

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY, 26TH JULY, 2010**

CABINET
13 July 2010

PRESENT - Councillor Williams (in the Chair); Councillors Copeland, Dixon, Harker, Hughes, McEwan, D A Lyonette, A J Scott and Wallis. (9)

INVITEES – Councillors Barker, I Haszeldine and Johnson. (3)

ALSO IN ATTENDANCE – Councillors Cartwright, Coultas, Curry, Francis, Lewis and Long. (6)

APOLOGIES – Councillors H Scott and Swainston and Mr. A. MacConachie. (3)

C21. DECLARATIONS OF INTEREST - There were no declarations of interest reported at the meeting.

C22. REPRESENTATIONS – In respect of Minutes C24, C26(2), C26(4), C43 and C47 below, representations were made by Members and members of the public in attendance at the meeting.

C23. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of Cabinet held on 15 June 2010.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C24. PETITION TO CABINET - The Cabinet Member with the Neighbourhood Services and Community Safety Portfolio introduced the report of the Assistant Chief Executive and the Assistant Chief Executive (Regeneration) (previously circulated) presenting a petition to Cabinet in relation to the proposed use of the Salvation Army Citadel building in Northgate, Darlington.

The Manager of the nursery, which was located close to the Salvation Army Citadel building in Northgate, addressed Cabinet in respect of the petition that had been submitted to the Council in respect of the proposed use of the building and stated that the number of signatures on the petition had now risen to over 3,000 and it was still on going. It was also stated at the meeting that the petition was opposed to the proposed location of the service not to its provision.

In addressing Cabinet reference was made to both the safeguarding and economic issues of locating the service to the building and to the fact that the centre could be located to an area without any consultation being undertaken. In respect of ‘safeguarding’, concern was expressed in relation to the location of the service close to a children’s nursery and to the possible risk that may have on the children who were at the nursery, and to their parents.

In respect of 'economic' issues, it was the perception that was the issue, and she believed that the viability of the nursery had already been damaged by the proposed location of the centre close to it, as ten children had already left the nursery; the value of the business had dropped; and it may eventually close as a result, with the loss of jobs and the loss of a facility for the children who currently used the it. Staff in the nursery had undertaken extra training to enable them to take children who required additional support and should the nursery close those places would be lost. The business was also included within the Town Centre Fringe, and should this and other businesses close in the area, investment in the area would be affected

The Ward Councillor for the Northgate area addressed Cabinet in respect of the concerns raised and stated that the treatment centre, which was currently located in her ward, had built relations with local residents and, in doing so, had allayed many of their fears.

The Cabinet Member with the Neighbourhood Services and Community Safety Portfolio responded to the concerns and issues raised, thereon.

RESOLVED - (a) That the petition and the views expressed by representatives from the Northgate area, and the legal position in relation to planning and ownership, as detailed in the submitted report, be noted.

(b) That the steps being taken to seek compromise and involvement with the petitioners, as detailed in the submitted report, be noted.

(c) That the views and strength of feeling expressed by the petitioners be relayed to the decision-making body, the Drug and Alcohol Action Team Partnership, through the Council's representative, Councillor Bill Dixon.

REASON - To ensure that the views of residents are considered by Members.

C25. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration.

C26. ISSUES ARISING FROM SCRUTINY - There were no issues arising from Scrutiny.

C27. KEY DECISIONS - (1) Learning Disability Day Care Services - Adult Social Care and Housing - The Cabinet Member with the Adult Services Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to the scoping statement (also previously circulated) for a proposed review of the modernisation of day opportunities for adults with learning disabilities and to the commencement of the formal consultation with all key stakeholder groups between 27 July and 26 October 2010.

RESOLVED - (a) That the scoping statement for a review of the modernisation of day opportunities for adults with learning disabilities, as appended to the submitted report, be agreed.

(b) That the formal consultation with all key stakeholders be undertaken between 27 July and 26 October 2010.

