

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY, 26TH MARCH, 2007**

CABINET
20th March, 2007

PRESENT - Councillor Williams (in the Chair); Councillors Dixon, Harker, D.A. Lyonette, McEwan and Thistlethwaite. (6)

APOLOGIES – Councillor Bristow, L. Vasey and Wallis (3)

ABSENT -

ALSO IN ATTENDANCE – Councillor Armstrong.

C162. DECLARATIONS OF INTERESTS – (1) In respect of Minute C166(1) below, Councillor Williams declared a personal and non-prejudicial interest, as his wife was a head teacher at one of the schools referred to in the submitted report and, in respect of Minute C176, he also declared a personal and non-prejudicial interest, as he was Vice-Chair of the Durham Tees Valley Airport Committee.

(2) In respect of Minutes C166(1) and (3) below, Councillor McEwan declared personal and non-prejudicial interests, as he had children and was Chair of Governors at one of the schools referred to in the submitted report and, in respect of Minute C166(2), he declared a personal and prejudicial interest, as he was Chair of Governors at Eastbourne Comprehensive School and left the meeting during consideration of that item only.

(3) In respect of Minute C166(1) below, Councillor Dixon declared a personal and non-prejudicial interest, as he had a child at one of the schools referred to in the submitted report.

(4) In respect of Minute C166(1) below, Councillor Harker declared a personal and non-prejudicial interest, as he was a Governor at one of the schools referred to in the submitted report.

C163. MINUTES - Submitted - The Minutes (previously circulated) of meetings of this Cabinet held on 13th and 28th February, 2007.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C164. MATTERS REFERRED TO CABINET – There were no matters referred back for reconsideration.

C165. ISSUES ARISING FROM SCRUTINY – GRASS VERGES REVIEW GROUP - The Director of Development and Environment submitted a report (previously circulated) together with a report (also previously circulated) of the Director of Corporate Services reporting the Environment Scrutiny Committee's recommendations in relation to grass verges within the

Borough. The comments of the Director of Development and Environment, in respect of the review, were included within the submitted report.

RESOLVED - (a) That the recommendations of the Environment Scrutiny Committee, as detailed in the submitted report, be approved.

(b) That the comments of the Director of Development and Environment, as detailed in the submitted report, be endorsed.

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

C166. KEY DECISIONS – (1) Children’s Services Capital Programme 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 the proposed Children’s Services Capital Programme 2007/08 (also previously circulated) and to the release of the capital funds to support that programme.

RESOLVED - (a) That capital funding of £19.462m, as detailed in Appendix 1 of the submitted report, be released.

(b) That the proposed capital investment programme for Children’s Services, as detailed in Appendix 2 to the submitted report, be agreed.

REASONS - (a) Through the Local Asset Management Plan Agreements (LAMPAs) process, schools have agreed to the proposed programme of works.

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

(2) Eastbourne Church of England Academy - Proposed Development - The Deputy Leader introduced the report of the Director of Children’s Services (previously circulated) seeking Members’ agreement to take forward the development of the proposed academy to replace Eastbourne School, in conjunction with sponsors, the Church of England Diocese of Durham and David and Anne Crossland. A plan showing the preferred site for the Academy was appended to the submitted report.

RESOLVED - (a) That the Expression of Interest be varied from the development of a 750 place Academy to the development of a 700 place Academy, to replace Eastbourne School.

(b) That, following appropriate consultation and approval of the Outline Business Case, the Academy be implemented from 1st September, 2007.

(c) That the preferred site of Hundens Park, as shown on the plan appended to the submitted report, be approved as the site for the development of the Academy and that it be confirmed as the only site under consideration.

(d) That a lease of the existing school and the preferred site be granted to the Academy, on terms to be negotiated.

(e) That the Director of Corporate Services be authorised, in consultation with the Deputy Leader, to complete all appropriate negotiations, except those relating to land issues, and agree terms in connection with the establishment of the Academy.

