

**DECISIONS SHOULD NOT BE IMPLEMENTED  
BEFORE MONDAY, 1ST OCTOBER, 2007**

**CABINET**

18th September, 2007

**PRESENT** - Councillor Williams (in the Chair); Councillors Chapman, Copeland, Dixon, D.A. Lyonette, McEwan and Thistlethwaite. (7)

**INVITEES** - Councillors Freitag, Haszeldine and Mrs. Scott and A. MacConachie. (4)

**ALSO IN ATTENDANCE** – Councillors Lewis, Johnson, Richmond and Ruck. (4)

**APOLOGIES** – Councillors Harker, S. Jones, Swainston and Wallis. (4)

**C52. DECLARATION OF INTERESTS** – In respect of Minute C57(5) below, Councillor Freitag declared a personal and prejudicial interest, due to his business interests, and left the meeting during consideration of that item only; in respect of Minute C61 below, Councillor Haszeldine declared a personal and non-prejudicial interest, as his wife worked for Age Concern and Councillor Johnson declared a personal and prejudicial interest as he was Chair of Age Concern, and left the meeting during consideration of that item only; in respect of Minute 71 the Leader declared a personal but non-prejudicial interest, as his wife was head of one of the schools referred to in the report; and in respect of Minute C77, Councillor Haszeldine declared a personal but non-prejudicial interest, as he lived near the site.

**C53. REPRESENTATION** - There were no representations made by members of the general public at the meeting.

**C54. MINUTES** - Submitted - The Minutes (previously circulated) of the meeting of Cabinet held on 10th July, 2007.

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

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

**C55. MATTERS REFERRED TO CABINET** – There were no matters referred back for reconsideration.

**C56. ISSUES ARISING FROM SCRUTINY** – There were no issues referred from Scrutiny Committees to this meeting.

**C57. KEY DECISIONS – (1) Eastbourne School - Release of Funding for Work required in Developing the Academy Proposals** - The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Children’s Services (previously circulated) requesting that consideration be given to releasing funds of £150,000, received from the Department for Children, Schools and Families (DCSF), for undertaking improvement works to the existing buildings of Eastbourne School.

Following concerns raised by Members, the Director of Children's Services reported at the meeting that risk assessments had been undertaken, and there would be no risks to the schools listed in Appendix A, by re-programming the work from the current financial year to the 2008/09 financial year and that the extra works were known, and had resulted from the flooding that had occurred earlier in the year.

**RESOLVED** - (a) That £257,536 be vired from the already approved Children's Services Capital Programme towards items of Health and Safety, DDA and Fire Risk, in the existing Eastbourne School.

(b) That funds of £150,000, received from the Department for Children, Schools and Families (DCSF) for undertaking improvement works to the existing buildings of Eastbourne school, be released.

**REASON** - To allow the existing Eastbourne School environment to be sufficiently altered and improved so as to support the development of the Eastbourne Church of England Academy in order to bring educational improvement for the pupils of Eastbourne School from 1st September 2007.

**(2) Taking Forward the Darlington Gateway** - The Leader introduced the report of the Director of Development and Environment (previously circulated) requesting that consideration be given to the findings of the consultants, engaged by the Council to evaluate the implementation of the first Darlington Gateway Development Framework, analyse future prospects for key economic sectors; employment land needs; and recommend a set of actions to promote further economic growth, in order for the research to input into the preparation of various strategies, plans and projects.

It was highlighted at the meeting that lack of skills was still a major issue that needed to be addressed.

**RESOLVED** - That Officers be authorised to pursue the recommendations of the Darlington Gateway Strategy, as detailed in the submitted report, subject to any views on the findings which emerge from the Darlington Partnership Enquiry Group on the Economy.

**REASONS** - (a) To enhance the economic well-being of the Borough.

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

**(3) (URGENT ITEM) Taxis in the Town Centre** - The Cabinet Member with the Transport Portfolio introduced the report of the Director of Development and Environment (previously circulated) advising Members of the results of the monitoring exercise and any objections resulting from the experimental traffic regulation order in order to improve taxi access to, and egress from, the town centre and requesting that consideration be given to making the experimental order permanent.

Discussion ensued on the possibility of taxis and community bus services using bus lanes.

