

**DECISIONS SHOULD NOT BE IMPLEMENTED  
BEFORE WEDNESDAY, 29TH DECEMBER, 2004**

**CABINET**  
14th December, 2004

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

**APOLOGIES** – Councillor L. Vasey.

**ALSO IN ATTENDANCE** – Councillors Johnson and Mrs. Scott. (2)

**C148. DECLARATION OF INTERESTS** – (a) That in respect of Minute C152(2) below, Councillor Williams declared a personal and prejudicial interest and left the room during consideration of that item only, and Councillor Dixon took the Chair.

(b) That in respect of Minute C152(2) and C153 below, Councillor McEwan declared personal interests.

**C149. MINUTES** - Submitted - The Minutes (previously circulated) of the meeting of Cabinet held on 16th November, 2004.

**RESOLVED** - That the Minutes be confirmed.

**REASON** - They represent an accurate record of the meeting.

**C150. MATTERS REFERRED TO CABINET** – There were no matters referred back for reconsideration.

**C151. ISSUES ARISING FROM SCRUTINY** – There were no issues referred from Scrutiny Committees to this meeting.

**C152. KEY DECISIONS – (1) Restrictive Physical Intervention Policy** - The Cabinet Member with the Children's Services Portfolio introduced the report of the Director of Education (previously circulated) requesting that consideration be given to the adoption of a new Restrictive Physical Intervention Policy (also previously circulated)

**RESOLVED** - That it be recommended to Council that the Restrictive Physical Intervention Policy and Guidance, as appended to the submitted report, be adopted.

**REASON** - Cabinet needs to consider new policies and recommend them to Council for adoption as Council policy.

**(2) Big Lottery Fund - New Opportunities for PE and Sport Programme** - The Cabinet Member with the Children's Services Portfolio introduced the report of the Director of Education (previously circulated) seeking approval for the formal release of £1,027,356 capital

grant to progress the capital build of the projects within the New Opportunities Fund P.E. and Sport Programme (NOF). Details of the ten schemes which would benefit from the funding was appended to the submitted report.

**RESOLVED** - (a) That £1,027,356 of capital grant be released to progress the next stage of the New Opportunities for P.E. and Sport Programme.

(b) That the project list and proposals in priority order, as appended to the submitted report, be noted.

**REASON** - To enable work to begin on implementing the project as soon as possible.

**C153. SCHOOL PERFORMANCE IN 2004 - SCHOOLS INSPECTED BY OFSTED BETWEEN 1ST SEPTEMBER, 2003 AND 31ST JULY, 2004** - The Cabinet Member with the Children's Services Portfolio introduced the report of the Director of Education (previously circulated) detailing the judgements made about the quality of education offered by those schools in Darlington that were subject to OFSTED inspection during the period 1st September, 2003 and 31st July, 2004.

**RESOLVED** - (a) That the positive inspection outcomes for those schools inspected during the last academic year, as detailed in the submitted report, be noted.

(b) That the appreciation of the positive inspection outcomes be expressed to the governing bodies of those schools identified in the submitted report.

**REASONS** - (a) The report allows Members to monitor standard of performance in the Authority's schools.

(b) To recognise the achievement of schools.

**C154. SCHOOL PERFORMANCE IN 2004 - NATIONAL TESTS/EXAMS** - The Cabinet Member with the Children's Services Portfolio introduced the report of the Director of Education (previously circulated) providing an analysis of pupil performance in Darlington in 2004.

**RESOLVED** - That the report be noted.

**REASON** - To allow Cabinet to monitor the performance of schools against national, regional and statistical neighbours.

**C155. NO. 4 SCHOOL STREET, DARLINGTON** - The Cabinet Member with the Children's Services Portfolio introduced the report of the Director of Education (previously circulated) requesting that consideration be given to the disposal of No. 4 School Street, Darlington, which was a property that had become vacant and was no longer required by the Education Department.

**RESOLVED** - That the transfer and subsequent sale of No. 4 School Street, Darlington be approved.

**REASONS** - (a) The property is no longer required by the Education Department.

(b) The sale will realise a capital receipt for the Authority.

**C156. PERFORMANCE RATING FOR SOCIAL SERVICES 2004** - The Cabinet Member with the Adult Services Portfolio introduced the report of the Director of Social Services (previously circulated) informing Members of the star rating (performance related) awarded to this Council's Social Services Department for 2004, which had gone up from a one star rating in 2003 to a two star rating

**RESOLVED** - That the improvements of the Council's Social Services Department's performance from a one star to a two star rating, be noted, and that the Social Services Department be thanked for their hard work in achieving this rating.

**REASONS** - (a) The star rating for Social Services is a key factor in the Council's overall Comprehensive Performance Assessment (CPA) rating as below a two star rating limits the Council's overall CPA rating to 'good'.

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

**C157. DISABLED FACILITIES GRANT** - The Cabinet Member with the Adult Services Portfolio introduced the report of the Director of Social Services and the Director of Community Services (previously circulated) advising Members of the demand for Disabled Facilities Grants (DFG's) and the demand for adaptations to Council dwellings and requesting that consideration be given to allocating additional resources in order to ease the budget situation and to continue to meet current demands.

