

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
MONDAY 15 SEPTEMBER 2014**

CABINET
2 September 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 H Scott. (2)

ALSO IN ATTENDANCE – Councillors Crichlow, Harman, Johnson and E A Richmond. (4)

C37. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

C38. REPRESENTATIONS – In respect of Minute C46 below, representations were made by a Member and a member of public in attendance at the meeting.

C39. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 1 July 2014.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C40. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration.

C41. ISSUES ARISING FROM SCRUTINY – There were no issues referred from the Scrutiny Committees to this meeting.

C42. (URGENT ITEM) KEY DECISIONS – (1) Better Care Fund Submission - The Leader introduced the report of the Chief Executive (previously circulated) informing Members of the new requirements for developing Darlington's Better Care Fund (BCF) and advising of the potential risks associated with the new requirements. A revised copy of the draft BCF submission was appended to the submitted report.

RESOLVED - (a) That the revised requirements for the Better Care Fund submission, as detailed in the submitted report, be noted, and the Chief Executive, in consultation with the Leader of the Council, be authorised to approve the final submission.

(b) That the revised submission be submitted to a special meeting of the Health and Well Being Board in order for it to be signed off.

(c) That it be noted the revised scheme now includes a ring-fenced element of £1 million that will not automatically be available to invest in the desired transformational schemes.

REASONS - (a) The new guidance and resubmission requirements were only made available at the end of July and the NHS England has established a timetable of health checks and meetings that the template must go through, leading to a 19 September submission.

(b) It is a requirement of NHS England that the bid is signed off by the Health and Well Being Board and the next scheduled meeting is not until October.

(c) The original schemes in the first submission in April were welcomed as the right approach to reducing unnecessary hospital admissions. If the health and social care community in Darlington still wish to implement them in full then they must recognise the funding risk to both the Council and to the Clinical Commissioning Group, through potentially holding such a large contingency fund.

(2) Residential Framework Agreement for Disabled Adults - The Cabinet Member with 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 the contracts for the provision of Residential Care for Disabled Adults; increasing the number of Homes on the Framework for people with a learning disability from 15 to 20 and for Mental Health from 10 to 11; and to setting the 'usual rate' for residential fees where no contract exists between the local authority and the provider.

RESOLVED - (a) That the Evaluation Panel's recommendation to award the contracts, as detailed in paragraph 30 of the submitted report, be approved.

(b) That the 'usual cost' for residential fees, as set out in paragraph 37 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 assessed need and ensure that people are supported locally whenever possible.

(c) To comply with the guidance for setting 'usual costs' where no separate contract exists.

(3) Darlington Community Infrastructure Levy - The Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Economic Growth (previously circulated) highlighting the key elements of the optional Community Infrastructure Levy (CIL) and assessing the appropriateness of introducing a CIL in Darlington.

The submitted report highlighted the positive impacts the planning obligations system (also known as developer contributions or Section 106 agreements) has had to date in securing appropriate infrastructure as part of viable development in the Borough.

RESOLVED - (a) That it be agreed not to introduce a Darlington Community Infrastructure Levy at this time, and review this on adoption of the Local Plan or if the national direction changes.

(b) That the minor consequential amendments to the adopted Planning Obligations Supplementary Planning Document 'living' community infrastructure targets, as detailed in the submitted report, as the basis for prioritising planning obligation funding for 2014/15, be approved.

REASONS - (a) To help accelerate housing delivery.

(b) To support economic ambitions of the community and the Council.

(c) To help mitigate the impact new development may have on the Borough's existing physical, social and green infrastructure.

(d) To ensure the proper planning of the area.

(e) In respect of recommendation (b), to take account of any site specific viability and planning issues that may emerge through the planning application process.

(4) Care First Social Care ICT System Replacement - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of People (previously circulated) requesting that consideration be given to the replacement of Care First (the social care IT system) and the rationalisation of systems across People Services where possible; and seeking approval to initiate a procurement exercise, supported by a funding strategy, which included the release of capital funds.

