

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY 26 SEPTEMBER 2011**

CABINET
13 September 2011

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

INVITEES – Councillor Curry, I Haszeldine and Mrs H Scott. (3)

ALSO IN ATTENDANCE – Councillor Francis, B Jones and Regan. (3)

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

C38. DECLARATIONS OF INTEREST – In respect of Minute C43(2) below, Councillor I Haszeldine declared a personal but non-prejudicial interest.

C39. REPRESENTATION – Members and members of the public in attendance at the meeting made representations in respect of Minutes C43(1), (2) and (4) below.

C40. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 19 July 2011.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C41. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration.

C42. ISSUES ARISING FROM SCRUTINY - There were no issues arising from Scrutiny.

C43. KEY DECISIONS - (1) Intermediate Care Plus Strategy - The Cabinet Member with the Adult Social Care and Housing Portfolio introduced the report of the Director of People (previously circulated) requesting that consideration be given to the Darlington Intermediate Care Plus Strategy (also previously circulated) and informing Members on progress of the initial implementation of the Joint Intermediate Care Plus Action Plan.

A member of the public in attendance at the meeting addressed Cabinet in respect of the use of 're-ablement' in the Strategy and to its potential different meanings to different people and stated that if 're-ablement' was to be given as mitigation further details need to be included on how it would be mitigated. The Cabinet Member with the Adult Social Care and Housing Portfolio responded to those comments thereon.

RESOLVED - (a) That the Intermediate Care Plus Strategy, as appended to the submitted report, be approved.

(b) That the progress against the implementation of the Joint Intermediate Care Plus Action Plan, as detailed in the submitted report, be noted.

REASONS - (a) Intermediate Care Plus is key to the affordability of future health and social care.

(b) The Strategy will help deliver the Sustainable Community Strategy (2008-2011) 'People in Darlington are healthy and supported to live full and active lives' for older adults and those with long term conditions.

(2) Adult Social Care Policy Review - Eligibility Criteria and Fairer Contributions Policies - The Cabinet Member with Adult Social Care and Housing Portfolio introduced the report of the Director of People (previously circulated) informing Members of the work undertaken with regard to the Adult Social Care Policies covering the Eligibility Criteria for Adult Social Care and the Fairer Contributions Policy (both also previously circulated).

A representative from Darlington Association on Disability and a member of the public addressed Cabinet in respect of the proposals and made reference to the use of the word 're-ablement' in the documents; the Disability Impact Assessments that had been undertaken; the consultation exercise; the current bandings and the implications that changes to those bandings could have on disabled people; stated that it was a complex subject and a lot of people did not understand the legislation; and that the cuts that were being introduced were hitting disabled people twice.

The Cabinet Member with the Adult Social Care and Housing Portfolio and the Leader of the Council responded to those issues and concerns thereon.

RESOLVED - That the decision on the Eligibility Criteria for Adult Social Care and the Fairer Contributions Policy, both as appended to the submitted report, be deferred, until such time as Cabinet considers its wider budget strategy and associated impacts.

REASON - (a) That full consideration is given to the impacts as described in the Equality Impact Assessment and proposed mitigations in the submitted report alongside all other budget proposals.

(b) As a consequence of the changes in predicted savings and in the numbers of individuals now likely to be affected since the original proposal was made to review the policies.

(3) (URGENT ITEM) Cockerton Regeneration 2012/14 - The Cabinet Member with Adult Social Care and Housing Portfolio introduced the report of the Director of People and the Director of Place (previously circulated) requesting that consideration be given to the release of funding from the annual housing capital programme in 2012/13 (£2m) and 2013/14 (£1.13m) to support the regeneration of an area of Council housing in Cockerton as part of the Medium Term Financial Plan.

A Member of Cabinet raised concerns in respect of the consultation that been undertaken as part of the scheme as a number of residents were unaware of the proposals.

References were also made to the inclusion of the shops on Nickstream Lane in the scheme; the provision of services to young people in the area from those shops; and to the provision of social housing in the area.

RESOLVED - (a) That the programme to regenerate Cockerton on a phased basis over two years, including the demolition of 20 houses and 57 flats (one of the two bed flats is owner occupied) as identified on the plan appended to the submitted report, be agreed, subject to Secretary of State approval.

(b) That funding from the Annual Housing Capital Programme in 2012/13 (£2M) and 2013/14 (£1.13M), be released, as part of the Medium Term Financial Plan.

REASONS - (a) The proposed regeneration in Cockerton provides an opportunity to decrease the oversupply of one bed flats, reduce the density of two bed flats, and, increase the supply of family homes to meet identified local housing need.

(b) The long term sustainability of this area of Cockerton will be improved through a change in local demographics, reducing the concentration of single people, and, subsequently the rate of turnover of existing Council properties which are traditionally high amongst single people increasing void property costs.

(c) The proposed regeneration of Cockerton provides an opportunity to increase the long term sustainability of the area through environmental improvements and addressing emerging issues of non-decency amongst council owned housing.

(d) The proposed regeneration of Cockerton will provide an opportunity to diversify the local housing offer and provide shared ownership and market sale housing alongside new social housing supply.

