

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
MONDAY 30 JANUARY 2017**

CABINET
17 January 2017

PRESENT – Councillor Harker (in the Chair); Councillors Copeland, C L B Hughes, McEwan, A J Scott and Wallis. (6)

INVITEES – Councillor Mrs Scott.

ALSO IN ATTENDANCE – Councillors Coultas, Johnson, E A Richmond, S Richmond and Tostevin. (5)

APOLOGIES – Councillor Dixon.

C95. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

C96. REPRESENTATIONS – Representations were made by Members and members of the public in attendance at the meeting in respect of Minutes C102 and C103 below.

C97. MINUTES - Submitted - The Minutes (previously circulated) of the meetings of this Cabinet held on 6 and 13 December 2016.

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

REASON – They represent an accurate record of the meeting.

C98. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration to this meeting.

C99. ANNUAL AUDIT LETTER 2015/16 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) presenting the Annual Audit Letter for 2015/16 (also previously circulated).

The Annual Audit Letter provided a high level summary of the results from the 2015/16 audit work undertaken by Ernst and Young LLP (EY), the Council's external auditors; confirmed that the Council's accounts gave a true and fair view for the year ending 31 March 2016; and that the Council had put in place proper arrangements to secure value for money in use of its resources.

A representative from Ernst and Young LLP (EY), presented the main findings from the Annual Audit Letter 2015/16 and stated that, the Council had been issued with an unqualified audit opinion.

Discussion ensued on the valuation of land and buildings and on the Fixed Asset Register.

RESOLVED - That the Annual Audit Letter, as appended to the submitted report, be noted.

REASON - To enable Cabinet to receive the results of the external audit work carried out.

C100. ISSUES ARISING FROM SCRUTINY - DEMENTIA REVIEW GROUP - FINAL REPORT - The Chair of the Dementia Review Group submitted a report (previously circulated) presenting the outcome and findings of the Review Group established by the Adults and Housing Scrutiny Committee to look at the dementia pathway and the support and advice services available in Darlington and requesting that consideration be given to the recommendations contained within its final report.

In presenting the report to Cabinet, the Chair of the Review Group stated that the review had taken approximately 18 months to complete and that the recommendations were evidence based and included some challenges for the authority.

Particular references were made to the assessment process for people with dementia and the inclusion of falls in the list of issues that people with dementia faced.

RESOLVED – (a) That the thanks of Cabinet be conveyed to Members of the Dementia Review Group, for their work.

(b) That the recommendations of the Review Group, as contained within the Final Report, be endorsed, and forwarded to Council for approval.

REASON - To ensure that all partners work together to support and improve services for people living with dementia and their carers and that the dementia pathway is followed.

C101. MEDIUM TERM FINANCIAL PLAN UPDATE - The Deputy Leader introduced the report of the Chief Officers Executive (previously circulated) informing Members of the Local Government Settlement figures received on 15 December 2016 and requesting that consideration be given to a change in the Social Care Precept increase, initially agreed by Cabinet for consultation on 13 December 2016 (Minute C92/Dec/16 refers) and permission to consult on that change.

RESOLVED - That the amendment to the Social Care Council Tax Precept from two per cent to three per cent in 2017/18 and 2018/19 and from two per cent to zero in 2019/20, be approved, for consultation.

REASON - To take advantage of the flexibility allowed by the government and increase income in the short term.

C102. (ITEM CALLED IN) KEY DECISION - THE LIBRARY SERVICE - 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 decisions to be made in respect of the Library Service in Darlington; the Library Plan for 2017/21 (also previously circulated); and capital allocation to be agreed for referral to Council.

Members and Members of the public in attendance at the meeting, addressed Cabinet in respect of the proposal to move the Library Service to the Dolphin Centre.

Concern was expressed about the noise and increased footfall should the library move to the Dolphin Centre and whether combining two services in the Dolphin Centre would risk undermining both.

Concern was expressed about the strength of the financial case for relocating to the Dolphin Centre and that further details of the costs of maintaining an empty Crown Street building and risks were needed.

Reference was made to the absence of the role of the volunteers in the Library Service; the consultation process that had been undertaken; the likelihood of legal challenge; the cost of moving the service; the integrity of the Medium Term Financial Plan; the proposed staffing structure should the service be relocated to the Dolphin Centre; to the fact that Crown Street was a listed building and external funding (including Heritage Lottery) might be available; other bequest funds (Corner Bequest) that were not used, and recent government policy on the future of libraries.

Concern was expressed that the views of the people of Darlington and the views of the descendants of the Pease family about Crown Street, should be taken into account. That Crown Street was a gift to the people of Darlington and should not be taken away. It was suggested that Cabinet should act as trustee of the building first instead of moving the service.

