

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
MONDAY 14 JULY 2014**

CABINET
1 July 2014

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

INVITEES – Councillors Curry and Mrs Scott. (2)

ALSO IN ATTENDANCE – Councillors Crichlow, Macnab and E A Richmond.(3)

C15. DECLARATIONS OF INTEREST – In respect of Minute C28 below, Councillor C L B Hughes declared a non-pecuniary interest.

C16. REPRESENTATIONS – In respect of Minutes C20(4) and C21 below, representations were made by Members and members of the public in attendance at the meeting.

C17. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 3 June 2014.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C18. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration.

C19. ISSUES ARISING FROM SCRUTINY – There were no issues referred from the Scrutiny Committees to this meeting.

C20. KEY DECISIONS – (1) Children and Young People’s Plan 2014/17 - The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of People (previously circulated) requesting that consideration be given to the draft Children and Young People’s Plan 2014/17 (also previously circulated).

The submitted report stated that although it was no longer a statutory requirement to produce a Children and Young People’s Plan, a strategic plan for assessing the performance of services for children and young people and for setting priorities for the medium term was best practice.

RESOLVED - That the draft Children and Young People’s Plan 2014/17, as appended to the submitted report, be referred to Council for approval.

REASON - To comply with the Council’s Policy Framework.

(2) A Strategy for School Improvement - The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of People (previously

circulated) requesting that consideration be given to a revised set of arrangements (also previously circulated) in order for the Local Authority to fulfil its statutory obligation to monitor the performance of schools and to challenge underperformance.

RESOLVED - That the proposed arrangements for monitoring school standards, as appended to the submitted report, be approved.

REASON - In order to fulfil the statutory duty of the Local Authority to have an approved strategy for monitoring and challenging school performance.

(3) Civic Theatre Restoration Update - The Cabinet Member with the Leisure and Local Environment Portfolio introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) updating Members on the progress of the restoration project for the Civic Theatre and the Heritage Lottery Fund application.

Discussion ensued on the future role of the Fundraising Manager.

RESOLVED - (a) That progress to date on delivering the restoration project for the Civic Theatre, as detailed in the submitted report, be noted.

(b) That the approach being taken to fundraise, as detailed in the submitted report, be endorsed.

(c) That the principle of underwriting the £1.6 million fundraising target for the project, as detailed in the submitted report, be agreed and be forwarded to Council for approval.

(d) That the appointment of the main contractor to undertake the works is a strategic procurement and that this should be added to the annual procurement plan.

(e) That the procurement plan for the appointment of the main contractor should be via the Scape framework for the Civic Theatre and Hullaballoon projects and the award made to Willmot Dixon.

(f) That the funding of £498,434 for the Civic Theatre project, as detailed in the submitted report, subject to a successful HLF application for Phase 1, be released.

(g) That further reports on progress, design and financial implications as the project develops be submitted to Cabinet.

REASONS - (a) To encourage further fundraising from a non-Council body and to provide advocacy for the Civic Theatre.

(b) To facilitate the necessary investment and restoration of the Civic Theatre to bring it up to modern-day standards.

(c) The designation of contracts as strategic or non-strategic and consideration of the appropriate procurement route for strategic contracts, is a Cabinet function under the Council's contract procedure rules.

(d) To enable the Restoration Project to move forward to the next stage.

(4) Planning for the Future of Railway Heritage In Darlington - The Cabinet Members with the Leisure and Local Environment Portfolio and the Economy and Regeneration Portfolio introduced the report of the Director of Economic Growth (previously circulated) outlining the proposal to develop and deliver a vision for the future of railway heritage in Darlington and seeking the approval to undertake a comprehensive public engagement and consultation process to underpin the vision.

A Member in attendance at the meeting addressed Cabinet in respect of the Head of Steam, and stated that he felt that it was important to look at a number of business models before making a decision about the future of the Museum; the Museum needed an income of between £300,000 and £400,000 to make it financially viable; it was important to bring steam back to the Museum; it needed a year-long programme of events and activities to make it viable going forward; and that the Trustees and other established groups should be involved in developing a business model.

Reference was also made to the application for World Heritage Site Status, and what would be covered in the application, and the role of the various established groups in process.

The Cabinet Member with the Leisure and Local Environment Portfolio responded thereon.

RESOLVED - (a) That the commitment to the Head of Steam Museum, including the continuance of subsidy post 2016/17 of £265,000, be re-affirmed.