**RESOLVED** – That, as there are no remaining objections to the experimental order and there are no outstanding issues identified in the monitoring exercise that would prevent the experiment from being made permanent, the experimental order be made permanent.

**REASON** - To improve the taxis access to and from the town centre.

**(4) Closed Circuit Television Refurbishment Phase 3** - The Cabinet Member with the Neighbourhood Services and Community Safety Portfolio introduced the report of the Director of Community Services (previously circulated) informing Cabinet of the final phase of the refurbishment and conversion of the existing analogue system in the Closed Circuit Television Control Room to digital recording format and requesting the release of the funding within the capital programme to complete the project.

Discussion ensued on the need to publicise the changes to scheme.

**RESOLVED** - That capital funds of £120,000 be released, in order to complete the conversion of the existing analogue system to digital recording format within the Closed Circuit Television Centre.

**REASON** - (a) Failure to replace the current recording system will lead to the eventual and rapid collapse of the existing system.

(b) In the event of that happening, we would be unable to fulfil our obligations to the Council's wider aims and objectives for Community Safety, neither would we meet our obligations under Section 17 of the Crime and Disorder Act 1998.

**(5) (URGENT ITEM) Financial Assistance Policy for Private Homeowners** - The Cabinet Member with the Neighbourhood Services and Community Safety Portfolio introduced the report of the Director of Community Services (previously circulated) advising Members of the introduction of a Regional Loans Policy and proposals for changes to our current Financial Assistance Policy (also previously circulated), based upon customer market testing of the new local Financial Assistance Policy and to align with the common regional framework.

**RESOLVED** - That the proposed changes to the existing local Financial Assistance Policy, as detailed in the submitted report, be adopted and implemented.

**REASON** - To ensure equitable access to the Local Financial Assistance Policy and to align it with the Regional Loans Policy to maximise future funding opportunities.

**C58. PARTNERSHIP ARRANGEMENTS TO SUPPORT NEW DAY SIX SCHOOL EXCLUSION ARRANGEMENTS** - The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Children's Services (previously circulated) informing Members of the arrangements, to come into effect from September 2007, which had been made to support the new requirements for pupils to be engaged in full-time education following six days of a fixed term exclusion.

The submitted report stated that the Penalty Notice Code of Conduct 2007 (also previously circulated) had been revised in accordance with the new arrangements.

The Cabinet Member with the Children and Young People Portfolio reported at the meeting that all schools had entered into the partnership arrangements and they would be reviewed at the end of November. It was also reported that last year had seen a twelve per cent reduction in school days lost due to exclusions.

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

**REASON** - It is a statutory requirement for these arrangements to be in place.

**C59. OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN - REVIEW** - Pursuant to Minute C42/Jul/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 meeting of Cabinet held on 10th July, 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.

**C60. REPRESENTATION ON OTHER BODIES 2007/08** – Pursuant to Minute C13/Jun/07, the Leader introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to changes to this Council's Representation on Other Bodies for 2007/08 Municipal Year following the changes made to the Cabinet Portfolios and the Council's Scrutiny Committees.

**RESOLVED** - That the following be appointed (or nominated) to represent this Council on the other bodies specified, for the remainder of the Municipal Year 2007/08 :-

<b>Name of Body or Organisation</b>	<b>Appointments</b>
Alternative Centre for Education (ACE) Advisory and Steering Group	Vice-Chair of Children and Young People Scrutiny Committee (Councillor A. J. Scott)
Arts Council England North East	Cabinet Member with Health and Leisure Portfolio (Councillor Wallis) and Chair of Economy and Environment Scrutiny Committee (Councillor Robson)
County Durham Waste Management Partnership Steering Group	Cabinet Member with Sustainable Environment and Climate Change Portfolio (Councillor Copeland)
Darlington Borough Council – Adoption Panel	Councillor Galletley
Darlington Borough Council – Events Panel	Cabinet Member with Health and Leisure Portfolio (Councillor Wallis) and Cabinet Member with Communities and Engagement Portfolio (Councillor Chapman)
Darlington Borough Council – Fostering Panel	Councillor Cartwright
Darlington Partnership Board	Leader of the Council (Councillor Williams), Cabinet Member with Communities and Engagement Portfolio (Councillor Chapman) and Leader of the Opposition

