

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
MONDAY 15 JULY 2013**

CABINET
1 July 2013

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

INVITEES – Councillor Mrs H Scott.

ALSO IN ATTENDANCE – The Mayor, Councillor Johnson; Councillors Carson, Francis and Long. (4)

APOLOGIES – Councillor Wallis.

C18. DECLARATIONS OF INTEREST – There were no declarations of interested reported at the meeting.

C19. TIMES OF MEETINGS – RESOLVED – That meetings of this Cabinet be held at 5.00 pm for the remainder of the 2013/14 Municipal Year.

REASON – To comply with the views of Cabinet.

C20. REPRESENTATIONS – In respect of Minutes C23, C32 and C33 below, a Member in attendance at the meeting made representations in respect of those items.

C21. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 4 June 2013.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C22. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration.

C23. ISSUES ARISING FROM SCRUTINY – STRATEGIC GRANTS TASK AND FINISH REVIEW GROUP – INTERIM REPORT – With the prior approval of the Leader to the matter being treated as urgent to enable the outcome of the review to be considered at the earliest opportunity, the Cabinet Member with the Health and Partnerships Portfolio introduced the report of the Director of Resources (previously circulated) reporting the interim conclusions and recommendations of the Strategic Grants Task and Finish Review Group, undertaken by the Health and Partnership Scrutiny Committee, established to ensure that the Strategic Grants provided by this Council to the Voluntary and Community Sector are delivering outcomes and providing good value for money. The comments from the relevant Director in respect of the review were included within the submitted report.

Particular reference was made at the meeting to the process undertaken by the Scrutiny Committee and the issues raised during that review.

RESOLVED – (a) That the conclusions and recommendations of the Strategic Grants Task and Finish Review Group, as detailed in the submitted report, be noted.

(b) That consideration be given to the contents of the review being considered as part of the budget process.

REASON – (a) To ensure that decisions in relation to Strategic Grants are informed by the detailed work of Scrutiny.

(b) To assist in developing appropriate budget proposals.

C24. KEY DECISIONS - (1) Direct Payments Hourly Rates - 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 setting a Direct Payment hourly rate in respect of individuals who commission a domiciliary care agency to meet their assessed needs; setting a Direct Payment sleep-in rate; and to allowing some flexibility in relation to the existing Direct Payment sleep-in rate.

RESOLVED - (a) That the standard Direct Payment rate of £10.86 per hour be maintained.

(b) That those individuals who currently commission support from an agency above the rate of £12.75 an hour have their hourly rate reduced in line with the commissioned framework rates or where appropriate the standard rate.

(c) That the individual rate of £10.86, £11.25 or £12.75 an hour, be agreed, to be determined by a Care Manager following review, using an assessment tool currently being developed.

(d) That a rate for those who use a Direct Payment to fund a sleep-in, in line with the commissioned framework rate of up to £40 per night, be agreed.

(e) That a care management review of the 34 existing Direct Payment users who employ staff to provide a sleep-in service, be agreed.

(f) That individual decisions in relation to agreeing a sleep-in rate for those existing Direct Payment users who employ staff to meet their needs, be delegated to the Assistant Director, Adult Social Care.

REASONS - (a) This decision will bring the Direct Payment hourly rate for a small number of individual's commissioned service in line with the procured hourly rate.

(b) The current Direct Payment hourly rate of £10.86 remains enough to ensure that individuals can meet their social care needs.

(c) Those who use a Direct Payment to purchase a sleep-in, do so using a myriad of arrangements and one solution will not ensure needs are met.

(d) The decision will result in potential financial saving as outlined in paragraph 37 of the submitted report.

(2) Framework Agreement - Home Care and Domiciliary Support for Adults - 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 awarding of contracts for the provision of Home Care and Domiciliary Support for Adults; increasing the number of Providers on the Framework Agreement from 15 to 18; and increasing the number of preferred Providers from seven to ten.

Discussion ensued on the monitoring of contracts and complaints.

RESOLVED - That the Evaluation Panel's recommendation to award the contracts as detailed in paragraph 31 of the submitted report, be approved.

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

(b) Appointing a range of contractors will ensure that there is a diverse range of Providers who are able to meet local need and the challenging personalisation agenda.

(3) Review of Home Improvement Service - The Cabinet Member with the 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 current Home Improvement contract, ended in March 2013 with an option to extend for a further year.

The submitted report stated that initially the contract was extended for six months to September 2013 to allow time for a comprehensive review to take place and outlined the future options available.

RESOLVED - (a) That the existing contract be further extended for the period from 1 October to 31 March 2014.

