

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY, 19TH JUNE, 2006**

CABINET
6th June, 2006

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

APOLOGIES - Councillor Bristow.

ALSO IN ATTENDANCE – Councillors Armstrong and Richmond.

C2. DECLARATIONS OF INTERESTS – That in respect of Minute C7(1) below, Councillor Williams declared a personal but non-prejudicial interest as his wife was Head Teacher at Whinfield Primary School; Councillor Dixon declared a personal but non-prejudicial interest as he had a child at one of the schools detailed in the report; Councillor Harker declared a personal but non-prejudicial interest as he was a governor at one of the schools detailed in the report; Councillor, McEwan declared a personal but non-prejudicial interest as his children attended one of the schools detailed in the report; Councillor Thistlethwaite declared a personal but non-prejudicial interest as he was a governor at one of the schools detailed in the submitted report; and Councillor L. Vasey declared a personal but non-prejudicial interest as she was a governor at one of the schools and had children attending two of the schools, detailed in the report.

C3. MINUTES - Submitted - The Minutes (previously circulated) of the meetings of Cabinet held on 9th and 18th May, 2006.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C4. TIME OF MEETINGS FOR THE MUNICIPAL YEAR 2006/07 - RESOLVED - That for the remainder of the Municipal Year 2006/07, meetings of this Cabinet be held at 5.00 p.m. on the dates previously agreed in the Calendar.

REASON - To set times of the meetings for the remainder of the Municipal Year 2006/07.

C5. MATTERS REFERRED TO CABINET – There were no matters referred back for reconsideration.

C6. ISSUES ARISING FROM SCRUTINY – There were no issues arising from Scrutiny.

C7. KEY DECISIONS – (1) Children’s Services Capital Programme 2006/07 - The Cabinet Member with the Children’s Services Portfolio introduced the report of the Director of Children’s Services (previously circulated) providing Members with information concerning capital investment available to schools for the 2006/07 financial year; the process for identifying, allocating and managing such investment; seeking agreement to the proposed capital programme for Darlington schools in 2006/07; and to the release of those capital funds. Details of the capital resources available for investment in schools and the proposed school by school capital investment plan for 2006/07, were appended to the submitted report.

RESOLVED - (a) That the programme of investment proposed for Darlington schools in 2006/07, as detailed in the appendix to the submitted report, be approved.

(b) That capital funding of £6,088,834 be released to undertake the agreed works.

REASONS - (a) Detailed planning to target need has been undertaken which ensures effective use of all investment.

(b) Through the Local Asset Management Plan Agreements process schools have agreed the proposed works.

(2) Local Development Framework - Tees Valley Joint Minerals and Waste Development Plan Documents - The Cabinet Member with Regeneration and Planning Portfolio introduced the report of the Director of Development and Environment (previously circulated) seeking approval for the Tees Valley Joint Strategy Committee, through the Joint Strategy Unit, to prepare Joint Minerals and Waste Development Plan documents on behalf of this Council and the other Tees Valley Local Planning Authorities.

RESOLVED - That the Tees Valley Joint Strategy Committee, through the Joint Strategy Unit, using consultants, be authorised to prepare Joint Minerals and Waste Development Plan Documents on behalf of this Council and the other Tees Valley Local Planning Authorities.

REASON - (a) There is a statutory duty on local planning authorities to adopt and keep under review the development plan for their respective areas.

(b) Under the Planning and Compulsory Purchase Act 2004, development plan documents should include up-to-date minerals and waste policies, which may be prepared as separate minerals and waste development plan documents.

C8. SCHOOL HOLIDAY AND TERM DATES 2007/08 - The Cabinet Member with the Children’s Services Portfolio introduced the report of the Director of Children’s Services (previously circulated) requesting that consideration be given to three alternative proposals (also previously circulated) for school holiday dates and associated professional development arrangements (inset days) for the academic year 2007/08, commencing September 2007.

RESOLVED - That the holiday and term dates and associated professional development arrangements, as detailed in proposal two, as appended to the submitted report, be agreed, in order to make use of full week breaks in year, as well as adopting a pattern to coincide with other neighbouring authorities as suggested by Head Teachers.

REASON - To agree the school holiday and term dates for 2007/08 to assist schools in planning processes.

