

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY, 26TH JULY, 2004**

CABINET
13th July, 2004

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

APOLOGIES -

ABSENT -

ALSO IN ATTENDANCE – Councillors Johnson and Richmond. (2)

C29. DECLARATION OF INTERESTS - There were no declarations of interest reported at the meeting.

C30. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of Cabinet held on 8th June, 2004.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C31. MATTERS REFERRED TO CABINET – There were no matters referred back for reconsideration.

C32. ISSUES ARISING FROM SCRUTINY – Library Standards Task and Finish Review Group – Final Report – The Cabinet Member with the Education Portfolio introduced the report of the Director of Education (previously circulated) reporting the Lifelong Learning Scrutiny Committee’s recommendations on the outcome of the Library Standards Task and Finish Review Group. A copy of the final report of the Review Group established to investigate how this Council’s performance against the library standards, compared with that of neighbouring authorities, was appended to the submitted report.

The Comments of the Director of Education in respect of the Review were detailed in the submitted report.

RESOLVED –(a) That the recommendations of the Lifelong Learning Scrutiny, as detailed in the submitted report, be noted.

(b) That it be noted that the mobile library will be replaced as a matter of priority and additional resources be made available.

(c) That the e-library be developed using existing resources to meet rising use and expectations.

(d) That the performance of the library service be assessed against the new public library standards when they are published.

(e) That the work to make the library a key part of the council in terms of delivery of social inclusion be confirmed and developed.

(f) That the Lifelong Learning Scrutiny Committee be thanked for their work in undertaking the review.

REASON - This is a period of transition for Library services nationally and it is prudent to wait until clearer guidance on service provision is received from the Department for Culture, Media and Sport.

C33. KEY DECISIONS – (1) Strategy to Promote and Support Improvement in the Education of ‘Looked After’ Children – The Cabinet Member with the Education Portfolio introduced the report of the Director of Education and the Director of Social Services (previously circulated) outlining the progress made in developing a joint Education and Social Services Strategy to promote and support improvement in the Education of ‘looked after’ children (also previously circulated).

RESOLVED – (a) That the report be noted and the Strategy, as appended to the submitted report, be approved.

(b) That an annual report on the attainment of ‘looked after’ children be submitted to Cabinet.

REASONS – (a) These children are the responsibility of Members and it falls within their remit to agree the Policy.

(b) Members should monitor on an annual basis the attainment of ‘looked after’ children.

(2) Darlington 14 to 19 Area Wide Review Action Plan – The Cabinet Member with the Education Portfolio introduced the report of the Director of Education (previously circulated) requesting the consideration be given to the 14 to 19 Area Wide Review Action Plan (also previously circulated).

RESOLVED – (a) That the Darlington 14 to 19 Area Wide Action Plan, as appended to the submitted report, be endorsed.

(b) That the Director of Education be empowered to facilitate the actions, as detailed in the submitted report.

REASONS – (a) The implementation of the Plan will have a significant impact, both immediately and in the longer term, on learning provision and opportunities for young people in Darlington.

(b) It will also meet the needs of employers more effectively in terms of the skilled workforce they seek.

(3) Harrowgate Hill Infant and Junior School – Closure and the Opening of Harrowgate Hill Primary School – Pursuant to Minute C203(3)/Mar/04, the Cabinet Member with the Education Portfolio introduced the report of the Director of Education (previously circulated) updating Members on the proposal to close Harrowgate Hill Infant and Harrowgate Hill Junior Schools, and the opening of the new Harrowgate Hill Primary School in September 2005.

RESOLVED – That the report be noted.

REASONS – To update Cabinet on the outcome of the representation period.

(4) School Holiday and Term Dates 2005/2006 – Pursuant Minute C7(3)/Jun/04, the Cabinet Member with the Education Portfolio introduced the report of the Director of Education (previously circulated) requesting that consideration be given to alter the agreed school term dates for the academic year 2005/06, commencing September 2005, following a departure of the agreed schedule by neighbouring authorities.

RESOLVED – That the proposed holiday and term dates and associated professional development arrangements, as detailed in the Appendix to the submitted report, and previously agreed be confirmed.

