

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
MONDAY 21 NOVEMBER 2016**

CABINET

8 November 2016

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

INVITEES – Councillors Curry, I G Haszeldine and Johnson. (3)

ALSO IN ATTENDANCE – Councillor Carson.

C60. DECLARATIONS OF INTEREST – In respect of Minute C73 below, the Leader, Councillor Dixon, declared a personal but non prejudicial interest.

C61. REPRESENTATIONS – No representations were made by Members or members of the public in attendance at the meeting.

C62. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 11 October 2016.

RESOLVED - That the Minutes be confirmed as a correct record.

REASON – They represent an accurate record of the meeting.

C63. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration.

C64. ISSUES ARISING FROM SCRUTINY - There were no issues arising from Scrutiny considered at this meeting.

C65. KEY DECISION - (1) Adult Social Care Charging Policies - The Cabinet Member with Adult Social Care and Housing Portfolio introduced the report of the Director of Children and Adults Services (previously circulated) requesting that consideration be given to the three proposed new charging policies (all also previously circulated) for adult social care, namely the Non-Residential Charging Policy; the Residential Charging Policy; and the Deferred Payment Agreement Policy.

The submitted report stated that proposals had been consulted upon with service users and members of the public in two rounds of consultation. Particular reference was made to the Public Sector Equality duty contained within Section 149 of the Equality Act 2010 which stated that the Council was obliged to fully consider the impacts the proposed changes would have on current and future service users and the need for the Equality Impact Assessment (also previously circulated) to be read before reaching a decision.

Discussion ensued on the process of billing service users for in house care and the administrative charge associated with deferring fees.

RESOLVED - (a) That the changes to the non-residential charging policy, as set out in the summary and full report, be agreed, namely to:-

- (i) apply any potential charges from the start of the service;
- (ii) charge an administration fee of £100 for arranging care and support for those individuals with capital in excess of the upper capital limit (currently £23,250), or for those who choose not to disclose their financial information;
- (iii) financially assess and charge where applicable, all individuals identified as requiring adaptations and equipment costing over £1,000, the cost of the adaptations and equipment being added to the overall cost of the individuals support plan for Adult Social Care, and where an individual has been financially assessed and is required to make a contribution this would be against the overall cost of their support plan and they would not be required to pay more than their assessed maximum weekly contribution;
- (iv) offer deferred payments to those eligible individuals in an Extra Care or Supported Living setting;
- (v) remove the current disregard for sums paid for night-time care for those service users transferring from the higher rate Disability Living Allowance (DLA) care component to the Personal Independence Payment (PIP) daily living component who do not have night-time care arranged by the Council. At present the financial impact will range from £0.57 - £27.20. Each individual will require a new financial assessment following implementation of the proposal to determine any changes to individual contribution for care and support.; and
- (vi) remove the current disregard for the night-time element of higher rate DLA or Attendance Allowance for those in an Extra Care setting. At present the financial impact will range from £0.57 - £27.20. Each individual will require a new financial assessment following implementation of the proposal to determine any changes to individual contribution for care and support.

(b) That the following possible changes (about which there is a discretion) relating to the non-residential charging policy **be not** introduced, namely:-

- (i) the removal of the current disregard for the difference an individual pays if their housing benefit is reduced for under occupation in their financial assessment; and
- (ii) charging for carers' services.

(c) That the Residential Charging Policy, as appended to the submitted report, be agreed.

(d) That the changes to the Deferred Payment Policy, as set out in the submitted summary and full report, be agreed.

REASONS - (a) To ensure that the Council's Charging Policies are compliant with Care Act Legislative requirements.

(b) To provide clarity for service users and members of the public.

(2) Council Tax Support – Scheme Approval - 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 draft Council Tax Support (CTS) scheme for 2017/18 (also previously circulated).

RESOLVED - That the draft Council Tax Support Scheme for 2017/18, as appended to the submitted report, be forwarded to Council for approval.

REASONS - (a) The Council is required to publish a local CTS scheme for 2017/18 by 31 January 2017.

(b) The CTS schemes since 2013/14 have all been implemented successfully without any major challenges.

(c) The financial position of the Council has not improved and therefore the continued application of a reduced entitlement for working aged people is still appropriate.

(3) Darlington Local Plan 2016/36 : Feedback, Strategic Framework and Next Steps - The Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Economic Growth (previously circulated) setting out the background to, and progress made, against the Local Plan process timetable and requesting that consideration be given to the responses to the Stage 1 consultation process; the Local Plan Consultation Statement (also previously circulated at Appendix 1); the Sustainability Appraisal (SA) Framework (also previously circulated at Appendix 2); the main issues arising from the consultation which will need to be considered in developing Stage 2 of the Plan; the results from the 'Call for Sites' process (also previously circulated at Appendix 3); the strategic Vision, Aims and Objectives for the Local Plan; the process for identifying preferred Strategic Development Locations (also previously circulated at Appendix 4); the Local Plan Strategic Framework as a basis for the Stage 2 detailed assessment (also previously as attached at Appendix 5); and the next steps in the Local Plan process.

RESOLVED - (a) That the progress achieved against the Local Plan timetable, as detailed in the submitted report, be noted.

(b) That the Consultation Statement, as detailed at Appendix 1 of the submitted report, be endorsed.

(c) That the Sustainability Appraisal (SA) Framework, as detailed at Appendix 2 of the submitted report, be approved.

(d) That the Strategic Vision, Aims and Objectives, as set out in the submitted report, be agreed, as the framework for establishing the policies and proposals within the Local Plan.

(e) That the preferred Strategic Development Locations set out in the Local Plan Strategic Framework, as detailed at Appendix 5 of the submitted report, be agreed, as the basis for further detailed assessment work under Stage Two of the Local Plan process.

