

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY, 16TH FEBRUARY, 2009**

CABINET
3rd February 2009

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

INVITEES – Councillors Barker, Haszeldine and Mrs Scott and Mr A Maconachie. (4)

ALSO IN ATTENDANCE – Councillor Johnson, Robson, Richmond and Ruck. (4)

C133. DECLARATIONS OF INTEREST - There were no declarations of interest reported at the meeting.

C134. REPRESENTATIONS – In respect of Minute C138(5) below, representations were made by Members and members of the public in attendance at the meeting.

C135. MINUTES - Submitted - The Minutes (previously circulated) of the meetings of Cabinet held on 6th and 14th January, 2009.

RESOLVED - That the Minutes be confirmed as a correct record.

REASON - They represent an accurate record of the meeting.

C136. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration.

C137. ISSUES ARISING FROM SCRUTINY – There were issues arising from Scrutiny.

C138. KEY DECISIONS – (1) Joint Area Review of Services for Children and Young People - The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Children’s Services (previously circulated) presenting to Members the Joint Area Review of Services for Children and Young People and requesting that consideration be given to the Draft Action Plan in response to that review (both also previously circulated).

Particular references were made to the appointment of a Transition Officer in Adult Services and to the education and training for young people who have offended.

RESOLVED – (a) That the Joint Area Review, as appended to the submitted report, be received.

(b) That the Improvement Action Plan, as appended to the submitted report, be approved.

(c) That the thanks of Cabinet be extended to all those involved in the Join Area Review of Children’s Services, including the Council’s partners.

REASON – In order to comply with statutory requirements.

(2) Strategy for Young People’s Services in Darlington 2009/12 - 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 the Strategy for Young People’s Services in Darlington 2009/12 (also previously circulated).

In response to issues raised at the meeting, the Cabinet Member with the Children and Young People Portfolio stated that the Council needed to work in partnership with a number of organisations, including the Third Sector, in delivering the strategy, and that the Council was working in partnership with the PCT to develop a strategy to tackle obesity in children.

RESOLVED – That the Strategy for Young People’s Services in Darlington 2009/12, as appended to the submitted report, be approved.

REASON – To allow the young people’s services in the Borough to be developed and improved.

(3) (URGENT ITEM) Alternative Provision Pilot Programme – Release of Capital Funding - 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 supporting the Ruskin Mill Educational Trust in developing the Alternative Provision Pilot Programme and to the release of capital funds in relation to that programme.

RESOLVED – (a) That the Ruskin Mill Educational Trust be supported in developing the Alternative Provision Pilot Programme.

(b) That £1,750,000 of capital funding be released to undertake the agreed works.

(c) That a Memorandum of Agreement be developed between this Council and Ruskin Mill Educational Trust.

REASONS – (a) This programme will support the delivery of alternative education opportunities for a large number of 14-16 year olds in Darlington who may otherwise be at risk of missing out on education, training or employment opportunities in the future.

(b) Release of this funding will enable spend to be achieved within financial deadlines.

(c) A Memorandum of Agreement will protect the Council’s interest whilst also allowing maximum flexibility to the voluntary organisation.

(4) Traffic Management Act 2004 - The Cabinet Member with the Transport Portfolio introduced the report of the Director of Community Services (previously circulated) updating Members on the progress in implementing the requirements of the Traffic Management Act 2004 (TMA) in order to help meet the Council’s ambitions to tackle congestion wherever possible; seeking approval for the completed sections of the Network Management Plan and associated appendices (also previously circulated), specifically the designation of traffic sensitive streets, the network management hierarchy and repairing of roads; and advising Members of the powers available to serve Notices and issue Fixed Penalty Notices under the

new Road and Streetworks Act 1991 and seeking authority to grant delegated powers to the Director of Community Services to use those powers where necessary.

RESOLVED – (a) That the contents of the report, be noted.

(b) That the report be referred to the Economy and Environment Scrutiny Committee.

(c) That the completed sections of the Network Management Plan and its associated appendices, as appended to the submitted report, in particular the designation of traffic sensitive streets and the proposed network management hierarchy and the pairing of roads schedule, be consulted upon with stakeholders.

(d) That the Director of Community Services or his/her nominated officers be granted delegated powers to carry out all the powers and duties under the New Roads and Streetworks Act 1991 and the Traffic Management Act 2004, where deemed appropriate and necessary.

(e) That a training session be included in the Members' Training and Development Programme on the Traffic Management Act 2004.

REASONS – (a) To support the Councils objective of managing congestion.

(b) The Traffic Management Act 2004 places a network management duty on all Local Traffic Authorities and its associated legislation has necessitated changes to processes operated by the Council.

(c) If the recommendations are approved it will enable the efficient implementation of the Council's statutory obligations in relation to the administration of street works.

(5) Cycling Through the Town Centre - The Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) providing Members with the monitoring results from the extended trial period of cycling through the Town Centre (Pedestrian Heart) and reporting on the additional work required to allow future options for cycling through the Town Centre to be considered.

Representations were made at the meeting both in favour and against the continued shared use of the Town Centre (Pedestrian Heart) between cyclists and pedestrians.

Discussion ensued on a number of issues including the recording of accidents relating to cycling within the Town Centre; the research that had been undertaken; anti social behaviour incidents within the Town Centre; cycle routes; the Code of Conduct; and relevant legislation including the Traffic Regulation Order and Highway Code.

RESOLVED – (a) That Cycling be allowed at all times in those parts of the town centre defined by the Traffic Regulation Orders.