(b) That the Home Improvement Service be re-tendered to include the provision of:

- (i) Disabled Facilities Grants;
- (ii) General Advice and Information; and
- (iii) Financial Assistance Loans.

(c) That the Handyperson Service be decommissioned at the end of March 2014 or earlier if possible, and alternative delivery models be explored outside of this new tender process to self-sustainable the service.

(d) That the procurement be designated as a strategic procurement by Cabinet.

REASONS - (a) The current arrangements with the existing service provider requires the authority to give three months' notice and the retendering and development of a new service model is likely to take a further three month period.

(b) Budget constraints require us to reduce services to the statutory minimum unless there are sound business reasons for not doing so.

(c) Approval of the recommendations contained within the submitted report by Adults and Housing Scrutiny Committee on 18 June 2013.

(4) Draft Car Parking Strategy - The Cabinet Member with the Transport Portfolio introduced the report of the Director of Place (previously circulated) seeking approval of the draft Car Parking Strategy 2014/26 (also previously circulated) as the basis for public consultation.

Discussion ensued on a number of issues including the possibility of providing some form of free parking to assist traders in the town centre; introduction of pay and display for non-residents within residents' parking zones; and the possibility of providing visitor permits in pay and display areas within residents' parking zones.

RESOLVED - That the draft Car Parking Strategy, as appended to the submitted report, be agreed as the basis for public consultation.

REASONS - (a) An updated parking strategy is needed to replace the strategy produced in 2009.

(b) The revised strategy reflects the local, national and global changes affecting parking that have occurred since the 2009 strategy was published.

(c) The draft strategy provides a clear set of objectives and actions that address parking issues in the Borough.

(5) Central Park – Business Growth Hub - 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 funding for the construction of a Business Growth Hub on Central Park to the Director of Place in consultation with the Director of Resources.

RESOLVED - (a) That £3.3m of European Regional Development funding and £3m of Home and Communities Agency funding, be released, subject to the Director of Place, in consultation with the Director of Resources and the Cabinet Members with the Efficiency and Resources and Economy and Regeneration Portfolios, being satisfied with the conditions on the funding offers and lease.

(b) That, subject to the outcomes of recommendation (a) above, a competitive tender process be undertaken and a contract be awarded for the construction and associated infrastructure work of the Business Growth Hub including all fees.

(c) That the Assistant Director Resources be authorised to complete all the necessary legal agreements and documentation.

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

- (b) To support actions arising from Darlington's Economic Strategy.
- (c) To support the delivery of the Enterprise Zone on Central Park.
- (d) To mitigate identified risks to the completion of the project within funders' timescales.

C25. FUTURE OF THE FORMER VANE TERRACE, ARTS CENTRE AND OPTIONS FOR SUPPORTING THE ARTS – Pursuant to Minute C58/Oct/12, the Leader introduced the report of the Director of Place (previously circulated) updating Members on the 'Project Vane' investment proposal; seeking approval for marketing of the former Arts Centre on Vane Terrace; and outlining options for investment in the arts should the Vane Terrace building be sold for a non-arts use.

RESOLVED - (a) That it be noted that so far, despite the substantial work done on the project, the Project Vane investors have been unable to come forward with a robust business case with the necessary funding for the redevelopment of the former Arts Centre on Vane Terrace.

(b) That the marketing of the former Arts Centre site as being suitable for a range of uses, be agreed, and the outcome of the exercise be considered at a future meeting of Cabinet.

(c) That the commitment to investing any capital receipt generated from the disposal, into supporting the Arts, be confirmed.

(d) That the outcome of consultation with the Arts Community on the potential use of any capital receipt be considered at a future meeting of Cabinet.

(e) That £75,000 of revenue funding be released, to cover the interim cost of maintaining the former Arts Centre.

REASONS - (a) Marketing the former Arts Centre site will open up the potential for a number of bids, these might include development proposals for a number of uses including for the arts, commercial or residential development.

(b) Marketing the site will potentially give the Council the option to consider a number of proposals, and subject to selection of a suitable tender, to generate a capital receipt for investment in supporting the Arts in Darlington. Marketing of the site will not preclude Project Vane from putting forward a firm bid.

(c) The outcome of consultation with the Arts Community through the Creative Darlington network will assist Cabinet in making choices about how to maximise the community and arts benefits from disposal of the former Arts Centre.

(d) To cover the ongoing maintenance costs of the former Arts Centre.

C26. GROWING PLACES FUND – TOWN CENTRE PUBLIC SECTOR HUB - The Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Place (previously circulated) seeking endorsement to release £1,100,000 of Growing Places Funding to support the delivery of the Department for Education (DfE)

building as part of the development of a Public Sector Campus incorporating DfE and the Town Hall.

