

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
MONDAY 19 NOVEMBER 2018**

CABINET

6 November 2018

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

APOLOGIES – Councillor S Richmond.

INVITEES – Councillors Curry, K Nicholson and Mrs Scott. (3)

ALSO IN ATTENDANCE – Councillors Knowles.

C66. REPRESENTATIONS – In respect of Minute C71(1) below, representations were made by members of the public in attendance at the meeting.

C67. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

C68. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 9 October 2018.

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

REASON – They represent an accurate record of the meeting.

C69. MATTERS REFERRED TO CABINET - There were no matters referred back for re-consideration to this meeting.

C70. ISSUES ARISING FROM SCRUTINY - There were no issues arising from Scrutiny considered at this meeting.

C71. KEY DECISIONS - (1) Adult Social Care Charging Policy for Non-Residential Services - The Leader of the Council introduced the report of the Director of Children and Adults Services (previously circulated) informing Members of the outcome of a consultation undertaken regarding the Care and Support (Charging and Assessment of Resources) for Non-Residential Services Policy, aspects of which had been consulted upon with service users and members of the public over a period of four weeks. A copy of the Proposed Care and Support (Charging and Assessment of Resources) for Non-Residential Services Policy, Consultation Paper, Equality Impact Assessment and examples of consultation responses were all appended to the submitted report.

The submitted report stated that, following a complaint made to the Local Government and Social Care Ombudsman (LGSO) the Council had completed a public consultation on its charging policy relating to non-residential services in respect of the treatment of income from benefits; although the treatment of income from benefits was discretionary, this Council were seeking approval to treat income from benefits as part of any financial assessment made under the policy; and that it was a requirement of the LGSO judgement that Cabinet were aware that there was a choice on how it considered the treatment of income from benefits in the Care and Support (Charging and Assessment of Resources) for Non-Residential Services Policy.

Members of the public in attendance at the meeting addressed Cabinet in respect of the discretion that was available to them, on whether the income from eligible benefits would be considered and taken into account, as part of the financial assessment under the Care and Support (Charging and Assessment of Resources) for Non-Residential Services Policy. In addressing Cabinet, reference was made to the transfer from the Disability Living Allowance (DLA) payment to the Personal Independence Payment (PIP); the extra amount paid to the Council by service users for the same level of service; the fact that PIP does not distinguish between day and night time services; the view that this causes some service users to experience hardship; and requesting that consideration be given to allowing the night time disregard, provided to people when in receipt of DLA, to be applied when they are in receipt of PIP.

The Leader of the Council responded thereon, and in doing so, stated that the review of the Policy had been undertaken as a result of the judgement from the LGSO which stated that Cabined should be aware that there was a choice on how the Council considered the treatment of income from benefits.

In reaching its decision Members considered the Equality Impact Assessment, as appended to the submitted report.

RESOLVED - That all eligible benefits that the Council has the discretion to include in the Care and Support (Charging and Assessment of Resources) for Non-Residential Services Policy, as part of a financial assessment for those individuals being assessed for non-residential services under the Care Act 2014, its guidance and associated regulations, be included within such assessments.

REASON - The Care Act 2014 indicates that members have a choice of which benefits to take into consideration when assessing someone's ability to contribute towards their care and support needs. The Council seeks for members to exercise their discretion and to take benefits into account during a financial assessment. Such a policy would ensure that assessments are fair and consistently applied to all. The previous policy in relation to non-residential care services, namely the Fairer Contributions Policy, took into account income from benefits and this adoption of the proposed policy would see a continuation of that methodology. The financial impact on the Council in not adopting the proposed policy would be significant and could impact on the services provided by the Council as a whole. The consultation responses provided are specific to individual needs and circumstances and should members agree with the recommendation then the application of the proposed policy can be addressed on a case by case basis addressing those issues or concerns directly.

(2) Council Tax Support – Scheme Approval 2019/20 – The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Managing Director (previously circulated) requesting that consideration be given to the draft Council Tax Support (CTS) Scheme for 2019/20 (also previously circulated).

The submitted report stated that since 2013 the previous national Council Tax Benefit (CTB) had been replaced with the local Council Tax Support (CTS) Scheme; the Council was required to design and publish a new CTS scheme each year, in time to implement for annual Council Tax billing; and that no significant changes were recommended for the 2019/20 CTS scheme.

RESOLVED - That the draft Council Tax Support Scheme for 2019/20, as appended to the submitted report, be recommended to Council for consideration and adoption, including:-

- (i) continuing to provide up to 100 per cent Council Tax Support for care leavers under the age of 25, and
- (ii) continuing to provide up to 80 per cent Council Tax Support for all other working aged people

REASONS – (a) The Council is required to publish a local CTS scheme for 2019/20 by 11 March 2019.

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

(c) The continued application of a reduced entitlement for working aged people is still appropriate, given the current financial position of the Council.

C72. INVESTMENT OPPORTUNITIES - UPDATE AND REQUEST TO INCREASE THE FUND – The Leader of the Council introduced the report of the Managing Director (previously circulated) updating Cabinet on the progress against the agreed Capital Investment Fund and requesting that consideration be given to increasing the fund.

The submitted report stated that Council had previously approved the principle and establishment of 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; the established fund was being utilised and included Joint Ventures and economic regeneration initiatives; returns on joint ventures were anticipated to be over £4M; any use of the fund would be subject to a detailed report to Cabinet; and that the next use of the fund would likely be a new Joint Venture at Middleton St. George.

RESOLVED – It is recommended to Council that:-

- (a) the Capital Investment Fund be increased to £50m;
- (b) repaid loans be recycled back into the Investment fund; and
- (c) the operation of the fund be delegated to Cabinet in line with previous Council approval.

