

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
MONDAY 23 SEPTEMBER 2019**

CABINET

Tuesday, 10 September 2019

PRESENT – Councillors Mrs H Scott (Chair), Crudass, Dulston, Howell, Johnson, Marshall, Mills and Tostevin

INVITEES – Councillors Curry, Harker, K Nicholson and Snedker

ALSO IN ATTENDANCE – Councillors Ali, Bartch, Bell, Clarke, Mrs Culley, Donoghue, Haszeldine, Keir, McCollom and Tait

C32 DECLARATIONS OF INTEREST.

There were no declarations of interest reported at the meeting.

**C33 TO HEAR RELEVANT REPRESENTATION (FROM MEMBERS AND THE
GENERAL PUBLIC) ON ITEMS ON THIS CABINET AGENDA.**

In respect of Minutes C37(2) and C45 below, representations were made by a member of the public and a Member, respectively, in attendance at the meeting.

**C34 TO APPROVE THE MINUTES OF THE MEETING OF THIS CABINET HELD ON
TUESDAY, 9 JULY 2019**

Submitted – The Minutes (previously circulated) of the meeting of this Cabinet held on 9 July 2019.

Reference was made at the meeting to the deferral of the Borough of Darlington Local Plan from the last meeting of Cabinet and whether the review of the plan, was now wider than the traffic modelling work for the Skerningham development, referred to at Minute C22(4)/Jul/19.

RESOLVED – That the minutes be confirmed as a correct record.

REASON – They represent an accurate record of the meeting.

C35 MATTERS REFERRED TO CABINET

There were no matters referred back for re-consideration to this meeting.

C36 ISSUES ARISING FROM SCRUTINY COMMITTEE

There were no issues arising from Scrutiny considered at this meeting.

C37 KEY DECISIONS:-

(1) SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (SEND) CAPITAL PROJECTS - RELEASE OF FUNDS

The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Children and Adults Services (previously circulated) requesting that consideration be given to the Special Educational Needs and Disability (SEND) capital projects at Red Hall Primary School and Rise Carr College and to the release of capital funds in relation to those projects.

The submitted report stated that it was proposed to develop two special educational needs resource bases for pupils with Social, Emotional and Mental Health (SEMH) Needs at Red Hall Primary School and Rise Carr College; the projects were proposed as part of the SEND Strategy approved by Cabinet in March (Minute C125/Mar/19 refers); and outlined the funding sources for those projects.

RESOLVED – (a) That the development of the Social, Emotional and Mental Health (SEMH) units at Red Hall Primary School and Rise Carr College, be agreed, to meet the need identified in the Special Educational Needs and Disability (SEND) Strategy.

(b) That £700,000 from the Special Provision Fund allocation and £2,399,209 from the Basic Need Capital allocation, be released, with delegated authority to the Director of Children and Adult Services to manage the authorisation of this funding.

REASONS – (a) Release of the funds will enable capital investment to be undertaken in the SEND areas identified with the greatest need.

(b) Development of the SEMH units will provide an important link in the escalation process for children and young with SEND. Hopefully reducing the number who eventually progress into specialist provision often out of area.

(2) IN2 PROJECT

The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services and the Director of Children and Adults Services (previously circulated) requesting that consideration be given to committing the remaining budget of £208,000, secured from the capital receipts from Darlington Arts Centre and Eastbourne School, to deliver an inclusive cultural programme working with Darlington schools over three years, entitled the In2 Project.

The submitted report stated that the In2 Project would work with six schools and was informed by a successful pilot which ran from May to July 2019; the pilot worked with a cohort of pupils from Corporation Road Primary School and Longfield Academy; the project would encourage wellbeing and focus on the impact of arts and sports engagement in encouraging a successful transition from primary to secondary schools, which had been identified as a key issue in Darlington; the programme would be managed by this Council working with a variety of organisations and services with expertise of working with children; and stated that the evaluation of the impact on the children participating would continue throughout the programme.

A video of the In2 ten week pilot programme was shown at the meeting.

A member of the public in attendance at the meeting addressed Cabinet in respect of the funding for the project and the number of children that would be involved. The Cabinet Member with the Children and Young People Portfolio responded thereon.

RESOLVED – (a) That the allocation of the uncommitted capital receipts from the Darlington Arts Centre of £90,000 and Eastbourne School site of £118,000, be agreed, to support a three-year programme of activity, working with Darlington schools through art and sport to encourage wellbeing and a successful transition from primary to secondary school.

(b) That Cabinet receive annual update reports throughout the three-year programme.

REASONS – (a) Over the last decade there has been significant research which demonstrates the health and wellbeing benefits derived from engagement with the arts and sport, including the Arts and Culture in Health and Wellbeing and in the Criminal Justice System, research released by Arts Council England earlier this year, which makes a compelling argument for using the arts and physical activity as tools to tackle mental health and health and wellbeing challenges across the community.