RESOLVED - (a) That £1,100,000 of Growing Places Funding be released, for the DfE building subject to agreement of funding conditions.

(b) That the Director of Resources be authorised to agree the terms of any loan conditions on behalf of the Council.

(c) That the Assistant Director of Resources be authorised to put in place the legal agreement between the Council and Stockton Borough Council, as accountable body.

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

(b) To support the development of the Public Sector Hub in the town centre.

C27. RELEASE OF PLANNING AGREEMENT PAYMENT – SKERNE PARK - The Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Place (previously circulated) seeking approval to release money (£100,000) secured through a planning agreement with Miller Homes in relation to their development at Snipe House Farm as a contribution to improvements in community facilities within the Skerne Park estate.

RESOLVED - (a) That, in principle, the sum of £100,000 submitted by Miller Homes as part of a section 106 planning agreement for community facilities at Skerne Park be released to allow the:-

- (i) appointment of a temporary project worker to explore how the community can take more ownership of and develop a business case for the community centre and to help organise and promote the usage of the building and bring the various groups on Skerne Park together around agreed activity;
- (ii) construction of a security fence around the recently constructed playing field to prevent unauthorised vehicle access; and
- (iii) replacement of the entrance door to the community centre and installation of a roller shutter to ensure that health and safety requirements are met.

(b) That, should it not be possible to secure the project worker, as approved at (a(ii) above)), then the financial sum be used for the provision of landscaping and/or play equipment improvements or alternatively any other appropriate community use at Skerne Park.

REASON - To ensure the money is spent in the interests of the Skerne Park community and it is not lost.

C28. TREASURY MANAGEMENT ANNUAL REPORT AND OUTTURN

PRUDENTIAL INDICATORS 2012/13 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources (previously circulated) providing important information regarding the regulation and management of

the Council's borrowing, investments and cash-flow and seeking approval of the Prudential Indicators results for 2012/13 in accordance with the Prudential Code.

RESOLVED - (a) That the outturn 2012/13 Prudential Indicators, as detailed within the submitted report and those as detailed in Appendix 1 to the submitted report, be noted.

(b) That the Treasury Management Annual Report for 2012/13, as detailed in the submitted report, be noted.

(c) That the report be forwarded to Council, in order for the 2012/13 Prudential Indicators to be noted.

REASONS - (a) In order to comply with the Prudential Code for Capital Finance in Local Authorities.

(b) To inform members of the Performance of the Treasury Management function.

(c) To comply with the requirements of the Local Government Act 2003.

C29. REVENUE OUTTURN 2012/13 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources (previously circulated) presenting the revenue outturn 2012/13, to allow Members to consider the results in light of the Council's Medium Term Financial Plan (MTFP) for the General Fund and also to consider the Collection Fund and Housing Revenue Account outturn.

RESOLVED - (a) That the satisfactory results for 2012/13 revenue outturn, as detailed in the submitted report, be noted.

(b) That resources totalling £1.198M, as detailed in the submitted report, be carried forward to 2013/14.

REASON - In order to maintain appropriate management arrangements for the Council's finances and make effective use of the Council's resources.

C30. REVENUE BUDGET MONITORING 2013/14 – QUARTER 1 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources (previously circulated) providing Members with an early forecast of the 2013/14 revenue budget outturn as part of the Council's continuous financial management processes.

RESOLVED - (a) That the forecast revenue outturn for 2013/14 and actions being taken to manage the Council's finances, as detailed in the submitted report, be noted.

(b) That further regular reports be submitted to Cabinet to monitor progress and take prompt action if necessary.

REASONS - (a) To continue effective management of resources.

(b) To continue to deliver services to agreed levels.

C31. PROJECT POSITION STATEMENT AND CAPITAL PROGRAMME OUTTURN

2012/13 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of Director of Resources and the Director of Place (previously circulated) providing information on the delivery of the Council's Capital Programme, the financial outturn position as at 31st March 2013 and the proposed financing of the 2012/13 Capital expenditure; updating Members on the current status of all construction projects currently being undertaken by the Council; and seeking approval for a number of changes to the programme.

RESOLVED - (a) That the delivery and financial outturn of the 2012/13 Capital Programme, as detailed in the submitted report, be noted.

(b) That the status position on construction projects, as detailed in the appendix to the submitted report, be noted.

(c) That the adjustments to resources, as detailed in paragraph 26 of the submitted report, be approved.

(d) That the outturn reports for the North Road Bus Priority and Richmond Close Housing capital schemes, both as appended to the submitted report, be noted.

REASONS - (a) To enable Members to note the progress of the 2012/13 Capital Programme and to allow the capital spend to be fully financed.