C9. COMPLAINTS MADE TO OMBUDSMAN - REVIEW - Pursuant to Minute C191/Apr/06, the Leader introduced the report of the Director of Corporate Services (previously circulated) providing Members with an update of the outcome of cases which have been considered by the Local Ombudsman and indicating any points of particular attention and/or referral to the Standards Committee since the last meeting of Cabinet.

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 submitted report do not suggest that further action is required.

C10. REPRESENTATION ON OTHER BODIES 2006/07 - The Leader introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to the Council's Representation on Other Bodies for the 2006/07 Municipal Year, the appointments of which were the responsibility of Cabinet.

RESOLVED - That the following be appointed (or nominated) to represent this Council on the other bodies specified for the Municipal Year 2006/07;

Name of Body or Organisation

| | | |
|---|----------------------------|---|
| Alternative Centre for Education (ACE) and Steering Group | Advisory | Vice-Chair of Lifelong Learning Scrutiny Committee (Councillor A. J. Scott) |
| Arts Council East | England North | Cabinet Member with Leisure Services Portfolio (Councillor L. Vasey) and Chair of Environment Scrutiny Committee (Councillor S. Robson) |
| Connexions Board | Tees Valley | Cabinet Member with Children's Services Portfolio (Councillor McEwan) |
| County Management Steering Group | Durham Waste Partnership | Cabinet Member with Consumer and Environmental Services Portfolio (Councillor Harker) |
| Darlington and Community Association (2002) | District Youth Association | Councillors Baldwin and Mrs. Jones |
| Darlington Limited | Business Venture | Cabinet Member with Regeneration and Planning Portfolio (Councillor D.A. Lyonette) and Councillor Mrs. Brown |
| Darlington Corporation Board | College | No Vacancies |
| Darlington Forum | Domestic Violence | Councillor Mrs. Swift |

Name of Body or Nomination(s)**Organisation**

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|---|--|
| Darlington Partnership Board | Leader of the Council (Councillor Williams), Cabinet Member with Regeneration and Planning Portfolio (Councillor D. A. Lyonette) and Councillor Richmond |
| Darlington Railway Museum Trust | Cabinet Member with Leisure Services Portfolio (Councillor L. Vasey) |
| Darlington Sure Start Partnership | Cabinet Member with Children's Services Portfolio (Councillor McEwan), Chair of Lifelong Learning Scrutiny Committee (Councillor Hughes) and Councillor Mrs. Scott |
| Disability Sport England – Northern Region | Councillors Nutt and Armstrong |
| Durham County Pension Fund Committee | Cabinet Member with Resource Management Portfolio (Councillor Bristow) and Chair of Resources Scrutiny Committee (Councillor Haszeldine) |
| Durham Tees Valley International Airport Limited | Councillor Williams (Director) with Councillor D. A. Lyonette as substitute Council Director |
| Durham Tees Valley International Airport Consultative Committee | Cabinet Member with Regeneration and Planning Portfolio (Councillor D. A. Lyonette) |
| Durham Valuation Tribunal | Councillors Nut and Wilson and Mr. R. G. Bennett. (Two vacancies for non-elected members) |
| Family Help Organisation | Councillors S. Robson, Wilson and Mrs. Scott |
| Firthmoor Community Centre Management Committee | Councillors Dixon and L. Vasey (Ward Members) |
| Local Access Forum | Chair of Environment Scrutiny Committee (Councillor S. Robson) |
| National Society for Clean Air (Northern Division) | Councillors J. Lyonette and Ruck |
| North East Consortium for Asylum Seeker Support Services (NECASS) | Cabinet Member with Community and Public Protection Portfolio (Councillor Dixon) (Councillor Dr. Reynolds as named substitute) |
| North East Highways Training Centre – Management Committee | Cabinet Member with Highways and Transport Portfolio (Councillor Wallis) |
| Museum Libraries Archives North East | |
| Board | Cabinet Member with Leisure Services Portfolio (Councillor L. Vasey) (Appointed via the Tees Valley) |
| Company | Officer appointment |