REASON – To agree the school holiday and term dates for 2005/06 to assist schools in planning processes.

(5) Honeypot Lane Caravan Site – Improvements – The Cabinet with the Community Protection Portfolio introduced the report of the Director of Development and Environment (previously circulated) reporting on the allocation of grant from the Office of the Deputy Prime Minister (ODPM) for improvements to the Honeypot Lane Caravan Site and requesting that consideration be given to the release of that funding.

Particular reference was made to the work currently being undertaken at the Honeypot Lane Caravan Site to improve 14 amenity blocks and a transit site.

RESOLVED – (a) That the scheme for the provision of amenity blocks at Honeypot Lane Caravan site be approved and funding of £312,210.86 be released.

(b) That Council be requested to waive the Contract Procedure Rules, in respect of the contract for the improvements to the Honeypot Lane Caravan Site.

(c) That the Director of Development and Environment be given Delegated Powers to negotiate the contract with the existing contractor on the site.

REASONS – (a) To secure improvements to the site.

(b) To secure value for money and minimise delays in construction.

(6) Darlington ‘A Town on the Move’ – The Cabinet Member with the Highways and Transport Portfolio introduced the report of the Director of Development and Environment (previously circulated) informing Members of the proposed initial revenue expenditure during 2004/09 associated with the Darlington ‘A Town on the Move’ initiative, which was funded by the Department of Transport through its Travel Town Initiative.

RESOLVED – That the proposed expenditure, as detailed in the submitted report, to deliver the Council’s proposals for the ‘A Town on the Move’ initiative, be noted.

REASONS – (a) To enable the background research and initial project outputs to occur within the timescale set by the Department for Transport.

(b) To permit partnership working with the Council's fellow Sustainable Travel Demonstration Towns.

(c) To enable the Council to maximise the amount of external funding available to help residents of the Borough.

(7) Town Centre Business Plan – The Cabinet Member with the Regeneration and Planning Portfolio introduced the report of the Director of Development and Environment (previously circulated) presenting the draft Darlington Town Centre Business Plan and Annual Action Plan (both also previously circulated), as part of a wider consultation programme and seeking approval for Council Officers to implement those actions which were attributed to the Council within the Action Plan.

RESOLVED – (a) That the draft Town Business Plan and Annual Action Plan, both as appended to the submitted report, be welcomed and supported.

(b) That Council Officers be authorised to implement those actions which are attributed to the Council within the Action Plan

(c) That it be recommended to Council at its meeting scheduled for 30th September, 2004, to adopt as Council policy those aspects of the Business Plan which impact on Council responsibilities.

REASONS – (a) To provide Council comments on the Business Plan and Action Plan.

(b) To give Officers the appropriate authorisation to implement the relevant action points within the Annual Action Plan.

(c) To enhance the vitality and economy of the town centre.

(8) Haughton Road Site – The Cabinet Member with the Regeneration and Planning Portfolio introduced the report of the Director of Development and Environment (previously circulated), outlining the progress of the current masterplanning study for the Haughton Road Site and seeking approval for the Council's involvement in the project. A plan of the site was appended to the submitted report.

Particular reference was made to a number of issues which needed addressing, namely:- the Council's involvement in the Project as a landowner; the Heads of Terms for a development agreement; relocating the Council depot; instigation of a consultation process should the proposal to relocate the allotments go ahead as part of the project; and the undergrounding of the overhead high voltage power lines.

RESOLVED – (a) That the Council participates in the project as a landowner.

(b) That the Council depot be relocated to a location off Yarm Road/Salters Lane, to be agreed as part of the project, subject to this being achieved in a cost neutral manner.

- (c) That Tees Valley Regeneration be authorised to commence a consultation process with current holders of allotments in Hundens Lane.
- (d) That Officers be authorised to negotiate Heads of Terms for a development agreement and report to a future meeting of Cabinet.
- (e) That the undergrounding of the power lines as part of the project be supported and the grant of an easements and wayleaves to NEDL, as detailed in the submitted report, be approved.
- (f) That Officers be authorised to negotiate with English Partnership and other joint venture partners, the proposal for the Council to contribute to the cost of undergrounding the power lines, as outlined in the submitted report, and report to a future meeting of Cabinet in due course.
- (g) That the Borough Solicitor be authorised to complete the required documentation.