(b) To maintain effective management of resources.

(c) To inform Cabinet of the current status of construction projects.

C32. WRITE-OFF OF HOUSING SERVICES FORMER TENANT ARREARS - The Cabinet Member with Adult Social Care and Housing Portfolio introduced the report of the Director of Place (previously circulated) updating Members on the current position on Housing Services former tenants arrears and seeking approval to write-off debts of £203,191.

A Member in attendance at the meeting enquired whether the Council could liaise with other Local Authorities to trace the former tenants. The Director of Place responded thereon.

RESOLVED - That a total amount of £203,191 of former tenant arrears, be written off.

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

C33. WRITE-OFF OF 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 Resources (previously circulated) updating Members on the current position on Housing and Council Tax Benefit overpayments, Non-Domestic Rates and Council Tax, and seeking approval to write-off debts of £465,582.

A Member in attendance at the meeting enquired about the process once it was felt that it was no longer viable to chase a particular debt. The Assistant Director Finance and HR Services responded thereon.

RESOLVED - That a total amount of £137,397 of Housing and Council Tax Benefits overpayments and £328,185 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.

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

C34. DEVOLUTION OF LOCAL MAJOR TRANSPORT FUNDING - The Cabinet Member with the Transport Portfolio introduced the report of the Director of Place (previously circulated) requesting that consideration be given to endorsing the arrangements to devolve Local Major Transport funding from the Department for Transport (DfT) to Tees Valley Unlimited (TVU).

RESOLVED - (a) That it be agreed that Tees Valley Unlimited (TVU) assume the role of Tees Valley Local Transport Body with the responsibility for decision-making for Major Transport Scheme funding.

(b) That it be agreed that Stockton Borough Council continue their role as accountable body, for the Tees Valley Local Transport Board.

(c) That it be noted that only the local authority Leaders and Mayors will be eligible to take funding decisions at the Local Transport Board.

(d) That it be noted that the recommendations, as detailed within the submitted report, are conditional on Tees Valley Leadership Board's agreement to assuming the role of Local Transport Body.

(e) That it be noted that the schemes which are endorsed by the Leadership Board for prioritisation will be developed into full approved business cases before a final decision is made upon which schemes to fund in 2015.

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

(b) To support the implementation of Darlington's Local Transport Plan and Economic Regeneration Strategy.

C35. MANAGEMENT OF CHARITABLE FUNDS - 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 future of a number of active, moribund and ineffective trust funds and their attaching assets, which are currently managed and administered by this Council, and to recommending their transfer to a Darlington fund within the County Durham and Darlington Community Foundation (CDCF).

RESOLVED - (a) The funds of the moribund and ineffective trusts be transferred into a Darlington Fund managed by County Durham Community Foundation (CDCF) in accordance with Option (a), as outlined in the submitted report.

(b) That the funds of the two Active Funds where the Council are sole trustee are transferred into a Darlington Fund managed by CDCF in accordance with Option (b), as outlined in the submitted report.

(c) That subject to the agreement of trustees and the Charity Commission funds identified as Darlington Educational Charities are transferred as soon as possible to CDCF.

(d) That CDCF complete the necessary legal and financial processes, set up an endowment and oversee distribution of the funds in accordance with the agreed governance arrangements for which they will take a 1.5 per cent annual management charge of the market value of the Darlington Fund.

REASONS - (a) By transferring the funds to an endowment managed by CDCF the income available for grant will be increased and also the potential for further matched income will be made available.

(b) Liabilities and administration costs for the Council will be reduced.

(c) Funding available for distribution to the residents will be increased.

C36. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C37. (URGENT ITEM) PIONEERS FOR INTEGRATION – With the prior approval to the matter being treated as urgent to enable the expression of interest to be submitted by the required deadline, the Leader introduced the report of the Chief Executive (previously circulated) requesting that consideration be given to the submission of a joint expression of interest (EOI) for the Health and Social Care Pioneers and the Transformation Challenge Award. A copy of the EOI was circulated at the meeting.

RESOLVED – That the submission of the expression of interest, be supported, targeting both the Health and Social Care Pioneers programme and the Department of Communities and Local Government (DCLG) Challenge fund, specifically:-

(a) the adoption of the ‘three legged stool’ approach to collaboration, combining locality and sector led improvement, as detailed in the submitted report; and

(b) the establishment of programme specific steering group and cross borough meetings of the relevant Members.

REASON – The proposed EOI enables Darlington’s partners to develop one of the priorities set out within Darlington’s Health and Social Care delivery plan, and also supports participation in a wider Tees Valley initiative. In this way it is aligned with existing priorities.

DECISIONS DATED – FRIDAY 5 JULY 2013