

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY, 28TH FEBRUARY, 2005**

CABINET
15th February, 2005

PRESENT - Councillor Williams (in the Chair); Councillors Bristow, Dixon, Harker, Lister, D.A. Lyonette, McEwan, L. Vasey and Wallis. (8)

APOLOGIES – Councillor Wallis.

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

C192. MR. BARRY KEEL – CHIEF EXECUTIVE – The Leader reported at the meeting that Mr. Barry Keel, Chief Executive, was leaving the Council to take up the post of Chief Executive at Plymouth.

RESOLVED – That Mr. Barry Keel be thanked for all his work for the Council and the best wishes of Cabinet be conveyed to him and his family, for the future.

REASON – To express the wishes of Cabinet.

C193. DECLARATION OF INTERESTS – (a) In respect of Minute C205 below, Councillor Johnson declared a personal and prejudicial interest as Chair of Age Concern, and left the meeting during consideration of that item.

(b) That in respect of Minute 208 below Councillors Dixon, Harker, Lister and McEwan declared personal interests as members of the Local Government Pension Scheme.

C194. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of Cabinet held on 18th January, 2005.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C195. MATTERS REFERRED TO CABINET – There were no matters referred back for reconsideration.

C196. ISSUES ARISING FROM SCRUTINY – There were no issues referred from Scrutiny Committees to this meeting.

C197. KEY DECISIONS – (1) Children’s Services Configuration for Darlington Borough Council - Proposals - The Cabinet Member with the Children’s Services Portfolio introduced the report of the Director of Social Services (previously circulated) outlining the initial stages in the development of Darlington’s Children’s Services.

A copy of the proposed structure and areas of responsibility; performance indicators and targets; and an outline change programme, for the establishment of the Children's Services Department, were appended to the submitted report.

The Cabinet Member with the Children's Services Portfolio stated that comments had been received from two of the unions consulted and that the Director of Education would meet with them to discuss the issues raised.

RESOLVED - (a) That the proposed Assistant Director structure and the proposals for the future structure and integration of Darlington's Children's Services Department, as detailed in the submitted report, be agreed.

(b) That the location of Adult Learning, the Youth Services and the Youth Offending Team/Early Interventions Team, as detailed in the submitted report, be agreed, with regular reviews and changes as necessary.

REASON - The Children Act 2004 requires local authorities to progress their plans for the formation of integrated children's services.

(2) Local Transport Plan - The Director of Development and Environment submitted a report (previously circulated) seeking approval to consult on the emerging issues arising during the preparation of Darlington's Second Local Transport Plan, which would cover the period 2006 to 2111. The deadlines for receipt of the provisional and final plans, by the Department for Transport, was 29th July, 2005 and 31st March, 2006, respectively.

The results from the initial consultation undertaken with stakeholders during November and December 2004, was appended to the submitted report.

RESOLVED - That the next stage of the consultation process in respect of Darlington's Second Local Transport Plan, be undertaken at the Travel Summit and with the general public in March, on the emerging issues, as detailed in the submitted report.

REASON - To be able to consult on the emerging issues and potential solutions to inform the development of the draft provisional second Local Transport Plan.

(3) (URGENT ITEM) A66 Tees Valley Gateway Study - The Director of Development and Environment submitted a report (previously circulated) briefing Members on the proposals put forward in the A66 Tees Valley Gateway Study for the future development of the A66(T) and requesting that consideration be given to a response from this Council to this study. An executive summary of the draft final report on the A66 Tees Valley Gateway Study, was appended to the submitted report.

RESOLVED - (a) That the North East Assembly be informed that Package 2 (full dualling) would be the preferred scheme from this Council's viewpoint in the long term, with Package 1B being considered as an initial phase, on the understanding that the Highways Agency does not, in the interim, object to the key developments as set out in the Study.

(b) That it be stress to the North East Assembly that the Darlington Eastern Transport Corridor scheme is a necessary precursor to any highways based solution to the A66(T) corridor.

REASONS - (a) Package 2 is seen as the best solution in terms of traffic management, safety, public perception and alternative modes for the long term economic growth of both Darlington and the wider Tees Valley and is the preferred scheme. However, Package 1B is acceptable as an initial phase of the larger scheme as a shorter term highway solution to the transport needs of the area.