Discussion ensued on the compatibility of the new system with other systems used within the Council and by health and to the importance of training of officers on the new system when it is introduced.

RESOLVED - (a) That the inclusion of the replacement of Care First on the Annual Procurement Plan as a non-strategic procurement, be approved.

(b) That the replacement of the Care First IT system with a single solution across Adults and Children's Social Care within the estimated costs of £1.67 million, be approved.

(c) That a procurement exercise using the Local Authority Software Applications Solution Framework, as detailed in the submitted report, be approved.

(d) That £993,000 of capital funding to fund the capital elements of the project, as detailed in the submitted report, be approved.

(e) That the invest to save contingency balance anticipated to be £63,000 be carried forward to 2015/16 to contribute to the year two project costs.

REASONS - (a) To comply with the Contract Procedure Rules and the European Procurement obligations.

- (b) To support the management and delivery of children's and adults social care.
- (c) To comply with our statutory duties under the Care Act.
- (d) To achieve best value in the procurement of IT systems.
- (e) To facilitate the funding of the project.

C43. ADULT SOCIAL CARE - MARKET POSITION STATEMENT - The Cabinet Member with Adult Social Care and Housing Portfolio introduced the report of the Director of People (previously circulated) requesting that consideration be given to the process of developing and reviewing the Darlington Adult Social Care Market Position Statement 2014 (also previously circulated).

RESOLVED - (a) That the progress in developing the Market Position Statement and, in particular, the need to ensure alignment between it and the commissioning intentions of Darlington's health commissioners, as detailed in the submitted report, be noted.

(b) That the publication and updating of the Market Position Statement on the Council's website, be approved.

REASONS - It is a requirement of The Care Act 2014 for local authorities to publish a Market Position Statement.

C44. MENTAL HEALTH CAPITAL GRANT - The Cabinet Member with Adult Social Care and Housing Portfolio introduced the report of the Director of People (previously circulated) requesting that consideration be given to the release of funds from the Mental Health Capital Grant and seeking approval to spend the allocation of Mental Health Capital Grant on a range of projects to support people with a mental health problem to retain and develop their independence.

RESOLVED - (a) That £51,000 be released from the Mental Health Capital Grant.

(b) That the spending of the grant on schemes, as set out in paragraph 19 of the submitted report, to support local service development, be approved.

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

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

(c) The projects identified will address the outcomes for people with a mental health problem identified in the national mental health strategy.

C45. RELEASE OF CAPITAL FUNDING – RED HALL REGENERATION PROGRAMME - The Cabinet Member with Adult Social Care and Housing 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 release of funding from the Housing Capital Programme in 2014/15 to 2018/19 to support the regeneration of the housing estate at Red Hall.

RESOLVED - (a) That the proposed programme to regenerate Red Hall, as detailed in the submitted report, be agreed.

(b) That the release of funding from the Housing Capital Programme of £5.551m, as detailed in the submitted report, be approved.

REASONS - (a) The long term sustainability of this area of Red Hall will be improved through the demolition of the most unpopular properties in the Courts, and, the improvements to the remaining properties and surrounding area.

(b) The proposals provide an opportunity to significantly improve the appearance and thermal efficiency of properties, thereby helping to address issues of fuel poverty.

C46. NEW BUILD COUNCIL HOUSING AND THE AFFORDABLE RENTS MODEL -

The Cabinet Member with Adult Social Care and Housing Portfolio introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) requesting that consideration be given to the release of funding from the annual Housing Capital Programme to provide 66 new Council homes for rent and to offering all new build Council housing at affordable rents.

A Member and a member of the public in attendance at the meeting addressed Cabinet in respect of the proposed development at Hammond Drive, Skerne Park as it was felt that the development would lead to the loss of the last remaining green space on the estate. Reference was also made to the resultant ecological impacts from the development; the Council's Green Infrastructure Strategy; the covenant on the land; the size of the properties; and to the social cohesion within the estate. The Cabinet Member with the Adult Social Care and Housing Portfolio responded thereon.