REASONS - (a) Valuing People Now (Department of Health 2009). This Government strategy sets clear targets to promote more personalised services, where people have more control over their lives, including what they do during the day. This is a 3 year strategy and the Government

wants to see:

- (i) All individuals have personalised, high quality support and care plans
 - (ii) More people in employment
 - (iii) More people able to live in their locality
 - (iv) The needs of people with the most complex needs are met in a creative and personalised way.
- (b) A life like any other (Joint Committee on Human Rights) This report clearly states that people with a learning disability have the same human rights as people without a disability and should be supported to have the same life choices as other members of society, and take an active part in community life.
- (c) Personalisation through Person Centred Planning (Department of Health 2010) *Putting People First* recognises that person centred approaches are key to planning and self directed support and maximising choice and control for individuals. We have carried out over 150 person centred reviews to date and service users are asking for more personalised day opportunities where they have more personalised support and control over their lives.
- (d) Improving the life chances of disabled people (Prime Ministers Strategy Unit 2005) The Government set a vision that by 2025 ‘Disabled people in Britain should have full opportunities and choices to improve their quality of life and will be respected and included as equal members of society’.
- (e) To rise to the challenge of the transitions agenda, whereby people up to the age of 25 are encouraged to self direct their own support. This support will be outcome focussed and promote and enable access to universal services, further education and employment opportunities.
- (f) The main policy driver around the needs of carers focuses upon their ability to undertake their caring role in the confidence that their relatives / friends needs are being addressed in a modern person-centred way.

(2) North East Smart Transport Ticketing Initiative (NESTI) - The Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (Regeneration) updating Members on the work taking place regionally to develop and implement smart public transport ticketing for the North East of England and seeking approval for the proposed governance arrangements of the regional Smart Ticketing Programme, including the release of £441,406 in regional funding allocation (RFA) to contribute to financing the project.

The Director of Nexus gave an overview of the NESTI scheme to Members and in doing so stated that the scheme had potential to deliver other services; bus operators were interested in the scheme; and that work had already begun on introducing the scheme in the region with one trial currently being undertaken on a service running between Sunderland and Durham.

Discussion ensued on the ‘Oyster’ card and whether this scheme would be run in a similar way; funding of the scheme; future on-going costs; and expected usage of the scheme.

RESOLVED - (a) That this Council sign up to the North East Smart Ticketing Initiative (NESTI) Collaboration Agreement and £441, 406 of regional funding allocation capital grant for smart ticketing be transferred to the Tyne and Wear Integrated Transport Authority.

(b) That the terms of the bus operators agreement, as detailed in the submitted report, be approved.

(c) That the Leader, or in his absence his nominated representative, in his capacity as this Council's representative on the Leaders' Board (or any future successor body), be granted all necessary executive powers and functions, on behalf of the Council, relating to the North East Smart Ticketing Initiative (NESTI).

REASONS - (a) Plans for Smart Ticketing in the North East are very much in line with government objectives for the development of smart and integrated ticketing – as outlined in the consultation paper, 'Developing a strategy for smart and integrated ticketing'.

'Our vision for public transport in England is of universal coverage of smart ticketing infrastructure, supported by integrated and innovative ticket products which can be purchased easily and quickly, leading to a significantly improved travelling experience for the passenger'.

(b) Innovative use of smart ticketing has the potential to support the economic competitiveness of the north east, reduce carbon emissions and promote greater equality of opportunity for all citizens.

(c) There are substantial efficiency and cost saving benefits to be made in implementing a regional smart ticketing initiative in comparison to a local or sub-regional scheme. It has been estimated that the capital savings of investment in one regional back office Host Operating System (HOPS) as opposed to 4 regional HOPS is £2.7 Million.

(d) With respect to Darlington the bus operators agreement is a formal contract between the Tyne and Wear Integrated Transport Authority, Tyne and Wear Passenger Transport Executive Darlington Borough Council and Arriva North East; setting out clear terms and conditions for grant funding of the smart card readers on Arriva North East buses operating in Darlington.

(e) The North East Smart Ticketing Initiative (NESTI) Collaboration Agreement does not require any further funding commitment. See point 6 (b).

(f) The North East Smart Ticketing Initiative is a regional project requiring input from a political representative from each participating local authority.

(3) Swimming - Withdrawal of Grant of Government - The Cabinet Member with the Health and Leisure Portfolio introduced the report of the Director of Community Services (previously circulated) advising Members of the cessation of the Government grant for free swimming.

RESOLVED - (a) That the new charge for swimming for the over 60's be introduced from 1 August 2010.

(b) That charges from 1 August, 2010, for the over 60's, be at the level of an adult swim, the current charge for which is detailed in the appendix to the submitted report, along with details of the concession available from the LIVE Darlington card.