**RESOLVED** - That a capital allocation of £200,000 in 2004/05 to clear the backlog for Disabled Facilities Grants be approved and future spending on Disabled Facilities Grants be considered as part of the 2005/06 Capital Programme considerations.

**REASONS** - (a) This is a growing area of demand for the Council which has effectively been 'hidden' because of historic occupational therapy waiting lists. Now the waiting list is cleared the demand has been quantified.

(b) The demand will continue to grow as strategies for helping more people remain independent and at home are realised.

**C158. CITIZENS PRIORITIES - RESULTS IN 2004 COMMUNITY SURVEY** - The Leader introduced the report of the Chief Executive (previously circulated) presenting the headline results from the 2004 Community Survey on Citizens Priorities to inform the work of the Council in business and service planning, the review of the Medium Term Financial Plan and also the work with the Council's partners through the Darlington Partnership.

**RESOLVED** - (a) That the results of the 2004 Community Survey, as detailed in the submitted report, be noted.

(b) That the results be used over the coming months to inform the review of the Medium Term Financial Plan and related activities, specifically with reference to the citizens priorities identified.

**REASON** - To ensure that citizens priorities continue to be central to the review of the Medium Term Financial Plan and related planning activities.

**C159. OMBUDSMAN COMPLAINTS - REVIEW** - Pursuant to Minute C132/Nov/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 of particular attention and/or referral to the Standards Committee since the meeting of Cabinet held on 16th November, 2004.

It was reported at the meeting that there had also been one further complaint to the Ombudsman, but that it was a premature complaint.

**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 this report do not suggest that any further action is required.

**C160. NORTH EAST SUSTAINABILITY ENERGY CENTRE** - The Cabinet Member with the Consumer and Environmental Services Portfolio introduced the report of the Director of Development and Environment (previously circulated) informing Cabinet of a bid from the North East of England to become a pilot region for the establishment of a Sustainable Energy Centre funded by the Energy Saving Trust.

**RESOLVED** - That the bid by the North East to pilot a Sustainable Energy Centre, as detailed in the submitted report, be supported.

**REASON** - A Sustainable Energy Centre will be able to deliver and support enhanced services in the region.

**C161. (URGENT ITEM) HONEYPOT LANE CARAVAN SITE - IMPROVEMENTS** - The Cabinet Member with the Consumer and Environmental Services Portfolio introduced the report of the Director of Development and Environment (previously circulated) outlining the progress in carrying out improvements to the Honey Pot Lane Caravan Site and the current financial position.

**RESOLVED** - That a further £110,000, to be funded through the Council's own capital receipts programme, be released, to allow the project to be completed.

**REASON** - To allow the project to be completed.

**C162. GOVERNANCE ARRANGEMENTS FOR COUNCIL HOUSING STOCK** - The Cabinet Member with the Community and Public Protection Portfolio introduced the report of the Director of Community Services (previously circulated) providing details of the proposed improvements to the governance arrangements in respect of the management of the Council's housing stock which would provide greater empowerment to tenants.

**RESOLVED** - That the Tenant Involvement Structure, as detailed in the appendix to the submitted report, be approved.

**REASONS** - (a) To ensure that Council tenants have greater empowerments and involvement in the management of the Council's housing stock.

(b) To comply with the Office of the Deputy Prime Minister guidance in respect of the outcomes of the stock option appraisal.

**C163. AUDIT SERVICES ANNUAL AUDIT PLAN 2004/05 - PROGRESS REPORT -**

The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) providing Cabinet with a progress report against the 2004/05 Annual Audit Plan, in accordance with the Audit Services roles and terms of reference.

**RESOLVED** - That the progress report against the 2004/05 Annual Audit Plan, as detailed in the submitted report, be noted.

**REASON** - They comprise part of the Council's corporate governance arrangements.

**C164. 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 an application in respect of financial assistance received from a charitable and non-profit making organisation.

**RESOLVED** - That a grant of £200 be made to the First Darlington Rainbows towards the hire of Mowden Infants School to host weekly Rainbow meetings.

**REASON** - The application met the criteria for support.

**C165. DISCRETIONARY RATE RELIEF 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 an application for discretionary rate relief from a charitable and non-profit making organisation.

**RESOLVED** - That MENCAP be granted 20 per cent discretionary rate relief in 2004/05 and 2005/06 in respect of their premises located at Hallmark House, No. 1A Chancery Lane, Darlington.

**REASON** - To continue existing policy.

**C166. MEMBERSHIP CHANGES** - There were no membership changes reported at the meeting.

**C167. 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.

**C168. REDUNDANT TOILET BLOCK - ADJACENT TO 64 MORPETH AVENUE (EXCLUSION NOS. 7 AND 9)** - The Cabinet Member with the Resource Management Portfolio introduced the report and plan of the Director of Development and Environment (both previously circulated) seeking authority to dispose of the Council's freehold interest in approximately 6.36 square metres of land adjacent to No. 64 Morpeth Avenue, as shown on the plan appended to the submitted report.

**RESOLVED** - That the disposal of the land, as outlined in the submitted report, be approved and the Borough Solicitor be authorised to complete the documentation as necessary.

**REASON** - (a) To remove a potential liability from the Council's Asset Register.

(b) To improve the visual appearance of the land.

(c) To meet the prospective purchasers request.

**C169. 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 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, 17TH DECEMBER, 2004**