

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY, 28TH JANUARY, 2008**

CABINET

15th January, 2008

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

INVITEES - Councillors I. Haszeldine, S. Jones, Mrs. Scott and Mr. A. MacConachie.(4)

APOLOGIES – Councillor Swainston.

ALSO IN ATTENDANCE – Councillors Hughes, Johnson, D. Jones, Lewis, Long, Regan and Richmond. (7)

C148. DECLARATION OF INTERESTS - There were no declarations of interest reported at the meeting.

C149. REPRESENTATIONS – A number of pupils from Holy Family Primary School and members of the public, were in attendance at the meeting, and asked questions on various issues including school dinners; the provision of speed humps; speeding; climate change; parking outside of schools; motorcyclists using the town's parks; litter; vandalism in parks; recycling; recycling in the rural areas; charges for rubbish collections in the rural areas; and school transport.

RESOLVED – That the thanks of the Cabinet be extended to the pupils from Holy Family Primary School for their contribution to the meeting, and that they be awarded a certificate.

C150. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of Cabinet held on 11th December, 2007.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C151. MATTERS REFERRED TO CABINET – There were no matters referred back for reconsideration.

C152. ISSUES ARISING FROM SCRUTINY – (1) **Health and Safety in Schools - Task and Finish Review Group - Final Report** – The Director of Children's Services submitted a report (previously circulated) presenting the final report (also previously circulated) of the Health and Safety in Schools Task and Finish Review Group.

The Chair of the Children and Young People Scrutiny Committee introduced the final report of the Review Group and outlined the terms of reference established for the review which included the documentation and evidence required to comply with the required legislation and the actions that could be taken to encourage schools to adhere to, and comply with, Health and Safety guidance.

The Cabinet Member with the Children and Young People Portfolio stated at the meeting that the recommendations from the Review Group were supported and emphasised the importance of Health and Safety in schools and in involving young people.

RESOLVED – (a) That the recommendations of the Children and Young People’s Scrutiny Committee, as detailed in the submitted report, be accepted.

(b) That the Scrutiny Committee and Officers be thanked for their work in respect of the review.

REASON - To enable the views of Cabinet to be sought and referred back to the Children and Young People’s Scrutiny Committee.

(2) Flooding Task and Finish Review Group - Final Report - The Director of Community Services submitted a report (previously circulated) presenting the final report (also previously circulated) of the Flooding Task and Finish Review Group.

The Chair of the Neighbourhood Services Scrutiny Committee introduced the final report of Review Group and stated that, as a result of the work undertaken by the group, a working group had been established, between this Council and the Northumbrian Water Authority. The first meeting had already been held with three further meetings scheduled for later in the year. It was hoped that a lot could be achieved from the work of this group, and already, it had cut down on the duplication of work in some areas.

The Cabinet Member with the Neighbourhood Services and Community Safety Portfolio reported that some of the recommendations from the group would be kept under review, as it was not clear at the current time, if they were cost-effective.

Discussion ensued on flooding in general; the co-operation between this Council and its partners; and gulley cleaning.

RESOLVED - (a) That recommendations (a) and (e) to (i) of the Neighbourhood Services Scrutiny Committee, as detailed in the submitted report, be approved and actioned by the relevant departments.

(b) That in respect of recommendations (b) and (c) of the Neighbourhood Services Scrutiny Committee, as detailed in the submitted report, the Director of Community Services be authorised to keep resource levels and work output under review, and make temporary adjustments to the resource level as necessary.

(c) That in respect of recommendation (d) of the Neighbourhood Services Scrutiny Committee, as detailed in the submitted report, the Director of Community Services be requested to undertake further investigations and submit a report to the Neighbourhood Services Scrutiny Committee on the outcome of those investigations.

(d) That Ward Councillors be forwarded a copy of the gully cleaning programme for their respective wards.

REASON – To enable the recommendations of the Review Group to be considered and approved and the comments of the relevant Director to be endorsed.

C153. KEY DECISIONS – (1) (ITEM CALLED-IN) Increases to Taxi Licensing Fees and Charges - The Cabinet Member with the Neighbourhood Services and Community Safety Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to the proposed increase in the fees relating to the licensing of hackney carriages and private hire vehicles and operators.

RESOLVED - (a) That the proposed fees relating to hackney carriage licences, private hire vehicle licences and private hire operator licences, as detailed in the submitted report, be approved, to take effect from 1st April, 2008.

(b) That charges for driver licence fees not be increased.

REASON - To ensure that the costs of delivering the taxi licensing service can be met.

(2) Darlington - Local Motion - The Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) updating Members on the Darlington - Local Motion Project (previously named ‘A Town on the Move’) funded by the Department for Transport through the Sustainable Travel Demonstration Town Initiative and seeking the release of funding for proposals for delivery of the project up until the end of the grant period of 31st March, 2009.

Discussion ensued on the company used to gather the travel research and the use of statistics. It was reported that the company used to undertake the research, had been used by many different Local Authorities, and as such, it allowed the Council to undertake comparisons and analysis with those authorities

RESOLVED - (a) That £860,000 be released from the Department for Transport Funding, on the measures as detailed in paragraph 51 (a) to (l) of the submitted report, subject to the evaluation of the individual initiatives by the Local Motion Reference Group, including an exit strategy for each initiative.