(b) That the proposed application for World Heritage Site Status, be endorsed.

(c) That the need to facilitate the public engagement and consultation process, as detailed in the submitted report, be noted.

REASON - To secure the sustainable future of Darlington's unique heritage assets supporting economic growth, the cultural life of the town and facilitate the celebration of the two hundredth anniversary of the birth of passenger railways.

(5) Local Taxation Discretionary Reliefs Policy - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) requesting that consideration be given to the Local Taxation Discretionary Reliefs Policy (also previously circulated) and the use of new discretionary Business Rates reliefs.

RESOLVED - (a) That the Local Taxation Discretionary Reliefs Policy, as appended to the submitted report, be approved.

(b) That the use of new Business Rates discretionary reliefs, as detailed in the submitted report, be approved.

REASONS - (a) Council Tax Discretionary Discount can provide financial assistance to low income households and residents who have experienced a crisis or event that has made their property uninhabitable.

(b) Business Rates discretionary reliefs can provide financial assistance to local retailers and help stimulate growth in the local economy.

(c) The new Business Rates reliefs are discretionary and the Council is required to formally approve their use.

(6) Treasury Management Annual Report And Outturn Prudential Indicators 2013/14 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Neighbourhood Services and 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 2013/14, in accordance with the Prudential Code.

RESOLVED - (a) That the outturn 2013/14 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 2013/14, as detailed in the submitted report, be noted.

(c) That the report be forwarded to Council, in order for the 2013/14 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.

C21. PARTNERING WITH THE DARLINGTON CLINICAL COMMISSIONING GROUP

- The Leader introduced the report of the Chief Officers Executive (previously circulated) updating Members on the work on a model of partnering with Darlington Clinical Commissioning Group (DCCG), and seeking approval to take forward the first phase of the proof of concept.

A representative of Unison addressed Cabinet in respect of the partnering arrangements with the Darlington Clinical Commissioning Group and stated that although the union was broadly in favour of exploring partnerships, concern was expressed on delivering better outcomes for staff, and the need to learn from experiences in establishing other partnerships. Particular reference was made to the funding of the proposals and the efficiency savings that were expected to be achieved by the partnering arrangements.

Discussion ensued on the benefits for both organisations of establishing the partnering arrangements; the cultural differences between both organisations; and on the one of the aims of the proposal which was to provide improved outcomes for residents of Borough.

The Leader responded to the issues and concerns raised thereon.

RESOLVED - (a) That the Proof of Concept on partnering with the Darlington Clinical Commissioning Group (DCCG), as detailed in the submitted report, be approved, and continued work to develop the implementation model be authorised.

(b) That it be recommended to Council that a new post of Director of Commissioning be created to replace the post of Director of People; the post of Assistant Director (Commissioning) be redesignated to Assistant Director (Transformation); the post of Assistant Director Children Services be redesignated to Service Director – Children Services; and the post of Assistant Director (Chief Executive) be redesignated to Assistant Chief Executive, all at the grades as detailed in the submitted report.

(c) That Murray Rose be appointed to the post of Director of Commissioning until 31 March 2016, and his early retirement from that date be agreed.

REASON - To ensure progress in delivering the Council's vision and Medium Term Financial Plan, and to enable the Council to contribute to the wider goals of the Darlington Partnership.

C22. REVIEW OF OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN - The Leader introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) providing Members with an update of the outcome of cases which have been determined by the Local Government Ombudsman (LGO) and to indicate any points for particular attention since the preparation of the report for the meeting of Cabinet held on 3 December 2013.

RESOLVED - That the contents of the report, be noted.

REASONS - (a) It is important that Members are aware of the outcome of complaints made to the LGO in respect of the Council's activities.

(b) The contents of this report do not suggest that further action, other than detailed in the report, is required.

C23. MIDDLETON ST GEORGE – NEIGHBOURHOOD AREA DESIGNATION - The Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Economic Growth (previously circulated) requesting that consideration be given to the designation of a Neighbourhood Area at Middleton St George (MSG).

RESOLVED - (a) That the application from Middleton St George Parish Council to designate the area shown on Map 1, as attached at Appendix 1 to the submitted report, as a Neighbourhood Area, be refused.

(b) That the area shown on Map 2, as attached at Appendix 2 to the submitted report, be designated as a Neighbourhood Area for the proposed Middleton St George Neighbourhood Plan.

