

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY, 31ST JANUARY, 2005**

CABINET
18th January, 2005

PRESENT - Councillor Williams (in the Chair); Councillors Bristow, Dixon, Harker, Lister, D.A. Lyonette, McEwan, L. Vasey and Wallis. (9)

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

C170. DECLARATION OF INTERESTS – In respect of Minute C175 below, Councillor L. Vasey declared a personal but non-prejudicial interest as she was Chair of Governors of North Road Primary School and had a child at one of the schools.

C171. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of Cabinet held on 14th December, 2004.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C172. AUDIT AND INSPECTION LETTER 2003/04 - Mr. N. Nicholson, the Council's Audit Manager from PriceWaterhouseCoopers, and Miss S. Diggle, the Council's Relationship Manager from the Audit Commission, gave a presentation to Members on the Annual Audit and Inspection Letter.

The Leader introduced the report of the Director of Corporate Services (previously circulated) presenting the 2003/04 Audit and Inspection Letter (also previously circulated).

RESOLVED - That the Audit and Inspection Letter, as appended to the submitted report, be received.

REASON - To enable the Council to receive the results of its external assessment.

C173. MATTERS REFERRED TO CABINET – There were no matters referred back for reconsideration.

C174. ISSUES ARISING FROM SCRUTINY – There were no issues referred from Scrutiny Committees to this meeting.

C175. KEY DECISIONS – (1) (URGENT ITEM) Primary School Education in Darlington - Review - The Cabinet Member with the Children's Services Portfolio introduced the report of the Director of Education (previously circulated) setting out proposals for taking forward the key recommendations made in the report of the Lifelong Learning Scrutiny Committee's review of Primary Education in Darlington.

The submitted report concentrated on three specific courses of action, namely, the closure of Rise Carr Primary School, the amalgamation of Albert Hill Nursery School and Gurney Pease Primary School and the reduction in size of Corporation Road Primary School. A plan showing the location of the pupils currently attending Rise Carr Primary School was appended to the submitted.

RESOLVED - (a) That the closure of Rise Carr Primary School be agreed, subject to the completion of statutory procedures.

(b) That the amalgamation of Albert Hill Nursery and Gurney Pease Primary School, be agreed, subject to the completion of statutory procedures.

(c) That the size of Corporation Road Primary School be reduced and, after building alterations, a multi-use games area be developed on the site.

REASONS - (a) To improve the efficiency of primary education in Darlington.

(b) To improve effectiveness of the use of scarce financial resources.

(c) To develop educational provision by enhancing facilities at Gurney Pease and Corporation Road Schools.

(2) (URGENT ITEM) Darlington Town Centre ‘Pedestrian Heart’ - The Leader introduced the report of the Director of Development and Environment (previously circulated) requesting that consideration be given to the release of One NorthEast Single Programme Funding to complete Phase One Enabling Works in respect of the Darlington Town Centre ‘Pedestrian Heart’ Scheme, subject to the Pedestrian Heart Traffic Regulation Order (TRO) (Minute C178 below refers) being approved; and to confirm expenditure undertaken by officers for additional studies and supplementary works required to progress the scheme and seeking approval for further works and fees.

RESOLVED - (a) That One NorthEast Single Programme funding of £259,000 in 2004/05 and £93,000 in 2005/06, to complete the Phase One Enabling works, be released.

(b) That the Director of Development and Environment, in consultation with the Cabinet Member with the Regeneration and Planning Portfolio, be authorised to agree future expenditure taken by officers for additional studies, supplementary works and fees totalling £120,000, required to progress the scheme and release Single Programme funding.

REASONS - (a) To progress the Pedestrian Heart scheme.

(b) To enhance the economy, environment and ease of use of the town centre.

(c) To allow full use to be made of external funding as soon as it becomes available.

(3) Darlington Local Development Framework - 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 the Council’s first Local Development Scheme, a three year project plan for the production of Local Development Documents which would progressively replace the existing development plans for the Borough.

Amended appendices to the report detailing the contents and timetable for the production of the Local Development Documents, were circulated at the meeting.

RESOLVED - (a) That the outline, contents and timetable, as amended, be approved as the basis for the first Local Development Scheme for Darlington.

(b) That Officers be authorised to finalise a service level agreement with the Planning Inspectorate, and finalise the Local Development Scheme and formally submit it to the Government Office for the North East.

(c) That Officers be authorised to publish the Local Development Scheme once approved by the Government Office for the North East.

(d) That Officers submit further reports to future meetings of Cabinet on any further changes in respect of the transition to the new development plan system.

REASONS - (a) It is necessary to submit a Local Development Scheme before the statutory deadline of 28th March, 2005.

(b) Consideration of, and decisions on, the matters covered is necessary at this stage to assist in meeting this deadline.

(4) (URGENT ITEM) 'View' Shaping the North East - Consultation Draft Regional Spatial Strategy for the North East - The Cabinet Member with Regeneration and Planning Portfolio introduced the report of the Director of Development and Environment (previously circulated) informing Members of the status and main contents of the Consultation Draft Regional Spatial Strategy for the North East (RSS), highlighting the key implications for the Council; seeking approval for the submission of various objections and statements of support as part of the current consultation process; and seeking endorsement of new procedures introduced by the Planning and Compulsory Purchase Act 2004, relating to the preparation of sub-regional strategies.

RESOLVED - (a) That the comments and objections, as detailed in the submitted report, be forwarded to the North East Assembly as the Council's formal response to the Draft Regional Spatial Strategy Consultation process.

(b) That the approach proposed by the North East Assembly relating to the preparation of sub-regional strategies, as outlined in its letter of 24th November, 2004, be endorsed.