(f) That the next steps process, as described in the submitted report, be agreed.

REASON - To meet Regulation 18 (The Town and Country Planning (Local Planning) (England) Regulations 2012) which requires the Council to outline the Strategic Issues and Options to be covered in the Local Plan, and make them available to key stakeholders for comment.

C66. MUSEUM ACCREDITATION POLICIES - The Cabinet Member with the Leisure and Local Environment Portfolio introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) requesting that consideration be given to the Head of Steam Forward Plan 2016/19, Head of Steam Collections Management Framework 2016/21 and the Head of Steam Access Statement Policy 2016/21 (all also previously circulated) prior to submitting the documents to Arts Council England for Museum Accreditation.

RESOLVED - That the Head of Steam Forward Plan 2016/19, Head of Steam Collections Management Framework 2016/21 and the Head of Steam Access Statement Policy 2016/21, as appended to the submitted report, be approved, in preparation for submission to the Arts Council England for Museum Accreditation.

REASONS - (a) To evidence effective and professional management of Darlington's Museum Service to enable the museum to remain an accredited museum and entitled to future support from the Arts Council England (Central Government Body).

(b) To enable the museum to be eligible for future funding from external bodies, e.g. Arts Council England, English Heritage and the Heritage Lottery Fund.

(c) To enable the museum to be eligible for future loans from other museums, e.g. The National Railway Museum.

(d) To ensure that the museum remains registered and complies with the standards and ethics as set out by the Museums Association.

C67. TOWN CENTRE TRAFFIC MANAGEMENT - The Cabinet Member with the Leisure and Local Environment Portfolio introduced the report of the Director of Economic Growth (previously circulated) providing details on traffic management around the town centre and investigating a number of measures to address concerns in relation to pedestrian movements and vehicle speed.

Discussion ensued on the moving of bus stops within the Town Centre and on pedestrian safety in the Town Centre, particularly in Northgate and Crown Street.

RESOLVED - (a) That the investigation of a package of measures, as outlined in the submitted report, to address pedestrian movement and vehicle speed concerns in the town centre in partnership with the Police, bus operators and other stakeholders, be approved.

(b) That the Director of Economic Growth, in consultation with the Cabinet Member with the Leisure and Local Environment Portfolio, be authorised to vary the Transport Capital Programme to fund and deliver any measures identified.

REASON - So as to continue to improve the environment and conditions to support a place designed to thrive and where people come to work, visit and shop.

C68. PROJECT POSITION STATEMENT AND CAPITAL PROGRAMME MONITORING - QUARTER TWO 2016/17 - 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 a summary of the latest Capital resource and commitment position, to inform monitoring of the affordability and funding of the Council's capital programme; 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 the programme.

RESOLVED - (a) That the status position on construction projects, as detailed in 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.

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.

C69. REVENUE BUDGET MONITORING 2016/17 – QUARTER 2 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) providing an up-to-date forecast of the 2016/17 revenue budget outturn as part of the Council's continuous financial management process.

Particular references were made to budget pressures within the People Group and to the increase in the number of 'Looked After' children.

RESOLVED - (a) The forecast revenue outturn for 2016/17 and actions being taken to manage the Council's finances, as detailed in the submitted report, be noted.

(b) That the proposed carry forward of resources, as referred to in paragraphs 13 to 17 of the report, be noted and approved.

(c) That further 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.

C70. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C71. 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.

C72. EASTBOURNE HOUSING JOINT VENTURE INVESTMENT (EXCLUSION PARAGRAPH NO 3) - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) approving a proposal for the Council to enter into an investment arrangement with a local property developer and seek the release of capital funds to fund the scheme.

RESOLVED - (a) That capital funds of up to £1.5m be agreed to be released for investment in the Joint Venture, conditional upon Council approval to the Investment Strategy.

(b) That the Assistant Director Law and Governance be authorised to complete the Joint Venture agreement and associated documentation, on the terms as set out in the submitted report.

(c) That conditional upon completion of the Joint Venture agreement, the sale of the freehold of the former Eastbourne School land (declared surplus to requirements by Cabinet in July 2016), be approved to the Joint Venture Company.

(d) That conditional upon completion of the Joint Venture agreement, the sum of £1.05m be transferred to the Joint Venture Company simultaneous with the land transaction.

(e) That the Assistant Director Law and Governance be authorised to execute the sale of the property accordingly.

(f) That the Director of Neighbourhood Services and Resources, the Assistant Director Housing and Building Services and the Assistant Director Law and Governance be appointed to act as directors in the Joint Venture Company as part of its Executive Board.

(g) That the joint venture be funded from proceeds from the sale of the land at Eastbourne and from corporate resources such as capital receipts or prudential borrowing

REASONS - (a) To support the investment strategy in the short term.

(b) To support a longer term investment strategy.

(c) To help new build development within the Borough.

(d) To enable the Council to be represented in the JV Company.

C73. DISPOSAL OF THE JACK HORNER PUBLIC HOUSE AND ADJACENT LAND (EXCLUSION PARAGRAPH NO. 3) - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Economic Growth (previously circulated) requesting that consideration be given to the terms for the sale of the former Jack Horners Public House site at Whitby Way, Darlington, together with an adjacent plot of open land, as shown on the plan appended to the submitted report, for a small residential development.

RESOLVED - (a) That the sale of the freehold interest in the former Jack Horners public house site and an adjacent piece of open land, totalling 0.53 acres, as shown on a plan appended to the submitted report, be authorised on the terms as detailed in the submitted report.

(b) That the Assistant Director Law and Governance be authorised to document the sale of the property accordingly.

REASONS - To achieve a capital receipt for the Council.

**DECISIONS DATED –
FRIDAY 11 NOVEMBER 2016**