Name of Body or Organisation **Nomination(s)**

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|---|--|
| North East Purchasing Organisation (NEPO) | Cabinet Member with Resource Management Portfolio (Councillor Bristow), Chair of Resources Scrutiny Committee (Councillor Haszeldine) and Councillor Richmond |
| North East Regional Employers Organisation | Cabinet Member with Resource Management Portfolio (Councillor Bristow), Chair of Resources Scrutiny Committee (Councillor Haszeldine) and Vice-Chair of Resources Scrutiny Committee (Councillor G. B. Walker) |
| North East Sports Council | Councillor J. Lyonette (Councillor Baldwin Observer status) |
| North East Trading Standards Association (NETSA) | Cabinet Member with Consumer and Environmental Services Portfolio (Councillor Harker) |
| Northern Housing Consortium | Cabinet Member with Community and Public Protection Portfolio (Councillor Dixon) |
| Northern Council of Education Authorities | Cabinet Member with Children's Services Portfolio (Councillor McEwan), Chair of Lifelong Learning Scrutiny Committee (Councillor Hughes) and Councillor Armstrong |
| North of England Open Air Museum – Joint Committee | Cabinet Member with Leisure Services Portfolio (Councillor L. Vasey) |
| Northumbrian Regional Flood Defence Committee | Councillor Copeland (substitute representative until 1st June, 2007) |
| RELATE North East | Councillors Vasey-Smith and Richmond |
| Shopmobility Steering Group | Cabinet Member with Highways and Transport Portfolio (Councillor Wallis) and Cabinet Member with Regeneration and Planning Portfolio (Councillor D. A. Lyonette) |
| Skerne Park Youth and Community Centre - Management Committee | Councillors Hughes and J. Lyonette (Ward Members) |
| Strategic Transport for Health Management Group | Cabinet Member with Highways and Transport Portfolio (Councillor Wallis) and Cabinet Member with Adult Services Portfolio (Councillor Thistlethwaite) |
| The Tees Forest | Councillors Hartley, Walker and Mrs. Brown |
| Tees Valley Environmental Protection Group | Cabinet Member with Consumer and Environmental Services Portfolio (Councillor Harker), Vice-Chair of Public Protection and Community Partnerships Scrutiny Committee (Councillor Lister) and Councillor Maddison |

Name of Body or Nomination(s)

Organisation

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|---|---|
| Tees Valley Joint Strategy Committee | Leader of the Council (Councillor Williams), (Deputy Leader of the Council (Councillor Dixon) as named substitute), Cabinet Member with Highways and Transport Portfolio (Councillor Wallis) (Chair of Environment Scrutiny Committee (Councillor S. Robson) as named substitute), Cabinet Member with Regeneration and Planning Portfolio (Councillor D.A. Lyonette) (Member of Environment Scrutiny Committee (Councillor Hartley) as named substitute), Councillor Richmond (Councillor Johnson as named substitute) and Councillor Mrs. Scott (Councillor Ruck as named substitute) |
| Tees Valley Joint Strategy Committee Rail Group | Councillors Hartley, Hutchinson and Richmond |
| Tees Valley Local Government Association | Leader of the Council (Councillor Williams) and Deputy Leader (Councillor Dixon) |
| Tees Valley Partnership | Leader of the Council (Councillor Williams) |
| Tees Valley Rivers and Fisheries Association | Member of Environment Scrutiny Committee (Councillor Heaney) |
| Tidy North Regional Consultative Committee | Cabinet Member with Consumer and Environmental Services Portfolio (Councillor Harker) |

REASON – To comply with the nominations received from the Political Groups.

C11. CLOSED CIRCUIT TELEVISION - (1) Lascelles Park - The Cabinet Member with the Community and Public Protection Portfolio introduced the report and plan of the Director of Community Services (both previously circulated) requesting that consideration be given to the release of funds to install closed circuit television within Lascelles Park, as shown on the plan appended to the submitted report.

RESOLVED - That capital funds of £30,000, as detailed in the submitted report, to install a closed circuit television camera in the open space at Lascelles Park, as shown on the plan appended to the submitted report, be approved.

REASON - To improve residents' perception of community safety within their area.

(2) Refurbishment Phase 2 - The Cabinet Member with the Community and Public Protection Portfolio introduced the report of the Director of Corporate Services (previously circulated) informing Members of the continued refurbishment of the equipment in the closed circuit television control room, in order to move from being an analogue service to a full digital recording facility and requesting the release of funding to achieve that purpose.

