

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE WEDNESDAY, 30TH MARCH, 2005**

CABINET
15th March, 2005

PRESENT - Councillor Williams (in the Chair); Councillors Bristow, Dixon, Harker, Lister, D.A. Lyonette, McEwan, L. Vasey and Wallis. (9)

ALSO IN ATTENDANCE – Councillor Johnson, Richmond and Mrs. Scott. (3)

C221. DECLARATION OF INTERESTS – There were no declarations of interest reported at the meeting

C222. MINUTES - Submitted - The Minutes (previously circulated) of the meetings of Cabinet held on 3rd and 15th February and 1st March, 2005.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meetings.

C223. MATTERS REFERRED TO CABINET – There were no matters referred back for reconsideration.

C224. ISSUES ARISING FROM SCRUTINY – There were no issues referred from Scrutiny Committees to this meeting.

C225. KEY DECISIONS – (1) Child Protection for Schools and Education Settings - Policy and Guidance Document - The Cabinet Member with the Children's Service Portfolio introduced the report of the Director of Education (previously circulated) advising Members of the production of documentation in respect of child protection issues prepared for schools and education settings by the Education Department, working in close partnership with other agencies, and requesting that consideration be given to a revised Child Protection Policy (also previously circulated).

RESOLVED - That the Child Protection Handbook 2005, as appended to the submitted report, be approved.

REASON - It is necessary to update and revise the existing policy in order to keep it current with developing good practice.

(2) Darlington's Town Centre 'Pedestrian Heart' - The Leader introduced the report and plan of the Director of Development and Environment (both previously circulated) seeking approval to the release of One NorthEast Single Programme Funding, Local Transport Plan funding and capital monies approved in the 2005/06 Capital Programme, in order to complete Phase Two main public realm works.

RESOLVED – That in order to complete the Phase Two main public realm works:-

- (a) Single Programme funding (£1,407,000 in 2005/06, £1,425,000 in 2006/07 and £75,000 in 2007/08), be released;
- (b) Corporate Resource (£1.25million in 2005/6 and £1.25million in 2006/7), be released;
- (c) Local Transport funding (£500,000 in 2005/6 and £140,000 in 2006/7), be released; and
- (d) the Director of Development and Environment be authorised to make any further changes required to the detailed design and materials in consultation with the Leader of the Council and the Cabinet Members for Regeneration and Planning and Highways and Transport;

REASONS - (a) To progress the Pedestrian Heart scheme.

(b) To enhance the economy, environment and ease of use of the town centre.

(c) To allow full use to be made of external funding.

(d) To allow the results of decisions on applications, further detailed design work and issues arising from contractors to be taken into account.

(3) (URGENT ITEM) Supporting People Five-Year Strategy - The Cabinet with the Community and Public Protection Portfolio introduced the report of the Director of Community Services (previously circulated) presenting to Cabinet a draft of the Five-Year Supporting People Strategy (also previously circulated).

RESOLVED – That the Five-Year Supporting People Strategy, as appended to the submitted report be endorsed and referred to Council for approval.

REASON - The aim of the Strategy is to provide opportunities for vulnerable people to receive the housing related support they need to live independently in the community.

(4) (URGENT ITEM) Housing Investment Programme 2005/06 - The Cabinet with the Community and Public Protection Portfolio introduced the report of the Director of Community Services (previously circulated) advising Members of the resources available for housing capital investment during 2005/06 and requesting that consideration be given to a programme to utilise those resources.

RESOLVED - That the Housing Investment Programme 2005/06, as detailed in the submitted report, be agreed and the funding released.

REASON - To enable the works and projects identified in the Housing Investment Programme for 2005/06 to proceed.

(6) Darlington Local Development Framework - Statement of Community Involvement in Planning - The Cabinet Member with the Regeneration and Planning Portfolio introduced the report of the Director of Development and Environment (previously circulated) requesting that consideration be given to the comments made in response to consultations on the draft Statement of Community Involvement (also previously circulated).

