

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY 25 JUNE 2012**

CABINET
12 June 2012

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 Mrs Scott and Dr. H. Byrne. (3)

ALSO IN ATTENDANCE – Councillors Carson, Francis, Johnson and Mrs Jones. (4)

APOLOGIES – Councillors Copeland and I Haszeldine. (2)

C4. DECLARATION OF INTERESTS - There were no declarations of interest reported at the meeting.

C5. REPRESENTATIONS – In respect of Minutes C10(1) and (2) below, representations were made by Members in attendance at the meeting.

C6. TIMES OF MEETINGS - RESOLVED - That meetings of this Cabinet be held at 5.00 p.m. for the remainder of the Municipal Year 2012/13.

REASON - To reflect the views of Cabinet.

C7. MINUTES - Submitted - The Minutes (previously circulated) of the meetings of this Cabinet held on 1 and 22 May 2012.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C8. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration.

C9. ISSUES ARISING FROM SCRUTINY - (1) Darlington Health Profile Task and Finish Review Group - Final Report - The Cabinet Member with the Health and Partnerships Portfolio introduced the report of the Director of People (previously circulated) reporting the findings and recommendations of the Task and Finish Review Group established by the Health and Partnerships Scrutiny Committee to consider the Health Profile for Darlington in 2011.

RESOLVED – That the recommendations of the Health and Partnerships Scrutiny Committee in relation to the Darlington Health Profile Task and Finish Review Group, as detailed below, be supported, subject to the comments of the Director of People, as detailed in the submitted report:-

(a) that an annual briefing session for Members around analysis of statistics in relation to the Darlington Health Profile be arranged as part of the Members training sessions;

- (b) that Darlington Health Profiles continue to be a valuable resource and used to influence the Strategic Needs Assessment and taken into account for future commissioning decisions;
- (c) that consideration be given to further work in respect of water fluoridation to improve oral health of the population;
- (d) that all Members be encouraged to promote oral health in their Wards and Ward newsletters;
- (e) that the indicator be reviewed to assess whether a trend is emerging as to whether the number of hip fractures occurring is rising, if so, the public health team, along with local clinicians undertake a detailed review and analysis to include a review of individual cases to see if there are any patterns that have been missed;
- (f) that an audit be carried out to explore the data in respect of location 'hotspots' and that further work be undertaken with partners to investigate any benefits of sharing anonymous information regarding hip fractures more widely with other agencies;
- (g) that an integrated falls pathway be developed to reduce hip fractures and other fractures in Darlington which will deal with all steps from primary prevention (e.g. bone density maintenance and general fitness); secondary prevention (e.g. avoiding slips and trips plus targeted use of hip protectors etc., training and the use of appropriate technology and equipment in care settings and homes); emergency help (e.g. care line, ambulance service Emergency Department in patient surgery); rehabilitation and discharge (both hospital and social care); on-going support and 're-ablement' (health and social care) including further fall and fracture prevention;
- (h) that this Council continues to commit and support the work of the Tobacco Alliance;
- (i) that this Council continues its on-going commitment to FRESH and its outcomes;
- (j) that Members support and respond to the consultation on plain packaging and that a Members Briefing/Training session be held during the consultation period to gather opinions;
- (k) that consideration be given as to how Trading Standards Officers enforce illicit sales of tobacco, point of sale advertising and under age sales of tobacco, and whether exploring a multi-agency approach would be more beneficial;
- (l) that the DVD being produced by children and young people in connection with Cockerton West Community Partnership in relation to second hand smoking be shown at a future meeting of the Health and Partnerships Scrutiny Committee;
- (m) that support continues to preventative and safe use campaigns and programmes with young people;
- (n) that Members of this Scrutiny be involved and support the development of the refresh of the Alcohol Strategy;
- (o) that assurance be given that reducing alcohol harm remains a core strategic priority of this Council, Darlington Partnerships and all its partners;
- (p) that this Council continues its on-going commitment to BALANCE and its outcomes;

(q) that Members continue to monitor the effectiveness of investment in alcohol treatment services in the future; and

(r) that Members actively support the debate on minimum alcohol pricing and that every opportunity be used to promote the issue locally and nationally with senior figures with influence, involving Regional Members of Parliament.