(f) That the Director of Development and Environment be authorised, in consultation with the Cabinet Member with the Resource Management Portfolio, to complete all appropriate negotiations and agree terms in connection with any land issues associated with the establishment of the Academy.

(g) That the Borough Solicitor be authorised to complete all documentation accordingly.

(h) That the terms agreed be reported to a future meeting of Cabinet.

REASON - To allow the development of the proposed academy in order to bring educational improvement for the pupils of Eastbourne School from 1st September, 2007, and the additional investment this will attract within the timescales required to meet the Department of Education and Skills' accelerated programme.

(3) School Admission Arrangements 2008/09 - The Cabinet Member with the Children's Services Portfolio introduced the report of the Director of Children's Services (previously circulated) seeking approval to changes required to the Local Authority's Admission Policy for 2008/09 and the co-ordinated arrangements for all schools within the Borough.

The Cabinet Member with the Children's Services Portfolio reported at the meeting that the proposed admission number for Firth Moor Primary School was 45 and not 37 as stated in the submitted report.

RESOLVED - That the changes required to the Local Authority's Admission Policy for 2008/09, as detailed in the submitted report, be approved.

REASON - The authority is under a statutory duty to use an equal ranking system to allocate school places.

(4) Central Park - The Cabinet Member with Regeneration and Planning Portfolio introduced the report and plan of the Director of Development and Environment (both previously circulated) seeking agreement to undertake the relocation of some of the Hundens Lane allotments to Arnold Road, as shown on the plan appended to the submitted report, as a capital project for this Council on behalf of Tees Valley Regeneration and to release the requisite funding received from Tees Valley Partnership and/or Tees Valley Regeneration for this purpose.

RESOLVED - That, subject to the Council receiving confirmation of funding for the Arnold Road allotment site, the contract be awarded and managed by the Council.

(b) That funding to the value of approximately £500,000 for the project, be released.

REASON - To progress the relocation of the Hundens Lane allotments to Arnold Road, which is essential to the Central Park development.

(5) ~(URGENT ITEM) Ring-A-Ride Service Level Agreement - Extension - The Director of Development and Environment submitted a report (previously circulated) requesting that consideration be given to the further extension of the current Ring-A-Ride Service Level Agreement until 31st March, 2008, to allow additional work to be carried out to identify possible linkages with the Adult Services' transport function.

RESOLVED - That the further extension of the Ring-A-Ride Service Level Agreement until 31st March, 2008, be approved.

REASONS - (a) To continue to provide a wheelchair accessible transport service throughout the Borough.

(b) To ensure that the possible linkages with the Adult Services transport function have been fully explored before making a decision on the way that the Ring-A-Ride Service may be delivered in the future.

(6) Second Local Transport Plan Expenditure 2007/08 - The Director of Development and Environment submitted a report (previously circulated) requesting that consideration be given to the proposed expenditure of the 2007/08 settlement for the Second Local Transport Plan and 2007/09 settlement for the Road Safety Grant.

RESOLVED - (a) That the £2.963m settlement from the Second Local Transport Plan 2007/08, be released, to undertake the schemes as detailed in the submitted report.

(b) That the £436,238 settlement from the Road Safety Grant 2007/09, be released, to undertake the schemes as detailed in the submitted report.

(c) That the Director of Development and Environment, in consultation with the Cabinet Member with the Highways and Transport Portfolio, be authorised to vary the programme, where those variations are consistent with the objectives of the Second Local Transport Plan.

REASONS - (a) To ensure that the most effective use is made of the settlements for 2007/08 and 2007/09 by permitting a timely start to be made on the full programme of works.

(b) To permit flexibility within the year, should unexpected opportunities or difficulties occur, that would be best met by a change to the published work programme.

(7) (URGENT ITEM) Housing Capital Programme 2007/08 - The Cabinet Member with the Community and Public Protection Portfolio introduced the report of the Director of Community Services (previously circulated) advising Members of resources available for the housing capital programme during 2007/08 and recommending a programme to utilise those resources.

RESOLVED - That the Housing Capital Programme 2007/08, as detailed in the submitted report, be agreed and the funding to support those schemes be released.