REASONS – (a) To implement the regeneration and economic development aspects of the Community Strategy and the Tees Valley Vision.

- (b) To engage the public and interested parties in developing plans and proposals for this area.

(9) Darlington Railway Centre Museum – Implementing the Development Plan – The Cabinet with the Leisure Services Portfolio introduced the report of the Director of Development and Environment (previously circulated), updating Members on the progress with the plans to redevelop the Darlington Railway Centre and Museum and requesting that consideration be given to the release of funding that had been secured through the Heritage Lottery Fund for the initial project planning work.

RESOLVED – (a) That the progress made in relation to the redevelopment of the Darlington Railway Centre and Museum, as detailed in the submitted report, be noted.

- (b) That the release of £36,000, following approval from the Heritage Lottery Fund for the Darlington Railway Centre and Museum Project Planning Grant application, be approved.

REASON - To enable Darlington Borough Council to tender for the project planning work, which is a key stage in the overall development programme for the Darlington Railway Centre and Museum that will allow work to start on site

(10) Annual Investment Strategy 2004/05 – The Cabinet with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to the Annual Investment Strategy section of the Treasury Management Strategy for 2004/05.

RESOLVED – That the Annual Investment Strategy 2004/05 be endorsed and forwarded to Council for approval.

REASONS – (a) In order to comply with the CIPFA Treasury Management in the Public Services: Code of Practice.

- (b) To approve a framework for Officers to work within when making investment decisions.

C34. TOWN CENTRE FORUM – Submitted - The Minutes (previously circulated) of the meeting of the Town Centre Forum held on 18th June, 2004.

RESOLVED – That the Minutes be received.

REASON - They represent an accurate record of the meeting.

C35. MONUMENTAL MASONS REGISTRATION SCHEME – The Cabinet Member with the Community Protection Portfolio introduced the report of the Director of Development and Environment (previously circulated) requesting that consideration be given to the adoption of a Monumental Masons Registration Scheme (also previously circulated) to maintain uniform standards of workmanship and working practice when erecting memorials in the Council's cemeteries.

RESOLVED – (a) That the Monumental Masons Registration Scheme, as appended to the submitted report, be approved.

(b) That the Scheme comes into operation on 1st August, 2004.

REASONS – (a) The Scheme will improve standards for the erection and safety of memorials.

(b) The scheme will reduce future liability to the Council and the person commissioning the memorial.

C36. NORTH, EAST AND WEST CEMETERIES AND DARLINGTON CREMATORIUM REGULATIONS – REVISION - The Cabinet Member with the Community Protection Portfolio introduced the report of the Director of Development and Environment (previously circulated) presenting for review and revision, the regulations (also previously circulated) made to govern the use of the Borough's Cemeteries and Crematorium.

RESOLVED – That it be recommended to Council that:-

(a) the Cemeteries and Crematorium Regulations be made in the form attached to the submitted report, the Common Seal of the Council be affixed thereto and that they come into effect on 1st August 2004; and

(b) the North, West and East Cemetery Regulations and Crematorium Regulations made on 13th October 1975, be revoked from 1st August 2004

REASONS – (a) The need to revise the regulations to reflect current social and technical conditions.

(b) To increase public choice.

C37. FOOTPATH - HURWORTH TO NEASHAM – The Cabinet Member with the Highways and Transport Portfolio introduced the report of the Director of Development and Environment (previously circulated) seeking approval for the construction of a new footpath between Hurworth and Neasham.

RESOLVED – (a) That the proposal to construct a footpath between Hurworth and Neasham, as detailed in the report, be approved.

(b) That the Director of Development and Environment be authorised to negotiate with the land owner and, in consultation with the Cabinet Member with the Resource Management Portfolio, agree terms.

(c) That the Borough Solicitor be authorised to document and complete the necessary documentation

(d) That the Council construction funding package of £75,000 allocated from existing Capital and Revenue budgets and a £5000 contribution from Section 74 Income, be approved.

(e) That the £25,000 contribution from Castlebeck Care, be released.