<b>Name of Body or Organisation</b>	<b>Appointments</b>
	(Councillor Mrs. Scott)
Darlington Railway Museum Trust	Cabinet Member with Health and Leisure Portfolio (Councillor Wallis)
Darlington Sure Start Partnership	Cabinet Member with Children and Young People Portfolio (Councillor McEwan), Chair of Children and Young People Scrutiny Committee (Councillor Hughes) and Councillor Mrs. Scott
Durham County Pension Fund Committee	Cabinet Member with Resources Portfolio (Councillor Harker) and Chair of Resources Scrutiny Committee (Councillor Haszeldine)
Durham Tees Valley International Airport Limited	Councillor Williams (Director) with Councillor D. A. Lyonette (Cabinet Member with Transport Portfolio) as substitute Council Director
Durham Tees Valley International Airport Consultative Committee	Cabinet Member with Transport Portfolio (Councillor D. A. Lyonette)
Local Access Forum	Chair of Economy and Environment Scrutiny Committee (Councillor Robson)
North East Strategic Partnership for Asylum and Refugee Support (NESPARS)	Cabinet Member with Communities and Engagement Portfolio (Councillor Chapman) (Councillor Hughes as named substitute)
North East Highways Training Centre – Management Committee	Cabinet Member with Transport Portfolio (Councillor D. A. Lyonette)
Museum Libraries Archives North East - Board	Cabinet Member with Health and Leisure Portfolio (Councillor Wallis) (Appointed via the Tees Valley)
North East Purchasing Organisation (NEPO)	Cabinet Member with Resources Portfolio (Councillor Harker), Chair of Resources Scrutiny Committee (Councillor Haszeldine) and Councillor Richmond
North East Regional Employers Organisation	Cabinet Member with Resources Portfolio (Councillor Harker), Chair of Resources Scrutiny Committee (Councillor Haszeldine) and Vice-Chair of Resources Scrutiny Committee (Councillor Walker)
North East Trading Standards Association (NETSA)	Cabinet Member with Health and Leisure Portfolio (Councillor Wallis)
Northern Housing Consortium	Cabinet Member with Neighbourhood Services and Community Safety Portfolio (Councillor Dixon)
Northern Council of Education Authorities	Cabinet Member with Children and Young People Portfolio (Councillor McEwan), Chair of Children and Young People Scrutiny Committee (Councillor Hughes) and Councillor Armstrong

<b>Name of Body or Organisation</b>	<b>Appointments</b>
Shopmobility Steering Group	Cabinet Member with Transport Portfolio (Councillor D. A. Lyonette) and Cabinet Member with Communities and Engagement Portfolio (Councillor Chapman)
Strategic Transport for Health Management Group	Cabinet Member with Transport Portfolio (Councillor D. A. Lyonette) and Cabinet Member with Adult Services Portfolio (Councillor Thistlethwaite)
Tees Valley Environmental Protection Group	Cabinet Member with Sustainable Environment and Climate Change Portfolio (Councillor Copeland), Vice-Chair of Economy and Environment Scrutiny Committee (Councillor Dunstone) and Councillor Maddison
Tees Valley Rivers and Fisheries Association	Member of Economy and Environment Scrutiny Committee (Councillor Jenkinson)
<b>Tees Valley Unlimited</b>	
Planning and Economic Strategy	Cabinet Member with Economy Portfolio (Councillor Williams)
Transport for Tees Valley	Cabinet Member with Transport Portfolio (Councillor D. A. Lyonette)
Housing Board	Cabinet Member with Neighbourhood Services and Community Safety Portfolio (Councillor Dixon)
Tidy North Regional Consultative Committee	Cabinet Member with Sustainable Environment and Climate Change Portfolio (Councillor Copeland)

**REASON** - To ensure that the appointments to Other Bodies are updated following the changes to Cabinet Portfolios and Scrutiny Committees.

**C61. COMMUNITY GRANT APPLICATIONS - FRIENDS OF THE DENES AND AGE CONCERN DISCRETIONARY RATE RELIEF** - The Leader introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to two applications for Community Grants from the Friends of the Denes and Age Concern, which were unable to be considered under delegated powers.

