

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE WEDNESDAY, 14TH APRIL, 2010**

**CABINET
30 March 2010**

PRESENT - Councillor Williams (in the Chair); Councillors Copeland, Dixon, Harker, Hughes, McEwan, D A Lyonette and A J Scott. (8)

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

ALSO IN ATTENDANCE – Councillors Armstrong, Dunstone, Francis, Johnson and Lewis. (5)

APOLOGIES – Councillor Wallis.

C157. DECLARATIONS OF INTEREST - There were no declarations of interest reported at the meeting.

C158. REPRESENTATIONS – In respect of Minutes C174(2) and (3), representations were made by a Member in attendance at the meeting.

C159. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of Cabinet held on 2 March 2010.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C160. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration.

C161. ISSUES ARISING FROM SCRUTINY - There were no issues arising from Scrutiny.

C162. KEY DECISIONS - (1) School Admission Arrangements 2011/12 - The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Children's Services (previously circulated) requesting that consideration be given to the Admission Policy for the 2011/12 academic year and the co-ordinated arrangements for all schools in the Borough. A copy of the Co-ordinated Admission Schemes for both primary and secondary applications was appended to the submitted report.

A Member made enquiries at the meeting as to the short and long term measures that the Council were putting in place to assist parents in gaining a place for their children at their preferred school(s). The Cabinet Member with the Children and Young People Portfolio and the Director of Children's Services responded thereon.

RESOLVED - That the changes required to the Co-ordinated Admission Schemes for both primary and secondary applications for the 2011/12 academic year, as detailed in the submitted report, be approved.

REASONS - (a) The Authority is under a statutory duty to consult and adopt an admission scheme for both Primary and Secondary school places for the academic year 2011/12.

(b) If the scheme is not approved and returned to the Department for Children, Schools and Families (DCSF) by the 15 April 2010 the Secretary of State may impose a scheme on the Authority.

(2) Building Schools for the Future - Draw-Down of Funding - The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Children's Services (previously circulated) requesting the draw-down of funds to engage on the first stage of project management for capital works and ICT improvements to the Council's secondary school estate.

RESOLVED - (a) That the National Contractors' Framework, managed by Partnerships for Schools, be the preferred procurement route.

(b) That the draw-down of £1.2m from the provision made in the Council's Medium Term Financial Plan, be agreed.

REASONS - (a) National Contractors' Framework is the preferred procurement method for authorities whose schemes sum to less than £150m.

(b) To cover some areas of expertise and capacity not available within the Council it will be necessary to commission work from external advisers.

(3) Third Local Transport Plan - The Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) providing Members with an update on the development of the Transport Strategy and outlining the consultation process to support the development of options, options appraisal and selection of the preferred options.

The Assistant Chief Executive (Regeneration) reported at the meeting that, following a question from a Member, the first stage of the 'Tees Valley City Region: Connectivity and Accessibility Study', as referred to in the submitted report, had not yet been published.

RESOLVED - That the next stage of consultation be undertaken on the basis as detailed in the submitted report, in order to develop potential options and inform the options appraisal process.

REASON - In order to meet the timescale set out for the development of the Local Transport Plan and to ensure wide-scale involvement from local people.

(4) (URGENT ITEM) Provision of Accommodation Based and Floating Housing Related Support for Homeless People and those at Risk of Homelessness – Tender for Lot One - 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 the contract for the provision of hostel accommodation based support for people aged between 16 to 25 years of age.

(NOTE: For the decision in respect of this item see Minute C174(2) below.)

(5) (URGENT ITEM) Provision of Accommodation Based and Floating Housing Related Support for Homeless People and those at Risk of Homelessness – Tender for Lots Two to Four - 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 the contracts for the provision of accommodation based housing related support services for homeless people and those at risk of homelessness.

(NOTE: For the decision in respect of this item see Minute C174(3) below.)

C163. RAISING EXPECTATIONS - ENABLING THE SYSTEM TO DELIVER - 16 TO 19 LEARNING COMMISSION - The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Children's Services (previously circulated) updating Members on the progress to date in preparing for the transfer of funding and commissioning responsibility for the delivery of high quality education and training for young people aged between 16 to 19 years of age (16 to 25 years of age for learners with an identified learning disability), from the Learning and Skills Council to individual local authorities from April 2010.