REASONS - (a) Successful implementation will support greater local community engagement.

(b) Successful implementation will contribute to the wider partnership agenda.

(2) Local Strategic Partnership Task and Finish Review Group - Final Report - The Cabinet Member with the Health and Partnerships Portfolio introduced the report of the Director of People (previously circulated) reporting the findings and recommendations of the Health and Partnerships Scrutiny Committee on its review of the proposed changes to the Darlington Partnership.

Discussion ensued on methods of communicating the changes to the Darlington Partnership.

RESOLVED - (a) That the recommendations of the Health and Partnerships Scrutiny Committee, as detailed in Appendix 1 of the submitted report, be endorsed.

(b) That the issues identified by Members in relation to the recommendations, as detailed in Appendix 1 of the submitted report, be addressed.

REASONS - (a) Successful implementation will support greater local community engagement.

(b) Successful implementation will contribute to the wider partnership agenda.

C10. KEY DECISIONS - (1) School Place Planning Arrangements - Basic Need Funding for Heathfield Primary - The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of People (previously circulated) informing Members that at three primary schools would be admitting additional pupils over their Planned Admission Numbers (PAN) for the academic year 2012/13 and requesting that consideration be given to the release of funds for internal remodelling works to enable Heathfield Primary School to accommodate an additional 30 pupils for September 2012.

A Member in attendance at the meeting addressed Cabinet in relation to issues relating to the admission of children from Middleton St. George to St. George's CE Aided Primary School and requested that consideration be given to the distribution of funding and to the admission criteria used by the school to enable children from the village to attend the school. Particular reference was also made to the fact that children from the village were attending schools out of the Borough as there were insufficient places at the schools

The Cabinet Member with the Children and Young People Portfolio and the Director of Children's Services responded to those issues and concerns thereon.

RESOLVED - (a) That the admission of additional pupils at three primary schools over their Planned Admission Numbers, as detailed in the submitted report, for the academic year 2012/13, be noted.

(b) That £175,00 of Basic Need Capital for 2012/13 be released to fund alterations at Heathfield Primary School, as detailed in the submitted report.

REASONS - (a) To meet the Local Authority's statutory responsibility to provide a school place for every school age child in the borough.

(b) That the schools identified are the best placed schools to provide these additional places.

(2) Gypsy and Traveller Site Provision - Feasibility - 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 release of feasibility funding of £50,000 to examine options and undertake site investigation works, to increase Gypsy and Traveller pitch provision at Honeypot Lane and Neasham Road.

References were made at the meeting to a number of issues including the background papers listed on the report; the involvement of consultants in the process; and the number of Gypsy and Traveller pitches being provided by the Tees Valley Authorities.

RESOLVED - (a) That £50,000 of feasibility funding, as detailed in the submitted report, be released.

(b) That the Director of Place be given delegated authority to award the feasibility contract on completion of a formal tender process.

REASONS - (a) There is likely to be a requirement to deliver 35 new Gypsy and Traveller pitches by 2026 as part of the Local Development Framework. This scheme will contribute at least 20 new Gypsy and Traveller pitches towards that target.

(b) To meet the identified needs of the Gypsy and Traveller community as confirmed by the Gypsy and Traveller Area Assessment (GTAA) 2008.

(3) (URGENT ITEM) Darlington Local Development Framework - Planning Obligations Supplementary Planning Document - The Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Place (previously circulated) summarising the approach and content of the Draft Local Development Framework Planning Obligations Supplementary Planning Document, as a basis for securing developer contributions, known as Planning Obligations or a Section 106 Legal Agreement, for infrastructure from new residential and non-residential development, having regard to the current economic conditions and seeking to balance the need for community infrastructure arising from new development with securing quality, safe, sustainable development in Darlington.