REASONS - (a) It is inappropriate for Durham Tees Valley Airport to be included in the Neighbourhood Area, for the reasons set out in paragraph 14 of the submitted report.

(b) The area within Middleton St George, once the Airport is removed, is an appropriate area to be designated as a Neighbourhood Area for the purposes of the proposed

C24. MOBILE HOMES – LICENCE FEES POLICY - The Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Economic Growth (previously circulated) informing Members of legislative changes to the Licensing of Caravan Sites and requesting that consideration be given to a Fees Policy to allow the recovery of Council costs.

RESOLVED - That the fees policy, as detailed below, be adopted, namely:-

(a) Costs of New Application

1-5 pitches	£200
6-10 pitches	£225
11-20 pitches	£225
21-50 pitches	£240
51-100 pitches	£260
Greater than 100 pitches	£260

(b) Annual Fees associated with Administration and Monitoring of Site Licenses

1-5 pitches	nil
6-10 pitches	£220
11-20 pitches	£220
21-50 pitches	£220
51-100 pitches	£260
Greater than 100 pitches	£260

(c) Cost of Laying Site Rules £25; and

(d) Cost of Variation/Transfer £100.

REASON - Charging the fees will enable the Council to recover some of the costs associated with the implementation of statutory duties relating to 'relevant protected sites'.

C25. ZOO LICENSING FEES - The Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Economic Growth (previously circulated) informing Members of the process that will be followed to respond to an application for a Zoo Licence and requesting that consideration be given to the fees to be charged.

RESOLVED - (a) That a new application for a Zoo Licence be set at £450.00 plus the actual costs of inspection charged by the appointed inspector.

(b) That the renewal of a Zoo Licence be set at £450.00 plus the actual costs of inspection charged by the appointed inspector.

REASON - Charging the recommended fee will allow for full recovery of the Council's costs associated with the implementation of the statutory duties relating to zoo licensing.

C26. RELEASE OF CAPITAL ALLOCATION IN THE MTFP FOR WORKS WITHIN THE COUNCIL'S THREE CEMETERIES AND REPLACEMENT STREET LIGHTING COLUMNS WITHIN ST CUTHBERT'S CHURCHYARD AND STANHOPE GREEN -

The Cabinet Member with the Leisure and Local Environment Portfolio introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) seeking the release of funding allocated in the Capital Medium Term Financial Plan (MTFP) to undertake essential works within the Council's three cemeteries and the replacement of street lighting columns within St Cuthbert's Churchyard and Stanhope Green.

RESOLVED - (a) That £80,000 in the Capital Medium Term Financial Plan (MTFP) for works within the Council's cemeteries, be released.

(b) That the £23,000 allocated in the Capital MTFP for the replacement street lighting columns within St Cuthbert's Churchyard and Stanhope Green, be released.

REASONS - (a) To maintain the infrastructure within the Council's cemeteries.

(b) To ensure lighting can continue to be provided within St Cuthbert's Churchyard and Stanhope Green.

C27. LAND AT FORMER EASTBOURNE SCHOOL – RESIDENTIAL DEVELOPMENT AND INVESTMENT IN EASTBOURNE SPORTS COMPLEX -

The Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Neighbourhood Services and Resources and the Director of Economic Growth (previously circulated) requesting that consideration be given to the opportunity to further develop land at the former Eastbourne School marked D, E and F, as shown on the plan attached at Appendix 1 to the submitted report, and to utilising the receipt from sales of the land to invest in replacing/refurbishing the Eastbourne Sports Complex and associated facilities.

RESOLVED - (a) That Plot E , as shown on the plan appended to the submitted report, be declared surplus to operational requirements, and the sale by private treaty of plots D, E and F to the developer of Site A in line with the terms outlined in paragraph 27 of the submitted report, be approved.

(b) That, subject to approval by the Department for Education to the proposed sale and use of the receipts in respect of Plot F, the release of the receipt for investment in the Eastbourne Sports Complex, as indicated within the submitted report, be agreed.

(c) That the inclusion of the works required as a result of the scheme moving forward, in the procurement plan, be agreed, and it be designated as non-strategic procurement.

(d) That the Director of Economic Growth, in consultation with the Cabinet Member with the Economy and Regeneration Portfolio, be authorised to finalise the negotiations and conclude the sale of the plots by private treaty.

(e) That the Director of Neighbourhood Services and Resources, in consultation with the Cabinet Member with the Leisure and Local Environment Portfolio, be authorised to finalise investment plans for the complex in light of the final receipt.