(4) Supported Bus Services 2011/14 - The Cabinet Member with the Transport Portfolio introduced the report of the Director of Place (previously circulated) requesting that consideration be given to a method of achieving the required reduction in the supported bus service budget and the evidence collected about potential impacts.

A Member in attendance at the meeting addressed Cabinet in respect of the withdrawal of Service 5(a) (Darlington to Bishop Auckland) and the implications of the withdrawal of this service to the residents of Brafferton. Particular reference was made to the accuracy of the data in respect of the use of this service.

The Cabinet Member with the Transport Portfolio responded to those issues and stated that in making this decision, the details of the Equalities Impact Assessment, as detailed in the appendix to the submitted report, had been fully considered and careful consideration had been given to the specific impacts of the proposals, the multiple impacts (taken together with other proposals), the comparison with other budget saving options and also the mitigation of the impacts of those proposals. The Director of Place responded to the issues raised in relation to the accuracy of the data used in respect of Service 5(a).

RESOLVED - (a) That the contracts, as detailed in Appendix 2 of the submitted report, be terminated with effect from Sunday, 1 January 2012 and that notice be given to Durham County Council concerning payments towards contracts issued by them, also as detailed in Appendix 2.

(b) That an upper limit to subsidy per passenger equal to double the current average subsidy per passenger, be implemented and subsequently adjusted for inflation.

REASONS - (a) To achieve the required budget reduction, yet best meet user demand in a way that minimises disruption.

(b) To limit the Council's expenditure on supported bus services to those circumstances where buses are the most appropriate method of travel.

(5) Procurement Plan - Update - 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 Procurement Plan (also previously circulated).

RESOLVED - That the assessment of non-strategic contracts, as detailed in appendix to the submitted report, be approved and the contract award decisions for the contracts designated as non-strategic be delegated to the appropriate Director.

REASONS - (a) The Contract Procedure Rules require Cabinet to determine the designation of contracts as strategic or non-strategic.

(b) The contracts designated as non-strategic are of a lower value and lower significance in respect of the impact on residents and public safety.

(6) Darlington Together - The Cabinet Member with the Health and Partnerships Portfolio introduced the report of the Director of People (previously circulated) presenting proposals for the 'Darlington Together' model for supporting democratic engagement and social inclusion; recommending ways forward in developing and embedding this support across the organisation; and requesting that consideration be given to the development of a 'Darlington Together' implementation plan.

RESOLVED - (a) That the principles of 'Darlington Together' as a model for future working, as detailed in the submitted report, be agreed.

(b) That related plans and strategies be reviewed in light of the emerging 'Darlington Together' vision.

(c) That a 'Darlington Together' implementation plan be developed.

REASONS - (a) 'Darlington Together' is an essential part of the Council's response to provide leadership and to protect the vulnerable at a time of declining public resources.

(b) To be effective the 'Darlington Together' approach needs to be embedded across key Council reviews, plans and strategies.

(c) Ensuring broad Member support for the approach will be important if it is to be sustainable.

C44. COMPLAINTS, COMPLIMENTS AND COMMENTS - FREEDOM OF INFORMATION, ENVIRONMENTAL INFORMATION AND SUBJECT ACCESS REQUEST ANNUAL REPORTS 2010/11 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources (previously circulated) providing Members with an update of the work of the Complaints and Information Governance Team. Copies of the Corporate, Adult Social Care and Children's Social Care Complaints, Compliments and Comments Annual Reports 2010/11 and the first Freedom of Information,

Environmental Information and Subject Access Request Annual Report, were all appended to the submitted report.

RESOLVED - (a) That the report and contents of the Corporate, Adult Social Care and Children's Social Care Complaints, Compliments and Comments Annual Reports 2010/11 and the Freedom of Information, Environmental Information and Subject Access Request Annual Report, all as appended to the submitted report, be noted.

(b) That the work of the Complaints and Information Governance Team in ensuring the Council handles complaints and requests for information both in accordance with the statutory requirements and in an effective and efficient manner, be noted.

(c) That the Adult Social Care and Children's Social Care Complaints, Compliments and Comments Annual Reports 2010/11 and the Freedom of Information, Environmental Information and Subject Access Request Annual Report, all as appended to the submitted report, be considered by the relevant scrutiny committee, should there be any issues to address.

REASONS - (a) To ensure the Council continues to learn from complaints, compliments and comments and improve services accordingly.

(b) The need to ensure the Council handles complaints and requests for information as effectively and efficiently as possible whilst adhering to the requirements of the legislation governing these areas of work.

(c) To improve accessibility and ensure a high level of customer satisfaction with both complaints handling and the way in which the Council responds to requests for information.

C45. DARLINGTON ALLOTMENTS STRATEGY - The Cabinet Member with the Leisure and Local Environment Portfolio introduced the report of the Director of Place (previously circulated) requesting that consideration be given to Darlington's Allotments Strategy (also previously circulated), the purpose of which was to provide guidance on how the Council's Allotment Service would continue to be integrated within the framework of the town-wide allotments provision, including self-managed sites and private sites, as well as into the wider local food movement.

RESOLVED - That the Allotments Strategy, as appended to the submitted report, be approved.