REASONS - (a) To ensure there is no unbudgeted financial impact on the Council's medium term financial plan.

(b) To bring swimming for the over 60's in line with the charges for adults.

(4) Tees Valley Unlimited - Economic and Regeneration Statement of Ambition - The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) seeking approval of the Tees Valley Unlimited Economic and Regeneration Statement of Ambition (also previously circulated) as a basis for wider consultation with the Tees Valley Unlimited partners and for developing the Tees Valley Investment Plan.

A Member in attendance at the meeting made reference to the need to raise the profile of advanced manufacturing as well as advanced engineering in the strategy; that it should be aimed at assisting all wards not just the deprived wards; and to one of the outcomes which he felt was not ambitious enough.

The Cabinet Member with the Economy Portfolio responded thereon, and requested that any comments in respect of the Statement of Ambition be put in writing and forwarded to Tees Valley Unlimited, as part of the consultation exercise.

RESOLVED - That the Tees Valley Unlimited Economic and Regeneration Statement of Ambition, as appended to the submitted report, be approved as a basis for wider consultation with the Tees Valley Unlimited Partners and for developing the Tees Valley Investment Plan.

REASON - To continue to implement policy and investment decisions across the Tees Valley, regionally and nationally.

(5) Treasury Management Annual Report and Out-Turn Prudential Indicators 2009/10 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) providing Members with information regarding the regulation and management of the Council's borrowing, investments and cash flow.

RESOLVED - (a) That the outturn 2009/10 Prudential Indicators, as detailed within the submitted report and in Appendix 1 to the submitted report, be noted.

(b) That the Treasury Management Annual Report for 2009/10 be noted.

(c) That the report be forwarded to Council, in order for the Prudential Indicators for 2009/10 to be approved.

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.

C28. FINANCIAL COST OF PLACEMENTS FOR LOOKED AFTER CHILDREN - The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Children's Services (previously circulated) informing Members of the current position relating to external placements for Looked After Children following the Laming Review (2009) and requesting that consideration be given to the proposal to increase the level of foster carers fees in line with other local authorities.

RESOLVED - (a) That the proposed increase in fees for foster carers, as detailed in the submitted report, be approved.

(b) That the projected overspend and the actions being taken to reduce costs, as detailed in the submitted report, be noted.

REASONS - (a) The cost of placing a child with a Darlington Borough Council foster carer is significantly less than placing them in an external placement.

(b) Darlington currently has difficulty recruiting a sufficient range of foster carers.

(c) To ensure that Darlington's professional fee for foster carers, which is currently one of the lowest in the North East, compares well with neighbouring Local Authorities.

(d) To enhance the opportunities for recruitment and retention of in house foster carers.

C29. DARLINGTON PARTNERSHIP AGREEMENT - The Cabinet Member with the Adult Services Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to the Partnership Agreement (also previously circulated) between this Council and Tees, Esk and Wear Valley NHS Trust for Adult Mental Health Services, Mental Health Services for Older People and Adult Learning Disability Services.

RESOLVED - That the Partnership Agreement, as appended to the submitted report, between this Council and Tees, Esk and Wear Valleys NHS Trust, for Adult Mental Health Services, Mental health Services for Older People and Adult Learning Disability Services, be approved.

REASONS - (a) Maximum opportunities for independence and recovery.

(b) Enablement for people who use services and their carers to contribute in providing effective services.

(c) Support for individuals to develop and maintain social inclusion, community membership and integration.

(d) Equitable access to specialist services.

(e) Appropriate and relevant information to inform increased choice and control.

(f) A comprehensive whole system approach to integrated services in terms of meeting the needs of people with complex issues on a formalised basis.

C30. CONSTITUTION - The Leader introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to the revised Constitution, incorporating in year changes, and seeking approval for amendments required following changes in legislation.

RESOLVED - That the revised Constitution be referred to Council for approval.

REASON - To ensure that the Council has an up to date and complete record of its decision making processes which is available to Members and the public.

C31. CONTRACT PROCEDURE RULES - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to proposed changes to the Contract Procedure Rules.

RESOLVED - That the proposed changes of the Contract Procedure Rules, as detailed in the submitted report, be noted and referred to Council for approval.

REASON - To ensure the Council's Contract Procedure Rules reflect current legislation and that any procurement is legally compliant.