RESOLVED - (a) The content of the draft Local Development Framework Planning Obligations Supplementary Planning Document, as detailed at Appendix 1 to the submitted report, be agreed.

(b) The draft Local Development Framework Planning Obligations Supplementary Planning Document be agreed as the basis for carrying out public and other consultations, in line with regulatory requirements and the Council's commitments to community engagement as set out in the adopted Statement of Community involvement.

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

(b) To fulfil the regulatory requirements of local development document preparation.

(4) Hundens Depot Relocation - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Place and Director of Resources (previously circulated) requesting that consideration be given to the delegation to appropriate Officers and the release of funding to enable work to commence on relocating the Depot from Hundens Lane.

RESOLVED - (a) That the Director of Resources, in consultation with the Cabinet Member with Efficiency and Resources Portfolio, be authorised to either lease or purchase a suitable site or sites for the relocation of the Depot.

(b) That £400,000 of Housing Growth Point Fund be released, as a contingency to go towards the relocation of the Depot.

(c) That the Director of Place, in consultation with the Cabinet Member with Economy and Regeneration Portfolio, be given delegated authority to decide how the remaining Housing Growth Point Fund should be utilised to accelerate housing development on Central Park.

REASONS - (a) To enable the Council to relocate the existing operational aspects of the Depot from Hundens Lane to a suitable site(s) from which to operate operational Services for Place.

(b) To expedite progress of the Central Park Development.

C11. REVIEW OF OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN - The Leader introduced the report of the Director of Resources (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 of particular attention since the preparation of the report for the meeting of Cabinet held on 1 November 2011.

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 this report do not suggest that further action, other than detailed in the submitted report, is required.

C12. REPRESENTATION ON OTHER BODIES 2012/13 - 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 2012/13 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 2012/13 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 Place Scrutiny Committee (Councillor Long) |
| Business Improvement District (BID) Board | Cabinet Member with Economy and Regeneration Portfolio (Councillor McEwan) |
| 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 |
| Darlington Partnership Board | Leader of the Council (Councillor Dixon), Cabinet Member with Health and Partnerships Portfolio (Councillor A. J. Scott), and Councillor Mrs. Scott (Leader of the Opposition) |
| 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 Efficiency and Resources Scrutiny Committee (Councillor I. Haszeldine) |
| Durham Tees Valley Airport Limited - Board | Councillor Dixon (Director) (Councillor D. A. Lyonette as substitute Council Director) |
| Durham Tees Valley Airport Limited - Consultative Committee | Cabinet Member with Transport Portfolio (Councillor D. A. Lyonette) |
| Family Help Organisation | Councillors J. M. Lyonette and Newall |

Name of Body or Organisation **Nomination(s)**

| | |
|---|--|
| Family Placement Panel | Councillor Nutt |
| Ground Work North East : | |
| (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) |
| 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 Regional Employers Organisation | Cabinet Member with Efficiency and Resources Portfolio (Councillor Harker), Chair of Efficiency and Resources Scrutiny Committee (Councillor I. Haszeldine) and Vice-Chair of Efficiency and Resources Scrutiny Committee (Councillor Landers) |
| Executive Committee | Cabinet Member with Efficiency and Resources Portfolio (Councillor Harker) |
| North East Strategic Migration Partnership (NESMP) | Cabinet Member with Health and Partnerships Portfolio (Councillor A. J. Scott) (Councillor C.L.B. Hughes as named substitute) |
| North Eastern Purchasing Organisation (NEPO) Joint Committee | Cabinet Member with Efficiency and Resources Portfolio (Councillor Harker) and Chair of Efficiency and Resources Scrutiny Committee (Councillor I. Haszeldine) |
| 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 |
| Northern Housing Consortium | Cabinet Member with Adult Social Care and Housing Portfolio (Councillor Copeland) |
| Northumbrian Flood and Coastal | Councillor McEwan (Councillor Harman as named substitute) |