(b) The Gateway Study assumes that the Darlington Eastern Transport Corridor is constructed and in use as a base case.

(4) Hundens Lane Allotment Relocation - The Cabinet Member with the Regeneration and Planning Portfolio introduced the report and plan of the Director of Development and Environment (both previously circulated) seeking authority to relocate the Hundens Lane allotments to alternative sites on Lascelles Park and Arnold Road, and to serve twelve month notices to tenants in March 2005.

RESOLVED - (a) That the relocation of Hundens Lane allotments to the designated sites on Arnold Road and Lascelles Park, be approved, subject to Secretary of State approval and Planning Permission for the alternative sites being granted.

(b) That the serving of twelve month notices to tenants in March 2005 be approved.

REASON - To enable the relocation to commence and ensure Central Park land is released for development by March 2006.

(5) Building Futures - The Cabinet Member with Regeneration and Planning Portfolio introduced the report of the Director of Development and Environment (previously circulated) seeking endorsement for the Tees Valley Building Futures Project 2004 to 2009 and requesting that consideration be given to this Council entering into a service level agreement with Hartlepool Borough Council, as lead and accountable body, for the initiative.

RESOLVED - (a) That the Tees Valley Building Futures Project 2004 to 2009, as detailed in the submitted report, be supported.

(b) That a Service Level Agreement be entered into with Hartlepool Borough Council, as lead and accountable body for the Tees Valley Building Futures Project 2004 to 2009.

REASONS - (a) To encourage training opportunities for the unemployed of Darlington to gain entry level skills and experience within the Construction Sector, and progress to higher level skills training.

(b) To support the local economy by tackling the skills shortages of the Construction Sector through this intermediate labour market initiative.

(6) British American Tobacco (BAT) Legacy Fund - The Cabinet Member with the Regeneration and Planning Portfolio introduced the report of the Director of Development and Environment (previously circulated) seeking endorsement to the proposed arrangements for the British American Tobacco (BAT) Legacy Group to determine the scope and spend of the BAT Legacy from 2004/05 to 2006/07.

RESOLVED - (a) That the arrangements for the British American Tobacco (BAT) Legacy Group to determine the direction and spend of the BAT Legacy Fund from 2004/05 – 2006/07, as detailed in the submitted report, be endorsed.

(b) That an annual report be submitted to Cabinet, detailing expenditure and a proposed programme of activity for the forthcoming year.

REASONS - (a) To enable the Legacy to be available to support Darlington businesses and employees of British American Tobacco (BAT) to take advantage of the Legacy now that the BAT plant has closed down.

(b) To support the local economy through a series of marketing initiatives to attract new investment into Darlington.

C198. SINGLE ASSESSMENT PROCESS - IMPLEMENTATION APRIL 2005 - The Cabinet Member with the Adult Services Portfolio introduced the report of the Director of Social Services and the Chief Executive of the Darlington Primary Care Trust (PCT) (previously circulated) requesting that consideration be given to the implementation of the Single Assessment Process across Darlington by April, 2005.

The submitted report stated that the implementation of the process would involve a number of key stakeholders and that an identical report would be submitted to the PCT Board.

RESOLVED - (a) That the Single Assessment Process be implemented into core health and social care services by April 2005.

(b) That the process be monitored, evaluated, and adapted as required to meet public need and support ongoing organisational change.

(c) That new ways of partnership working across health and social care, be supported.

(d) That information sharing, through agreed information sharing protocols, be supported.

REASONS - (a) To facilitate Department of Health requirements for a Single Assessment Process by April 2005.

(b) To support the Community Strategy vision for building a better future for Darlington. A major themed goal within the Community Strategy is ‘A place for living safely and well’, which will be achieved through partnership working with core agencies to improve the public health and well-being.

(c) To provide a more effective, efficient, person centred services across health and social care.

C199. OMBUDSMAN COMPLAINTS - REVIEW OF OUTCOME – Pursuant to Minute C159/Dec/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 14th December, 2004.

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 of the Council's activities.