(b) That the Assistant Chief Executive (Regeneration), in consultation with the Cabinet Member with the Transport Portfolio, be authorised to make programme variations within the year, consistent with the objectives of the Local Motion Project.

REASONS - (a) To enable Officers to proceed with a range of current initiatives to promote sustainable travel, to put in place actions to assess the effectiveness of the Local Motion project and to disseminate that information to the Department for Transport and to other Local Authorities.

(b) To permit flexibility within the year to take advantage of new opportunities which occur.

(3) Shopmobility Service - Provision - The Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) requesting that consideration be given to a Service Level Agreement (SLA) (also previously circulated) between this Council and Darlington Association on Disability (DAD) for the provision of a shopmobility service for residents and visitors to Darlington Town Centre, for the period April 2008 to March 2009, whilst a review of some of the Council's work, in partnership with the voluntary sector, is undertaken.

RESOLVED – That the Service Level Agreement, as appended to the submitted report, with Darlington Association on Disability for the provision of the Shopmobility Service until 31st March, 2009, be approved.

REASONS - (a) To ensure continuity of provision of a Shopmobility service to local people and visitors to Darlington in the short term prior to the outcome of the forthcoming review.

(b) To ensure that the future provision of the Shopmobility service is secured as part of a contract, encompassing a number of services, to meet the needs of Darlington Borough Council and disabled people.

(4) Comprehensive Performance Assessment – Self-Assessment - The Leader introduced the report of the Assistant Chief Executive (previously circulated) requesting that consideration be given to a process for developing a self-assessment for the forthcoming corporate assessment as part of the Comprehensive Performance Assessment (CPA) inspection for 2008.

The Leader reported at the meeting that the Audit Commission had confirmed that it required the self-assessment to be submitted to them by 5th February, 2008.

Discussion ensued on the process for the development of the self-assessment and on the areas that needed to be addressed in order to improve the 'culture' score. It was reported that there were two areas that were affecting the 'culture' score and these were currently being addressed.

RESOLVED – That a self-assessment be developed by the Assistant Chief Executive, in consultation with the Leader of the Council, and submitted to the Audit Commission, by 4th February, 2008.

REASON - To ensure that the authority presents information to support the improvement achieved since the last comprehensive performance assessment.

C154. OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN - REVIEW - Pursuant to Minute C133/Dec/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 11th December, 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.

C155. MEMBERSHIP CHANGES - There were no membership changes to other bodies, to which Cabinet appoints, reported at the meeting.

C156. 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.

C157. COMMERCIAL STREET (EXCLUSION PARAGRAPH NO. 3) - The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) and the Director of Corporate Services (previously circulated) on a request by Discovery Properties Limited, the Council's preferred developer for Commercial Street, for a land exchange to facilitate the relocation of a sub-station site, as shown on the plan appended to the submitted report.

RESOLVED - (a) The proposed land exchange, as detailed in the submitted report and shown on the plan appended to the submitted report, be approved.

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

REASON - To achieve the development set out in the Council's Town Centre Development Strategy.

C158. BEAUMONT STREET - LAND AT (EXCLUSION PARAGRAPH NO. 3) - The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) and the Director of Corporate Services (previously circulated) seeking authority to incur expenditure to facilitate the marketing, developer selection and disposal of land at the Feethams West site and to advise on progress to date.

RESOLVED – That the expenditure to facilitate the marketing, developer selection and disposal of land at the Feethams West site, as outlined in the submitted report, be agreed and it be set against the anticipated capital receipt from the disposal of the land or from a future disposal should it not proceed.

REASONS - (a) To facilitate the development of this town centre site and provide an opportunity to meet the needs of a major company.

(b) To achieve a capital receipt.

C159. MORTON PALMS BUSINESS PARK (EXCLUSION PARAGRAPH NOS. 1 AND 3) - The Cabinet Member with the Resources Portfolio introduced the report of the Director of Corporate Services and the Assistant Chief Executive (Regeneration) (also previously circulated) requesting that consideration be given to the expression of interest received in purchasing part of the Council's retained land at Morton Palms Business Park and seeking authority to dispose of the land, as shown on the plan appended to the submitted report.

RESOLVED - (a) That the interest in the Council's retained land at Morton Palms, for a quality hotel, as detailed in the submitted report, be noted.

(b) That the disposal of the land, as shown on the plan appended to the submitted report, be approved.

(c) That the Director of Corporate Services, in consultation with the Cabinet Member with the Resources Portfolio, be authorised to dispose of the site by informal tender subject to planning permission and having regard to the factors mentioned in paragraph 5 of the submitted report.

(d) That the Borough Solicitor be authorised to complete the documentation accordingly.

REASONS - (a) To facilitate further development at Morton Palms and sustain the prestigious quality of the business park.

(b) To obtain a financial consideration for the Council.

C160. SCHEDULE OF TRANSACTIONS (EXCLUSION PARAGRAPH NO. 3) - The Cabinet Member with the Resources Portfolio introduced the report and schedule of the Director of Corporate Services (both previously circulated) requesting that consideration be given to the schedule of transactions 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.

**DECISIONS DATED -
18TH JANUARY, 2008**