REASONS - (a) Consideration of, and decisions on, the matters covered is necessary at this stage to meet the Consultation deadline of 4th February, 2005.

(b) To enable the Council to influence emerging regional and sub-regional spatial development policy.

C176. CORPORATE PLAN PRIORITIES - HALF YEAR PERFORMANCE 2004/05 - The Leader introduced the report of the Chief Executive (previously circulated) reporting on the progress on the implementation of the Corporate Plan 2004/07, which was published in June 2004 and set out the Council's plans for improving the quality of life for residents in Darlington

by implementing its part of the Community Strategy, improving services provided to local people and improving as an organisation so that we continue to deliver better services.

RESOLVED - That the progress and the corrective action being taken where performance is below target, as detailed in the submitted report, be noted.

REASONS - (a) To improve services for local people.

(b) To ensure continued delivery of the Corporate Plan and the Council's part of the Community Strategy.

C177. PUBLIC PROTECTION FORUM - Submitted - The Minutes (previously circulated) of the meeting of the Public Protection Forum held on 7th October, 2004.

RESOLVED - That the Minutes be received.

REASON - They represent an accurate record of the meeting.

C178. (URGENT ITEM) DARLINGTON BOROUGH COUNCIL (STONEBRIDGE AND ST. CUTHBERT'S WAY) (BUS LANES) ORDER 2005 - The Cabinet Member with the Highways and Transport Portfolio introduced the report of the Director of Development and Environment (previously circulated) seeking approval to set aside the objection to the Stonebridge and St. Cuthbert's Way (Bus Lanes) Order 2005.

RESOLVED - (a) That the objection by the Freight Transport Association to the proposed Darlington Borough Council (Stonebridge and St Cuthbert's Way) (Bus Lanes) Order 2005 be set aside and approval be given to the making of the Traffic Regulation Order.

(b) That the Borough Solicitor be authorised to carry out the necessary procedures to make the Traffic Regulation Order.

REASONS - (a) To allow the making of the Traffic Regulation Order.

(b) To expedite the implementation of this part of the Pedestrian Heart Project.

C179. PROHIBITION OF DRIVING ORDER BACK YARM ROAD NORTH/PEEL STREET/WESLEY STREET AND WESLEY STREET/STANLEY STREET - The Cabinet Member with the Highways and Transport Portfolio introduced the report of the Director of Development and Environment (previously circulated) seeking approval to make permanent the Prohibition of Driving Order in respect of the back Yarm Road North/Peel Street/Wesley Street and Wesley Street/Stanley Street which currently has experimental status.

RESOLVED - (a) That the Prohibition of Driving Order Back Yarm Road North/Peel Street/Wesley Street and Wesley Street/Stanley Street, which currently has experimental status, be made permanent.

(b) That the Borough Solicitor be authorised to carry out the necessary procedures to make the Order permanent.

REASONS - (a) The closures have resolved the anti-social behaviour and vehicle speeding problems and have a beneficial effect on the overall environment of the residents.

(b) To expedite the implementation of the permanent Order.

C180. 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 requests for grant aid from the Community Leisure Chest.

RESOLVED - (a) Samaritans of Darlington - That a grant of £78 be made.

(b) St. Teresa's Hospice (Darlington) - That a grant of £100 be made.

REASON - To enable officers to inform the organisations of success or failure following their application for Community Leisure Chest Grant Aid.

C181. 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 three applications in respect of financial assistance received from charitable and non-profit making organisations and two individuals.

RESOLVED - (a) Darlington Coronary Support Group - That a grant of £250 be made.

(b) Faye Broadbent and Matthew Clint - Taekwondo - Invitation to receive specialist training with Masters in Seoul, Korea - That the request be declined.

REASON – (a) The application met the criteria for support.

(b) The applicants have previously received grant aid from the Community Leisure Chest.

C182. REVENUE BUDGET MANAGEMENT - MONTHLY MONITORING REPORT - NOVEMBER 2004 - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) presenting the Director's projections of income and expenditure for the year compared with approved budgets for consideration of the Council's overall revenue budget position for 2004/05.

RESOLVED - (a) That the 2004/05 revenue budget projections, as appended to the submitted report, be noted.

(b) That £32,000 be released to cover the costs of the MARO enquiry, as detailed in the submitted report.

(c) That further budget management reports be presented regularly to Cabinet.

REASON - To ensure that robust revenue budget management procedures are maintained.

C183. CAPITAL PROGRAMME - MONTHLY MONITORING REPORT - NOVEMBER 2004 - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) presenting an update of the Capital Programme and looking at spending and resource levels.

RESOLVED - (a) That the progress of the Capital Programme be noted and the updated 2004/05 Capital Programme, as appended to the submitted report, be approved.

(b) That the additional anticipated Housing Revenue Account Capital Receipts, as detailed in the submitted report, be noted.

REASONS - (a) To approve the updated 2004/05 Capital Programme.

(b) To allow the Housing Capital Programme to proceed.

C184. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C185. 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.

C186. VICTORIA ROAD PUMPING STATION (EXCLUSION PARAGRAPH 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) advising Members of Northumbrian Waters' actions on Council-owned land and seeking authority to dispose of 110 square metres of land at St. Cuthbert's Way/rear of Victoria Road, Darlington (as shown on the plan appended to the submitted report).

RESOLVED - (a) That 110 square metres of land, as shown on the plan appended to the submitted report, be sold on the terms as detailed in the submitted report.

(b) That the Borough Solicitor be authorised to complete the documentation as necessary.

REASONS - (a) To satisfy Northumbrian Water Limited's request to acquire Council-owned land.

(b) To alleviate flooding in the Victoria Road/St. Cuthbert's Way area.

C187. 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, 20TH JANUARY, 2005**