**RESOLVED** – (a) That £600 be awarded to the Friends of the Denes, to enable them to hold a Funday in the Denes in mid-September 2007.

(b) That Discretionary Rate Relief of 20 per cent be awarded to Age Concern, in respect of their premises at Bradbury House, Beaumont Street, Darlington, for 2006/07.

**REASON** – To allow a decision to be made on the applications.

**C62. COMBINED SERVICE AND MEDIUM TERM FINANCIAL PLAN PERFORMANCE REPORT - QUARTER ONE SERVICE AND FINANCIAL MANAGEMENT 2007/08** - The Leader introduced the report of the Corporate Management Team (previously circulated) on progress against the Corporate Plan, for quarter one service and

financial performance, covering April to July 2007 (June 2007 for the service performance) and identifying areas of corrective action.

Concern was expressed at the meeting, in relation to the overspend in Adult Social Services, which was likely to be a continuing problem due to the ageing population.

Reference was made to the format of the report and the need for it to be simplified in future, in order to make it more 'user friendly'.

**RESOLVED** - (a) That the solid service performance against target, as detailed in the submitted report, be noted, but concern be expressed on those areas of under performance.

(b) That the projected overspend of £0.907M compared with Medium Term Financial Plan, as detailed in the submitted report, be noted.

(c) That the areas where corrective action is being taken, as detailed in the submitted report, be noted.

**REASON** - To continue effective management of service and financial performance and improvement of value for money.

**C63. TOWN CENTRE FRINGE AND CONNECTIONS STUDY - RELEASE OF FUNDING** - The Leader introduced the report of the Director of Development and Environment (previously circulated) requesting the release of funding to undertake feasibility studies leading to an action plan for a major regeneration project for the eastern fringe of the town centre, which would take forward one of the top priorities in the 'Leading Edge' Corporate Plan 2007/2010 and the release of funding to undertake a review of the connections between Darlington's key employment and development sites to communities in Darlington and beyond.

**RESOLVED** - (a) That £150,000 be released to undertake feasibility work, leading to masterplanning, consultation and development of a local planning framework for the Town Centre Fringe site, to be funded by the Single Programme and that the contribution of £50,000 by the Council from existing, approved resources, be noted.

(b) That £60,000 be released for a Connections Study, to be fully funded by the Single Programme, with in-kind match funding from the Commission for Architecture and the Built Environment (CABE).

**REASONS** - (a) To enhance the economic well-being of the Borough.

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

**C64. CLOSED CIRCUIT TELEVISION INDEPENDENT INSPECTORS ANNUAL REPORT 2006** - The Cabinet Member with the Neighbourhood Services and Community Safety Portfolio introduced the report of the Director of Community Services (previously circulated) informing Cabinet of the results of the inspection regime carried out by the Independent Inspection Team during 2006 of this Council's Closed Circuit Television (CCTV) Control Room. A copy of the Inspectors report, together with their original terms of reference and results of inspections, were appended to the submitted report.

**RESOLVED** – (a) That the Independent Inspector’s report on this Council’s Closed Circuit Television Control Room, as appended the submitted report, be noted.

(b) That the thanks of Cabinet be extended to the staff in the Closed Circuit Television Control Room, for their work.

**REASONS** - (a) The work carried out by the Inspectors is a visible and valuable public endorsement of the dedication, level and quality of work carried out by the Closed Circuit Television Centre Team on behalf of the Council and community.

(b) Both the inspections and the report(s) are valuable tools in giving/providing reassurance to the public that CCTV is being used in an appropriate, safe, fair and legal manner.

**C65. PUBLIC PROTECTION FORUM** - Submitted - The Minutes (previously circulated) of the meeting of the Public Protection Forum held on 12th July, 2007.

**RESOLVED** - That the Minutes received.

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

**C66. ANTI-SOCIAL BEHAVIOUR STRATEGY** - The Deputy Leader introduced the report of the Assistant Chief Executive (previously circulated) seeking Members approval to the Borough’s strategy for addressing anti-social behaviour (also previously circulated).