(b) The proposed three-year programme will focus on work with a small cohort of pupils in depth and seeks to support those children engaged through the transition from Year 6 to Year 8. This focus has been informed by learning taken from the In2 pilot programme which ran from May to July 2019 and responds to longstanding challenges facing North East schools around the transition from primary to secondary, including scoring poorly on KS4 progress.

C38 REVIEW OF OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN

The Cabinet Member with Efficiency and Resources Portfolio introduced the report of the Managing Director, the Director of Children and Adults Services and the Director of Economic Growth and Neighbourhood Services (previously circulated) providing Members with an update of the outcome of cases which had been determined by the Local Government and Social Care Ombudsman (LGSCO) and the Housing Ombudsman (HO) since the preparation of the previous report to Cabinet on 11 December 2018 (Minute C86/Dec/18 refers).

The submitted report stated that during the second half of 2018/19 the Council received four upheld Maladministration Injustice decisions from the LGSCO, compared to one for the same period in 2017/18; three of the four upheld Maladministration Injustice decisions related to matters associated with the provision of adult social care services (two relating to financial assessments and one to a contracted care service); the upheld Maladministration Injustice decision related to children's social care services; the most common complaints were policy and procedural issues relating to financial assessments; and that the Council had now implemented the LGSCO's recommendations which should prevent a re-occurrence.

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 LGSCO and the HO in respect of the Council’s activities.

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

C39 COMPLAINTS, COMPLIMENTS AND COMMENTS ANNUAL REPORTS 2018/19

The Cabinet Member with Efficiency and Resources Portfolio introduced the report of the Managing Director, the Director of Children and Adults Services and the Director of Economic Growth and Neighbourhood Services (previously circulated) providing Cabinet with the 2018/19 Complaints, Compliments and Comments Annual Reports for Adult Social Care; Children’s Social Care; Corporate; Housing; and Public Health (all also previously circulated).

The submitted report stated that a total of 825 complaints had been received during 2018/19, a decrease from 871 complaints during 2017/18.

RESOLVED – (a) That the content of the 2018/19 Complaints, Compliments and Comments Annual Reports for Adult Social Care; Children’s Social Care; Corporate; Housing; and Public Health, as appended to the submitted report, be noted.

(b) That the further recommendations made in the Adult Social Care, Children Social Care, Corporate and Housing Complaints, Compliments and Comments Annual Reports, as detailed in the submitted report, be endorsed.

REASONS – (a) To make Cabinet aware of the number and nature of the complaints, compliments and comments received by the Council and the organisational learning that has taken place as a result.

(b) To enable the Council to further improve its services as a result of the complaints, compliments and comments received and improve satisfaction with complaints handling.

C40 PUBLIC SPACES PROTECTION ORDER - DARLINGTON TOWN CENTRE

The Cabinet Member with the Community Safety Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) updating Cabinet on the development of the Public Space Protection Order (PSPO) which was implemented in Darlington Town Centre on 1 March 2019.

The submitted report stated that the update was provided in accordance with a direction made by Cabinet at its meeting held in February 2019, that a report would be provided, following a period of six months, to determine use and effectiveness of the PSPO in Darlington Town Centre; the PSPO provided the appropriate officers with powers to deal effectively with certain types of anti-social behaviour; following its implementation 48 warnings and ten fixed penalty notices had been issued; there had been a significant reduction in anti social behaviour; feedback had been positive; and that the PSPO had been used effectively, proportionately and had contributed to making Darlington a more attractive and safer place to live, work and visit.

RESOLVED – (a) That the information contained in the submitted report, be noted, and the continued use of the Public Spaces Protection Order in Darlington Town Centre, be supported.

(b) That a report be brought to Cabinet in six months and thereafter annually, to review the use of the Public Spaces Protection Order.

REASON - The PSPO is being used in a proportionate, justified and necessary manner and is having a positive effect on Darlington Town Centre.

C41 REGULATION OF INVESTIGATORY POWERS

The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Managing Director (previously circulated) informing Cabinet on the issues relevant to the use of the Regulation of Investigatory Powers Act (RIPA) 2000 and developments that had taken place since the last report to Cabinet in February 2019 (Minute C109/Feb/19 refers).

The submitted report stated that the RIPA 2000 enabled local authorities to carry out certain types of surveillance activity, as long as specified procedures were followed; detailed the RIPA directed surveillance applications and communications data applications, that had been authorised since the last report to Cabinet; and stated that the Investigatory Powers Act (IPA) 2016 had come into force on 11 June 2019, and that this was now the main legislation governing the acquisition of communications data.

RESOLVED – (a) That the developments that have taken place since February 2019, as detailed in the submitted report, be noted.

(b) That Cabinet continue to receive further reports on the Council's use of the Regulation of Investigatory Powers Act 2000 and Investigatory Powers Act 2016 and other associated issues.

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

(b) To help in giving transparency about the use of RIPA and IPA in this Council.

C42 INVESTMENT FUND UPDATE

The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Managing Director (previously circulated) updating Cabinet on progress against the agreed investments being funded through the Investment Fund.