Reference was made to the facebook page for saving Crown Street with 1,400 members and 6,000 signatures to a petition and that nearly every person spoken to had not wanted the library to move to the Dolphin Centre. Reference was made to the cost of maintaining and funding the Dolphin Centre.

A further petition containing approximately 2,000 signatures and 100 drawings from children requesting that the service remain in the Crown Street building was handed to the Cabinet Member with the Leisure and Local Environment Portfolio at the meeting.

The Cabinet Member with the Leisure and Local Environment Portfolio set out the basis for the proposals that were before Cabinet and addressed the issues that had been raised by the speakers.

Discussion by Members of Cabinet then ensued on the consultation process and public support for the proposed relocation; the potential savings from moving the service; the decline in usage of the service; the importance of encouraging young people to use the service, and the perceived benefits of moving the service to the Dolphin Centre.

RESOLVED - (a) That, subject to (b) below:-

- (i) the Assessment of Local Need, as appended at Appendix 1 to the submitted report, be approved;
- (ii) the Library Plan for 2017/21, as appended at Appendix 2 to the submitted report, be approved and referred to Council for approval;

- (iii) the Central Library Service be relocated from Crown Street to the Dolphin Centre, as detailed in the submitted report;
 - (iv) subject to Council confirming the allocation of £1.7m to relocate the Central Library Service to the Dolphin Centre, the release of those funds, be approved;
 - (v) the procurement of the scheme be delivered, in accordance with the Contract Procedure Rules, by the Council's Building Services Division, and that the procurement be designated as non-strategic;
 - (vi) Cockerton Library becomes a community run library supported by the Library Service, as detailed in the submitted report, and (subject to due diligence):
 - (A) a lease be granted to the Cockerton Library Cooperative;
 - (B) funding of £75,000 be allocated to support the Cockerton Library Cooperative in total over 5 years; and
 - (C) the sum of £10,000 be allocated for repairs to the windows at Cockerton Library;
 - (vii) the Mobile Library Service be discontinued; and
 - (viii) the Director of Neighbourhood Services and Resources, in consultation with the Cabinet Member with the Leisure and Local Environment Portfolio, be given delegated authority to implement the decisions, as set out above.
- (b) That any matters agreed by Cabinet at (a) above, be not implemented until Council:-
- (i) has had the opportunity to consider and debate the library proposals;
 - (ii) approve the Library Plan for 2017/21; and
 - (iii) confirms the allocation of a capital sum of £1.7million to relocate the Central Library to the Dolphin Centre.

REASONS - (a) To enable the Council to achieve the savings identified in the Medium Term Financial Plan.

(b) To meet the statutory obligation to provide for library services'.

(c) For the Library Plan to be updated to give future direction and to enable the library service to be positioned as an efficiently run and modern service which is responsive to the changing nature of library use.

(d) To enable Council to consider the proposals for the library service.

C103. THE BRIDGE CENTRE FOR VISUAL ARTS OPERATION FROM 2017/18 -

The Cabinet Member with the Leisure and Local Environment Portfolio introduced the report of the Chief Executive (previously circulated) requesting that consideration be given to the business case submitted by the Bridge Centre for Visual Arts organisation for the future operation of the Centre beyond 2016/17.

Representatives from the Bridge Centre for Visual Arts addressed Cabinet in respect of the Business Plan and the work of the organisation.

RESOLVED - (a) That a twenty five year lease with the Bridge Centre for Visual Arts organisation, to operate a multi-purpose visual arts service, with the first five years on a peppercorn rent and with annual break clauses written into the arrangement, be granted.

(b) That in the event of funding becoming available to support a longer term future for the Centre, the option of a 99 year lease or disposal, be volunteered and progressed.

(c) That responsibility for exterior maintenance and repairs of the building, be retained by the Council, and the Bridge Centre for Visual Arts organisation accepts responsibility for interior repairs and maintenance of the building, supplies and services to the building and statutory checks.

(d) That a subsidiary agreement covering key Council assets held at The Bridge Centre for Visual Arts building (a kiln and a printing press) for this five year period, be agreed.

(e) That the Assistant Director (Law and Governance) be authorised to complete the documentation as required.

REASONS - (a) The Bridge Centre for Visual Arts organisation has generated a business case which indicates their capacity to operate the building without a requirement for ongoing support from the Council while recognising gaps in organisational and capacity as a risk.

(b) As funders frequently seek proof of the long term nature of either the ownership or lease agreement, Members are asked to facilitate different terms should funding become a realistic prospect.

(c) An agreement stipulating the kiln and press must remain within the building, must be available for inspection on notice and may not be sold would safeguard the visual arts facilities and opportunities available in Darlington.