Reference was made at the meeting to the lack of feedback that Ward Councillors received when they reported incidents of anti-social behaviour. It was also requested that Ward Councillors be invited to attend the fortnightly Crime and Reduction Partnership Geographical Problem Solving Groups.

Discussion ensued on police response times and the introduction of police ‘cyclists’.

**RESOLVED** - (a) That the Anti-Social Behaviour Strategy, as appended to the submitted report, be approved.

(b) That the progress on the wide range of activity being delivered to tackle anti-social behaviour, as detailed in the submitted report, be noted.

**REASONS** - (a) Anti-Social Behaviour remains both a local and national priority.

(b) The strategy sets out the Council’s longer term strategic approach to supporting local communities.

**C67. ANNUAL REVIEW OF SIGNIFICANT PARTNERSHIPS 2006/07** – The Assistant Chief Executive submitted a report (previously circulated) presenting the outcome of the first annual review of significant partnership led by the Chief Executive of Darlington Partnership and based upon the partnership toolkit questionnaires, completed by the Council’s partnerships lead officers, in order to comply with national guidelines on the corporate governance of partnerships by local authorities.

**RESOLVED** - That the report and the Improvement Action Plan, as appended to the submitted report, be noted.

**REASONS** - (a) To enhance corporate governance arrangements in significant partnerships.

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

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

**C68. DARLINGTON RAILWAY CENTRE AND MUSEUM COLLECTING AND DISPOSALS POLICY - REVISION** - The Director of Development and Environment submitted a report (previously circulated) requesting that consideration be given to the adoption of a revised Collecting and Disposals Policy (also previously circulated) for the Darlington Railway Centre and Museum, to cover the period 2006/2011.

**RESOLVED** - That the revised Collecting and Disposals Policy, as appended to the submitted report, be adopted.

**REASON** - The Collecting and Disposals Policy, adopted by the Cabinet, is needed to support renewal of the Museums accredited status.

**C69. HACKNEY CARRIAGE STANDS - PROPOSED CHANGES - RESULT OF CONSULTATION** - Pursuant to Minute C130/Jan/06, the Cabinet Member with the Transport Portfolio introduced the report of the Director of Development and Environment (previously circulated) reporting the results of the public consultation on the location of hackney carriage stands in the town centre pursuant to Section 63(1) Local Government (Miscellaneous Provisions) Act 1976 and seeking Members authorisation to appoint the advertised hackney carriage stands.

**RESOLVED** – That the Director of Development and Environment be authorised to:-

(a) appoint the hackney stands as advertised in East Row and Bondgate; and

(b) advertise, and give notice to the Chief Constable, of a proposed evening hackney carriage stand in Barnard Street pursuant to Section 63(1) Local Government (Miscellaneous Provisions) Act 1976.

**REASON** - In order to provide hackney carriage stands at various locations around the Pedestrian Heart scheme.

**C70. ORGANISATIONAL DEVELOPMENT STRATEGY - LEADING EDGE - ICT STRATEGY** - The Director of Corporate Services submitted a report (previously circulated) presenting the new ICT Strategy (also previously circulated) for approval and adoption.

**RESOLVED** - (a) That the ICT Strategy and appendices documents, as appended to the submitted report, be adopted.

(b) That the Director of Corporate Services, in consultation with the Cabinet Member with the Resources Portfolio, be authorised to make subsequent updates to the Strategy and Appendices documents to reflect changes in priorities, new projects, new technology and progress on the work plan.

(c) That the ICT Strategy be referred to the Resources Scrutiny Committee for monitoring purposes.

**REASONS** - (a) It is four years since the previous strategy was adopted and significant changes in ICT have occurred in this period.

(b) It strengthens the links between ICT and the Organisational Development Strategy.

(c) It provides a framework for further development of ICT for the purposes of improved customer and business services.

**C71. ICT SYSTEMS INTEGRATION - KEY INFRASTRUCTURE** - The Director of Corporate Services submitted a report (previously circulated) requesting that consideration be given to a number of ICT schemes and to the release of the funding to support those schemes.

**RESOLVED** - (a) That £150,000 be released from Council Resources to support the ICT schemes.

(b) That, it be noted that, a revenue growth bid will be submitted in the Medium-Term Financial Plan from 2008/9 onwards.