RESOLVED - That it be recommended to Council that:-

- (a) the responses to comments made during consultations, as detailed in Appendices 2 and 4 of the submitted report, be approved;
- (b) the Statement of Community Involvement, as appended to the submitted report, be agreed for submission to the Government, following completion of 'plain English' editing; and
- (c) delegated powers be conferred on the Director of Development and Environment, in consultation with the Cabinet Member with the Regeneration and Planning Portfolio, to agree the Council's response to representations on the submitted Statement of Community Involvement, including making changes to it, where necessary, prior to its Independent Examination.

REASONS - (a) An adopted Statement of Community Involvement is required under Government regulations.

- (b) The Statement of Community Involvement will provide clarity to all about the community engagement that will take place in the production of the Local Development Framework.
- (c) The Council's prompt response to representations made on the submitted Statement of Community Involvement is required by the Planning Inspectorate.

C226. SERVICE PLANNING 2005/06 - The Leader introduced the report of the Corporate Management Team (previously circulated) presenting the five departmental plans, along with the Chief Executive's office plan, in accordance with the Service Planning timetable for 2005/06.

RESOLVED - That the five departmental plans, and the Chief Executive's office plan, be adopted.

REASON - It will ensure continued implementation of the Corporate Plan, leading to further service improvement.

C227. OMBUDSMAN COMPLAINTS - REVIEW OF OUTCOME - Pursuant to Minute C99/Feb/04, the Leader introduced the report of the Director of Corporate Services (previously circulated) providing Members with an update of the outcome of cases which had been considered by the Local Ombudsman and indicating any points for particular attention and/or referral to the Standards Committee since the meeting of Cabinet held on 15th February, 2005.

RESOLVED - That the report be noted.

REASONS - (a) It is important that Members are aware of the outcome of complaints made to the Local Ombudsman in respect to the Council's activities.

- (b) The contents of this report do not suggest that further action is required.

C228. CALENDAR OF COUNCIL AND COMMITTEE MEETINGS 2005/06 - The Leader introduced the report the Director of Corporate Services (previously circulated) requesting that consideration be given to a calendar of Council and Committee meetings for the 2005/06 Municipal Year.

RESOLVED - That the calendar of Council and Committee meetings for the 2005/06 Municipal Year, as appended to the submitted report, be approved, and the meetings of Council be referred to the Annual Council meeting scheduled for 19th May, 2005.

REASON - To ensure that the calendar of meetings are approved for the forthcoming Municipal Year.

C229. PUBLIC PROTECTION FORUM - The Minutes (previously circulated) of the meeting of the Public Protection Forum held on 13th January, 2005.

RESOLVED - That the Minutes be received.

REASONS - They represent an accurate record of the meeting.

C230. DARLINGTON TRANSPORT FORUM - The Minutes (previously circulated) of the meeting of the Darlington Transport Forum held on 24th January, 2005.

RESOLVED - That the Minutes be received.

REASONS - They represent an accurate record of the meeting.

C231. (URGENT ITEM) WRITE OFF OF FORMER TENANT ARREARS AND HOUSING BENEFIT OVERPAYMENTS - The Cabinet Member with the Community and Public Protection Portfolio introduced the report of the Director of Community Services (previously circulated) giving an update on the current position on former tenant arrears of £127,793 and Housing Benefits overpayments of £4,830 and seeking approval of a total of £132,623 to be written off.

RESOLVED - That the total amount of £132,623 for former tenant arrears of £127,793 and Housing Benefit overpayments of £4,830 be written off subject to steps for recovery be taken, wherever possible, and if and when contact is made, or the former tenant wishes to be rehoused.

REASONS – Regular arrangements for writing off debts are in accordance with Audit Commission best practice for good financial management.

C232. SOUTH PARK CARPET BED - The Cabinet Member with the Leisure Services Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to the two requests received to design the South Park Carpet Bed.

RESOLVED - That the Darlington Rotary Club be selected as the organisation to provide a design for the carpet bed in the South Park.

REASON - To enable the design and planting of the South Park Carpet Bed to proceed.

C233 COMMUNITY LEISURE CHEST - The Cabinet Member with the Leisure Services Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to two requests for grant aid from the Community Leisure Chest.

RESOLVED - (a) Quakers Running Club - That a grant of £200 be made.

(b) Darlington 21st All Stars Junior Football Club - That a grant of £200 be made.

REASON - To enable officers to inform the organisations of their success or failure following their application for Community Leisure Chest Grant Aid.