REASON - To enable the works and projects, identified in the Housing Capital Programme 2007/08, to proceed.

(8) Write-Off of Former Tenant Arrears and Housing Benefit Overpayments - The Cabinet Member with the Community and Public Protection Portfolio introduced the report of the Director of Community Services (previously circulated) giving an update on the current position of former tenant arrears and Housing Benefit overpayments and seeking approval to write-off debts of £69,395 and £82,087 respectively.

RESOLVED - That £69,395 of former tenant arrears and £82,087 of Housing Benefit overpayments, be written off, subject to steps for recovery being taken, wherever possible, if and when contact is made.

REASON - Regular arrangements for writing-off debts are in accordance with the Audit Commission best practice for good financial management.

(9) Darlington Local Development Framework - (a) (URGENT ITEM) Local Development Scheme - 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 updating the Council's Local Development Scheme, a three year project plan for the production of the Local Development Framework documents which would progressively replace the existing Developments Plans for the Borough; and reconsideration of the timetable for the preparation of the Local Development Framework Core Strategy and consequential or other changes.

RESOLVED - (a) That a draft updated Local Development Scheme, for the period 2007/10, and based on the indicative timetable, as attached to the submitted report, be formally submitted to the Government Office for the North-East by 31st March, 2007.

(b) That the Director of Development and Environment, in consultation with the Cabinet Member with the Regeneration and Planning Portfolio, be authorised to make amendments, if required, in response to changed circumstances.

(c) That all updates take effect upon confirmation that the Secretary of State does not intend to intervene.

REASON - The Council is required to submit its updated Local Development Scheme by 31st March 2007.

(b) (URGENT ITEM) Saving of Existing Development Plan Policies - The Cabinet Member with Regeneration and Planning Portfolio introduced the report of the Director of Development and Environment (previously circulated) outlining the implications of legislative provisions whereby existing structure and local plan policies would automatically expire in September 2007 unless their life was extended by the Secretary of State for Communities and Local Government; assessing the continuing applications of various planning policy documents which comprise the current statutory development plan for the Borough; and requesting that consideration be given to extending the life of the policies in the Tees Valley Structure Plan, the Borough of Darlington Local Plan and the Minerals and Waste Local Plans inherited from Durham County Council.

RESOLVED - (a) That the Secretary of State for Communities and Local Government be informed that this Council : -

- (i) wishes the life of the policies and proposals in the Borough of Darlington Local Plan, with the exception of those identified in Appendix 1 of the Annex to the submitted report, to be extended until they are replaced by national planning policy, Regional Spatial Strategy, or documents in the Darlington Local Development Framework; and
- (ii) is content for the policies in the Borough of Darlington Local Plan, identified in Appendix 1 of the Annex of the submitted report, and those in the County Durham Waste Disposal Local Plan and the Magnesian Limestone Escarpment (Minerals and Landscape Restoration) Local Plan, to expire.

(b) That the request of the Tees Valley Joint Strategy Committee that the North of England Assembly asks the Secretary of State for Communities and Local Government to extend the life of the Tees Valley Structure Plan policies, as identified in Appendix 2 of the Annex to the submitted report, until approval is given by the Secretary of State to 'View: Shaping the North-East', be endorsed.

(c) That the Director of Development and Environment, in consultation with the Cabinet Member with the Regeneration and Planning Portfolio, be authorised to make any amendments prior to submission of the Council's request, if required, in response to changed circumstances.

(d) That a further report be submitted to Cabinet should the amendments at (c) be substantial, or should the Secretary of State's response require further consideration, before forwarding a recommendation to Council.

REASONS - (a) There is a high risk of significant gaps in planning policy provision arising unless a large number of existing development plan policies are saved until they can be adequately replaced through the local development framework.

(b) Issues surrounding the replacement of existing policies should be subject to consultation and independent scrutiny as part of the preparation of replacement planning policy documents.

(c) The planning policy framework for the Borough should facilitate navigation between national, regional, saved and emerging planning policy documents.