RESOLVED - (a) That the proposed Regional Planning arrangements, as detailed at Appendix 1 to the submitted report, be noted, and the Director of Children's Services be authorised, in consultation with the Cabinet Member with the Children and Young People Portfolio, to keep those arrangements under review to ensure they are effective in supporting the Authority in discharging its responsibilities.

(b) That the outcomes of the Learning and Skills Council (LSC) staff matching process, be noted, and six posts be transferred formally to the Local Authority from the LSC from 1 April 2010.

(c) That in relation to (b) above, the creation of the identified posts on the Council's establishment, be approved.

(d) That the financial implications to support the staff transfer, as detailed in the submitted report, be noted.

(e) That the intention to support shared services as appropriate at SRG level, be confirmed.

(f) That the Director of Children's Services, be authorised, in consultation with the Corporate Director of Resources and the Head of Legal Services, to put in place all necessary arrangements for receiving the transferring LSC staff in line with best practice in Transfer of Undertakings – Protection of Employment (TUPE) legislation.

(g) That the Director of Children's Services, be authorised, in consultation with the Corporate Director of Resources, the Head of Legal Services and appropriate senior LSC officers, to put in place all necessary arrangements for the transfer and management of funding contracts, agreed by the LSC with learning providers in the Borough, from 1 April to 31 July 2010 and from 1 August 2010 to 31 July 2011.

(h) That the report be referred to the Children and Young People Scrutiny Committee.

REASON - The Machinery of Government changes asked LA's to prepare for the transfer of statutory responsibility from the LSC in 2010 by agreeing regional and sub-regional arrangements. This has now been statutorily required as part of the enactment of the ASCL Bill. The recommendations placed before Cabinet have been widely consulted on with partners and providers and have been endorsed by the Children's Trust and 14 to 19 Partnership arrangements in each local authority in the region.

C164. ADULT SOCIAL CARE COMPLAINTS, COMPLIMENTS AND COMMENTS PROCEDURE - The Cabinet Member with the Communities and Engagement Portfolio introduced the report of the Director of Corporate Services and the Director of Community Services (previously circulated) requesting that consideration be given to the Adult Social Care Complaints, Compliments and Comments Procedure (also previously circulated).

RESOLVED - That Adult Social Care Complaints, Compliments and Comments Procedure, as appended to the submitted report, be approved.

REASONS - (a) To ensure the Council handles complaints in line with the provisions of the Local Authority Social Services and National Health Service Complaints (England) Regulations which came into effect in April 2009.

(b) To promote an organisational culture in which complaints are accepted, owned and resolved as efficiently as possible.

(c) To resolve individual issues when they arise to reduce the number of complaints referred to the Ombudsman.

(d) To enable the Council to identify trends and topics in relation to complaints and improve services as result.

(e) To ensure high levels of customer satisfaction with complaints handling.

(f) To enable the Council to demonstrate what it has learned from the complaints it has received.

C165. SERVICE PLANNING 2010/14 - DEPARTMENTAL PLANS - The Leader introduced the report of the Assistant Chief Executive (previously circulated) presenting the Council's four departmental plans in accordance with the Corporate and Service Planning timetable for 2010/14.

RESOLVED - That the four new departmental plans, be adopted.

REASONS - (a) To contribute to the implementation of the Medium Term Corporate Plan.

(b) To complete a key part of the Council's performance management arrangements, leading to further service improvements.

C166. OUTCOME OF COMPLAINTS MADE TO THE OMBUDSMAN – REVIEW – Pursuant to Minute C96/Dec/09, the Leader introduced the report of the Director of Corporate Services (previously circulated) providing Members with an update of the outcome of cases which had been considered by the Local Government Ombudsman and indicating any points for particular attention since the report considered by Cabinet at its meeting held on 1 December 2009.

RESOLVED - That the report be noted.

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.

C167. NORTH EAST ENGLAND LEADERS' BOARD - The Leader introduced the report of the Chief Executive (previously circulated) requesting that consideration be given to the scheme (also previously circulated) for the establishment of a Leaders Board for the North East, that meets the requirements of Government guidance.

RESOLVED - (a) That the proposed scheme for establishing a Leaders Board for the North East region, as appended to the submitted report, be noted.

(b) That the Leader of the Council be this Council's representative on the Board.

(c) That the Leader's nominated representative on the Board be the Deputy Leader of the Council.