The submitted report stated that the Council had established an investment fund, to be used for innovative investment opportunities, beyond the traditional Treasury Management Strategy, in order to achieve greater returns given the low returns on investment; returns on current joint ventures was anticipated to be over £4M; and that the fund was currently being used on eight schemes.

Particular reference was made at the meeting to the number of stall holders that were leaving the indoor market and the resultant vacant stalls. The Cabinet Member with the Efficiency and Resources Portfolio responded thereon.

RESOLVED - That the use of the Investment Fund and the returns achieved through the joint venture vehicles, as detailed in the submitted report, be noted.

REASONS - To keep Cabinet informed of progress made on opportunities undertaken and investment returns.

C43 RELEASE OF CAPITAL ALLOCATION IN THE MEDIUM TERM FINANCIAL PLAN - TOWN HALL REFURBISHMENT IN BLOCK D AND REMEDIAL WORKS TO THE BRIDGE CENTRE FOR VISUAL ARTS, HUNDENS LANE

The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Managing Director (previously circulated) seeking the release of funding allocated in the Capital Medium Term Financial Plan (MTFP) 2019/20 to 2022/23 to undertake Capitalised Repairs in corporate buildings.

The submitted report stated a total allocation of £250,000 was made in the Capital MTFP for capitalised repairs; Cabinet had already agreed to release £200,000 for essential remedial works; and requested the release of the remaining £50,000 for additional essential remedial works to progress.

RESOLVED – That the remaining £50,000 allocated in the Capital Medium Term Financial Plan for Capitalised Repairs, be released.

REASON - To safeguard the condition of the Council's corporate buildings and to meet statutory and legal obligations.

C44 TREASURY MANAGEMENT ANNUAL REPORT AND OUTTURN PRUDENTIAL INDICATORS 2018/19

The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Managing Director providing important information regarding the regulation and management of the Council's borrowing, investments and cash-flow; treasury management activity; and seeking approval of the Prudential Indicator results for 2018/19 in accordance with the Prudential Code.

It was reported that for the financial year 2018/19 presented similar circumstances to 2017/18 with regard to treasury management and the main implications of this for the Council were included in the submitted report.

The submitted report summarised the capital expenditure and financing for 2018/19; the Council's underlying borrowing need; the Treasury position as at 31 March 2019; prudential indicators and compliance issues; the economic background for 2018/19; treasury management activity during 2018/19; and performance and risk benchmarking.

It was also reported that the Council's treasury management activity during 2018/19 had been carried out in accordance with the Council policy and within legal limits;

financing costs had been reduced during the year; and a saving of £0.661m had been achieved from the original Medium-Term Financial Plan.

RESOLVED – (a) The outturn 2018/19 Prudential Indicators, as detailed within the submitted report and those in Appendix 1 to the submitted report, be noted.

(b) That the Treasury Management Annual Report for 2018/19, as detailed in the submitted report, be noted.

(c) That the report be forwarded to Council, in order for the 2018/19 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.

C45 SALE OF FOUR RIGGS CAR PARK, OFF BONDGATE, DARLINGTON

The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Managing Director (previously circulated) requesting that consideration be given to declaring Four Riggs Car Park, as shown on the plan appended to the submitted report, surplus to Council requirements and seeking approval for the sale of part to an adjoining owner for parking in connection with his adjacent office, garage and residential premises, and the sale of the remainder to developers conditional upon planning permission being granted for a small flatted development on the site.

The submitted report outlined the background to the proposals; proposed terms for the sale; and financial and legal implications.

A Ward Member in attendance at the meeting addressed Cabinet in respect of concerns raised by residents of the ward in respect of the residential development part of the proposals. The Director of Economic Growth and Neighbourhood Services responded thereon.

RESOLVED – (a) That Four Riggs Car Park, as shown on the plan appended to the submitted report, be declared surplus to Council requirements.

(b) That the sale of land at Four Riggs Car Park be approved, on the terms as set out in Appendix 2 of the submitted report.

(c) The Assistant Director for Law and Governance be authorised to document the sale of the property accordingly.

REASONS – (a) To achieve a capital receipt for the Council.

(b) To assist business development and job creation in Darlington.

C46 MEMBERSHIP CHANGES - TO CONSIDER ANY MEMBERSHIP CHANGES TO

OTHER BODIES TO WHICH CABINET APPOINTS.

RESOLVED – (a) That Councillor Crumbie and Newall, be appointed to the two vacancies on Family Help.

(b) That Councillor Layton be appointed to the vacancy on the Family Placement Panel.

(c) That Councillor Layton be appointed to the vacancy on RELATE.

REASONS – To fill the vacancies on the outside bodies.

C47 TO CONSIDER THE EXCLUSION OF THE PUBLIC AND PRESS :-

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.

C48 SCHEDULE OF TRANSACTIONS

The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to the Schedule of Transactions and seeking approval of the terms negotiated.

RESOLVED - That the schedule, as detailed in 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.

C49 QUESTIONS.

**DECISIONS DATED –
FRIDAY 13 SEPTEMBER 2019**