C32. NEW POLITICAL ARRANGEMENTS - The Leader introduced the report of the Director of Corporate Services (previously circulated) setting out the process for implementation of the new political management arrangements required by the Local Government and Public Involvement in Health Act 2007.

RESOLVED - (a) That the proposals for the consultation on the new political arrangements, as detailed in the submitted report, be approved, but they be limited to an item on the Council's website and any statutory requirements.

(b) That the results of the consultation be referred to the meeting of Cabinet scheduled to be held on 2 November 2010 and to a special meeting of Council scheduled to be held on 25 November 2010.

REASONS - (a) There is a timetable set out by statute.

(b) To ensure that appropriate consultation is carried out before a decision is made.

C33. COMBINED SERVICE AND FINANCIAL PERFORMANCE REPORT - QUARTER FOUR 2009/10 - The Leader introduced the report of the Chief Executive and all Directors (previously circulated) reporting the Council's service and financial performance at year end (fourth quarter) 2009/10.

RESOLVED - (a) That the areas where targets have not been met, as detailed in the submitted report, be noted, and action planning be taken to address those key areas of under performance.

(b) That the on target performance against the Sustainable Community Strategy, Corporate Plan and the Local Area Agreement, as detailed in the submitted report, be noted.

(c) That the provisional financial outturn for 2009/10, compared with the approved 2009/13 Medium Term Financial Plan, as detailed in the submitted report, be noted.

REASON - To maintain appropriate management arrangements for the Council's finances, to make effective use of the Council's resources and to continue to effectively manage services and improve value for money.

C34. OUTCOME OF COMPLAINTS MADE TO THE OMBUDSMAN - REVIEW - The Leader introduced the report of the Director of Corporate Services (previously circulated) updating Members on the outcome of cases which had been considered by the Local Government Ombudsman (LGO) and indicating any points for particular attention since the preparation of the report for the meeting of Cabinet held on 30 March 2010.

RESOLVED - That the report be noted.

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

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

C35. BUSINESS MODEL - IMPLEMENTATION - The Leader introduced the report of the Corporate Management Team (previously circulated) updating Members on progress in implementing the business model and being used to inform the revision of the Medium Term Financial Plan in February 2010 and updating Members on future year financial resources projections.

RESOLVED - (a) That the programme for implementing the new business model via the transformation journey – Darlington 2015, as detailed in the submitted report, be noted.

(b) That the resources required to progress change and the impact on low priority work, as detailed in the submitted report, be noted.

(c) That a report be presented to a special meeting of Cabinet on the implications of the recent in year grant reductions and the revised financial projections.

REASONS - (a) To update Members on progress.

(b) To advise Members of the resource implications.

(c) To allow Cabinet to review the Medium Term Financial Plan (MTFP).

C36. ANNUAL REVIEW OF SIGNIFICANT PARTNERSHIPS 2009/10 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Assistant Chief Executive (previously circulated) presenting the outcome of the fourth annual review of Significant Partnerships, led by the Director of Darlington Partnership and based upon partnership toolkit questionnaires completed by the Council's Partnership Lead Officers.

RESOLVED - That the review of Significant Partnerships be endorsed and the actions being taken to address outstanding issues, be noted.

REASONS - (a) To enhance corporate governance arrangements in significant partnerships.

(b) To enhance the relevance and performance of partnerships in Darlington.

C37. COMPLAINTS UNIT PROGRESS AND ANNUAL COMPLAINTS REPORTS -

The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) providing Members with an update on the work of the Corporate Complaints Unit and providing the first Corporate Complaints, Complements and Comments Annual Report, following the introduction of the new Corporate Complaints Procedure in April 2009, along with both the Adult and Children's Services Complaints, Complements and Comments Annual Reports (all also previously circulated).

RESOLVED - That the content of the attached of the annual reports, be noted and the improvements made to date in relation to the Council's complaints handling arrangements and the impact this new approach in driving down the costs associated with complaints handling and resolution, be noted.

REASON - To enable Cabinet to understand the improvements made to complaints handling and reporting arrangements, following the introduction of the Corporate Complaints Unit.

C38. REGULATION OF INVESTIGATORY POWERS AND ARRANGEMENTS - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) informing Members of the use of powers under the Regulation of Investigatory Powers Act (RIPA) 2000 and reviewing the Council's current arrangements in the light of the recent inspection by the Surveillance Commissioner on 8 April 2010.

