

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE 18TH DECEMBER, 2006**

CABINET
5th December, 2006

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

APOLOGIES – Councillor Harker.

ALSO IN ATTENDANCE – Councillors Armstrong, Johnson and Richmond. (3)

C98. DECLARATION OF INTERESTS – In respect of Minute C101(1) below, Councillor McEwan declared a personal but non-prejudicial interest as he had a child at one of the schools referred to in the submitted report, and Councillor Dixon declared a personal and prejudicial interest in respect of Minute C102(2) below as he was a resident in the area, and left the meeting during consideration of that item only.

C99. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of Cabinet held on 7th November, 2006.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C100. MATTERS REFERRED TO CABINET – There were no matters referred back for reconsideration.

C101. ISSUES ARISING FROM SCRUTINY – (1) Behaviour Support Task and Finish Review Group - Final Report - The Cabinet Member with the Children's Services Portfolio introduced the report of Director of Corporate Services (previously circulated) reporting the Lifelong Learning Scrutiny Committee's recommendations in relation to behavioural issues in school children and young people, and the behavioural support systems available within the Borough. The final report of the Review Group was appended to the submitted report.

RESOLVED - That the recommendations of the Lifelong Learning Scrutiny Committee Task and Finish Review Group in relation to behavioural issues in school children and young people, as detailed in the submitted report, be approved.

REASON - To enable the views of Cabinet to be sought and referred back to the Lifelong Learning Scrutiny Committee.

(2) Smoking in Sheltered Accommodation Task and Finish Review Group - Final Report - The Cabinet Member with the Community and Public Protection Portfolio introduced the report of the Director of Corporate Services (previously circulated) outlining the recommendations of

the Task and Finish Review Group established to look into the issue of smoking within sheltered housing. The final report of the Review Group was appended to the submitted report.

The Cabinet Member with the Community and Public Protection Portfolio stated that the Social Affairs and Health Scrutiny Committee at its meeting held on 5th December, 2006, considered and approved the recommendations.

RESOLVED - That the recommendations of the Task and Finish Review Group in relation to smoking in sheltered housing, as detailed in the submitted report, be approved.

REASON - To enable the views of Cabinet to be sought and referred back to the Social Affairs and Health Scrutiny Committee.

C102. KEY DECISIONS – (1) Youth Opportunity Fund - The Cabinet Member with the Children's Services Portfolio introduced the report of the Director of Community Services (previously circulated) outlining proposals for the implementation and delivery of the Youth Opportunity and Youth Capital Funds in Darlington. A copy of the Operation Plan, developed as a means of delivering and administering the Youth Opportunity and Youth Capital Funds, was appended to the submitted report.

RESOLVED - (a) That the operational plan, as appended to the submitted report, be approved as a means of delivering and administering the Youth Opportunity and Youth Capital Funds.

(b) That it be recommended to Council that the Director of Community Services be given delegated powers to approve applications for grant funding based on recommendations from the Head of Youth Service and from the Youth Board.

REASONS - (a) It is imperative to confirm the operational plan and move to implementation (and utilisation of the funds) in accordance with Government deadlines.

(b) Being able to release funding to support young people's ideas and initiatives gives the opportunity to extend the breadth and scope of youth provision and to ensure that service provision is being shaped and determined by young people. This in turn will inform key products within the Local Area Agreement.

(c) Appropriate procedures and mechanisms are put in place to ensure that young people do have an active role in decision-making but that the Council is also enable to ensure that projects and initiatives are relevant and have strategic fit.

(2) Stanhope Area Residents' Parking Scheme - Secondary Traffic Order – Pursuant to Minute C27(3)/Jul/06, the Cabinet Member with the Highways and Transport Portfolio introduced the report of the Director of Development and Environment (previously circulated) requesting that consideration be given to the objections received to the publication of the Secondary Traffic Order in relation to the Stanhope Area Residents' Parking Scheme, which was advertised between 14th September and 9th October, 2006. A summary of the objections received, along with officer comments in relation to each objection, was appended to the submitted report.

The Cabinet Member with the Highways and Transport Portfolio referred, at the meeting, to a further letter that had been received from the Post Office in Cleveland Terrace.

RESOLVED - That the objections to the Secondary Traffic Order in relation to the Stanhope Area Residents' Parking scheme, as outlined in the appendix to the submitted report, be set aside, and the proposals, as advertised, be implemented.

REASONS - (a) To address concerns raised by objectors during the previous statutory advertising period from 20th April to 15th May, 2006 of the traffic regulation order for the Residents' Parking Scheme – Stanhope Road Area.

(b) To introduce a parking scheme that improves the quality of life for the community whilst reserving parking space for visitors to the shops.

C103. OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN - REVIEW - Pursuant to Minute C88/Nov/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 had 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 held on 7th November, 2006.

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.

C104. PUBLIC PROTECTION FORUM - Submitted - The Minutes (previously circulated) of the meeting of the Forum held on 12th October, 2006.

RESOLVED - That the Minutes be received.

REASON - They represent an accurate record of the meeting.