C104. (URGENT ITEM) DARLINGTON TOWN CENTRE BUSINESS IMPROVEMENT DISTRICT (BID) 2017/22 -

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 supporting the private sector led proposal that effectively continues with a Business Improvement District (BID) for five years for Darlington Town Centre with effect from April 2017.

The submitted report stated that the ballot was proposed to take place on 9 March 2017; the existing BID, run by Distinct Darlington, had operated for five years; that the BID proposal attempted to build on the previous BID; and that it was technically

classified as a new BID proposal but in reality would be viewed by existing levy papers as a BID renewal.

RESOLVED - (a) That the Darlington Town Centre BID proposal for 2017/22 as set out in the Draft BID Prospectus, attached at Appendix A to the submitted report, be supported.

(b) That the Chief Executive, as the Returning Officer appointed by the Council under Section 35 of the Representation of the People Act 1983, will act as the Returning Officer for the BID vote and accordingly will make arrangements for a ballot to be held on the BID proposal in March 2017.

(c) That in supporting the BID proposal, it be agreed that the Council will vote 'YES' in the BID ballot in respect of each of the Council's eligible rateable hereditaments in the BID area given the BID's achievements that could be built on.

(d) That the Leader of the Council be nominated to cast the vote in respect of the Council's eligible hereditaments in the BID boundary area.

(e) That in the event of a successful BID ballot vote, the Council may take on legal responsibility for the collection of the BID Levy, with the duty delegated to the Assistant Director, Housing and Building Services. A Council charge (to be paid annually by the BID Company for the five year term of the BID) of £14,000 per annum for administering the billing, collection, recovery and auditing of the BID Levy will be applied. These responsibilities will be set out in the Operating Agreement between the BID Company and the Council.

(f) That the payment to the Town Centre BID Company, on the basis of net monies collected from the BID levy, with payment made by the tenth working day of the month following collection, be approved.

(g) That, in the event of a successful BID ballot vote, approval for the Operating Agreement be formally completed under delegation to the Director of Economic Growth.

REASONS - (a) The proposed BID provides a model to bring additional resource to help improve the appearance, safety/security, vibrancy and access of and to the Town Centre. It is a private sector led resource BID Board to promote Darlington Town Centre as a place to visit, to shop and to do business.

(b) As a business ratepayer, collection authority and provider of services within the Town Centre, the Council's support in the BID proposal and the BID vote is required to ensure the success of the Darlington Town Centre BID and all that this means in terms of contribution to the future viability and vitality of the town centre.

C105. MID YEAR PRUDENTIAL INDICATORS AND TREASURY MANAGEMENT MONITORING REPORT 2016/17 - 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 revised Treasury Management Strategy and Prudential Indicators and providing a half-yearly review of the Council's borrowing and investment activities.

RESOLVED - (a) That the revised prudential indicators and limits, as detailed in the submitted report in Tables 1 to 6, 8 and 14 to 17, be examined.

(b) That Property Funds and Corporate Bond Funds be included in the Council's approved investment instruments and the maximum amount to be invested in such instruments be £10 million, as noted in Table 17 of the submitted report.

(c) That the reduction in the Treasury Management Budget (Financing Costs) of £0.264M, as shown in Table 11 of the submitted report, be noted.

(d) That the report be forwarded to Council, in order for the updated prudential indicators to be approved.

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 Local Government Act 2003.

(d) To enable further improvements to be made in the Council's Treasury Management function.

C106. REGULATION OF INVESTIGATORY POWERS - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) informing and updating Members on issues relevant to the use of the Regulation of Investigatory Powers Act 2000 and developments that have taken place since the last report to Cabinet in July 2016 and requesting that consideration be given to the to approving an updated RIPA Policy (also previously circulated) and agreeing changes to the officers authorised to approve RIPA applications.

RESOLVED - (a) That the developments that have taken place since July 2016, as detailed in the submitted report, be noted.

(b) That the appointment of the Director of Neighbourhood Services and Resources, as a designated Authorising Officer for RIPA directed surveillance applications, as detailed in the submitted report, be approved.

(c) That the RIPA Policy, as attached at Appendix 1 to the submitted report, be approved.

(d) That further reports on the use of RIPA and associated issues, be submitted to future meetings of Cabinet.

REASONS - (a) In order to ensure that the Council complies with the legal obligations under RIPA and national guidance.

(b) To update RIPA policy and procedures following the RIPA inspection.

(c) To help in giving transparency about the use of RIPA in this Council.

C107. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C108. 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 3 of Part I of Schedule 12A to the Act.

C109. SCHEDULE OF TRANSACTIONS (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 Schedule of Transactions (also previously circulated) and seeking approval of the terms negotiated.

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

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

**DECISIONS DATED –
FRIDAY 20 JANUARY 2017**