, the tender process identified these organisations as the most suitable contractors to achieve the objectives of the strategic review.

(b) Appointing contractors to Lots 3, 4, 6 and 7 will ensure that there are a diverse range of housing related support services, which address gaps in provision identified by clients and key stakeholders.

**DECISIONS DATED -
FRIDAY, 8TH JANUARY, 2010**