RESOLVED - (a) That the progress against the recommendations of the latest inspection report, as detailed in the submitted report, be noted.

(b) That the revised Regulation of Investigatory Powers Policy, as appended to the submitted report, be approved.

(c) That the first quarterly report on the policy and the use of RIPA, be received.

REASONS - (a) To ensure appropriate use of powers contained within relevant legislation.

(b) To ensure compliance with the new Codes of Practice.

C39. CAPITAL PROGRAMME OUTTURN 2009/10 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) providing information on the delivery of the Council's capital programme, the financial outturn position as at 31 March 2010 and the proposed financing of the 2009/10 capital expenditure.

RESOLVED - (a) That the delivery and financial outturn of the 2009/10 Capital Programme, as detailed in the submitted report, be noted.

(b) That the resource virements, as detailed in Appendix 3 to the submitted report, be approved.

(c) That the overspend within the Transport Programme to be carried forward and resourced from the 2010/11 allocation, as detailed in the submitted report, be noted.

(d) That the overspend to be carried forward into 2010/11 within Adult Services, pending the release at Cabinet of Department of Health Carefirst Information Grant, as detailed in the submitted report, be noted.

(e) That the increases and (reductions) in budgets as detailed in the following table, be approved, and the funding be released, for those schemes which are financed by contributions:-

Scheme	Amount	Financed by
Cycling England	£6,000	Grant
Former Landfill Sites	(£75,000)	Grant
Railway Centre	(£32,000)	Grant
Bus Depot Works	(£81,000)	Grant
SSC GIS	£4,000	Grant
Single Programme Schemes	(£290,000)	Grant
Allotments Clearance	(14,000)	Grant
Total	(£482,000)	
Refurb. of Parks	£20,000	Contribution
Red Hall Play Area	£20,000	Contribution
Bowes Ct Parks & Play	£55,000	Contribution
Lascelles Play Area	£29,000	Contribution
North Park Bandstand	£56,000	Contribution
West Park Play Area	£25,000	Contribution
Total	205,000	
The Phoenix Centre	(£100,000)	Corporate Resources
Dolphin Centre Refurb	(£35,000)	Corporate Resources
Pedestrian Heart	(£25,000)	Corporate Resources
Faverdale Archaeology	(£2,000)	Corporate Resources
DETC	£77,000	Corporate Resources
Various Corporate Services	£31,000	Corporate Resources
Total	(£54,000)	
Various Housing	(£1,079,000)	Departmental Borrowing
ICT Room	£44,000	Departmental borrowing
Total	(£1,035,000)	
Connexions	£1,000	Revenue Contribution
Grand Total	(£1,365,000)	

REASON - To enable Members to note the progress of the 2009/10 Capital Programme and to allow the capital spend to be fully financed

C40. REVENUE OUTTURN 2009/10 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) presenting the revenue outturn 2009/10, to allow Members to consider the results in light of the Council's Medium Term Financial Plan for the General Fund and also consider the collection fund and Housing Revenue Account outturn.

RESOLVED - (a) That the satisfactory results for 2009/10 revenue outturn, as detailed in the submitted report, be noted.

- (b) That the increase in General Fund corporate reserves in respect of corporately managed resources totalling £334,000, as detailed in the submitted report, be noted.
- (c) That contributions from departmental resources of £485,000 to General Fund corporate reserves, as detailed in the submitted report, be approved.
- (d) That contributions of £270,000 from General Fund reserves to departmental resources, as detailed in the submitted report, be approved.
- (e) That resources totalling £298,000 be approved to be carried forward to 2010/11.
- (f) That an earmarked reserve be established to hold the Local Area Agreement Performance Reward Grant, pending decisions regarding how the grant is used.

REASON - In order to maintain appropriate management arrangements for the Council's finances and make effective use of the Council's resources.

C41. PROJECT POSITION STATEMENT AND CAPITAL PROGRAMME MONITORING - QUARTER ONE 2010/11 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services and the Director of Community Services (previously circulated) providing Members with a summary of the latest capital resource and commitment position, to inform monitoring of the affordability and funding of the Council's capital programme; update on the current status of all construction projects currently being undertaken by the Council; and the financial cost for projects with values below £1M (larger projects are subject to separate reports).

