

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE**

CABINET
21 June 2011

PRESENT - Councillor Dixon (in the Chair); Councillors Harker, C L B Hughes,
McEwan, D A Lyonette, A J Scott and Wallis. (7)

INVITEES – Councillors Curry and I Haszeldine. (2)

ALSO IN ATTENDANCE – Councillors Francis and Johnson. (2)

APOLOGIES – Councillor Copeland and Mr A MacConachie. (2)

C1. DECLARATIONS OF INTEREST - There were no declarations of interest reported at the meeting.

C2. TIMES OF MEETINGS - RESOLVED - That meetings of this Cabinet be held at 5.00 p.m. for the remainder of the Municipal Year 2011/12.

REASON - To reflect the views of Cabinet.

C3. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 5 April 2011.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C4. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration.

C5. ISSUES ARISING FROM SCRUTINY - There were no issues arising from Scrutiny.

C6. KEY DECISIONS - (1) Schools Converting to Academy Status - The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of People (previously circulated) informing Members of the Academy Orders issued by the Parliamentary Under Secretary of State for Schools regarding the conversion of a number of Darlington schools to academy status. A list of those schools converting to Academy Status was appended to the submitted report.

RESOLVED - (a) That the report be received.

(b) That the schools, as detailed in the Appendix to the submitted report, cease to be maintained by this Council on conversion to an Academy.

(c) That the Director of People and the Director of Resources, be authorised to liaise with the Department for Education and the Governing Bodies of the schools concerned to negotiate and

agree the transfer arrangements to complete any requisite transfers of land and to arrange a conversion date on or after 1 July 2011, in line with the Secretary of State's direction.

(d) That the Director of People and the Director of Resources, be authorised to enter into the special agreements pertaining to the PFI nature of one of the conversions, in line with the Department for Education's standard practice and guidance.

REASON - To comply with a direction to the Council to carry out these actions by the Secretary of State for Education.

(2) Learning Disability Short Breaks - The Leader introduced the report of the Director of People (previously circulated) requesting that consideration be given to undertaking a review of current short break opportunities for adults with a learning disability.

A representative of Darlington Association on Disability addressed Cabinet in respect of the proposed review and requested that a Disability Impact Assessment be undertaken in advance of the review. The Leader and the Director of Place responded thereon.

RESOLVED - (a) That the in house Learning Disability and Short Break Service be reviewed, subject to on-going consultation with staff affected and service users.

(b) That a further report be submitted to a future meeting of Cabinet on options for future delivery of the Learning Disability Short Breaks Service.

REASONS - (a) The current service model is not in line with the wider personalisation agenda.

(b) Delivering short breaks in different ways can deliver better outcomes and result in more efficient use of current resources.

(3) Modernising Day Opportunities for People with a Learning Disability - The Leader introduced the report of the Director of People (previously circulated) requesting that consideration be given to implementing the findings from the review undertaken of day services for people with a learning disability.

The Leader reported at the meeting that he had received a letter from UNISON in respect of the proposals.

Following a query raised by a Member, the Director of Place reported that any family affected by the proposals would be contacted and an individual plan made.

RESOLVED - (a) That the Council funded services at Lifestyles, Grassroots and Lawson Street be closed, and alternative arrangements and choices made by individuals be implemented during a transitional period of three months.

(b) That all individuals affected by the closures be offered individual transitional support.

(c) That a sustainable Learning Disability Strategy be developed, and be presented to a future meeting of Cabinet for approval.

REASONS - (a) The Council needs to respond to the roll out of more personalised services where people, through a choice of their own, increasingly direct their own care and where personal budgets are the norm.

(b) The expectations of service users and their carers are changing and the facilities proposed for closure are no longer fit for purpose.

(4) Local Housing Allowance Safeguard Policy Update - The Leader introduced the report of the Director of People (previously circulated) requesting that consideration be given to the updated Local Housing Allowance Safety Policy (also previously circulated).

RESOLVED - That the updated Local Housing Allowance Safeguard Policy, as appended to the submitted report, be approved.

REASON - (a) To minimise the risk of people renting accommodation in the private sector from falling into arrears with their rent and losing their accommodation.