**Name of Body or Nomination(s)
Organisation
Committee**

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 Councillors Cartwright and Regan

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 Place Scrutiny Committee (Councillor Cossins) and Councillor Maddison

Tees Valley Local Access Forum Councillor Long (Chair of Place Scrutiny Committee)

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)

C13. VARIATION TO HACKNEY CARRIAGE FARES - The Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Place (previously

circulated) requesting that consideration be given to three applications to revise the tariff levied in respect of hackney carriage fares.

RESOLVED - That the tariff structure, as detailed as Option 3 in the submitted report, be approved.

REASONS - (a) To meet the Council's obligations under the Local Government (Miscellaneous Provisions) Act 1976.

(b) To support a viable taxi trade.

C14. ANNUAL REVIEW OF SIGNIFICANT PARTNERSHIPS 2011/12 - 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 it has and to ensure that they have adequate governance arrangements in place in light of changes to partnerships in Darlington reported to Cabinet in March 2012.

RESOLVED - That the review of Significant Partnerships, be endorsed, and the actions being taken to address outstanding issues, be noted.

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

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

C15. REGULATION OF INVESTIGATORY POWERS - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources (previously circulated) informing Members on the issues relevant to the use of the Regulation of Investigatory Powers Act 2000 and developments that had taken place since the last report to Cabinet in March 2012.

Discussion ensued on the use of Regulation of Investigatory Powers by this and other Councils.

RESOLVED - (a) That the developments that have taken place since March 2012, in relation to the Regulation of Investigatory Powers, as detailed in the submitted report, be noted.

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

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

(b) To raise awareness and to ensure compliance when RIPA powers are used.

C16. 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 fourth Xentrall Annual Report to Members.

RESOLVED - That the report be noted.

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

C17. 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) seeking approval 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 £161,782.55 for 2011/12, be written-off, subject to further action being taken as and when contact is made.

REASON - (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.

C18. WRITE-OFF OF FORMER HOSING 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 an update on the current position on former tenant arrears, housing and council tax benefit overpayments, non-domestic rates and council tax, and seeking approval to the write-off of irrecoverable debts.

RESOLVED - That a total amount of £97,697 of former tenant arrears, £133,129 of Housing and Council Tax Benefits overpayments and £905,536 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.

C19. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C20. 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.

C21. FEETHAMS - TOWN CENTRE DEVELOPMENT PROPOSALS (EXCLUSION PARAGRAPH NO 3) - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources and Director of Place (previously circulated) requesting that consideration be given to the appointment of the preferred developer following the tender process, to be granted long term lease of the land at Feethams.

RESOLVED - (a) That the appointment of Tenderer G, as detailed in the submitted report, be approved, as the preferred developer/purchaser of the site.

(b) That, in the event that the preferred developer/purchaser is unable to proceed at any stage, the Director of Resources in consultation with the Cabinet Member with the Efficiency and Resources Portfolio, be authorised to appoint to the next highest scoring developer/purchaser in descending order down as far as fourth place, as indicated in Appendix 1 to the submitted report.

(c) That the Homes and Communities Agency (HCA) interest in the site, be noted.

REASONS - (a) To secure the development of a cinema multiplex and associated uses in line with the Council's preferred option for the site.

(b) To secure a Capital Receipt for the Council.

(c) The tender process identified the selected developer as offering the most economically advantageous tender in accordance with the agreed criteria.

(d) To make Cabinet aware of the HCA interest in the site.

C22. 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 to seek approval of the terms negotiated.

RESOLVED - That the schedule, as appended to the submitted report, be approved and the transactions be completed on the terms and conditions detailed therein.

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

**DECISIONS DATED -
FRIDAY 15 JUNE 2012**