(d) That the Leader, and his nominated representative, be granted all necessary executive powers on behalf of the Authority regarding the functions prescribed in Part 5 of the Local Authority, Economic Development and Construction Act 2009, in relation to the preparation and revision of the regional strategy for the North East.

(e) That report be referred to Council, for approval to be given in relation to non-executive powers, and subject to this, the Constitution be amended accordingly.

REASONS - (a) To ensure that Members are aware of and agree with the proposals for establishing a Leaders' Board for the North East.

(b) The Council's principal representative on the proposed Board needs to be confirmed.

(c) Similarly, the Leader's nominated substitute for the Board has to be approved.

(d) To ensure that the Leader and his nominated representative have the necessary authority to make decisions on behalf of the Council in relation to the preparation and revision of the regional strategy for the North East.

(e) This recognises that the Constitution will need to be amended to reflect the decision-making powers granted to the Leader and his nominated representative.

C168. REGIONAL SCAMBUSTER AND ILLEGAL MONEY LENDING TEAMS - DELEGATION OF AUTHORITY - The Cabinet Member with the Health and Leisure Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to the delegation of the Council's function, relating to the enforcement of the legislation, as detailed in Appendix A to the submitted report, to Redcar and Cleveland Borough Council, and to authorise officers employed within the Regional Scambuster and Illegal Money Lending Teams.

RESOLVED - (a) That the Council's function relating to the enforcement of the legislation, as detailed in Appendix A to the submitted report, be delegated to Redcar and Cleveland Borough Council and officers employed within the Regional Scambuster and Illegal Money Lending Teams, be authorised to enforce the legislation within the Borough of Darlington, in accordance with Section 101 of the Local Government Act 1972, and Section 13(7) of the Local Government Act 2000.

(b) That the Director of Corporate Services be authorised to undertake any necessary legal procedures to bring the proposal referred to in 3(a) above into effect.

REASONS - (a) Delegation of the Council's function relating to the enforcement of the legislation specified in Appendix A, to Redcar and Cleveland Borough Council would enable officers employed by them, in the Regional Scambuster and Illegal Money Lending Teams, to be authorised to enforce the legislation within the Borough of Darlington.

(b) This would enable the Regional Scambuster and Illegal Money Lending Teams to enforce the specified legislation within the Borough of Darlington and deliver more effective enforcement action against traders who are operating across the region.

C169. SOUTH PARK CARPET BED - 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 application received for the design of the South Park Carpet Bed.

RESOLVED - That the application from Girlguiding UK to design the South Park Carpet Bed, be approved.

REASON – To enable the design and planting of the South Park Carpet Bed.

C170. CONSERVATION AREA CHARACTER APPRAISAL - (1) Town Centre - The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) reporting the outcome of the consultation process for the Town Centre Conservation Area Character Appraisal, including four boundary additions to the conservation area, and seeking approval of the Character Appraisal (also previously circulated).

RESOLVED - That the Town Centre Conservation Area Character Appraisal, as appended to the submitted report, and the four boundary additions, be approved.

REASONS - (a) To provide a document to assist in the preservation and enhancement of the Town Centre Conservation Area.

(b) To ensure Conservation Area protection for the boundary additions, which relate to the existing Conservation Area boundary in terms of form and use.

(2) West End - The Leader introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) reporting the outcome of the consultation process for the West End Conservation Area Character Appraisal, including four boundary additions to the conservation area, and seeking approval of the Character Appraisal (also previously circulated).

RESOLVED - That the West End Conservation Area Character Appraisal, as appended to the submitted report, and the four boundary additions, be approved.

REASONS - (a) To provide a document to assist in the preservation and enhancement of the West End Conservation Area.

(b) To ensure Conservation Area protection for the boundary additions, which relate to the existing Conservation Area boundary in terms of age, form and use.

C171. REGULATION OF INVESTIGATORY POWERS ARRANGEMENTS - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) informing Members of the new Code of Conduct for the Use of Powers under the Regulation of Investigatory Powers Act (RIPA) 2000 and reviewing the Council's current arrangements in the light of the Code, and in anticipation of an inspection from the Office of the Surveillance Commission on 8 April 2010.

Discussion ensued around the use of the powers and on the future reporting on the use of those powers to Cabinet.