(f) That the annual cost of approximately £800 for cutting the new grassed verge be met from the highway verge maintenance budget.

REASONS – (a) To discharge a condition of the Planning Approval for Newbus Grange and to provide an improved pedestrian and cycle link between the two villages for use by residents and visitors that will encourage more people to walk and cycle and make it safer for those who already do.

(b) To acquire the land required for the scheme.

(c) To expedite the implementation of the scheme.

(d) To provide an appropriate funding package to implement the scheme.

(e) To provide funding to maintain the verge to an appropriate standard.

C38. WEST PARK – The Cabinet Member with the Leisure Services Portfolio introduced the report of the Director of Community Services (previously circulated) informing Members of the proposed arrangements for the management of West Park which was due to open to the public in Spring 2005.

RESOLVED – That the proposal to manage West Park on the basis, as detailed in the submitted report, be approved.

REASON - To ensure management arrangements are in place when West Park opens for use by the public.

C39. IRRECOVERABLE SUNDRY DEBTS – PROPOSED WRITE OFF - 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 the write-off of Sundry Debtor arrears in respect of invoices with individual values greater than £500 that were considered to be irrecoverable.

RESOLVED – That invoices over £500 in value, in the sums of £37,016.60 for 2001/02, £46,894.42 for 2002/03 and £105,105.94 for 2003/04 be written off, subject to further action being taken, if and when further contacts are made.

REASONS – (a) All steps for the recovery of these debts have been taken.

(b) During the course of such actions to recover the debts it was established that the debtors were insolvent, deceased or had absconded.

(c) As a result the debts are deemed irrecoverable.

C40. 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 nine applications received from charitable and non-profit making organisations and two individuals.

RESOLVED – (a) Darlington Credit Union – That a grant of £250 be made.

(b) Darlington and District Dyslexia Support Group - That a grant of £250 be made.

(c) Darlington Charity Partnership – Payroll Giving Consortium - That a grant of £2563.10 be made.

(d) Darlington District Youth and Community Association – Mobile Contact Bus – Summer Playscheme - That a grant of £785 be made.

(e) Eastbourne Youth Centre – Summer Playscheme - That a grant of £785 be made.

(f) Firthmoor and District Community Association – Summer Playscheme - That a grant of £785 be made.

(g) Haughton Youth Centre – Summer Playscheme - That a grant of £785 be made.

(h) Redhall Partnership - Summer Playscheme - That a grant of £785 be made.

(i) Skerne Park Youth and Community Centre – Summer Playscheme - That a grant of £785 be made.

(j) Eve Lucy Doherty – Raleigh International, Costa Rica and Nicaragua Expedition January, 2005 - That a grant of £300 be made.

(k) Paul Holloway – Attendance at Heidelberg University, Ohio, Professional Football Scholarship, Scheduled to take place 2004 – That a grant of £300 be made.

REASON – The applications are worthy of support.

C41. 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 a number of new applications in the respect

of discretionary rate relief which had been received from various charitable and non-profit making organisations.

RESOLVE – (a) That Blythwood Care Trust be granted 20 per cent discretionary rate relief on Unit 9, Whessoe Road, Darlington in 2003/2004 only.

(b) That Darlington Business Venture be granted 20 per cent discretionary rate relief in 2003/2004, 2004/2005 and 2005/2006 in respect of Room 205, Imperial Centre, Grange Road, Darlington.

(c) That Hospitaller of St. John of God be granted 20 per cent discretionary rate relief in 2003/2004, 2004/2005 and 2005/2006 in respect of all seven new applications relating to No. 1 Houndgate Darlington and Nos. 35/36 Blackwellgate, Darlington.

REASON - To continue existing policy

C42. REVENUE OUT-TURN 2003/04 – The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) presenting the Revenue Out-turn for 2003/04 to allow Members to consider the results in the light of the Council’s Medium Term Financial Plan and the Housing Revenue Account Out-turn.

RESOLVED – (a) That the positive revenue outturn for 2003/04 and the improved revenue balances, as at 31st March, 2004, be noted.

(b) That the departmental balances, as detailed in paragraph 9 of the submitted report, be carried forward to the 2004/05 Financial Year.