C234. REGENERATION PROGRAMMES 2005/06 - The Cabinet Member with Regeneration and Planning Portfolio introduced the report of the Director of Development and Environment (previously circulated) requesting that consideration be given to the release of capital funds secured from the Single Regeneration Budget (SRB) and Single Programme for 2005/06 and the release of other external funding and Council contributions to SRB and Single Programme projects.

RESOLVED - (a) That the funding for the schemes, as detailed below, be released for use during 2005/06:-

Learning Intranet

Single Regeneration Budget	£	9,082
Darlington Borough Council		
Corporate Services	£	3,750

Town Centre Initiative

Single Regeneration Budget	£	23,500
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Faverdale East Business Park

Single Programme	£	500,000
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(b) That the use of the following external funding during 2005/06, for the schemes as detailed below, be noted:

Town Centre Pedestrian Heart

Single Programme	£	1,500,000
Local Transport Plan	£	500,000
Darlington Borough Council		
Capital Programme	£	1,250,000

Faverdale East Business Park

European Regional Development Fund	£	144,500
Darlington Borough Council		
Capital Programme	£	40,000
Darlington Borough Council		
Industrial Estates Project	£	27,000

REASONS - (a) To enable the projects to proceed.

(b) To enable the council to maximise the amount of external funding available to the Borough.

C235. NEW MEMORANDUM OF ASSOCIATION WITH THE NORTH EAST COMMUNITY FOREST - The Cabinet Member with the Regeneration and Planning Portfolio introduced the report of the Director of Development and Environment (previously circulated) seeking approval to ratify the new Memorandum of Association of the North East Community

Forest (MOA) currently in draft form (also previously circulated); agreement to becoming a founder member of the Association; appointment of an Elected Member to be a Director of the Association; and authorisation for the Director of Development and Environment to sign the necessary documentation.

RESOLVED – That it be recommended to Council that:-

- (a) the new Memorandum of Agreement of the North East Community Forest, be approved;
- (b) this Council becomes a founder member of the North East Community Forests Limited;
- (c) an elected Member be nominated to be a Director of North East Community Forests.
- (d) the Director of Development and Environment, or his nominated representative, be authorised to sign the necessary documentation, subject to such minor amendments as may be agreed.

REASON - By agreeing to the new Memorandum of Agreement and by becoming members of the new North East Community Forests, the Council helps establish community forests in the Darlington Borough.

C236. DEATH IN SERVICE: CHRIS MARSH - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Development and Environment (previously circulated) informing Members of the death in service of Chris Marsh on Saturday, 26th February, 2005.

RESOLVED - (a) That Cabinet note with sadness, the recent death of Chris Marsh.

(b) The actions of the Council in conveying sympathy to Chris's wife and the support offered from Human Resource Management Division.

REASON – To report the sad death in service of Chris Marsh.

C237. BROOK TERRACE - PREMISES - The Cabinet Member with the Resource Management Portfolio introduced the report and plan of the Director of Community Services and the Director of Development and Environment (both previously circulated) seeking authority to declare the premises at Brook Terrace, as shown on the plan appended to the submitted report, surplus to the Council's requirements and dispose of the Council's freehold interest.

RESOLVED - That the premises in Brook Terrace, as shown in the plan appended to the submitted report, be declared surplus to the Council's requirements and the Director of Development and Environment be authorised to dispose of the premises, as outlined in the submitted report.

REASONS - (a) There are no operational needs to merit retention of the premises.

(b) To remove the potential maintenance liability from the Council's Asset Register.

C238. AUDIT SERVICES - ANNUAL AUDIT PLAN 2005/06 - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) seeking approval to the Audit Services' Annual Audit Plan 2005/06 (also previously circulated).

RESOLVED - That the Audit Services' Annual Audit Plan for 2005/06, as appended the submitted report, be approved.

REASON - It comprises part of the Council's corporate governance arrangements.

C239. REVENUE BUDGET MANAGEMENT - MONTHLY MONITORING REPORT - JANUARY 2005 - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) presenting Directors' projections of income and expenditure for the year compared with approved budgets for consideration of the Council's overall revenue budget position for 2004/05.

RESOLVED - (a) That the 2004/05 revenue budget projections, as appended to the submitted report, be noted.