RESOLVED - (a) That the changes being brought about in relation to the use of the powers under the Regulation of Investigatory Powers Act (RIPA), as detailed in the submitted report, be noted.

(b) That the appointment of the Director of Corporate Services as the Council's Senior Responsible Officer in respect of RIPA, be approved.

(c) That the Borough Solicitor be authorised to revise the policy for the use of the legislation in accordance with the proposals, as set out in paragraphs 11 and 12 of the submitted report.

(d) That further quarterly reports be submitted to Cabinet on the policy and the use of RIPA.

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

(b) To ensure compliance with the new Codes of Practice.

C172. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C173. 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 3 and 5 of Part I of Schedule 12A to the Act.

C174. KEY DECISIONS - (1) John Street Cycle Route (Exclusion Paragraph Nos. 3 and 5) - The Cabinet Member with the Transport Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to progressing land acquisition, including making of a Compulsory Purchase Order to acquire land, to develop the John Street Cycle Scheme.

RESOLVED - (a) That the Director of Corporate Services be authorised to acquire land by agreement or to agree compensation for land required under a Compulsory Purchase Order (CPO), as appropriate, in order to deliver the John Street Cycle scheme.

(b) That Planning Permission be sought for the scheme.

(c) That Scheduled Ancient Monument Consent be sought for the scheme.

(d) That the Borough Solicitor be authorised to make Compulsory Purchase Orders for the acquisition of relevant interests under the powers of compulsory purchase contained in the Highways Act 1980 as amended, and also to make any side roads order necessary for the scheme.

(e) That a further report on progress with procedures and acquisition be brought to Cabinet prior to committing to land acquisition through CPO if a negotiated deal cannot be made.

REASONS - (a) To establish formally agreed arrangements prior to committing to CPO.

(b) To have the necessary permissions before committing to CPO and formal land deals.

(c) To have the necessary consent before committing to CPO and formal land deals.

(d) To secure the necessary land required for the scheme where negotiation has failed.

(e) To ensure appropriate consideration of financial risks as the scheme progresses.

(2) (URGENT ITEM) Provision of Accommodation Based and Floating Housing Related Support for Homeless People and those at Risk of Homelessness – Tender for Lot One (Exclusion Paragraph No. 3) – Pursuant to Minute C162(4), the Cabinet Member with the Neighbourhood Services and Community Safety Portfolio introduced the report of the Director of Community Services (previously circulated) providing additional information for Members in relation to the contract for the provision of hostel accommodation based support for people aged between 16 to 25 years of age.

RESOLVED – That the Evaluation Panel’s recommendations be supported, and the contract for Lot 1, in respect of the provision of hostel accommodation based support for people aged between 16 to 25 years of age, be awarded to the highest scoring contractor, as detailed in Appendix 2 to the submitted report.

REASONS - (a) In accordance with the adopted selection criteria, the tender process identified this organisation as the most suitable contractor to achieve the objectives of the strategic review.

(b) Appointing a contractor to Lot 1 will ensure that there are a diverse range of housing related support services, which address gaps in provision identified by clients and key stakeholders.

(3) (URGENT ITEM) Provision of Accommodation Based and Floating Housing Related Support for Homeless People and those at Risk of Homelessness – Tender for Lots Two to Four (Exclusion Paragraph No. 3) – Pursuant to Minute C162(5), the Cabinet Member with the Neighbourhood Services and Community Safety Portfolio introduced the report of the Director of Community Services (previously circulated) providing additional information for Members in relation to the contracts for the provision of accommodation based housing related support services for homeless people and those at risk of homelessness

RESOLVED – (a) That the Evaluation Panel’s recommendations be supported, and the contracts for Lots 2 and 4, in respect of the provision of accommodation based housing related support services for homeless people and those at risk of homelessness, be awarded to the highest scoring contractors in each of the individual lot evaluations, as detailed in Appendix 2 to the submitted report.

(b) That further strategic consideration be given regarding how the accommodation provision specified in Lot 3 could be delivered to meet identified gaps in provision and unmet needs.

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 2 and 4 will ensure that there are diverse range of housing relating support services, which address gaps in provision identified by clients and key stakeholders.

(c) One of the key priorities of the strategic review was to ensure there was a diverse range of housing related support services for homeless people, which were efficient, effective and able to support people with a range of needs.

**DECISIONS DATED -
TUESDAY, 6TH APRIL, 2010**