RESOLVED - That capital funds of £85,000, be released, to achieve phase 2 of the closed circuit television upgrade of the Control Room and field equipment.

REASON - (a) Failure to replace the current recording system will lead to the eventual and rapid collapse of the existing system.

(b) If that happened, the obligations to the Council's aims and objectives relating to Community Safety would not be fulfilled and the service provided to the Council's numerous partners would be affected.

(3) Independent Inspectors Annual Report 2005 - The Cabinet Member with the Community and Public Protection Portfolio introduced the report of the Director of Corporate Services (previously circulated) informing Members of the results of the inspection regime carried out by the Council's Independent Inspection Team during 2005. A copy of the report from the Inspectors was appended to the submitted report.

RESOLVED - (a) That the contents and comments of the Inspectors report, as appended to the submitted report, be approved.

(b) That an annual report from the Inspection Team continues to be put to Cabinet for consideration once a year.

(c) That the congratulations of the Council be extended to the Closed Circuit Television Team for their work in achieving this result.

REASONS - (a) The Inspectors report is an independent endorsement of the level and quality of the work carried out by the CCTV team and as such, is a valuable public endorsement of a front line Council service.

(b) The continuance of both the inspections and the production of the annual Inspectors report is a valuable tool in giving/providing reassurance to the public (who do not have ready access to the service) that CCTV is being used in an appropriate, safe, fair and legal manner.

C12. YOUNG PEOPLE'S PARTICIPATION IN DARLINGTON - STRATEGY - 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 a strategy for Young People's Participation in Darlington (also previously circulated), the intent of which was to create a rationale, structure and mechanism for the more meaningful involvement and participation of young people.

RESOLVED - That it be recommended to Council that the strategy, as appended to the submitted report, be endorsed as a model for further consultation and implementation across the Borough.

REASONS - (a) There has been limited evidence of young people's views (through consultation exercises) having a direct impact on service provision.

(b) The Youth Participation Strategy offers the opportunity to have a coherent and consistent approach to young people's participation in decision-making.

(c) The Strategy offers the opportunity for the Council to be leading on a Borough-wide initiative with/for young people.

(d) The Youth Participation Strategy will be consistent with and complementary to the emerging corporate Community Engagement Strategy.

C13. CAPITAL PROGRAMME - (1) Release of Funding for Planned Maintenance - Capitalised Repairs - The Director of Development and Environment submitted a report (previously circulated) requesting that consideration be given to the release of funding approved in the 2006/07 capital programme for planned maintenance - capitalised repairs.

RESOLVED - (a) That the release of £250,000, as detailed in the submitted report, be released from the 2006/07 Capital Medium Term Financial Plan for planned maintenance – capitalised repairs.

(b) That the Director of Development and Environment, be authorised, as this Council’s Corporate Property Officer to undertake works to the operational and non-operational property portfolio as considered appropriate.

REASONS - (a) To ensure funds are available.

(b) To enable appropriate works to be progressed.

(2) Release of Funding for the DDA and Fire Precautions (Workplace) Regulations Compliance - The Director of Development and Environment submitted a report (previously circulated) requesting that consideration be given to the release of funding approved in the 2006/07 capital programme for DDA and Fire Precautions (Workplace) Regulations Compliance.

RESOLVED - (a) That the release of £100,000, as detailed in the submitted report, be released from the 2006/07 Capital Medium Term Financial Plan for DDA and Fire Precautions (Workplace) Regulations Compliance works.

(b) That the Director of Development and Environment be authorised to undertake works considered appropriate to ensure compliance with the relevant legislation.

REASON - (a) To ensure funds are available.

(b) To enable appropriate works to be progressed.

C14. PROPOSED WRITE-OFFS - (1) Irrecoverable Sundry Debts - The Director of Corporate Services submitted a report (previously circulated) seeking approval for the write-off of sundry debtors 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 sum of £33,105.86 for 2005/06, be written-off, subject to further action being taken, if and when further contacts are made.

REASON - (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.

(2) Irrecoverable Non-Domestic Rates and Council Tax - The Director of Corporate Services submitted a report (previously circulated) seeking approval for the write-off of arrears of non-domestic rates and council tax which were considered to be irrecoverable.