REASON – (a) Promoting the continued efficient use of Darlington's allotments provision is a valuable contribution to a number of the key agendas within the Sustainable Community Strategy, namely, health and wellbeing, quality of life, educational achievement and carbon reduction.

(b) The Allotments Strategy will facilitate a much more co-ordinated approach to providing this service that will see a continued increase in performance and effectiveness.

C46. DARLINGTON BOROUGH COUNCIL TREE AND WOODLAND STRATEGY 2011/20 - The Cabinet Member with the Leisure and Local Environment Portfolio introduced the report of the Director of Place (previously circulated) requesting that consideration be given to the final version of this Council's Tree and Woodland Strategy 2011/20 (also previously circulated).

Discussion ensued on the management of trees and to the protection of the public, particularly in severe weather.

RESOLVED - That the Tree and Woodland Strategy 2011/20, as appended to the submitted, be approved.

REASON - (a) The need to provide a robust policy framework with regard to the Council's management of trees.

(b) To protect the historical heritage of trees that provide a valued environmental amenity for future generations.

C47. ALVERTON DRIVE, HIGH GRANGE, FAVERDALE - 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 declaring land off Alverton Drive, High Grange, Faverdale, surplus to requirements and seeking authority to dispose of it by the most appropriate means.

RESOLVED – (a) That the site be declared surplus to the Council's requirements and authority to dispose of it by the most appropriate means, be agreed.

(b) That the Director of Resources be authorised to conclude the sale of the site.

(c) That the Assistant Director - Resources be authorised to complete the appropriate documentation to conclude the sale accordingly.

REASONS - (a) To remove an on-going maintenance.

(b) To achieve a capital receipt.

C48. PROJECT POSITION STATEMENT AND CAPITAL PROGRAMME MONITORING - QUARTER ONE 2011/12 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources and the Director of Place (previously circulated) providing Members with the latest capital resource and commitment position to inform monitoring of the affordability and funding of the Council's capital programme and updating Members on the current status of all construction projects currently being undertaken by the Council.

RESOLVED - (a) That the status position on construction projects, as appended to the submitted report, be noted.

(b) That the projected capital expenditure and resources, as detailed in the submitted report, be noted.

(c) That the adjustments to resources as detailed in paragraph 19 of the submitted report, be approved.

(d) The the resource virements, as indicated in paragraph 20 of the submitted report, be approved.

REASONS - (a) To inform Cabinet of the current status of construction projects.

(b) To make Cabinet aware of the latest financial position of the Council.

(c) To maintain effective management of resources.

C49. REGULATION AND INVESTIGATORY POWERS – Pursuant to Minute C13/Jun/11, the Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources (previously circulated) updating Members on the issues relevant to the use of the Regulation and Investigatory Powers Act 2000 and developments that have taken place since the last report to Cabinet in June 2011.

RESOLVED - (a) That the developments that have taken place since June 2011, as detailed in the submitted report, be noted.

(b) That further quarterly reports on the use of the Regulation of Investigatory Powers Act 2000 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.

C50. MEMBERSHIP CHANGES – That Councillor Harman be nominated as this Council's named substitute on the Northumbria Regional Flood and Coastal Committee for the remainder of the 2011/12 Municipal Year.

C51. 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.

C52. SCHEDULE OF TRANSACTIONS (EXCLUSION PARAGRAPH NO. 3) - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report and schedule of the Director of Resources (both previously circulated) requesting that consideration be given to the schedule of transactions and seeking approval of the terms negotiated.

RESOLVED - That the transactions, as detailed in the appendix to the submitted report, be completed on the terms and conditions detailed therein.

REASON - The terms negotiated require approval by Cabinet before binding itself contractually to a transaction.

C53. COCKERTON REGENERATION (EXCLUSION PARAGRAPH NO 3) – Pursuant to Minute 43(3) above, the Cabinet Member with Adult Social Care and Housing Portfolio introduced the report of the Director of Place and the Director of People (previously circulated) requesting that consideration be given to the disposal of surplus of Council land at nominal value within Cockerton to support its regeneration.

RESOLVED – That surplus council land within Cockerton be disposed of as a contribution towards the proposed regeneration of Cockerton, subject to Secretary of State approval.

REASONS - (a) The proposed scheme is anticipated to capture £6.2M of private inward investment to compliment any Council investment.

(b) The proposed regeneration in Cockerton provides an opportunity to decrease the oversupply of one bed flats, reduce the density of two bed flats, and, increase the supply of family homes to meet identified local housing need.

(c) The long term sustainability of this area of Cockerton will be improved through a change in local demographics, reducing the concentration of single people, and, subsequently the rate of turnover of existing Council properties which are traditionally high amongst single people increasing void property costs.

(d) The proposed regeneration of Cockerton provides an opportunity to increase the long term sustainability of the area through environmental improvements and addressing emerging issues of non-decency amongst council owned housing.

(e) The proposed regeneration of Cockerton will provide an opportunity to diversify the local housing offer and provide shared ownership and market sale housing alongside new social housing supply.

**DECISIONS DATED -
FRIDAY 16 SEPTEMBER 2011**