(d) Consideration of, and decisions on, the matters covered is necessary at this stage in order for submission to be made to the Secretary of State by the deadline of 1st April 2007.

C167. OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN - REVIEW - Pursuant to Minute C142/Feb/07, 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 ordinary meeting of Cabinet held on 13th February, 2007.

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.

C168. CALENDAR OF COUNCIL AND COMMITTEE MEETINGS 2007/08 - The Leader introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to the calendar of Council and Committee meetings for 2007/08 Municipal Year.

RESOLVED - That the Calendar of Council and Committee Meetings for the 2007/08 Municipal Year, as appended to the submitted report, be approved, and the proposed dates for meetings of Council be referred to the Annual Council meeting scheduled for 17th May, 2007, for approval.

REASON - To ensure that the calendar of meetings is approved for the forthcoming municipal year.

C169. DARLINGTON TRANSPORT FORUM - Submitted - The Minutes (previously circulated) of the meeting of the Forum held on 19th February, 2007.

RESOLVED - That the Minutes be received.

REASON - They represent an accurate record of the meeting.

C170. COMMUNITY SAFETY REVIEW - The Cabinet Member with the Community and Public Protection Portfolio introduced the report of the Chief Executive (previously circulated) informing Members of a number of improvements to the way in which the Crime and Disorder Partnerships conducts its business and anticipated benefits for the residents of Darlington; and providing an overview of the conclusions and key recommendations arising from a recent review of a number of the Council's Community Safety services.

RESOLVED - That the progress being made in developing the Council's approach to Community Safety across the Borough, as detailed in the submitted report, be endorsed.

REASON - Community Safety is a key issue for the Council and it is essential that Cabinet be appraised of developments within the Council and the Crime and Disorder Partnership.

C171. SOUTH PARK CARPET BED - The Director of Community Services submitted a report (previously circulated) requesting that consideration be given to the applications received for the design of the South Park carpet bed.

RESOLVED – That, as the scouting movement will be celebrating its Centenary in 2007, the application from the Darlington and District Scout Council, as detailed in the submitted report, to design the South park carpet bed, be approved.

REASON - To enable a design and planting of the South Park carpet bed to proceed.

C172. ARTICLE 4(2) DIRECTION FOR NORTHGATE CONSERVATION AREA – CONFIRMATION - The Cabinet Member with Regeneration and Planning Portfolio introduced the report of the Director of Development and Environment (previously circulated) seeking authority to confirm the Article 4(2) Direction (also previously circulated) introduced on 24th November, 2006.

RESOLVED - That the Direction made under Article 4(2), Northgate Conservation Area, Darlington, as appended to the submitted report, be confirmed.

REASONS - (a) To protect the character and appearance of the Northgate Conservation Area.

(b) To protect the investment made by the Council/English Heritage in reintroducing/restoring historic features.

C173. BRITISH AMERICAN TOBACCO LEGACY FUND - YEAR THREE PROGRAMME - 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 release of £251,000 revenue expenditure from the British American Tobacco (BAT) Legacy Fund, for the year three programme.

RESOLVED - That £251,000 be released from the British American Tobacco Legacy Fund for 2007/08, for the schemes as detailed in the submitted report.

REASON - (a) To enable the British American Tobacco (BAT) Legacy Fund to be spent in accordance with the BAT Legacy Fund Panel's decisions.

(b) To enhance the economic well-being of the Borough.

(c) To implement the economic objectives of the Community Strategy.

C174. PARTNERSHIP WORKING TOOLKIT - The Director of Corporate Services and the Assistant Chief Executive submitted a report (previously circulated) requesting that consideration be given to the adoption and implementation of a partnership toolkit.

RESOLVED – (a) That the partnership toolkit, as detailed in the submitted report, be introduced from April 2007.

(b) That the usage of the toolkit, be rolled out to partnership lead officers, after relevant training.

REASONS - (a) To enhance Corporate Governance arrangements.

(b) To help meet the requirements of the Comprehensive Performance Assessment Use of Resources Methodology.

