

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY, 25TH JULY, 2005**

Item 3

**CABINET
12th July, 2005**

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

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

C22. DECLARATION OF INTERESTS – In respect of Minute C26(1) below, the Leader, declared a personal but non prejudicial interest as his wife was the Headteacher of Whinfield Primary School and Councillors Dixon, McEwan and L. Vasey declared pecuniary but non-prejudicial interests as they had children at schools within the Borough.

C23. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of Cabinet held on 7th June, 2005

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C24. MATTERS REFERRED TO CABINET – There were no matters referred back for reconsideration.

C25. ISSUES ARISING FROM SCRUTINY – There were no issues referred from Scrutiny Committees to this meeting.

C26. KEY DECISIONS – (1) School Holiday and Term Dates 2006/07- 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 setting school holiday dates and associated professional development arrangements (inset dates) for the academic year 2006/07, commencing in September, 2006. Three proposals for the school holiday dates and associated professional development arrangements for 2006/07 were appended to the submitted report.

RESOLVED - That the proposed holiday, term dates and associated professional development arrangements as set out in Proposal B, as appended to the submitted report, be agreed in order to make use of full week breaks, as suggested by Head Teachers.

REASON - To agree the school holiday and term dates for 2006/07 to assist schools in planning processes.

(2) (URGENT ITEM) Children's Centres Capital Programme 2004/06 - Release of Funds - The Cabinet Member with the Children's Services Portfolio introduced the report of the Director of Children's Services (previously circulated) seeking approval to release capital monies awarded to the Local Authority by the Department for Education and Skills (DfES) for Darlington's Children's Centres capital schemes which were approved by Cabinet in October 2003.

RESOLVED - (a) That the details of each individual Children's Centres capital scheme, as detailed in the submitted report, be noted.

(b) That Capital Funding of £674,491 and the associated Revenue Funding of £353,627, included within the 2004/06 Financial Years, be released.

REASONS - (a) To enable work to proceed on the Children's Centres capital proposals.

(b) To enable the target of creating 100 new childcare places and also creating easily accessible services for 2,302 pre-school children and their families to be met.

(3) Tees Valley Works - The Cabinet Member with the Regeneration and Planning Portfolio introduced the report of the Director of Development and Environment (previously circulated) seeking endorsement for the Tees Valley Works Project from September 2005 to August 2007, and requesting that consideration be given into entering into a Service Level Agreement with the other Tees Valley Authorities, with Hartlepool Borough Council as lead and accountable body for the initiative.

RESOLVED – (a) That the Tees Valley Works Project, to run from September 2005 to August 2007, be supported.

(b) That a Service Level Agreement be entered into with the other four Local Authorities in the Tees Valley, with Hartlepool Borough Council as lead and accountable body for Tees Valley Works Project.

REASONS - (a) To support a holistic Tees Valley initiative aimed at training unemployed individuals in the existing and emerging skills base.

(b) To support the local economy by tackling skills shortages and providing unemployed individuals with the skills they require to find employment.

(4) High Hedges Complaints – Administering - The Cabinet Member with the Regeneration and Planning Portfolio introduced the report of the Director of Development and Environment (previously circulated) seeking approval for the level of fees proposed to cover the administration of the recently introduced High Hedges Complaints procedures and seeking delegated authority for officers to decide High Hedges Complaints.

RESOLVED – That it be recommended to Council that:-

(a) the standard fee for handling a High Hedges Complaint be set at £350 for the current financial year;

(b) those complainants who are unemployed or, receive either housing benefit or Council tax benefit, be eligible to a concessionary fee of £200 for the current financial year;

(c) the fee levels be reviewed following twelve months of operation, when more information is available on the actual costs incurred and the demands made on the service;

(d) the Scheme of Delegation to officers, included in the Council's Constitution, be revised in respect of planning matters to grant the Director of Development and Environment, or his/her nominated officer, delegated powers to decide High Hedges Complaints under Part 8 of the Anti-social Behaviour Act 2003; and

(e) High Hedge Complaints involving Council-owned land be decided by the Council's Planning Applications Committee.

REASONS - (a) To cover the costs of administering and processing High Hedges Complaints.

(b) To assist people on low incomes to pay for the High Hedge Complaint service.

(c) To identify the true costs of the complaint service and suggest a revised fee scheme to Cabinet if necessary.

