

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE TUESDAY, 11TH MAY, 2004**

CABINET
27th April, 2004

PRESENT – Councillor Williams (in the Chair); Councillors Bristow, Dixon, Harker, Lister, D.A. Lyonette, McEwan and L. Vasey. (8)

APOLOGIES – Councillor Wallis.

ABSENT -

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

C237. DECLARATION OF INTERESTS – In respect of Minutes C256 and C257 below, Councillors Dixon and L. Vasey declared personal and prejudicial interests as members of the Firthmoor Community Centre Management Committee and links with the Firthmoor Over 60's Club, and left the meeting during the consideration of those items only. Councillor Johnson also declared a personal and prejudicial interest in Minute C257, as the Chair of Age Concern, and left the meeting during the consideration of that item only

C238. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of Cabinet held on 30th March, 2004.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C239. MATTERS REFERRED TO CABINET – There were no matters referred back for reconsideration.

C240. ISSUES ARISING FROM SCRUTINY – There were no issues referred from the Scrutiny Committees to this meeting.

C241. KEY DECISIONS – (1) Darlington Community Safety Partnership – Delegation of Powers – The Cabinet Member with the Social Services Portfolio introduced the report of the Director of Social Services (previously circulated) requesting that consideration be given to the delegation of existing and any adopted local authority enforcement powers, to officers of the Darlington Community Safety Partnership, to assist in addressing crime, substance misuse and anti-social behaviour. The powers given under the accreditation would be mainly, although not exclusively, carried out by the Uniformed Warden Service.

RESOLVED – (a) That the report be noted.

(b) That it be recommended to Council that the request for delegated powers to officers of the Darlington Community Safety Partnership, including the Uniformed Wardens, Youth Offending Officers, Early Intervention Team Workers and Manager who may have course to exercise accredited powers in collaboration with Durham Constabulary, be supported.

REASONS – (a) Accreditation improves the level of joint working with Durham Constabulary to tackle crime and anti-social behaviour.

(b) Accredited powers will enhance the objectives and outcomes of Darlington Borough Council by enabling Community Safety Partnership staff to more fully address problems in communities and support specific Council initiatives such as littering.

(2) Cosmetic Piercing and Skin-Colouring Businesses – Regulation – The Cabinet Member with the Community Protection Portfolio introduced the report of the Director of Development and Environment (previously circulated) advising Members of changes in legislation relating to cosmetic piercing and seeking approval for carrying out the procedures necessary to make byelaws to effectively regulate activities relating to skin piercing and semi-permanent skin-colouring in accordance with the draft model byelaws recommended by the Department of Health.

RESOLVED – That it be recommended to Council that :-

- (a) the affixing of the common Seal to the byelaws be authorised;
- (b) the necessary procedures be carried out and an application be made to the Secretary of State for confirmation of those byelaws relating to semi-permanent skin colouring and cosmetic piercing; and
- (c) the provisions be implemented on 1st August, 2004, subject to confirmation by the Secretary of State, or immediately on receipt of such confirmation if received after that date.

REASON - To enable the Council to implement the changes in legislation and formally propose the adoption of byelaws to regulate the activities of businesses carrying on skin piercing activities defined in the Local Government (Miscellaneous Provisions) Act 1982 and the Local Government Act 2003.

C242. DARLINGTON'S CHILDREN'S TRUST – DEVELOPMENT – The Cabinet Member with the Social Services Portfolio introduced the report of the Director of Social Services (previously circulated) to inform Members of recent developments in respect of the establishment of Darlington's Pathfinder Children's Trust.

RESOLVED – That the recent developments undertaken by the Children's Trust, as detailed in the submitted report, be approved.

REASON – The structure of the Children's Trust will enable organisations to join together in local partnership and provide an integrated approach to the delivery of children's services.