REASON - In order to continue the Council’s financial management arrangements and to make effective use of the Council’s resources.

C43. REVENUE BUDGET MANAGEMENT – MONTHLY MONITORING REPORT – MAY 2004 - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) presenting the Director’s 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 detailed in the submitted report, be noted.

(b) That £16,000 be released to meet the costs of the Members’ pensions.

(c) That further budget management reports be presented regularly to future meetings of Cabinet.

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

C44. CAPITAL OUTTURN 2003/04 - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) providing information on the Capital Programme Outturn position as at 31st March, 2004.

RESOLVED – That the 2003/04 Capital Outturn, be noted.

REASON – To allow Members to note the progress of the agreed Capital Programme.

C45. CAPITAL PROGRAMME – MONTHLY MONITORING REPORT – MAY 2004 -

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 and resource levels.

RESOLVED – (a) That the 2003/04 Capital Outturn, be noted.

(b) That Capital Resources of £0.020M. be approved in relation to the Hundens Park Changing Facility.

REASON - To allow Members to note the progress of the agreed Capital Programme and to formally release capital funding in relation to the Hundens Park Changing facility.

C46. TREASURY MANAGEMENT ANNUAL REPORT 2003/04 - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) informing Members of the Treasury Management activities of the Council and requesting that consideration be given to its performance throughout 2003/04.

RESOLVED – That the report be noted.

REASON – To comply with the Treasury Management Policy Statement adopted by this Council.

C47. MEMBERSHIP CHANGES – There were no membership changes to other bodies to which Cabinet appoints reported at the meeting.

C48. 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 1, 7, 8 and 9 of Part I of Schedule 12A to the Act.

C49. APPROVED SOCIAL WORK STATUS –AUTHORISATION (EXCLUSION NO. 1)

- The Cabinet Member with the Social Services Portfolio introduced the report of the Director of Social Services (previously circulated) requesting that consideration be given to the suitability of a staff member to undertake the role of Approved Social Worker.

RESOLVED – That approval be given to Stephen Agar, to undertake the role as an approved Social Worker for a five year period from 18th August, 2004 to 18th August, 2009.

REASON – In order to maintain sufficient Approved Social Workers for the purpose of discharging the functions conferred on the Social Services Department by the Mental Health Act 1983.

C50. (URGENT ITEM) HERITAGE LOTTERY FUND SOUTH PARK RESTORATION PROJECT – PHASE II WORKS (EXCLUSION NOS. 8 AND 9) - The Cabinet Member with the Leisure Services Portfolio introduced the report of the Director of Community Services (previously circulated) advising Members on the outcome of the tendering for Phase II of the South Park Restoration work and requesting additional funding to enable the contract for Phase II to be awarded.

RESOLVED – (a) That additional capital resources of £292,986, for the South Park Restoration Project, be approved.

(b) That the contract for Phase II of South Park Restoration Project, be awarded to John Hellens Contracts Limited in the sum of £2,682,420.

REASON - To enable Phase II of the HLF South Park Restoration Project to proceed at an early date.

C51. HAUGHTON ROAD SITE (EXCLUSION NOS. 7 AND 9) – Pursuant to Minute C33(8) above, the Cabinet Member with Regeneration and Planning Portfolio introduced the report of the Director of Development and Environment (previously circulated) advising Members on the progress of the current masterplanning study for the Haughton Road site and requesting that consideration be given to the four Council owned dwellings in Vicarage Road.

RESOLVED – (a) That the four Council owned dwellings in Vicarage Road be included in the project, subject to adequate compensation by the project for the loss of the four dwellings.

(b) That the Council's Housing Services Division and the Borough Solicitor be authorised to commence negotiations with the tenants of the four houses in Vicarage Road on their relocation to suitable accommodation.

(c) That the Borough Solicitor be authorised to complete the required documentation.

REASON – (a) To implement the regeneration and economic development aspects of the Community Strategy and the Tees Valley Vision.

(b) The houses will need to be demolished as part of the project to create a safe vehicular intersection for both users of Haughton Road and the Haughton Road development.

C52. 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 schedule and seeking approval of the terms negotiated.

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

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

**DECISIONS DATED -
FRIDAY, 16TH JULY, 2004**