(b) To minimise any negative impact the changes to the Local Housing Allowance from April 2011 will have on private landlords and continue to give them the confidence to rent their properties to people on low incomes.

(c) To ensure the aims and objectives of the Local Housing Allowance in promoting independence and financial inclusion can be achieved.

C7. MENTAL HEALTH CAPITAL GRANT - RELEASE OF FUNDS - The Leader introduced the report of the Director of People (previously circulated) requesting that consideration be given to the release of capital funds from the Mental Health Capital Grant and seeking approval to spend the allocation on a range of projects to support people with a mental health problem to retain and develop their independence.

RESOLVED - (a) That £102,484 of Department for Health Mental Health Capital Grant, be released.

(b) That the spending of the grant on the schemes, as detailed in paragraph 16 of the submitted report, to support local service development, be approved.

REASONS - (a) The process has been in line with the capital grants guidance.

(b) These are one off capital grant allocations and will have no future revenue implications for the Local Authority.

C8. WRITE-OFF OF FORMER HOUSING TENANT ARREARS, HOUSING BENEFIT OVERPAYMENTS, NON-DOMESTIC RATES AND COUNCIL TAX - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of People (previously circulated) providing Members with an update on the current position in respect of former tenant arrears, Housing and Council Tax Benefit overpayments, Non-Domestic Rates and Council Tax, and seeking approval to write-off debts of £824,946.

RESOLVED - That a total amount of £120,808 of former tenant arrears, £245,112 of Housing and Council Tax Benefits overpayments and £459,026 of Non-Domestic Rates and Council Tax be written off, subject to steps for recovery being taken, wherever possible, if and when contact

is made.

REASON - Regular arrangements for writing off debts are in accordance with Audit Commission best practice for good financial management.

C9. REPRESENTATION ON OTHER BODIES 2011/12 - The Leader introduced the report of the Director of Resources (previously circulated) requesting that consideration be given to this Council's Representation on Other Bodies for the 2011/12 Municipal Year, the appointments of which were the responsibility of Cabinet.

RESOLVED - That the following be appointed, or nominated, to represent this Council on the other bodies specified for the 2011/12 Municipal Year :-

Name of Body or Organisation	Nomination(s)
Arts Council England North East	Cabinet Member with Leisure and Local Environment Portfolio (Councillor Wallis) and Chair of Economy and Environment Scrutiny Committee (Councillor Long)
Charitable Organisations for the Blind (COB)	Councillor Newall
County Durham and Darlington Foundation Trust – Board of Governors	Councillor Copeland
County Durham Waste Management Partnership Steering Group	Cabinet Member with Leisure and Local Environment Portfolio (Councillor Wallis)
Darlington and District Youth and Community Association (2002)	Councillor Baldwin (One Vacancy)
Darlington Borough Council – Family Placement Panel	Councillor Nutt
Darlington Partnership Board	Leader of the Council (Councillor Dixon), Cabinet Member with Health and Partnerships Portfolio (Councillor A J Scott) and Leader of the Opposition (Councillor Mrs Scott)
(a) Children's Trust/ Aspiring Themed Group	Cabinet Member with Children and Young People Portfolio (Councillor Hughes)
(b) Community Safety Partnership Executive Board/Safer Themed Group	Leader of the Council (Councillor Dixon)
(c) Greener Themed Group	Cabinet Member with Transport Portfolio (Councillor D A Lyonette) and Cabinet Member with Economy and Regeneration Portfolio (Councillor McEwan)
(d) Healthy Darlington Board	Cabinet Member with Adult Social Care and Housing