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

C200. DARLINGTON ENVIRONMENTAL FORUM - Submitted - The Minutes (previously circulated) of the meeting of the Darlington Environmental Forum held on 20th December, 2004.

RESOLVED - That the Minutes be received.

REASON - They represent an accurate record of the meeting.

C201. (ITEM CALLED IN) DARLINGTON BOROUGH COUNCIL TOWN CENTRE 'PEDESTRIAN HEART' TRAFFIC REGULATION ORDER 2005 - The Director of Development and Environment submitted a report (previously circulated) requesting that consideration be given to the objections received to the proposed Traffic Regulation Order required to bring into effect the traffic management works for the Town Centre 'Pedestrian Heart' project.

RESOLVED - (a) That the objections made by Durham Constabulary, Talent Recruitment, Inspirations, S&CL Wilkinson and Glittering Star, to the proposed Darlington Borough Council Town Centre 'Pedestrian Heart' Traffic Regulation Order 2005, be set aside.

(b) That Officers be authorised to take the necessary steps to amend the proposed Darlington Borough Council Town Centre 'Pedestrian Heart' Traffic Regulation Order 2005, to accommodate the objections made by The Society of Friends and Darlington Association on Disability.

(c) That Officers be authorised to take the necessary steps to amend the proposed Darlington Borough Council Town Centre 'Pedestrian Heart' Traffic Regulation Order 2005, to permit taxi access to Crown Street from 10.00 p.m. until 7.00 a.m. and to permit Post Office and Parcel Force to use Northgate and Crown Street at all times.

(d) That Officers be authorised to carry out further discussion with the taxi trade as part of the consultation for appointing taxi ranks under the Local Government (Miscellaneous Provisions) Act 1976.

REASONS - (a) The objection to cycling in the proposed pedestrianised area made by Durham Constabulary is set aside to enable cycling in the 'Pedestrian Heart' to be monitored for a trial period of six months. A further report will be made to Cabinet following the monitoring period.

(b) The objections made by Talent Recruitment, Inspirations, S&CL Wilkinson and Glittering Star are set aside because the proposed waiting restrictions are necessary on road safety grounds.

(c) The objection made by Society of Friends is upheld and the proposed traffic regulation order amended to prohibit access to Skinnergate on a Sunday from 10.30 a.m. until 5.00 p.m. to permit access to their car park between 10.00 a.m. and 10.30 a.m.

(d) The objection made by Darlington Association on Disability is upheld and a recommendation made that market stalls are arranged in a single row in Horsemarket to ensure that the disabled bays remain operational every day of the week.

(e) The objection made by the taxi trade is set aside as it is not an objection to the proposed traffic management scheme but to the location of taxi ranks and this will be considered separately under different legislation.

C202. (URGENT ITEM) LANDLORD ACCREDITATION SCHEME - The Cabinet Member with the Community and Public Protection Portfolio introduced the report of the Director of Community Services (previously circulated) seeking approval to the introduction of a Private Sector Accredited Letting Scheme for Darlington. A Code of Standards, adapted to fit the needs of Darlington from the Accreditation Network UK model of good practice, was appended to the submitted report.

The Cabinet Member with the Community and Public Protection Portfolio stated at the meeting that the scheme would have an effect on the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998.

RESOLVED - (a) That the proposed Landlord Accreditation Scheme, as detailed in the submitted report, be agreed.

(b) That the post of Accreditation Officer be created and funded from the housing budget.

REASONS - (a) To raise standards within, and improve relationships with, the private rented sector.

(b) To administer the scheme.

C203. NEIGHBOURHOOD RENEWAL FUND - CONSULTATION - The Cabinet Member with the Regeneration and Planning Portfolio introduced the report of the Director of Development and Environment (previously circulated) informing Members of the options put forward by the Government for the distribution of the Neighbourhood Renewal Funding post 2005/06 and seeking support for this Council's response to the corresponding consultation exercise.

RESOLVED - (a) That the distribution of Neighbourhood Renewal Fund resources post 2005/6 to local authority areas with one or more Super Output Areas among the three per cent most deprived nationally, as detailed at Example 4 of the submitted report, be supported.