REASONS - (a) To dispose of land and achieve additional income from the development.

(b) To ensure the continuity of Eastbourne Sports Complex by making suitable investment.

(c) The designation of contracts as strategic or non-strategic is a Cabinet function under the Council's Contract Procedure Rules.

(d) To enable the scheme to be delivered within budget.

C28. XENTRALL SHARED SERVICES ANNUAL REPORT 2013/14 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) presenting the sixth Xentrall Annual Report (also previously circulated).

RESOLVED - That the success of the partnership in identifying efficiencies leading to £13.6m of savings over the ten years of the partnership, thereby contributing to the protection of front line services, as detailed in the submitted report, be noted.

REASON - To allow Members to receive information about the progress of the partnership.

C29. 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 Neighbourhood Services and Resources (previously circulated) providing Members with an update on the current position on former tenant arrears, Housing Benefit overpayments, Non-Domestic Rates and Council Tax, and seeking approval to write-off debts of £1,492,665.

RESOLVED - That a total amount of £136,678 of former housing tenant arrears, £123,185 of Housing Benefit overpayments and £1,232,802 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.

C30. PROPOSED WRITE-OFF OF IRRECOVERABLE DEBTS - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) seeking approval to the writing off of sundry debtor invoices, with individual values greater than £500, that are considered to be irrecoverable.

RESOLVED - That Sundry Debtor invoices over £500 in value amounting to £149,936.09 for 2013/14 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.

C31. PROJECT POSITION STATEMENT AND CAPITAL PROGRAMME OUTTURN

2013/14 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Neighbourhood Services and Resources and the Director of Economic Growth (previously circulated) providing information on the delivery of the Council's Capital Programme; the financial outturn position as at 31st March 2014; the proposed financing of the 2013/14 Capital expenditure; an update on the current status of all construction projects currently being undertaken by the Council; and requesting that consideration be given to a number of changes to that programme.

RESOLVED - (a) That the delivery and financial outturn of the 2013/14 Capital Programme, as detailed in the submitted report, be noted.

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

(c) That the adjustments to resources, as detailed in paragraph 24 of the submitted report, be approved.

REASONS - (a) To enable Members to note the progress of the 2013/14 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. REVENUE OUTTURN 2013/14 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) presenting the revenue outturn 2013/14 (subject to Audit) and requesting that consideration be given to the results in light of the Council's Medium Term Financial Plan (MTFP) and also to consider the Collection Fund and Housing Revenue Account outturn.

RESOLVED - (a) That the revenue outturn for 2013/14, as detailed in the submitted report, be noted.

(b) That the carry forward requests of £1.999M, as detailed in the submitted report, be approved and carried forward into 2014/15.

(c) That the Earmarked Reserve for the Business Rates Retention Collection Fund Deficit, as detailed in the submitted report, be approved.

(d) That an Earmarked Reserve be created for the past service deficit of the staff that transferred to Blackwell Golf Club.

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

C33. REVENUE BUDGET MONITORING 2014/15 – QUARTER 1 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) providing an early forecast of the 2014/15 revenue budget outturn as part of the Council's continuous financial management processes and informing Members of the budget rebasing exercise carried out following the 2013/14 out turn results.

RESOLVED - (a) That the forecast revenue outturn for 2014/15, and actions being taken to manage the Council's finances, as detailed in the submitted report, be noted.

(b) That further regular reports be made 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.

C34. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C35. 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 item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 5 of Part I of Schedule 12A to the Act.

C36. LOCAL LAND CHARGES (EXCLUSION NO 5) - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Chief Executive (previously circulated) providing Members with details of the proposed terms of settlement of claims made by personal search companies and seeking approval to agree those terms.

RESOLVED - (a) That the Council agree to settle on the basis of the framework negotiated by Bevan Brittan, as detailed in the submitted report.

(b) That the Assistant Director (Chief Executives) be authorised to agree interest and costs.

(c) That the Assistant Director (Chief Executives) be authorised to complete the necessary documentation to facilitate the settlement.

REASONS - (a) To seek to minimise and limit the threat of litigation from personal search companies against the Council.

(b) To support the settlement framework that has been negotiated on behalf of all local authorities involved in the threatened litigation.

(c) To help facilitate the settlement and any subsequent agreement on interest and costs that follows from the acceptance of the terms of settlement.

**DECISIONS DATED –
FRIDAY 4 JULY 2014**