

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
MONDAY 22 OCTOBER 2018**

CABINET

9 October 2018

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

APOLOGIES – Councillors McEwan.

INVITEES – Councillors Curry and Mrs Scott. (2)

C56. REPRESENTATIONS – No representations were made by Members or members of the public in attendance at the meeting.

C57. DECLARATIONS OF INTEREST – In respect of Minute C61(1) below, Councillors Crumbie, Harker and C L B Hughes declared pecuniary interests, due to their respective roles on the School Governing Bodies of Reid Street Primary School, Federation of Darlington Nursery Schools, Whinfield Primary School and Carmel College, and left the meeting during consideration of that item only and Councillor A J Scott took the Chair, for that item only. Mrs Scott declared a non-pecuniary interest due to her involvement in the Education Village

In respect of Minute C64 below, Councillor A J Scott declared a pecuniary interest as Councillor A J Scott worked at a business on Alderman Best Way and left the meeting during consideration of that item only. Councillor Mrs Scott declared a non-pecuniary interests as a family member who worked for a business on Alderman Best Way,

C58. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 11 September 2018.

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

REASON – They represent an accurate record of the meeting.

C59. MATTERS REFERRED TO CABINET - There were no matters referred back for re-consideration to this meeting.

C60. ISSUES ARISING FROM SCRUTINY - There were no issues arising from Scrutiny considered at this meeting.

C61. KEY DECISIONS - (1) (URGENT ITEM) Special Educational Needs Strategy and Funding - The Cabinet Member with the Adult Social Care Portfolio introduced the report of Director of Children and Adults Services (previously circulated) requesting that consideration be given to consulting on the updated Special Educational Needs and Disabilities (SEND) Strategy 2019/22 (also previously circulated), which summarises the strategic plan for delivering better outcomes for children and young people with special educational needs and outlining the proposed amendments to the application of the High Needs Block, in relation to children and young people with Special Educational Needs and Disabilities (SEND).

The submitted report stated that the strategy proposed a local vision with priorities for the future provision and development of services to support children with SEND; the Government funded schools via the Dedicated Schools Grant (DSG) to enable them to educate all children and young people including those with SEND; the current funding model for children with SEND in Darlington did not follow best practice and lacked transparency and fairness; amendments had been made, with the agreement of schools to enable the 'money to follow the child' but more changes were required to deliver a fair and transparent funding system; expenditure on SEND within the DSG was projected to considerably overspend; and that an approach to funding and service provision were proposed as part of the amended strategy, which would improve the transparency of the system and reduce overall costs.

Discussion ensued on involving health in the Strategy; the importance of identifying children with special educational needs at an early stage; and the number of out of area placements.

RESOLVED - That the revised draft Special Educational Needs and Disability (SEND) Strategy 2019/20, as appended to the submitted report, and proposed amended funding arrangements, as detailed in the submitted report, be agreed for consultation.

REASONS – (a) The strategy provides a framework to drive the work of the SEND partnership in Darlington through to 2022 to deliver the best possible outcomes for children and young people with SEND and their families.

(b) To enable the proposed Special Educational Needs and Disabilities (SEND) Strategy 2019/22 and the proposed amended funding model to be further considered.

(2) (URGENT ITEM) Special Educational Needs and Disability (SEND) - Home To School Transport - 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 consulting on the Special Educational Needs and Disability (SEND) Travel Assistance Policy (also previously circulated), for pupils with SEND.

The submitted report stated that the Council had a statutory responsibility to assist eligible children and young people of statutory school age to travel to school; outlined the current arrangements; national context; key principles of the new policy; financial and legal implications; projected savings; and proposed consultees.

Discussion ensued on the number of children with special educational needs in Darlington and on the SEND budget.

RESOLVED - That consultation be undertaken on the Special Educational Needs (SEND) Travel Assistance Policy, as appended to the submitted report.

REASONS – (a) This policy represents a conscious change strategically from a policy based upon provision of transport services to one that provides assistance with transport services. This is centred upon providing assistance where appropriate to help people help themselves; it is about promoting independence.

(b) To enable the proposed Travel Assistance Policy to be further considered prior to decisions being made on the changes being proposed.

(3) Procurement Plan Update - The Leader and Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Managing Director (previously circulated) requesting that consideration be given to the updated Annual Procurement Plan (also previously circulated); the outcomes of procurement(s) previously designated as Strategic; decisions taken by the Procurement Board to waive the Contract Procedure Rules and agreed direct contract awards; and to the general update on procurement matters.