RESOLVED - (a) That the status position on construction projects, as detailed in the appendix to the submitted report, be noted.

- (b) That the projected capital expenditure and resources, as detailed in the submitted report, be noted.
- (c) That £13,000 Disabled Facility Grants, as detailed in the submitted report, be approved.
- (d) That the completed schemes, as detailed in Appendix 3 to 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.

C42. REVENUE BUDGET MONITORING 2010/11 - QUARTER ONE - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) providing an early forecast for the 2010/11 revenue budget outturn as part of the Council's continuous financial management processes.

RESOLVED - (a) That the forecast revenue outturn for 2010/11 and actions being taken to manage the Council's finances and services, 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.

C43. TEES VALLEY UNLIMITED (TVU) - REVIEW - The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) setting out the progress to date on the review of Tees Valley Unlimited (TVU) and seeking endorsement of the work undertaken and of the next steps.

RESOLVED - (a) That the progress made to date in respect of the review of Tees Valley Unlimited, as detailed in the submitted report, be noted.

(b) That the principles of the revised Tees Valley Unlimited and the appointment of a new Managing Director, be agreed.

(c) That the proposed next steps and the delivery of the detailed transition plan, as detailed in the submitted report, be noted.

REASONS - (a) To create more effective arrangements for driving forward the delivery of the Tees Valley Statement of Ambition.

(b) To create efficiencies, greater clarity and improved collaborative working.

C44. TEES VALLEY MINERAL AND WASTE PLANNING FRAMEWORK - CHANGES TO DRAFT DOCUMENTS - The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) seeking authority to publish, and subsequently submit to Government, proposed changes to the Draft Development Plan Documents (DPD's) which will guide future minerals and waste development in Darlington.

RESOLVED – That it be recommended to Council that:-

(a) the publication of the proposed changes to the draft Tees Valley Joint Minerals and Waste Core Strategy and Policies and Sites Development Plan Documents (DPDs) in so far as they relate to the Borough of Darlington, be approved;

(b) subject to no substantive amendments to the proposed changes being necessary following publication, approval be given for subsequent submission of the changes and the draft Development Plan Documents to the Government; and

(c) authority be given to the Assistant Chief Executive (Regeneration), in consultation with the Cabinet Member for the Economy, to make any necessary minor amendments to the proposed changes prior to publication and submission.

REASON - To enable the adoption in due course of minerals and waste policies in this Council's Local Development Framework.

C45. DARLINGTON LOCAL DEVELOPMENT FRAMEWORK - PUBLICATION DRAFT CORE STRATEGY - The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) outlining the key planning policies and proposals of the Darlington Local Development Framework (LDF) Publication Draft Core Strategy and the main changes that have been made to the document since it was considered and agreed by Cabinet as a revised preferred options document in January 2010; and requesting that the publication Draft Core Strategy be agreed and published, in accordance with Regulation 27 of the Town and Country Planning (Local Development) (Amendment) Regulations 2008.

The Assistant Chief Executive (Regeneration) circulated updated information, prior to the meeting, following the announcement by the Government that Regional Spatial Strategies would be revoked, with immediate effect.

Particular reference was made to the change in affordable housing targets, and the Assistant Chief Executive (Regeneration) responded thereon.

RESOLVED – That it be recommended to Council that:-

(a) the Local Development Framework Publication Draft Core Strategy, as amended to reflect the revocation of regional spatial strategies, be agreed and published, in accordance with Regulation 27 of the Town and Country Planning (Local Development)(Amendment) Regulations 2008;

(b) the Assistant Chief Executive (Regeneration), in consultation with the Economy Portfolio Holder, be authorised to make any minor changes to the wording, prior to finalising the Local Development Framework Publication Draft Core Strategy for submission to the Government for Public Examination; and

(c) the Assistant Chief Executive (Regeneration), in consultation with the Economy Portfolio Holder, be authorised to undertake any further consultations that are necessary to enable a sound Core Strategy to be finalised for submission to the Government for Public Examination, in accordance with the timetable of preparation set out in the Council's Local Development Scheme 2009/12.

REASONS - (a) To continue to progress towards fulfilling the statutory requirement to have an up to date Local Development Framework in place.

(b) To avoid unnecessary delays in the remaining stages of LDF Core Strategy preparation.

(c) To fulfil the regulatory requirements of Local Development Framework document preparation.