Name of Body or Organisation	Nomination(s)
	Portfolio (Councillor Copeland) and Cabinet Member with Health and Partnerships Portfolio (Councillor A J Scott)
(e) Prosperous Themed Group	Cabinet Member with Economy and Regeneration Portfolio (Councillor McEwan)
Darlington Railway Museum Trust	Cabinet Member with Leisure and Local Environment Portfolio (Councillor Wallis)
Disability Sport England – Northern Region	Councillors Nutt and York
Durham County Pension Fund Committee	Cabinet Member with Efficiency and Resources Portfolio (Councillor Harker) and Chair of Resources Scrutiny Committee (Councillor I Haszeldine)
Durham Tees Valley International Airport Limited	Councillor Dixon (Director) (Councillor D. A. Lyonette as substitute Council Director)
Durham Tees Valley International Airport Consultative Committee	Cabinet Member with Transport Portfolio (Councillor D A Lyonette)
European Chemicals Region Network	Councillor E A Richmond (representing the Tees Valley)
Family Help Organisation	Councillors J M Lyonette and Newall (One Vacancy)
Firthmoor Community Centre Management Committee	Councillors Dixon and L Vasey (Ward Members)
Groundwork North East Board	
(a) Board	Cabinet Member with Leisure and Local Environment Portfolio (Councillor Wallis)
(b) Sub-Regional Board	Cabinet Member with Leisure and Local Environment Portfolio (Councillor Wallis) and Cabinet Member with Health and Partnerships Portfolio (Councillor A J Scott)
Maidendale Nature and Fishing Reserve (Associate Member)	Councillor Dixon (Ward Member)
Museum Libraries Archives North East - Company	Cabinet Member with Leisure and Local Environment Portfolio (Councillor Wallis)
National Society for Clean Air (Northern Division)	Two Vacancies
North East Strategic Migration	Cabinet Member with Health and Partnerships Portfolio

Name of Body or Organisation	Nomination(s)
Partnership (NESMP)	(Councillor A J Scott) (Councillor C L B Hughes as named substitute)
North East Contracting Consortium for Asylum Support (NECCAS)	Councillor C L B Hughes (Councillor Newall as named substitute)
North East Highways Training Centre – Management Committee	Cabinet Member with Transport Portfolio (Councillor D A Lyonette)
North East Purchasing Organisation (NEPO) Joint Committee	Cabinet Member with Efficiency and Resources Portfolio (Councillor Harker) and Chair of Resources Scrutiny Committee (Councillor I. Haszeldine)
North East Regional Employers Organisation	Cabinet Member with Efficiency and Resources Portfolio (Councillor Harker), Chair of Resources Scrutiny Committee (Councillor I. Haszeldine) and Vice-Chair of Resources Scrutiny Committee (Councillor Landers)
Northern Housing Consortium	Cabinet Member with Adult Social Care and Housing Portfolio (Councillor Copeland)
Northern Council of Education Authorities	Cabinet Member with Children and Young People Portfolio (Councillor C L B Hughes), Chair of Children and Young People Scrutiny Committee (Councillor Lister) and Councillor Galletley
Northumbrian Regional Flood Defence Committee	Councillor Wallis
Parking and Traffic Regulations Outside London (PATROL) Adjudication Committee	Cabinet Member with Transport Portfolio (Councillor D A Lyonette) (Cabinet Member with Adult Social Care and Housing Portfolio (Councillor Copeland) as named substitute)
RELATE North East	Councillor Regan (One Vacancy)
Shopmobility Steering Group	Cabinet Member with Transport Portfolio (Councillor D A Lyonette) and Cabinet Member with Health and Partnerships Portfolio (Councillor A J Scott)
Skerne Park Youth and Community Centre - Management Committee	Councillors C L B Hughes and J M Lyonette (Ward Members)
Strategic Transport for Health Management Group	Cabinet Member with Transport Portfolio (Councillor D A Lyonette) and Cabinet Member with Adult Social Care and Housing Portfolio (Councillor Copeland)
Tees Valley Environmental Protection Group	Cabinet Member with Leisure and Local Environment Portfolio (Councillor Wallis), Vice Chair of Economy

Name of Body or Organisation	Nomination(s)
	and Environment Scrutiny Committee (Councillor Cossins) and Councillor Maddison
Tees Valley Local Access Forum	Councillor Long (Chair of Economy and Environment Scrutiny Committee)
Tees Valley Local Government Association	Leader of the Council (Councillor Dixon) and Deputy Leader (Councillor Harker)
Tees Valley Rivers and Fisheries Association	Councillor I Haszeldine
Tees Valley Unlimited	
Leadership Board	Leader of the Council (Councillor Dixon)
Planning and Economic Strategy	Cabinet Member with Economy and Regeneration Portfolio (Councillor McEwan)
Transport for Tees Valley	Cabinet Member with Transport Portfolio (Councillor D.A. Lyonette)
Housing Board	Cabinet Member with Adult Social Care and Housing Portfolio (Councillor Copeland)
Tidy North Regional Consultative Committee	Cabinet Member with Leisure and Local Environment Portfolio (Councillor Wallis)