**REASONS** - (a) The Council needs to invest in technology that will assist with the integration of its own systems both internally and with partner organisations. The systems integration project and the secure remote connectivity projects are both key components which are needed to support a number of Leading edge projects e.g. Local Area Agreement, Accommodation reviews etc. The use of such technology should be viewed as a key enabler which will allow use to drive out efficiency savings in the service areas as business processes are streamlined and automated.

(b) Government Connect is expected to provide a number of potential benefits such as Citizen and employee authentication to Council and Central Government electronic services. The Council needs to assess the solution and help to build a detailed business case before deciding on whether or not to adopt Government Connect.

**C72. EASTERN TRANSPORT CORRIDOR - DELEGATION** - The Director of Corporate Services submitted a report (previously circulated) seeking approval for a one-off delegation, required in order to access funding for the Darlington Eastern Transport Corridor.

**RESOLVED** - That the delegation to the Director of Corporate Services, as detailed in the submitted report, be approved, in consultation with the Cabinet Member with the Resources Portfolio.

**REASON** - To enable the Council to receive funding for the Darlington Eastern Transport Corridor.

**C73. IRRECOVERABLE SUNDRY DEBTS - PROPOSED WRITE-OFF OF** - The Director of Corporate Services submitted a report (previously circulated) seeking approval to the write-off of sundry debtor arrears, in respect of invoices with individual values greater than £500, that were considered to be irrecoverable.

**RESOLVED** - That invoices over £500 in value, in the sum of £41,320.82 for 2006/07 be written off, subject to further action if and when further contacts are made.

**REASONS** - (a) All steps for the recovery of these debts have been taken.

(b) During the course of such actions to recover the debts it was established that the debtors were insolvent, deceased or had absconded.

(c) As a result the debts are deemed irrecoverable.

**C74. CAPITAL PROGRAMME MONITORING REPORT - JULY 2007** - The Director of Corporate Services submitted a report (previously circulated) presenting an update of the capital programme (also previously circulated), including spending and resource levels.

**RESOLVED** - (a) That the 2007/08 updated Capital Programme, as appended to the submitted report, be noted.

(b) That the virement of resources within the Children's Services programme, be approved.

(c) That additional Children's Services resource of £0.150M relating to Eastbourne School, be noted.

(d) That the virement of resources of £0.018M between Internal Planned Maintenance and TV Aerials within the Housing Programme, be approved.

(e) That under spend of £0.136M relating to Kilburn House Remodelling Scheme, be noted.

(f) That the over spend of £0.683M relating to the Darlington Eastern Transport Corridor and other Transport related schemes and the ongoing discussions with external funders, be noted.

(g) That additional grant of £0.080M for the Arts Centre Refurbishment, be formally released.

(h) That additional corporate resources of £0.003M, £0.007M, £0.005M and £0.018M be approved for the Closed Circuit Television Centre Equipment Upgrade, Closed Circuit Television Centre Park and Cemeteries, Town Hall Lift Refurbishment and Hopetown Relocation schemes respectively.

(i) That the virement of resources of £0.056M between Planned Maintenance and Crown Street Library schemes, be approved.

(j) That the under spend of £0.047M relating to the Central Park College Junction, be noted.

**REASON** - To allow Members to note the progress of the agreed Capital Programme and agree changes to the Capital Programme.

**C75. MEMBERSHIP CHANGES** - There were no membership changes reported at the meeting.

**C76. 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.

**C77. CENTRAL PARK (EXCLUSION PARAGRAPH NOS. 1 AND 3)** - The Leader introduced the report of the Director of Development and Environment (previously circulated) seeking approval of the proposed Co-Operation Agreement between the preferred developer and the Joint Venture Partners at Central Park and seeking authority to serve notice to quit on tenanted Council land required for the relocation of the Hundens Depot.

**RESOLVED** - (a) That the terms of the Co-Operation agreement, outlined in the submitted report, be approved, and the Director of Development and Environment, in consultation with the Cabinet Member with the Resources Portfolio, be authorised to conclude negotiations.

(b) That the Borough Solicitor be authorised to complete the Co-Operation Agreement.