(5) Public Procurement - New Approaches - The Cabinet Member with Regeneration and Planning Portfolio introduced the report of the Director of Development and Environment (previously circulated) providing Members with an update on the work undertaken to identify the legal and policy frameworks for use by the Council's Planning, Estates, Procurement and Economic Regeneration activities in order to target employment and training opportunities that arise from Council expenditure and wider regeneration projects and requesting that consideration be given to the adoption of statements and procedures to facilitate the implementation of various Council policies through New Approaches to Public Procurement (NAPP).

The submitted report stated that the NAPP was being adopted by all Tees Valley Councils in a consistent way, to ensure that both the benefits and the implications for developers were no different across the sub-region.

RESOLVED - (a) That Council-procured major projects maximise the recruitment and training opportunities for Darlington residents, especially those that are disadvantaged in the local labour market.

(b) That Planning officers be authorised to advise potential developers of large sites for business parks, housing and retail, that the Council will be seeking to discuss the contribution the developer can make, through targeted training and employment, to the achievement of the economic, social and environmental objectives as set out in the Community Strategy, and may incorporate those matters either within a S106 Agreement or through a Development Agreement.

(c) That the New Approaches to Public Procurement toolkit, as outlined in the submitted report, be used where appropriate.

REASONS - (a) It is a priority within the Community Strategy Action Plan to target efforts on those living in the most deprived wards.

(b) It supports the Council's economic objectives to strengthen the local economy, share prosperity and reduce economic inequalities.

(c) It meets the objectives of the Council's Procurement Strategy.

C27. COMPLAINTS MADE TO OMBUDSMAN - REVIEW - Pursuant to Minute C9/Jun/05, 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 to indicate any points of particular attention and/or referral to the Standards Committee since the meeting of Cabinet held on 7th June, 2005.

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.

C28. CAPITAL PROGRAMME 2005/06 - DOLPHIN CENTRE REFURBISHMENT - RELEASE OF FUNDS – The Cabinet Member with Leisure Services Portfolio introduced the report of the Director of Community Services (previously circulated) seeking approval to release capital monies approved in the 2005/06 Capital Programme for the refurbishment works to the Dolphin Centre, having regard to a revised cost of the proposed scheme

RESOLVED - (a) That the details of the scheme and amended estimate, as detailed in the submitted report, be noted.

(b) That the resources previously approved by Council plus an additional £1.487m., to be funded from potential borrowing, be released, subject to the tender evaluation process undertaking a whole life costing appraisal of the scheme to confirm the proposal as the best option for the Dolphin Centre.

REASONS - To enable work to proceed on the Capital Medium Term Financial Plan.

C29. DARLINGTON TRANSPORT FORUM - Submitted - The Minutes (previously circulated) of the special meeting of the Darlington Transport Forum held on 6th June, 2005.

RESOLVED - That the Minutes be received.

REASON - They represent an accurate record of the meeting.

C30. NORTHERN WAY - TEES VALLEY CITY REGIONAL DEVELOPMENT PROGRAMME - The Cabinet Member with Regeneration and Planning Portfolio introduced the report of the Director of Development and Environment (previously circulated) updating Members on the development of the Northern Way Growth Strategy and seeking endorsement of the Tees Valley City Region Development Programme (also previously circulated) contained within it.

RESOLVED – That the Tees Valley City Region Development Programme, as appended to the submitted report, be endorsed.

REASONS - (a) To enable the Tees Valley to maximise the opportunities presented by the Northern Way Growth Strategy.

(b). To enable Darlington to confirm its key economic role in the future of the Tees Valley.

C31. ENERGY POLICY - The Cabinet Member with Resource Management Portfolio introduced the report of the Director of Development and Environment (previously circulated) requesting that consideration be given to the adoption of the Energy Policy (also previously circulated) as Council Policy.

RESOLVED – That it be recommended to Council that the Energy Policy, as appended to the submitted report, be approved.

REASONS - (a) To demonstrate the Council's commitment to be energy efficient and to combating climate change by acknowledging a need to act and adopting self imposed targets to achieve measurable results.

(b) To give strength, direction and support to energy management within the authority through Council policy.

C32. SURESTART, NO. 2A MCNAY STREET - ADDITIONAL CAPITAL EXPENDITURE ACCRUED BY THE PROJECT - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Development and Environment (previously circulated) advising of additional capital expenditure accrued as a result of the building development at SureStart, No. 2A McNay Street, Darlington and requesting the release of an additional £56,000, accrued by the project, to be met via Corporate Capital Resources.