C243. WESTFIELDS HOUSE – DISPOSAL OF PROPERTY SURPLUS TO REQUIREMENTS – The Cabinet Member with the Social Services Portfolio introduced the

report of the Director of Social Services (previously circulated) requesting that consideration be given to declaring Westfields House, a Council Part III Home, surplus to requirements, following approval of the Homes Closure Programme.

RESOLVED – (a) That the Council’s Part III Home, Westfields House, be declared surplus to requirements, subject to consultation with all other Council departments.

(b) That the Director of Development and Environment be authorised to negotiate and agree terms for disposal of the property in consultation with the Cabinet Member with the Resource Management Portfolio.

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

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

REASONS – (a) To facilitate the disposal of surplus Council property.

(b) To achieve a capital receipt for the Council.

C244. COMPLAINTS MADE TO OMBUDSMAN – REVIEW – Pursuant to Minute C223/Mar/04, the Leader introduced the report of the Director of Corporate Services (previously circulated) providing an update of cases which had been considered by the Local Ombudsman, and indicating any points of particular interest and/or referral to the Standards Committee since the meeting of Cabinet held on 30th March, 2004.

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.

C245. REPRESENTATION ON OTHER BODIES – (1) North East Regional Employers Organisation – Steering Group – The Leader introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to the appointment of a Member to serve on a Steering Group established by the North East Regional Employers Organisation, and the IdeA, aimed at developing a more structured and accessible approach to Member development in the region.

RESOLVED – That the Chair of the Lifelong Learning Scrutiny Committee, Councillor Hughes, be nominated to serve on the Steering Group of the North East Regional Employers Organisation, to develop a regional framework for learning provision.

REASON – To enable this Council to be represented on the Steering Group, in order to develop a regional framework for learning provision, by a Member who has an interest in learning and development.

(2) McMullen House – Advisory and Development Group – The Leader introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be

given to the appointment of a Member to serve on the Advisory and Development Group of McMullen House.

RESOLVED – That the Vice-Chair of the Lifelong Learning Scrutiny Committee, Councillor A.J. Scott, be nominated to serve on the Advisory and Development Group of McMullen House.

REASON – To enable this Council to be represented on the Advisory and Development Group of McMullen House.

C246. CALENDAR OF COUNCIL AND COMMITTEE MEETINGS 2004/05 – The Leader introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to a calendar of Council and Committee meetings for the 2004/05 Municipal Year (also previously circulated).

RESOLVED – That the Calendar of Council and Committee Meetings 2004/05, as appended to the submitted, be approved.

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

C247. DARLINGTON ENVIRONMENTAL FORUM – Submitted – The Minutes (previously circulated) of the meeting of Darlington Environmental Forum held on 15th March, 2004.

RESOLVED – That the Minutes be received.

REASON – They represent an accurate record of the meeting.

C248. PUBLIC PROTECTION FORUM – Submitted – The Minutes (previously circulated) of the meeting of the Public Protection Forum held on 6th April, 2004.

RESOLVED – That the Minutes be received.

REASON – They represent an accurate record of the meeting.

C249. DARLINGTON TRANSPORT FORUM AND TOWN CENTRE FORUM – Submitted – The Minutes (previously circulated) of a joint meeting of the Darlington Transport Forum and the Town Centre Forum held on 17th March, 2004.

RESOLVED – That the Minutes be received.

REASON – They represent an accurate record of the meeting.

C250. SHOPMOBILITY SERVICE LEVEL AGREEMENT – EXTENSION – 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 extension of the current Shopmobility Service Level Agreement until 31st March 2006, to tie in with the finish date of the Local Transport Plan.

RESOLVED – That the extension of the current Shopmobility Service Level Agreement until 31st March, 2006, be approved.

REASON – To enable the successful Shopmobility service to continue to provide accessible transport in and around the town centre to local residents.

C251. NO. 205 GRANGE ROAD – DISPOSAL OF COUNCIL DWELLING SURPLUS TO REQUIREMENTS – The Cabinet Member with the Housing Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to the disposal of a Council dwelling at No. 205 Grange Road, that was surplus to requirements.