(c) That the Director of Development and Environment be authorised to serve notice to quit on the land required for the new depot and settle the compensation accordingly.

(d) That Capital resources, as outlined in the submitted report, be released.

**REASONS** - (a) To progress the Central Park project, in particular the provision of a New Council Depot.

(b) To authorise the Director of Development and Environment to achieve vacant possession of the Council land needed for the new depot.

**C78. FORGE TAVERN, ALBERT HILL - LAND ADJACENT (EXCLUSION NOS. 1 AND 3)** - The Director of Development and Environment submitted a report (previously circulated) seeking authority to dispose of 87 square metres of land adjacent to the Forge Tavern at Albert Hill, as shown on the plan appended to the submitted report, to enhance a proposed development of the property.

**RESOLVED** - (a) That the request to purchase land adjacent to the Forge Tavern, be approved, on the terms outlined in the submitted report.

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

**REASONS** - (a) To facilitate the redevelopment of the Forge Tavern.

(b) To obtain a capital receipt.

**C79. NOS. 9 AND 10 HORSEMARKET, DARLINGTON (EXCLUSION NOS. 1 AND 3)** - The Director of Development and Environment submitted a report (previously circulated) seeking authority to accept the surrender of T. Y. McGurk's lease of Nos. 9 to 10 Horsemarket and to grant a new lease to Caffe Nero.

**RESOLVED** - (a) That the request to surrender T. Y. McGurk's lease, be approved.

(b) That the request for a new lease to Caffe Nero, be approved, on the terms as outlined in the submitted report.

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

**REASONS** - (a) To avoid the possibility of a Court action and associated costs.

(b) To increase rental income for the Council.

**C80. MORTON PALMS BUSINESS PARK (EXCLUSION NOS. 1 AND 3)** - The Director of Development and Environment submitted a report (previously circulated) requesting that consideration be given to funding from the future sale of plots at Morton Palms, to be used to provide off-site pedestrian and cycle links to the business park, and a proposal to make a financial contribution to the recruitment, by the developer City and Northern Limited, of a Transport Plan Co-ordinator to serve the business park.

**RESOLVED** - (a) That the requirement for off site works, as outlined in the submitted report, be noted and the request for funding, also as detailed in the submitted report, be approved.

(b) That the Director of Development and Environment, in consultation with the Cabinet Member with the Resources Portfolio, be authorised to progress the works.

(c) That the requirement for a Transport Plan Co-ordinator, as outlined in the submitted report, be noted and the Director of Development and Environment be authorised to progress negotiations with the developer and report to Cabinet in due course.

**REASONS** - (a) To facilitate the funding of necessary off-site works to serve and support the business park and fulfil the original outline planning condition.

(b) To facilitate the creation of a Transport Plan Co-ordinator.

**C81. SCHEDULE OF TRANSACTIONS (EXCLUSION PARAGRAPH NO. 3)** - The Director of Development and Environment submitted a report and schedule (both previously circulated) requesting that consideration be given to the schedule of transaction and seeking approval for 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.

**C82. (URGENT ITEM) COMMERCIAL STREET, DARLINGTON (EXCLUSION PARAGRAPH NO. 3)** – With his prior approval to the matter being treated as urgent to allow a decision to be made at the earliest possible date, the Leader introduced the report of the Director of Development and Environment (previously circulated) seeking approval of terms negotiated with the Council’s chosen developer of Commercial Street, Cobalt Estates (Darlington) Ltd., in respect of a proposal to grant them a licence to enter Council land at Kendrew Street to undertake enabling works and requesting that consideration be given to the completion of a Novation Agreement.

**RESOLVED** – (a) That the proposed Licence Agreement, as outlined in the submitted report, be approved.

(b) That the Director of Development and Environment be authorised to agree terms in consultation with the Cabinet Member with the Resources Portfolio.

(c) That the Borough Solicitor be authorised to complete the Licence Agreement.

(d) That the Borough Solicitor be authorised to complete the Novation Agreement.

**REASON** – (a) To achieve development set out in the Council’s Town Centre Development Strategy.

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

(c) To facilitate the implementation of development on the land in the Development Agreement.

**DECISIONS DATED -  
FRIDAY, 21ST SEPTEMBER, 2007**