(b) That further budget management reports be presented regularly to Cabinet.

REASON - To ensure that robust revenue budget management procedures are maintained.

C240. CAPITAL PROGRAMME - MONTHLY MONITORING REPORT - JANUARY 2005 - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) presenting an update of the Capital Programme and looking at spending resource levels.

RESOLVED - (a) That the progress of the Capital Programme 2004/05 be noted and the updated 2004/05 Capital Programme be approved.

(b) That the additional anticipated Housing Revenue Account Capital Receipts be noted.

(c) That contributions of £0.095m relating to Honeypot Lane Caravan Site be released.

(d) That additional Revenue contributions of £0.005m in relation to the Town Hall security system be released.

(e) That additional contributions of £0.021m in relation to Various Land Sale Costs be released.

(f) That additional Capital contributions of £0.021m relating to Play Areas be released.

(g) That additional Revenue contributions of £0.091m in relation to the Arts Centre Refurbishment scheme be released.

REASON –(a) To approve the updated 2004/05 Capital Programme.

(b) To allow the Housing Capital Programme to proceed.

(c) To allow the 2004/05 Capital Programme to proceed.

C241. (URGENT ITEM) CAPITAL PROGRAMME 2005/06-2006/07 - RELEASE OF FUNDS - The Cabinet Member with the Resource Management Portfolio introduced the report of the Corporate Management Team (previously circulated) seeking approval to release capital monies from the Corporately funded Capital schemes approved in the 2005/06 Capital Programme.

RESOLVED - (a) That the details of each individual capital scheme, as detailed in the submitted report, be noted and the following Capital Funding be released:-

- (i) Planned Maintenance – Capitalised Repairs to Operational Land and Buildings - £150,000;
- (ii) Northgate Building Improvement Scheme - £100,000;
- (iii) Asbestos Management - £40,000;
- (iv) Crown Street Library - £95,000;
- (v) South Park Restoration - £120,000;
- (vi) DDA and Fire (Workplace) Regulations Compliance - £100,000;
- (vii) Reconfiguration of Learning Disability Day Service - £200,000 in 2005/06 and £200,000 in 2006/07;
- (viii) Cockerton Library Refurbishment - £40,000;
- (ix) CCTV Parks and Cemeteries - £100,000;
- (x) Crematorium Improvement- £60,000;
- (xi) Refurbishment of Parks and Cemeteries - £30,000;
- (xii) Replacement of Heating and Ventilation system at the Civic Theatre - £60,000;
- (xiii) Contact Centre Building Costs - £100,000;
- (xiv) Voice and Data Network - £75,000 in 2005/06 and £75,000 in 2006/07;
- (xv) Replacement/Restoration of Boundary Fencing to South Park - £36,000;
- (xvi) CCTV Equipment Upgrade - £85,000;
- (xvii) Refurbishment of South Park Aviary - £24,000;
- (xviii) Renewal of Litter and Dog Bins – £10,000;
- (xix) Central House Telephone System - £60,000; and
- (xx) Installation of Drainage System and Landscaping to inner field of Eastbourne Athletics Track - £20,000

(b) That it be recommended to Council that provision grants for building works to properties in Conservation Areas be delegated to the Director of Development and Environment, in consultation with the Cabinet Member with the Regeneration and Planning Portfolio.

REASON - The recommendations are supported to enable work to proceed on the Capital Medium Term Financial Plan.

C242. DISCRETIONARY RATE RELIEF 2004/05 - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to an application in respect of discretionary rate relief that had been received from a charitable and non profit making organisation.

RESOLVED - That New Era Housing Association be awarded discretionary rate relief of 20 per cent in respect of it premises at Offices 1 and 2, 39 Skinnergate, Darlington.

REASON - To continue existing policy.

C243. FINANCIAL ASSISTANCE 2004/05 - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to four applications in respect of financial assistance from two charitable and non-profit making organisations and two individuals.

RESOLVED – (a) The Andrew Mynarski VC Memorial Concerts, Central Hall, Dolphin Centre, Darlington on 13th March and 10th April, 2005 in aid of the Forgotten Hero Appeal – That a grant of £900 be made.

(b) Neasham Reading Room, Sockburn Lane, Neasham - That a grant of £100 be made.