C10. USE OF SUPPLEMENTARY PLANNING DOCUMENTS FOR DEVELOPMENT MANAGEMENT PURPOSES - The Cabinet Member with the Economy and Regeneration Portfolio introduced the report of the Director of Place (previously circulated) requesting that consideration be given to the use of specific supplementary planning documents by this Council for development management purposes.

RESOLVED - That it be recommended to Council that existing supplementary planning policy documents, listed Nos. 1-6 in Table 1 at paragraph 8 of the submitted report, continue to be used for development management purposes, until such time as more up to date Local Development Framework documents are adopted to replace them, or they become obsolete.

REASONS - (a) To support the effective implementation of the policies of the development plan for Darlington.

(b) To maintain a comprehensive planning policy framework during the preparation of development plan documents to support the adopted Core Strategy.

C11. ENTERPRISE ZONES - The Cabinet Member with the Economy and Regeneration Portfolio introduced the report of the Director of Place (previously circulated) requesting that consideration be given to the proposals by the Tees Valley Local Enterprise Partnership, Tees Valley Unlimited (TVU) for the Tees Valley Enterprise Zones.

RESOLVED - (a) That the Tees Valley Local Enterprise Partnership's Enterprise Zone proposal, as detailed in Appendix A of the submitted report, be endorsed.

(b) That Darlington's proposal for Central Park to be considered as an Enterprise Zone, be agreed, and officers be instructed to negotiate with the Central Park Developer Consortium its implementation, should the Government accept the proposal.

(c) That Officers be instructed to secure a scheme that minimises the risk of displacement to Darlington sites, business and inward investment to the Borough.

REASONS - (a) Overall the proposals are considered to be the best strategic fit with the Tees Valley Statement of Ambition that delivers maximum benefits and minimises risks of displacement.

(b) An Enterprise Zone at Central Park will require consequential changes to the Master Plan and Development Agreement in place with the Developer Consortium.

(c) To maximise the benefits and minimise the risks to the Darlington economy.

C12. ANNUAL REVIEW OF SIGNIFICANT PARTNERSHIPS 2010/11 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of People (previously circulated) presenting the outcome of the annual review of Significant Partnerships to enable Cabinet to consider the partnerships that the Council is involved with, to ensure that they have adequate governance arrangements in place.

RESOLVED - That the outcome of the review of Significant Partnerships, as detailed in the submitted report, be endorsed, and the actions being taken to address any outstanding issues, also as detailed in the submitted report, be noted.

REASONS - (a) To enhance corporate governance arrangements in significant partnerships.

(b) To enhance the relevance and performance of partnerships in Darlington.

C13. REGULATION OF INVESTIGATORY POWERS - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources (previously circulated) updating Members on the use of the Regulation of Investigatory Powers Act 2000 and developments that have taken place since the last report to Cabinet in March 2011.

RESOLVED - (a) That the developments in respect of the Regulation of Investigatory Powers that have taken place since March 2011, as detailed in the submitted report, be noted.

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

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

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

C14. PROPOSED WRITE-OFF OF IRRECOVERABLE DEBTS - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources

(previously circulated) requesting that consideration be given for the write-off of sundry debtor invoices with individual values greater than £500 that were considered to be irrecoverable.

RESOLVED - That sundry debtor invoices over £500 in value, amounting to £47,286.68, for the 2010/11 financial year be written off, subject to further action being taken if and when contacts are made.

REASONS - (a) It is considered all practical steps have been made to recover the debts.

(b) To enable the Council's accounts to be maintained in accordance with the Financial Procedure Rules.

C15. XENTRALL SHARED SERVICES ANNUAL REPORT - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources (previously circulated) presenting the third Xentrall Annual Report to Cabinet (also previously circulated).