(b) That a Code of Conduct on Cycling in the Town Centre, incorporating the issues raised by the Disability Impact Assessment, be produced and widely publicised.

(c) That a shared database be implemented, to enable the Police and the Anti Social Behaviour Team to share information on cyclists behaving inappropriately and enforce as appropriate.

(d) That an education programme for ‘safe cycling’ be implemented.

(e) That the Economy and Environment Scrutiny Committee be requested to monitor incidents and behaviour involving cyclists and levels of cycling through the town centre.

REASONS – (a) Evidence including road safety data, public opinion survey and evidence from other towns supports a continuation of the Traffic Regulation Orders.

(b) The Police and Anti Social Behaviour Team believe that the minority of people who are involved in anti social behaviour in the town centre will continue to do so whatever the decision on allowing cycling; and that this needs to be tackled through education and enforcement.

(c) The Economy and Environment Scrutiny Committee listened to all the evidence and agreed to support in principle the shared use of the Pedestrian Heart between cyclists and pedestrians.

(d) To take into account issues raised in the Disability Impact Assessment through the Code of Conduct, education, enforcement as appropriate, and through regular monitoring.

(6) Taxi Licensing Fees and Charges – Increase - 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 fees relating to the licensing of hackney carriages and private hire vehicles, their drivers and operators.

RESOLVED – (a) That the implementation of the proposed fees relating to hackney carriage licences, private hire licences and private hire operating licences, to take effect from 1 April 2009, be approved.

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

REASON – To ensure that the cost of delivering the taxi licensing service can be met.

C139. EU INITIATIVE ON CLIMATE CHANGE - The Cabinet Member with the Sustainable Environment and Climate Change Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) providing Members with information relating to a recently launched EU Initiative on Climate Change, the Covenant of Mayors.

The submitted report stated that the Association of North East Council’s were in full support of the initiative and were encouraging each local authority in the north east region to sign the Covenant of Mayors.

RESOLVED – That the Covenant of Mayors be signed.

REASON – (a) To support delivery of the Darlington Climate Change Strategy and Action Plan.

(b) To support the National Policy Context and Commitment in the Climate Change Act to reduce CO² emissions by 26% by 2020.

C140. (URGENT ITEM) DARLINGTON LOCAL DEVELOPMENT FRAMEWORK: TEES VALLEY JOINT MINERALS AND WASTE DEVELOPMENT PLAN – REQUESTED ALLOCATION, AYCLIFFE QUARRY EXTENSION - The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) seeking authority to carry out publicity and consultation on, and a technical assessment of, a requested site allocation in the emerging Tees Valley Joint Minerals and Waste Development Plan documents, relating to a possible future extension to Aycliffe Quarry.

RESOLVED – (a) That officers be authorised to carry out the necessary publicity and consultation on, and technical assessment of, the requested site allocation.

(b) That officers be instructed to report the results of (a) above back to the Council for a decision on whether to include such an allocation in the Tees Valley Minerals and Waste Development Plan Documents to be submitted to the Secretary of State for approval.

REASONS – (a) If the appropriate procedures for publicity/consultation and technical assessment are not carried out in respect of this request the entire Tees Valley Joint Minerals & Waste Development Plan Documents (DPD's) could be rendered unsound.

(b) If the DPD's are rendered unsound then the Council and the other Tees Valley authorities would be unable to comply with Article 7 of the EU Waste Framework Directive which requires planning authorities to have waste disposal sites identified 'through maps or sufficiently precise criteria' by July 2010. Failure to do so could make the councils liable to infraction fines.

C141. MEMBERSHIP CHANGES – There were no membership changes to outside bodies to which Cabinet appoints made at the meeting.

C142. 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 paragraph 3 of Part I of Schedule 12A to the Act.

C143. REQUEST FOR DELEGATED POWERS TO PROCURE CONSULTANTS TO UNDERTAKE THE DETAILED REVIEW OF ADULT SOCIAL CARE (EXCLUSION PARAGRAPH NO 3) – The Cabinet Member with the Adult Services Portfolio introduced the report of the Director of Community Services (previously circulated) seeking approval to delegate powers to officers to enable the procurement of consultants to undertake the implementation of the next stage of the review of Adult Social Care.

RESOLVED – (a) That the assessment of the procurement of consultants to further review and deliver efficiencies of Adult Services, as non-strategic, be approved.

(b) That delegated powers be granted to officers to make the contract and award decision.

REASONS – (a) The Contract Procedure Rules require Cabinet to approve the designation of contracts as strategic or non-strategic.

(b) The contract is of a low value and low significance in respect of the impact on residents and public safety.

C144. LASCELLES PARK PUBLIC HOUSE, FENBY AVENUE (EXCLUSION PARAGRAPH NO 3) - The Cabinet Member with the Neighbourhood Services and Community Safety Portfolio introduced the report of the Director of Community Services (previously circulated) seeking authority to acquire the leasehold interest of the Lascelles Park Public House, as shown on the plan appended to the submitted report, and seeking approval to demolish the building and clear the site for potential future development.

RESOLVED – (a) That the Director of Corporate Services and the Director of Community Services, in consultation with the Cabinet Members with the Resources and the Neighbourhood Services and Community Safety Portfolios, be authorised to negotiate the acquisition of the premises on the terms, as outlined in the submitted report, with the works to be funded through the Housing Revenue Account.

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

(c) That approval be given to the demolition of the public house, subject to planning permission being obtained.

REASONS – (a) To facilitate the demolition of the building currently causing blight.

(b) To enable future development of the cleared site.

**DECISIONS DATED -
FRIDAY, 6TH FEBRUARY, 2009**