RESOLVED – (a) That the disposal of No. 205 Grange Road, as detailed in the report, be approved.

(b) That the Director of Development and Environment and the Borough Solicitor be authorised to dispose of No. 205 Grange Road in accordance with the power set out in Section 32 of the Housing Act 1985 and to ensure that the appropriate consent has been obtained prior to disposal, including the making of any application to the Secretary of State, if the disposal does not fall within the terms of the General Consent as to disposal.

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

(b) To achieve the disposal.

C252. (URGENT ITEM) COUNTRYSIDE MANAGEMENT SERVICE PROVISION – The Cabinet Member with the Regeneration and Planning introduced the report of the Director of Development and Environment (previously circulated) seeking approval to extend the current contract for a further year with the Tees Forest Land Management Services in delivering the Council's Countryside Management Service Provision.

RESOLVED – That the contract with the Tees Forest Land Management Services be extended for a further twelve month period until 30th April, 2005.

REASON – To provide continuity in the physical delivery of the countryside service within the Borough, and to reflect the Council's needs as set out in the forthcoming Countryside Strategy Document.

C253. CAPITAL PROGRAMME 2004/05 – IMPLEMENTING ELECTRONIC GOVERNMENT – The Cabinet with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to the release of capital funds awarded to the Council for successfully producing a suitable Implementing Electronic Government 2003 (IEG3) Statement.

RESOLVED – (a) That the £350,000 IEG3 Capital Grant be released for the following purposes:-

- (i) completion of the website project £100,000;

- (ii) implementation of the Access to Services Best Value Review Improvement Plan £100,000; and
- (iii) achievement of the Government's priority services £150,000.

(b) That it be recommended to Council that the Contracts Procedure Rules be waived to allow any further website development work identified with regard to achieving the Government's priority services, to be negotiated with the Council's current website development partner Waterstons.

REASONS – (a) It supports the Council's Electronic Government Strategy and IEG statements.

(b) It will allow the Council to deliver the priority services as identified by the Government.

C254. WORK PLACEMENTS FOR PUPILS – 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 providing updated formal authorisation for the County Durham Business and Learning Partnership to contract with various employers on behalf of this Council.

RESOLVED - That the Work Experience Co-ordinator (or equivalent post) of Durham Business and Learning Partnership be authorised to contract with employers on behalf of this Council, in relation to work experience placements for pupils at Darlington Schools.

REASON - To authorise Durham Business and Learning Partnership to enter into and sign Agreements with employers to enable Darlington pupils to access appropriate work experience placements.

C255. CONTRACTS UNDERTAKEN FOR EXTERNAL CLIENTS IN 2003/04 – The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Community Services (previously circulated) to advise Members of work undertaken with external clients in 2003/04.

RESOLVED – That the report be received.

REASON – To advise Members of the level of external trading undertaken by Community Services.

C256. 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 eight applications in respect of financial assistance received from six charitable and non-profit making organisations and two individuals.

RESOLVED – (a) The Birches Community Centre Over 60's Club, King William Street, Darlington – That a grant of £200 be made.

(b) Darlington Choral Society – That a grant of £600 be made.

(c) Firthmoor Over 60's Club, Burnside Road, Darlington – That a grant of £200 be made.

(d) Haven Community Centre Over 60's Club, Park Place, Darlington – That a grant of £200 be made.

(e) New Ambulances for St. John Ambulance, Durham County 'Wheels for Life' Appeal – That the application be withdrawn.

(f) Wesley Court Community Centre, Wesley Court, Darlington – That a grant of £200 be made.

(g) Christopher Andrew Dove – Invitation to Swim at the British National Age Group Championships in Stockport - April 2004 – That a grant of £300 be made.

(h) North East Youthmoves – Invitation to Perform at the Royal Albert Hall in London on 5th June, 2004 – That a grant of £400 be made.