(c) To enhance the relevance and performance of partnerships in Darlington in anticipation of Comprehensive Area Assessments in the future.

C175. MARKET STALLS – PROVISION – 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 Cabinet Member with the Consumer and Environmental Services Portfolio introduced the report of the Director of Development and Environment (previously circulated) requesting that consideration be given to the location, appearance and provision of stalls at all outdoor markets in the newly-pedestrianised areas of the Town Centre.

RESOLVED – (a) That, on completion of the Pedestrian Heart works, the locations for open markets, be West Row, Tubwell Row, Horsemarket and East Row for the general markets held each week, West Row for the Farmers’ and Craft Markets and Northgate or Blackwellgate/High Row South for the larger themed markets (including French and Christingle).

(b) That the style and appearance of the market stalls/vehicles, as detailed in Appendix A and B of the submitted report, be approved.

(c) That a charge be payable, as part of the market toll, by those market traders using Council-owned stalls, to include the costs of erecting and dismantling the stalls and that the charges, as detailed in Appendix C of the submitted report, be approved.

(d) That the Officers be authorised to commence the tender process to find a contractor that can erect and dismantle Council-owned stalls at each of the open markets.

(e) That additional resources of £54,000 be approved for 2007/08.

REASONS – (a) To continue to support, improve and develop the weekly and themed markets in Darlington.

(b) To ensure that open markets contribute to the high quality pedestrian Town Centre.

C176. (URGENT ITEM) DURHAM TEES VALLEY AIRPORT – SOUTHSIDE DEVELOPMENT AGREEMENT – With his prior approval to the matter being treated as urgent in order to allow a decision to be made at the earliest possible date, the Leader introduced the report of the Chief Executive (previously circulated) seeking agreement to a request from Peel Airports Limited, to an extension of time to enter into a Southside Development Agreement, at Durham Tees Valley Airport, under the Subscription and Shareholders Agreement.

RESOLVED – That an extension of time be agreed until 31st May, 2007, by which time Peel Airports Limited, should have used all reasonable endeavours to procure that Durham Tees Valley Airport enters into a Southside Development Agreement under the Subscription and Shareholders Agreement, and that the appropriate officer of Stockton Borough Council be authorised to sign an appropriate agreement to that effect on behalf of this Council.

REASON – The decision to agree to a limited relaxation of the originally agreed timetable will enable Durham Tees Valley Airport to enter into an appropriate agreement and Peel Airports Limited to comply with their obligations under the Subscription and Shareholders Agreement, without the need for any of the actions, as detailed in paragraphs 6 and 7 of the submitted report.

C177. MEMBERSHIP CHANGES - No membership changes were reported at the meeting.

C178. 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.

C179. MORTON PALMS BUSINESS PARK - (EXCLUSION PARAGRAPH NOS. 1 AND 3) - The Cabinet Member with the Resource Management Portfolio introduced the report and plan of the Director of Development and Environment (both previously circulated) requesting that consideration be given to the development proposals for the Council's retained land at Morton Palms Business Park and seeking authority to dispose of part of the land, as shown on the plan appended to the submitted report.

RESOLVED - (a) That the interest from budget hotel operators, as detailed in the submitted report, be noted and the decision not to release land at Morton Palms Business Park for this purpose at this time, be endorsed.

(b) That the release of part of the retained land for the proposed office development, as outlined in the submitted report, be approved.

(c) That the Director of Development and Environment, in consultation with the Cabinet Member with the Resource Management Portfolio, be authorised to enter into negotiations and agree terms with City and Northern in respect of the proposed office development.

(d) That the Borough Solicitor be authorised to complete the documentation accordingly.

REASONS - (a) To facilitate further development at Morton Palms and sustain the prestigious quality of the business park.

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

C180. 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 schedules of transactions and seeking approval for the terms negotiated.

With the prior approval of the Chair to the matter being treated as urgent, the Director of Development of Development circulated a further schedule of transactions (also previously circulated).

RESOLVED - That the schedules 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, 23RD MARCH, 2007**