RESOLVED – (a) That the assessment of strategic and non-strategic contracts as presented in Appendix 1 to the submitted report, be approved, and it be agreed that:

- (i) further reports/updates on the procurement process for those contracts designated as strategic (including decisions made by the Procurement Board) be brought to Cabinet;
- (ii) the contract award decisions for the contracts designated as non-strategic be delegated to the appropriate Director as listed in the plan at Appendix 1 of the submitted report; and
- (iii) the contract award decisions for the contracts designated as strategic, as listed in the plan at Appendix 1 of the submitted report, be delegated to the Procurement Board to approve and be reported back to Cabinet.

(b) That the contents of the submitted report, in respect of the update of strategic procurements, Procurement Board waiver decisions and the general update, be noted.

REASONS – (a) In respect of strategic/non-strategic contracts, the recommendations are supported by the following reasons: -

- (i) the Contract Procedure Rules require Cabinet to approve the designation of contracts as strategic and non-strategic;
- (ii) contracts designated strategic are of high value and high significance in respect of the impact on residents, Health and Safety and public safety; and
- (iii) the contracts designated non-strategic are of a lower value and lower significance in respect of the impact on residents and public safety.

(b) In respect of Procurement Board waiver decisions, the recommendations are supported by the following reasons: -

- (i) in order to comply with the Contract Procedure Rules; and
- (ii) to provide Cabinet with information about the decisions made by the Procurement Board.

(4) (URGENT ITEM) Christmas Parking Offer - The Cabinet Member with the Leisure and Local Environment Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to proposals for seasonal parking offers in the town centre to support trading.

The submitted report stated that seasonal parking offers encouraged both existing and new customers to shop in Darlington; the proposed offers would run from the Christmas Lights Switch On on 22 November 2018 to 2 January 2019 and would provide free parking in all the Council's off-street short and long stay cars after 3.00 pm; and outlined the financial and practical implications.

Particular reference was made to the importance of attracting more people back into the Town Centre, particularly the elderly.

RESOLVED - That free parking after 3.00 pm in all Council short and long stay off-street car parks, be implemented, from 22 November 2018 until 2 January 2019.

REASONS – (a) To support seasonal trading in Darlington Town Centre.

(b) To attract existing and new customers to the Council's car parks.

C62. REVIEW OF OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN - The Leader introduced the report of the Managing Director, Director of Children and Adults Services and Director of Economic Growth and Neighbourhood Services (previously circulated) providing Members with an update of the outcome of cases which have 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 5 December 2017.

The submitted report stated that during the second half of 2017/18 the Council received one upheld maladministration injustice decision, which was the same number received for this period in 2016/17; there were no themes running through those complaints upheld by the LGSCO; and that the findings do not indicate there were any problems that the Council needed to address.

RESOLVED - That the contents of the submitted 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 this report do not suggest that further action, other than detailed in the report, is required.

C63. COMPLAINTS, COMPLIMENTS AND COMMENTS ANNUAL REPORTS 2017/18 - The Leader introduced the Report of the Managing Director, Director of Children and Adults Services and Director of Economic Growth and Neighbourhood Services (previously circulated) providing Cabinet with the 2017/18 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 871 complaints had been received during 2017/18; this was the second highest number of complaints that had been received since 2009/10, when the Council started to keep comprehensive records; and that the complaints had primarily resulted from new ways of work aimed at supporting the delivery of the Council's Medium Term Financial Plan.

RESOLVED – (a) That the contents of the 2017/18 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 recommendation made in the Children’s Social Care Complaints, Compliments and Comments Annual Report, namely that children’s social care staff should work to improve performance against the Stage 1, 2 and 3 timescales, 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.

C64. PROPOSED WAITING RESTRICTIONS ON ALDERMAN BEST WAY – OBJECTIONS - The Cabinet Member with the Leisure and Local Environment Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) advising Members of two objections received to a proposal to implement no waiting restrictions on Alderman Best Way at Morton Palms and seeking a decision on whether to proceed with the proposal.

The submitted report outlined the background to the proposals; financial and legal implications; and outcome of consultation.

RESOLVED – (a) That the objections received, as highlighted in the submitted report, be set aside.

(b) That officers be authorised to proceed with the proposal as advertised.

REASON - To improve the flow of traffic and reduce the potential for road traffic accidents.

C65. MEMBERSHIP CHANGES – There were no membership changes reported at the meeting.

**DECISIONS DATED –
FRIDAY 12 OCTOBER 2018**