REASON – (a) That in respect of (a) to (d) and (f) to (h) above, the applications are worthy of support.

(b) That in respect of (e) above, the application does not fall within the remit of the fund.

C257. 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 a number of applications received in respect of discretionary rate relief from various charitable and non-profit making organisations for the financial year 2004/05.

RESOLVED – (a) That the organisations, as listed in Schedule 1 appended to the submitted report, be granted 20 per cent discretionary rate relief for 2004/05 and 2005/06.

(b) That the organisations, as listed in Schedule 2 appended to the submitted report, be granted the stated percentages of discretionary rate relief for 2004/05 and 2005/06.

(c) That it be noted that the organisations, as listed in Schedule 3 appended to the submitted report, were awarded the stated amounts of discretionary rate relief in 2003/04 for both 2003/04 and 2004/05 .

REASON – The applications meet the criteria for support.

C258. CHIEF EXECUTIVE – PERFORMANCE APPRAISAL – The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) informing Cabinet of the recommendations of the Appraisal Sub-Group in respect of the Chief Executive's performance appraisal.

RESOLVED – That the recommendation of the Appraisal Sub-Group, as detailed in the submitted report, be approved.

REASON – To enable the appraisal to be confirmed.

(NOTE – The Chief Executive left the meeting during consideration of the above item only).

C259. MEMBERSHIP CHANGES – There were no membership changes to other bodies to which Cabinet appoints reported at the meeting.

C260. 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.

C261. BURDON HALL LODGE – LAND ADJACENT (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) requesting that consideration be given to a request from Burdon Hall Residents Limited to acquire approximately 760 square metres of highway land adjacent to Burdon Hall Lodge, as shown on the plan appended to the submitted report.

RESOLVED – (a) That subject to a stopping up order being obtained, disposal of the land, as shown on the plan appended to the submitted report, be approved on the terms as outlined in the submitted report.

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

REASONS – (a) To enable the residents of Burdon Hall and Burdon Hall Lodge to realign their entrance and improve security.

(b) To achieve a capital receipt for the Council.

C262. 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 and seeking approval of the terms negotiated.

RESOLVED – That the schedule, as appended to the submitted report, and the transactions completed on the terms and conditions detailed therein, be approved.

REASON – The terms negotiated require approval by Council before binding itself contractually to a transaction.

C263. FAVERDALE EAST BUSINESS PARK – PHASE II (EXCLUSION NOS. 7 AND 9) – With the prior approval of the Leader 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 Regeneration and Planning Portfolio introduced the report of the Director of Development and Environment (previously circulated) advising Members of a request to acquire the whole of the Council's Phase II site at the Faverdale East Business Park, for the development of a large distribution centre; requesting that consideration be given to the principal Heads of Terms negotiated; and seeking approval to serve the appropriate notices.

RESOLVED – (a) That the granting of an Exclusivity Undertaking for a period of six months and approve the disposal of the land required for the proposed development, as detailed in the submitted report, be endorsed.

(b) That the Director of Development and Environment and the Borough Solicitor be authorised, in consultation with the Cabinet Member with the Resources Management Portfolio, to conclude negotiations and complete the sale in line with the principal Heads of Terms, as detailed in the submitted report.

(c) That the Director of Development and Environment be authorised to serve appropriate notices, agree compensation and take relevant steps to facilitate vacant possession of the land and to fulfil the Council's obligations under the proposed disposal.

(d) That the external solicitors, as detailed in the submitted report, be retained.

REASONS – (a) To secure a major development and employment for Darlington.

(b) To achieve a sale contract and building agreement satisfactory to the interests of the Council.

(c) To achieve early development of the site and a capital receipt for the Council.

(d) To ensure the Council are able to continue to meet the tight timetable of the proposed purchaser.

**DECISIONS DATED -
FRIDAY, 30TH APRIL, 2004**