REASONS – (a) To allow the Council to take up opportunities to gain investment returns.

(b) To allow the investment fund to be established and financed.

(c) To enable Cabinet to consider detailed proposals many of which will be commercially sensitive.

C73. PROGRESS REPORT - DARLINGTON BOROUGH COUNCIL NEIGHBOURHOOD RENEWAL STRATEGY – The Leader of the Council introduced the report of the Managing Director (previously circulated) presenting a proposed approach for the Neighbourhood Renewal element of the 2018 Futures Fund.

The submitted report stated that neighbourhood renewal initiatives traditionally sought to ensure that no one was seriously disadvantaged by where they lived; the Council had a Neighbourhood Renewal Strategy, the Borough's Sustainable Community Strategy One Darlington Perfectly Placed (ODPP), which included a statement of intent to 'narrow the gap'; the Corporate Plan used the same framework as the SCS; as part of the annual review of the Corporate Plan, it was proposed to prioritise and fully align with the neighbourhood renewal ethos of narrowing the gap, tackling deprivation and maximising social value across the organisation; the actions identified would constitute a partnership multi-pronged approach comprised of three workstreams, which would collectively impact on deprivation; and that a performance monitoring framework focussing on residents' wellbeing across seven domains was recommended, to measure progress towards ODPP over the next four years.

Discussion ensued on the level of deprivation that still existed in a number of the Borough's wards and to the improvements that had already been made in other wards.

RESOLVED – (a) That the proposed approach, as outlined in the submitted report, for the Neighbourhood Renewal Futures Fund theme, be agreed.

(b) That update reports be received on the progress of Fairer, Richer Darlington programme and the council's contribution to delivery.

REASONS – (a) The Cabinet is a signatory to the goals of One Darlington Perfectly Placed, as a statement of intent to narrow inequalities and protect the most vulnerable in our community.

(b) The financial hardship faced by many people in Darlington is rising and there was public support for the council to take steps to alleviate the problems households face during the 2018 MTFP consultation.

C74. PROJECT POSITION STATEMENT AND CAPITAL PROGRAMME MONITORING - QUARTER TWO 2018/19

– The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (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.

The submitted report stated that the projected outturn Capital Programme was £171.913M against an approved programme of £171.567M; the investment was delivering a wide range of improvement, to the Council's assets and services; the programme remained affordable within the Medium Term Financial Plan (MTFP) for 2018/19 to 2021/22; there were currently 30 live projects currently being managed by the Council with an overall value of £69.748M; the majority of those projects were running to time, cost and quality expectations with no foreseeable issues; and that the projects were managed either by the Council's in-house management team, a Framework Partner or by Consultants sourced via an open/OJEU tender process.

RESOLVED – (a) That the status position on construction projects, as detailed in Appendix 1 of 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.

C75. REVENUE BUDGET MONITORING 2018/19 – QUARTER 2 – The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Managing Director (previously circulated) providing an up-to-date forecast of the 2018/19 revenue budget outturn as part of the Council's continuous financial management process.

The submitted report stated that the latest projections showed an overall improvement against the Medium Term Financial Plan (MTFP) of £1.116M and that the Children and Adults Group were reporting an overspend of £0.432M, which had been offset by an underspend on the financing costs budget of £0.591M.

In presenting the report, the Cabinet Member with the Children and Young People Portfolio stated that the overspend in Children's Services, was as a result of the increase in the number of children entering the care system and to the additional duty, placed on the Council without any further funding, to support care leaves up to the age of 25 years of age.

Discussion ensued on the level of support available to children and their families; the impact of budget cuts on this support; and the importance of 'investing to save'.

RESOLVED – (a) That the forecast revenue outturn for 2018/19, as detailed in the submitted report, be noted.

(b) That further regular 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.

C76. MEMBERSHIP CHANGES – There were no membership changes reported at the meeting.

C77. 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.

C78. DELIVERY OF NEW HOMES AT STAG HOUSE FARM - HOUSING INVESTMENT FUNDING (EXCLUSION PARAGRAPH NO 3) – The Cabinet Member

with the Efficiency and Resources Portfolio introduced the report of the Managing Director and the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to the release of Housing Investment Funding (HIF) for the Stag House Farm housing development.

The submitted report outlined the background to the proposal and the financial and regeneration implications.

RESOLVED - That subject to receiving the £2.48m Housing Investment Funding, the release of the funding for the Stag House Farm scheme, be approved, and following repayment the money be subsequently recycled into further infrastructure on Stag House Farm/West Park and/or new housing schemes in Darlington.

REASONS - To assist in the delivery of the Economic Strategy by accelerating the building of new homes.

C79. MCMULLEN ROAD – ACQUISITION OF LAND FOR COUNCIL HOUSING (EXCLUSION PARAGRAPH NO 3) – 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 acquisition of approximately 4.73 acres of privately owned land at McMullen Road, as shown hatched on the plan appended to the submitted report, for the development of approximately 50 dwellings of mixed tenure.

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

RESOLVED – (a) That the acquisition of approximately 4.73 acres of land at McMullen Road, Darlington, as shown hatched on the plan appended to the submitted report, be approved on the terms as set out in the submitted report.

(b) That the Assistant Director – Law and Governance be authorised to complete all necessary documentation.

REASONS – (a) To facilitate the development of social housing by the Council.

(b) To take advantage of the opportunity to acquire the property at a reasonable price and to achieve economies of scale by rolling the development on from the Council's current adjacent development.

**DECISIONS DATED –
FRIDAY 9 NOVEMBER 2018**