RESOLVED – That the release of Corporate Capital Resources totalling £56,000, for the SureStart development at No. 2A McNay Street, be agreed.

REASON - To allow the financing of McNay Street facilities to be completed.

C33. TREASURY MANAGEMENT ANNUAL REPORT AND ACTUAL PRUDENTIAL INDICATORS 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 the annual treasury report, which was a requirement of the Council's reporting procedures and covered the treasury activity for 2004/05, together with the actual Prudential Indicators for 2004/05, in accordance with the requirement of the Prudential Code.

RESOLVED – (a) That the actual 2004/05 Prudential Indicators, as detailed in the submitted report and included in Appendix 1, be approved.

(b) That the Treasury Management Annual Report for 2004/05, be noted..

REASONS - (a) To comply with the Prudential Code for Capital Finance.

(b) To comply with the Treasury Policy Statement adopted by the Council.

C34. REVENUE OUT-TURN 2004/05 - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) presenting the revenue out-turn for 2004/05 and requesting that consideration be given to the results in the light of the Council's Medium Term Financial Plan (MTFP) for the General Fund and to the Housing Revenue Account out-turn.

RESOLVED – (a) That the positive revenue out-turn for 2004/05 and improved revenue balances at 31st March, 2005, as detailed in the submitted report, be noted.

(b) That the departmental balances, as detailed in paragraph 9 of the submitted report, be carried forward.

(c) That it be recommended to Council that a PFI Reserve of £1.0M be established, including £0.400 to be transferred from capital resources to revenue.

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

C35. CAPITAL PROGRAMME OUT-TURN 2004/05 - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) providing information on the Capital Programme out-turn position as at 31st March, 2005.

RESOLVED – That the 2004/05 Capital Programme Out-turn, as detailed in the submitted report, be noted.

REASON - To note the progress of the 2004/05 Capital Programme.

C36. CAPITAL PROGRAMME - MONTHLY MONITORING REPORT - MAY 2005 - 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 spending and resource levels.

RESOLVED – (a) That the updated Capital Programme 2005/06, as detailed in the submitted report, be noted.

(b) That additional resources of £0.125m be formally released for the East Car Park scheme.

(c) That additional resources of £0.100m be formally released in relation to the Land Sale Costs for the Central Park, Haughton Road Development.

(d) That additional resources of £0.036m be formally released for the Arts Centre Development.

REASON - To allow Members to note the progress of the agreed Capital Programme and to allow the East Street Car Park, Central Park, Haughton Road and Arts Centre Schemes to progress.

C37. REVENUE BUDGET MANAGEMENT - MONTHLY MONITORING REPORT - MAY 2005 - 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 (also previously circulated) for the year compared with approved budgets for consideration of the Council's overall revenue budget position for 2005/06.

RESOLVED – (a) That 2005/06 revenue budget projections, as attached to the submitted report, be noted.

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

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

C38. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C39. 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.

C40. NO. 205 GRANGE ROAD - DISPOSAL (EXCLUSION NOS. 7 AND 8) - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Development and Environment (previously circulated) requesting that consideration be given to the proposed realignment to the boundaries between No. 205 Grange Road and the South Park (as shown on the plan appended to the submitted report) and to the development opportunities relating to the disposal of No. 205 Grange Road, in order to maximise capital receipts from the sale of the property.

RESOLVED - (a) That the boundary of No. 205 Grange Road be realigned to incorporate part of the South Park, as detailed in the submitted report, and it be disposed of subject to no objections being received in line with Section 123(2a) and 122 of the Local Government Act 1972.

(b) That consent for disposal under Section 32 of the Housing Act 1985 be sought from the Secretary of State if no general deemed consent is available.

(c) That the Director of Development and Environment be given delegated authority to market, negotiate and agree terms for the disposal of the property in consultation with the Cabinet Member with the Resource Management Portfolio.

(d) That the Borough Solicitor be authorised to prepare and complete the necessary documentation.

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

REASONS - (a) To generate a capital receipt for the Council's Housing Revenue Account from the sale of a surplus council dwelling.

(b) To rationalise the boundary of the property with the South Park and maximise potential receipt.

(c) To achieve the disposal.

C41. SCHEDULE OF TRANSACTIONS (EXCLUSION NOS. 7, 8 AND 9) - The Cabinet Member with the Resource Management Portfolio introduced the report and schedule (both previously circulated) of the Director of Development and Environment 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 -
15TH JULY, 2005**