(b) That the targeting of Neighbourhood Renewal Fund resources primarily on the eligible Super Output Areas, whilst retaining sufficient flexibility to address wider issues identified in an area's Neighbourhood Renewal Strategy, be supported.

REASONS - (a) To enable the Council to respond to the consultation on the distribution of Neighbourhood Renewal Funding post 2005/06.

(b) To enable the Council to influence the distribution of Neighbourhood Renewal Funding post 2005/06, in line with previous lobbying efforts.

C204. 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 an application for grant aid from the Community Leisure Chest.

RESOLVED - (a) The Andrew Mynarski Concerts Committee - That a grant of £200 be made.

(b) Darlington Taekwondo 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.

C205. VOLUNTARY AND COMMUNITY SECTOR FUNDING - REVIEW - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Community Services (previously circulated) reviewing the current arrangements for providing funding to the voluntary and community sector and requesting that consideration be given to proposals for future funding and to constitutional changes required should delegated powers for decisions be given to an individual Cabinet Member.

RESOLVED - (a) That the grants, as detailed in Table 4 of the submitted report, be amalgamated to create a 'Community Grant' and that applications be subject to existing criteria and receivable throughout the year.

(b) That decisions on applications for the Community Grant be delegated to the Cabinet Member with the Resource Management Portfolio from 1st June, 2005, and it be recommended to the Annual Council Meeting that the Constitution changes highlighted at paragraphs 36 to 42 of the submitted report be approved, and the Council's Constitution be amended accordingly.

(c) That the grants for strategic funding be awarded for three years subject to an annual review against agreed objectives.

(d) That all grants to community and voluntary sector organisations be administered in accordance with the proposed application and Service Level Agreement arrangements, as detailed in the submitted report.

(e) That where Council representatives are appointed to Community and Voluntary Sector Organisations by the Council, they use their best endeavours to ensure that the application and Service Level Agreement terms are complied with.

(f) That with the exception of the Community Grant, all grant applications be administered as part of the annual budget review timetable.

REASON - To enable the outcomes of the review of Voluntary and Community Sector Funding to be implemented.

C206. CORPORATE GOVERNANCE - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services and the Head of Policy (previously circulated) seeking approval for amendments to the Local Code of Corporate Governance.

RESOLVED - (a) That the amendments to the Local Code of Corporate Governance, be approved, with regard to :-

- (i) the inclusion of the four new documents highlighted in paragraph 7 of the submitted report; and
- (ii) the two minor amendments as outlined in paragraph 9 of the submitted report.

(b) That it be recommended to Council that the Constitution be amended accordingly.

REASONS - (a) To ensure that members are satisfied that the management processes defined in the Local Code are actually being adhered to throughout the organisation.

(b) To assist the council in maintaining its current CPA rating for the Auditor Scored Judgements.

C207. CORPORATE HEALTH AND SAFETY POLICY - 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 Corporate Management Team and Joint Consultative Committee's recommendations on the adoption and implementation of a revised Darlington Borough Council Corporate Health and Safety Policy (also previously circulated). A copy of the report presented to the Joint Consultative Committee at its meeting held on 18th January, 2005, was also attached to the submitted report.

RESOLVED - That it be recommended to Council that the revised Corporate Health and Safety Policy, be approved and implemented in accordance with the Joint Consultative Committee report, both as appended to the submitted report.

REASONS - (a) The changes to the current policy are required to reflect changes within the Council and within the approach taken to the management of health and safety within all Council departments, services and schools.

(b) The revised policy sets out a modern framework for successful health and safety management, which takes account of best practice in the field of health and safety.

C208. LOCAL GOVERNMENT PENSION SCHEME - CHANGES - CONSULTATION - 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 response, via the Employers' Organisation, to a consultation by the Office of the Deputy Prime Minister (ODPM) on proposed changes to the Local Government Pension Scheme (LGPS).

RESOLVED - (a) That the changes to the Local Government Pension Scheme, to be introduced from 1st April, 2005, be noted.

(b) That the response, as detailed in appendix 3 to the submitted report, be forwarded to the Employers Organisation as this Council's response to the consultation by the Office of the Deputy Prime Minister on the proposed changes to the Local Government Pension Scheme.