(c) Philip Liversage - 3 Year Attendance at Texas A and M University, Laredo, Texas - Professional Football Scholarship - That a grant of £300 be made.

(d) Tom Short - Taekwondo - Invitation to receive specialist training with Masters in Seoul, Korea - That a grant of £300 be made.

REASONS – The applications met the criteria for support.

C244. MEMBERSHIP CHANGES - There were no membership changes reported to the meeting.

C245. (URGENT ITEM) EDUCATION VILLAGE –CHANGE IN FUNDING MECHANISM – With the prior approval of the Leader to the matter being treated as urgent to allow a decision to be made on the method of payment of Private Finance Initiative (PFI) Grant for the Education Village to be with the Office of the Deputy Prime Minister by the required deadline, the Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) advising Members of a change in the method of Government support for (PFI) schemes.

RESOLVED – That the Annuity Grant distribution for the Education Village, as detailed in the submitted report, be agreed.

RESOLVED – It is the most cost effective option.

C246 – MR. GEOFFREY PENNINGTON – DIRECTOR OF EDUCATION – The Leader reported that Mr. Geoffrey Pennington, Director Education, was retiring and would be leaving the Council shortly.

RESOLVED – That Mr. Geoffrey Pennington be thanked for all his work for the Council and the best wishes of Cabinet be expressed to him for the future.

REASON – To express the wishes of Cabinet.

C247. 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 paragraphs 7, 8 and 9 of Part I of Schedule 12A to the Act.

C248. DARLINGTON GATEWAY - FAVERDALE EAST BUSINESS PARK PHASE 1 (EXCLUSION NO. 7 AND 9) - The Cabinet Member with the Resource Management Portfolio introduced the report and plan of the Director of Development and Environment (both previously circulated) seeking approval to the terms negotiated with the preferred developer for the development of sites A and B, as shown on the plan appended to the report, on phase 1 of the Faverdale East Business Park development and seeking authority to negotiate to facilitate the development of the remaining plots.

RESOLVED - (a) That the revised terms negotiated with the preferred developer for the development of Sites A and B of Phase 1, as detailed in the submitted report, be approved and the Director of Development and Environment and the Borough Solicitor be authorised to complete the documentation as necessary.

(b) That the Director of Development and Environment be authorised to advertise, market and negotiate terms with interested parties for the development of the remaining plots at Faverdale East Business Park and, in consultation with the Cabinet Member with the Resource Management Portfolio, agree terms and dispose of plot(s) accordingly.

(c) That the terms agreed be reported to a future meeting of Cabinet on the Schedule of Transactions.

REASONS - (a) To achieve development of Sites A and B on Phase 1 in the Council's best interest.

(b) To achieve a capital receipt for the Council and a return to One NorthEast on their Joint Venture investment.

(c) To make land available for development on the remainder of the Faverdale East Business Park and to encourage investment in the Borough.

C249. DENMARK STREET - PREMISES AND LAND (EXCLUSION NOS. 7 AND 9) - The Cabinet Member with the Resource Management Portfolio introduced the report and plan of the Director of Development and Environment (both previously circulated) requesting that consideration be given to a request to acquire the Council's freehold interest in the land at Denmark Street Surgery, as shown on the plan appended to the submitted report.

RESOLVED - (a) That the request to acquire the land and premises, as shown on the plan appended to the submitted report, be approved on the terms outlined in the submitted report.

(b) That the Director of Development and Environment and the Borough Solicitor be authorised to proceed accordingly with the disposal.

REASONS - (a) There are considered to be no strategic operational needs to merit retention of the land and premises.

(b) To generate a capital receipt from the disposal of the asset.

(c) To facilitate the expansion of the medical facilities available to the community within the North Road corridor.

C250. SCHEDULE OF TRANSACTIONS (EXCLUSION NOS. 7, 8 AND 9) - The Cabinet Member with the Resource Management Portfolio introduced the report and schedule of the Director of Development and Environment (both previously circulated) requesting that consideration be given to the schedules of transactions and seeking approval of the terms negotiated.

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

REASON - The terms negotiated require approval by Council before binding itself contractually to a transaction.

**DECISIONS DATED -
FRIDAY, 18TH MARCH, 2005**