C105. DARLINGTON ENVIRONMENTAL FORUM - Submitted - The Minutes (previously circulated) of the meetings of the Forum held on 25th September and 23rd October, 2006.

RESOLVED - That the Minutes be received.

REASON - They represent an accurate record of the meeting.

C106. ICT INFRASTRUCTURE UPGRADE - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) informing Cabinet of the proposals to upgrade the Council's ICT infrastructure and requesting that consideration be given to the release of funding to support the scheme.

RESOLVED - That £130,000 be released from Council Resources to support the scheme to upgrade the Council's ICT infrastructure.

REASONS - (a) The need to upgrade the server infrastructure in order to protect against obsolescence, compatibility problems with new systems and hardware, and increasing security risks associated with unsupported products.

(b) To provide a robust server infrastructure to support the Council's services and many emerging ICT requirements from programmes such as Leading Edge

C107. PRUDENTIAL INDICATORS UPDATE AND TREASURY MANAGEMENT HALF-YEAR REVIEW - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) providing an update of Prudential Indicators and a half-yearly review of the Council's Treasury Management borrowing and investment activities.

RESOLVED - (a) That the revised Prudential Indicators and Limits, as detailed in Tables 1 to 10 of the submitted report, be approved.

(b) That the Treasury Management half yearly review, be noted.

(c) That the report be forwarded to Council for approval of the updated Prudential Indicators.

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.

C108. PERFORMANCE RATINGS FOR ADULT SOCIAL SERVICES 2006 – With the prior approval of the Chair to the matter being treated as urgent in order to inform Members at the earliest possible date, the Cabinet Member with the Adult Services Portfolio introduced the report of the Director of Community Services (previously circulated) informing Members of the Star Rating (performance rating) 2006 awarded for Adult Social Services in Darlington. The notification letter from the Commission for Social Care Inspection (CSCI) was appended to the submitted report.

RESOLVED – (a) That the improvement in the Adult Services Performance Framework Assessment Indicators, as detailed in the submitted report, be noted.

(b) That the performance rating for the Adult Social Services of three stars with significant improvement in performance indicator outturns and an improvement in judgement, be noted.

REASONS - (a) The star rating for Social Services is a key factor in the Council's overall Comprehensive Performance Assessment (CPA) rating.

(b) The star rating is required to be reported publicly.

C109. (URGENT ITEM) MARKETS – PROPOSED RENT FREE PERIOD – With the prior approval of the Chair to the matter being treated as urgent in order to allow a decision to be made at the earliest possible date, the Director of Development and Environment submitted a report (previously circulated) requesting that consideration be given to offering the Market businesses a rent free period, as a result of the changes to the programme of the Pedestrian Heart works along West Row.

RESOLVED – That a rent free period of four weeks be given to all the traders within the Indoor Market building and the normal Outdoor Market of Mondays and Saturdays and that the estimated cost of £40,000 be met from savings on the Pedestrian Heart capital scheme, that will result from the reprogramming and earlier completion of the scheme.

REASONS – To enable reprogramming and earlier completion of the Pedestrian Hearts works.

C110. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C111. 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 paragraph 3 of Part I of Schedule 12A to the Act.

C112. BUILDING CONTROL CONSULTANTS (EXCLUSION PARAGRAPH NO. 3) - The Cabinet Member with Regeneration and Planning Portfolio introduced the report of the Director of Development and Environment (previously circulated) requesting that consideration be given to the appointment of a specialist consultant to assist the Council's Building Control service with vetting of plans submitted under the Building Regulations.

RESOLVED - That the appointment of CSS (Yorkshire) Limited to vet plans submitted under the Building Regulations, on the basis as outlined in the submitted report, be approved.

REASONS - (a) To maintain an effective and efficient Building Control Services when workload fluctuates.

(b) To allow an existing partnering arrangement to continue.

(c) There is a very limited market for the provision of this service.

C113. NO. 211 PARK LANE, DARLINGTON - LAND AT THE REAR (EXCLUSION PARAGRAPH NO. 3) - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Development and Environment (previously circulated) seeking authority to dispose of Council-owned land, as shown on the plan appended to the submitted report, previously used as allotments situated to the east of No. 211 Park Lane.

RESOLVED - (a) That the small parcel of Council owned land at the rear of No. 211 Park Lane, as shown on the plan appended to the submitted report, be disposed of on the terms as outlined in the submitted report.

(b) That the Borough Solicitor be authorised to complete the sale accordingly.

REASONS - (a) To satisfy the request of the adjoining owner to purchase the land.

(b) To remove from the Council the responsibility for managing the subject land.

(c) To achieve a capital receipt within the timescale outlined in the submitted report.

C114. SCHEDULE OF TRANSACTIONS (EXCLUSION PARAGRAPH NO. 3) - The Cabinet Member with the Resource Management Portfolio introduced the report and schedule of the Director of Development and Environment (both previously circulated) requesting that consideration be given to the schedule of transactions and seeking approval of 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, 8TH DECEMBER, 2006**