C46. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C47. (CALLED-IN) THE FORUM - HUMANTICS – With the prior approval of the Chair to the matter being treated as urgent, to enable Members to make a decision at an early date, the Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) and the Director of Corporate Services (previously circulated) requesting that consideration be given to the options and the implications of supporting the

Forum Music Centre and for taking forward the Council-owned premises, arising as a result of the announcement of its closure on 1 September 2010.

The Assistant Chief Executive (Regeneration) reported at the meeting that three petitions had been handed to him prior to the meeting in respect of the Forum, one of which contained 315 signatures which requested the Council to do all in its power to support the Forum's request for financial help and an e-petition containing 1,210 signatures, requesting the Council to change its decision to withdraw its support to the Forum. The third petition did not include a total and it was requesting that this Council allow the transfer of an £80,000 repayable loan to Humantics Community Interest Company to secure the future of the Forum.

A member of public in attendance at the meeting addressed Cabinet in respect of the facilities that were on offer at the Forum and stated that they were used by all age groups, not just young people.

A Member addressed Cabinet and in doing so made reference to the importance of the project; other similar projects; and to the wider implications of supporting this project.

Discussion ensued on the representation on the Board of the Forum; possibility of introducing a membership/subscription scheme to bring in funds; development of a Business Plan; previously agreed loan; and the role and uniqueness of the Forum.

RESOLVED - (a) That in the event that satisfactory security be provided, and on repayment of the current £80,000 loan to David Cox, the Director of Corporate Services be authorised to complete a secured loan for £80,000 to Humantics, on commercial terms and that £80,000 be kept set aside in the capital programme to cover the potential non-repayment of the loan.

(b) That in the event that Humantics secures the £80,000 funding it requires to draw down the grant from One North East, the Director of Corporate Services be authorised to enter into a 25 year lease agreement with Humantics, with the first five years rent free and other terms to be agreed.

(c) That a decision to consider how to deal with back-rent owed by David Cox in relation to the Forum be considered at a later date.

(d) That in the event that Humantics neither secures security nor finds an alternative source for the £80,000 funding, officers continue to work with David Cox to investigate opportunities to take forward Humantics and the Forum.

(e) That an independent review of the Humantics business plan be commissioned jointly with the Humantics Board.

(f) That temporary funding of up to £6,000 per month for up to 3 months, offset against the potential loan to Humantics, be advanced to The Forum whilst the review is carried out.

(g) That the Borough Solicitor be authorised to conclude the legal documentation accordingly.

REASONS - (a) To enhance the economic well-being of the Borough and to provide cultural activities, particularly for young people.

(b) To facilitate re-development of the wider Town Centre Fringe area.

(c) To fulfil the Council's fiduciary duties and safeguard the Council's assets.

(d) To allow the business to continue whilst a review takes place.

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 3 and 5 of Part I of Schedule 12A to the Act.

C49. DURHAM WASTE MANAGEMENT (EXCLUSION PARAGRAPH NO. 3) - With the prior approval of the Chair to the matter being treated as urgent, to enable Members to make a decision at an early date, the Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) concerning the Durham Waste Management Company.

RESOLVED - (a) That the decision of Durham County Council, as detailed in the submitted report, be noted, and the resulting effect on this Council, be agreed.

(b) That the Director of Corporate Services, in consultation with the Cabinet Member with the Efficiency and Resources Portfolio, be authorised to take any necessary actions in relation to this matter, in accordance with the submitted report.

REASONS - (a) To inform Durham County Council of this Council's views.

(b) To enable any decisions to be made quickly in relation to this matter.

C50. EQUAL PAY TRIBUNALS (EXCLUSION PARAGRAPH NO. 5) - With the prior approval of the Chair to the matter being treated as urgent, to enable Members to make a decision at an early date, the Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) updating Members on the current situation in relation to equal pay Employment Tribunal claims and seeking associated potential costs and risks of ongoing litigation.

RESOLVED – (a) That the approach taken to date to manage the financial risk posed by existing and potential future pay claims, as detailed in the submitted report, be noted.

(b) That a budget of £380,000 be allocated in the Medium Term Financial Plan for legal costs to defend Equal Pay claims.

REASON - To enable the Council to continue to manage claims and for appropriate financial resources to be set aside.

**DECISIONS DATED -
FRIDAY, 16TH JULY, 2010**