REASON - To enable this Council's views on the proposed changes to the Local Government Pension Scheme to be taken into consideration in the Employers' Organisations response to the Office of the Deputy Prime Minister.

C209. MANAGEMENT OF CHANGE POLICY - 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 Management of Change Policy (also previously circulated).

RESOLVED - (a) That the Management of Change Policy, as appended to the submitted report, be approved.

(b) That the implementation programme, as detailed in paragraph 18 of the submitted report, be approved.

REASONS - (a) The policy will help the Council to manage organisational change in relation to its impact on employees effectively and in line with employment legislation and best practice.

(b) The policy will help the Council with the significant change programme involved in creating the new Children's Services Department.

C210. (URGENT ITEM) THREE YEAR REVENUE AND CAPITAL SETTLEMENTS - CONSULTATION PAPER - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting Members views on the draft response to the three year revenue and capital settlements consultation paper issued by the Office of the Deputy Prime Minister on 15th December, 2004, responses to which were required by no later than 11th March, 2005.

RESOLVED - (a) That the draft response to the consultation paper issued by the Office of the Deputy Prime Minister regarding Three Year Revenue and Capital Settlements, be reviewed.

(b) That the Director of Corporate Services be authorised to forward the views of this Council to the Office of the Deputy Prime Minister.

REASON - To enable a response from Darlington Borough Council to be forwarded to the Office of the Deputy Prime Minister regarding the consultation paper.

C211. SPRINKLERS IN NEW SCHOOL BUILDINGS - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) outlining background information in respect of the use of sprinklers within properties and requesting that consideration be given to adopting a policy for the inclusion of sprinkler systems in the future building of new schools within the authority.

RESOLVED - (a) That it be recommended to Council that the installation of sprinkler systems within the design of new Local Authority school buildings, be adopted as Council policy.

(b) That the installation of sprinkler systems within the design of Voluntary Aided Schools, be encouraged.

(c) That the inclusion of sprinkler systems in the design of other new Council buildings, be considered as appropriate.

(d) That the annual savings achieved from lower insurance premiums in buildings fitted with sprinkler systems be used to contribute towards the financing of Prudential Borrowing for sprinkler systems in new buildings.

REASONS - (a) The installation of sprinkler systems is strongly supported by the County Durham and Darlington Fire and Rescue Service and the Council's Insurer's, Zurich Municipal, and will demonstrate this Authority's commitment to a pro-active approach to fire safety in schools.

(b) In the event of a fire within those schools that are fitted with a sprinkler system, it will reduce financial loss and disruption to the School.

C212. 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 two applications in respect of financial assistance received from one charitable and non-profit making organisation and one individual.

RESOLVED - (a) Community Lunch Initiative - Grange Road Baptist Church - That a grant of £500 be made.

(b) Joanne Davies - Raleigh International, Rainforest Conservation Area in Malaysia scheduled to take place in July to September 2005 - That a grant of £300 be made.

REASON – The applications met the criteria for support.

C213. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C214. 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.

C215. TRANSPORT - DEVELOPER CONTRIBUTIONS (EXCLUSION NOS. 7 AND 8) - The Director of Development and Environment submitted a report (previously circulated) seeking approval for the release of funds resulting from agreements with developers for investment in the local transport network of Darlington.

RESOLVED - (a) That the release of the existing allocation from developers and other organisations for transport works to be carried out, as detailed in table 2 of Appendix 1 of the submitted report, be approved.

(b) That it be recommended to Council that the release of future funding from developers and other organisations for specified works under £50,000, to be carried out as a result of future planning decisions by the Council's Planning Applications Committee be delegated to the Director of Development and Environment in consultation with the relevant Cabinet Portfolio holder.

REASONS - (a) The release of existing allocated developer contributions is deemed to be the most effective use of this money to support the Council's work in improving local transport.

(b) The delegation of authority to release future allocations is deemed to be the most effective use of this money to support the Council's work in improving local transport, and recognises the purposes for which they have been collected.

C216. 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 FEBRUARY, 2005**