RESOLVED - That the report be noted.

REASON - To enable all Members to receive information about the progress of this partnership.

C16. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C17. 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.

C18. KEY DECISIONS - (1) Former Eastbourne School - Proposed Demolition (Exclusion Paragraph No 3) - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources (previously circulated) seeking approval for additional funding for the demolition of the former Eastbourne School after it is vacated by Teesside University at the end of August; to include the former Youth Centre in the demolition contract and in doing so, declare it surplus to operational requirements and agree the site is available for disposal in due course; and for the proposed demolition contract to be deemed a non-strategic contract, in accordance with the Council's Contract Procedure Rules, and be added to the Council's Procurement Plan.

RESOLVED - (a) That the former Youth Centre be declared surplus to operational requirements and available for disposal, and it be included in the former Eastbourne School demolition contract.

(b) That the demolition contract be classed as a non-strategic contract in the Procurement Plan and the contract award decision be delegated to the Director of Resources.

(c) That additional funding of up to £300k be approved in the Capital Medium Term Financial 2011/12 and released.

REASONS - (a) To declare premises surplus to requirements and include in the proposed demolition contract.

- (b) To comply with Contract Procedure Rules and enable a contract to be awarded.
- (c) To approve the release of additional funding in order to achieve the required demolitions.
- (d) To enable a capital receipt to be generated from the sale of the site in due course.

(2) Contract Award - Day Opportunities for Adults and Older People with Mental Health Needs and Housing Related Floating Support for Adults with Complex Mental Health Needs (Exclusion Paragraph No 3) – The Leader introduced the report of the Director of People (previously circulated) requesting that consideration be given to the award of contracts for day opportunities for adults and older people with mental health needs and housing related floating support for adults with complex mental health needs.

RESOLVED - (a) That the contract award recommendations for each lot, as detailed in the submitted report, be noted.

(b) That the contracts be awarded to the providers, as detailed in the submitted report, for the contract for day opportunities for adults and older people with mental health needs and housing related floating support for adults with complex mental health needs.

REASONS - (a) In accordance with the agreed award criteria, the tender process identified those organisations as the most suitable contractors to achieve the requirements and the outcomes identified within the service specification.

(b) Appointing a range of contractors to Lots 1 and 2 will ensure that there are a diverse range of providers who are able to meet the challenging personalisation agenda.

C19. CIVIC THEATRE (EXCLUSION PARAGRAPH NO 3) - The Cabinet Member with the Leisure and Local Environment Portfolio introduced the report of the Director of Place (previously circulated) providing Members with an update on the outcome of the marketing exercise undertaken to date for the sale of the Civic Theatre and present future options.

RESOLVED - (a) That £300,000 be allocated in the Medium Term Financial Plan to allow the Civic Theatre to continue to operate until July 2012 and to allow other options for management and governance to be explored.

(b) That a report be brought back to Cabinet as part of the Medium Term Financial review, presenting those options for Cabinet to make a decision on the future of the Civic Theatre.

(c) That officers continue with an extended procurement process on the basis of a subsidy being available.

REASONS - (a) To further explore options for the management and governance of the Civic Theatre if a positive subsidy is to be provided.

(b) To allow the Civic Theatre to continue to operate so that ultimately whichever option Members choose, there is an existing business to transfer, unless the decision is to close the theatre following consideration of future options.

C20. SALE OF SITES AT KELLAW ROAD, DARLINGTON (EXCLUSION PARAGRAPH NO 3) - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources (previously circulated) requesting that consideration be given to the disposal of two sites adjacent to Kellaw Road, as shown on the plan appended to the submitted report, to the existing leaseholders and to consider options for the repair and maintenance of Kellaw Road.

RESOLVED - (a) That the disposal of the two sites at Kellaw Road, as shown on the plan appended to the submitted report, be approved for the amounts detailed in the submitted report.

(b) That the Assistant Director Resources be authorised to document the sales accordingly.

REASONS - (a) The figures agreed represent the best price reasonably obtainable.

(b) Will to achieve a capital receipt for the Council.

DECISIONS DATED -