RESOLVED - That non-domestic rate arrears of £167,804.25 and council tax arrears of £127,791.41 be written-off, subject to implementation of further action if and when future contacts are made.

REASON - To enable the Council's accounts to be maintained in accordance with the Financial Procedure Rules.

C15. AUDIT SERVICES ANNUAL REPORT 2005/06 - The Director of Corporate Services submitted a report (previously circulated) providing Members with the Audit Services' Annual Report for 2005/06 (also previously circulated) in accordance with Audit Services' roles and terms of reference.

RESOLVED - That the Audit Services' Annual Report 2005/06, as appended to the submitted report, be noted.

REASON - It comprises part of the Council's Corporate Governance arrangements.

C16. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C17. REVENUE OUT-TURN 2005/06 - With the prior approval of the Leader to the matter being treated as urgent to allow a decision to be made at the earliest possible date, the Director of Corporate Services submitted a report (previously circulated) presenting the revenue out-turn for 2005/06 and requesting that Members consider the results in light of the Council's Medium Term Financial Plan for the General Fund and also for the Collection Fund and Housing Revenue Account out-turn.

RESOLVED - (a) That the positive revenue outturn for 2005-06 and improved revenue balances at 31st March 2006, as detailed in the submitted report, be noted.

(b) That the carry forward of departmental balances, as detailed in paragraph 7 of the submitted report, be approved.

(c) That the allocation of additional resources, as detailed in paragraph 8 of the submitted report, be approved.

(d) That the Development Fund balance, as detailed in paragraph 17 of the submitted report, be carried forward to the 2006/07 financial year.

REASON - To continue the Council's financial management arrangements and to make effective use of the Council's resources.

C18. CAPITAL PROGRAMME OUT-TURN 2005/06 - With the prior approval of the Leader to the matter being treated as urgent to allow the report to be considered at the earliest possible date, the Director of Corporate Services submitted a report (previously circulated) providing information on the capital programme out-turn position as at 31st March, 2006.

RESOLVED - That the 2005/06 Capital Programme out-turn, as detailed in the submitted report, be noted.

REASON - To allow Members to note the progress of the 2005/06 Capital Programme.

C19. 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 and 3 of Part I of Schedule 12A to the Act.

C20. LAND ADJACENT FAVERDALE EAST BUSINESS PARK - PROPOSED ACCESS (EXCLUSION PARAGRAPH NOS. 1 AND 3) - The Director of Development and Environment submitted a report (previously circulated) outlining a request for permission to construct access roads on, and across, Council-owned land at Faverdale, as shown on the plan appended to the submitted report, in order to bring forward their land for development.

RESOLVED - (a) That, subject to planning permission being obtained, approval be given to the use of the Council's land at Faverdale, as indicated in the submitted report, being used to access and open up land for development by the developer named in the report.

(b) That the Director of Development and Environment, in consultation with the Cabinet Member with the Resource Management Portfolio, be authorised, to conclude terms in line with those outlined in the submitted report and grant appropriate access to cross Council land, construct and use roads accordingly.

REASONS - (a) To facilitate development on land to the east of Faverdale East Business Park.

(b) To obtain a financial consideration for the Council.

C21. LAND AT LINGFIELD WAY (EXCLUSION PARAGRAPH NO. 3) - The Director of Development and Environment submitted a report (previously circulated) seeking authority to dispose of 0.33 acres (1,335 square metres) of land at Lingfield Way on Yarm Road Business Park, as shown on the plan appended to the submitted report, to the Environment Agency.

RESOLVED - (a) That the sale of land at Lingfield Way to the Environment Agency, on the terms outlined in the submitted report, be approved.

(b) That the Legal Services Manager be authorised to complete the necessary documentation.

REASONS - (a) To give the Environment Agency sufficient space to park all its works machinery.

(b) To achieve a capital receipt for the Council.

C22. SCHEDULE OF TRANSACTIONS (EXCLUSION PARAGRAPH NO. 3) - The Director of Development and Environment submitted a report and schedule (both previously circulated) requesting that consideration be given to the schedule of transactions and seeking approval for the terms negotiated.

RESOLVED - That the schedule, 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, 9TH JUNE, 2006**