RESOLVED - (a) That £7.2m from the Housing Capital Programme, be released for the provision of 66 new Council homes, as detailed in the submitted report.

(b) That the Director of Neighbourhood Services and Resources be authorised to proceed with those works, as indicated at Paragraph 7 of the submitted report, subject to planning consent.

(c) That the rents for these homes and those built at Eggleston View, Branksome, be charged at affordable rent levels, as detailed in the submitted report.

(d) That all future new build Council housing be charged at affordable rents, as detailed in the submitted report.

REASONS - (a) There is a need to meet the demand for more low cost housing options for rent.

(b) Homes and Community Agency grant funding requires rents to be charged at an affordable rent level and applying the same rent model at Eggleston View will provide consistency.

C47. PURCHASE OF NO 9 BOROUGH ROAD FORMER FIRE STATION - 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 Arts Council England (ACE) Partnership bid with Theatre Hullabaloo to provide a children's theatre and requesting that consideration be given to purchasing No 9 Borough Road, the former Fire Station, for use by the theatre.

Discussion ensued on the disposal of the Arts Centre and the use of the funding from the disposal.

RESOLVED - (a) That, subject to approval of funding by Council on 25 September 2014, the Director of Economic Growth be authorised to purchase No 9 Borough Road for £425,000 less £10,000 already paid for an option to purchase, and that payment for the property be phased, as detailed in paragraph 16 of the submitted report.

(c) That the Director of Economic Growth Group be authorised to enter into an appropriate lease or licence with Theatre Hullabaloo to formalise their occupation of the proposed new children's theatre, on the terms as outlined in the submitted report.

(d) That the Borough Solicitor be authorised to document and complete the acquisition and lease/licence to Theatre Hullabaloo.

REASONS - (a) To enable the Children's Theatre Hullabaloo to be delivered subject to a successful Arts Council England Stage 2 application.

(b) To enable Theatre Hullabaloo to occupy the new building under a lease/licence.

C48. (URGENT ITEM) SCRAP METAL DEALERS ACT 2013 - 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 granting delegated powers in respect of dealing with applications and variations of licences to collect scrap metal and the reviewing of such licences and the setting of fees in respect of both mobile collector and site licences.

RESOLVED - (a) That all of the powers available to the Council from the Scrap Metal Dealer's Act 2013 be delegated to the Assistant Director, Regulatory Services and that the Officers Scheme of Delegation, as set out in Part 2 of the Council's Constitution (Responsibility for Functions), be updated to reflect this.

(b) That in circumstances where it is proposed to refuse, cancel or vary a licence under the Act and where the Council has received notice from the applicant within the prescribed time, a hearing be convened for the matter to be more fully considered and the Assistant Director, Regulatory Services appoint a senior officer to conduct the hearing of the matter (anticipated in most circumstances to be the Licensing, Parking, Trading Standards and CCTV Manager).

(c) That the licence fees in respect of the Scrap Metal Dealer's Act 2013, as detailed in paragraph 27 of the submitted report, be approved.

(d) That schedule 4 of the Council's Constitution be amended to add the Scrap Metal Dealers Act 2013 to the list of Prosecuting Acts.

REASON - To ensure that the Council can meet its statutory obligations as set out in the 2013 Act.

C49. RELEASE OF CAPITAL PROGRAMME FUNDING FOR REGENERATION PROJECTS - The Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Economic Growth (previously circulated) seeking approval to the release of £150,000 Advanced Design Fee funding allocated in the Capital Medium Term Financial Plan Programme to bring forward regeneration projects and prepare sites for development.

RESOLVED - That £150,000 allocated in the Capital Medium Term Financial Plan for Advanced Design Fee, to bring forward projects and to prepare sites for development, be released.

REASON - To provide funding for regeneration projects and bring sites forward for development.

C50. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

**DECISIONS DATED –
FRIDAY 5 SEPTEMBER 2014**