

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE TUESDAY, 1ST APRIL, 2008**

CABINET
18th March, 2008

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

INVITEES - Councillors Barker, I. Haszeldine, Johnson and S. Jones and Mr. A Maconachie. (5)

APOLOGIES – Councillors Mrs. Scott and Swainston. (2)

ALSO IN ATTENDANCE – Councillors G. Cartwright, Coultas, Lewis and Richmond. (4)

C186. DECLARATION OF INTERESTS – That in respect of Minute C192(1) below, the Chair declared a personal interest, as his wife was a head teacher at one of the schools referred to in the report; Councillors Chapman and McEwan declared personal interests, as they had children at two of the schools referred to in the report; and Councillor Thistlethwaite declared a personal interest as members of his family worked at one of the schools referred to in the report and he was also Chair of Governors at one of the schools.

C187. REPRESENTATIONS – Representations were made at the meeting in respect of Minutes C192(11) and C198 below.

C188. DEATH IN SERVICE - MR. PAUL NORGROVE - The Cabinet Member with the Resources Portfolio introduced the report of the Director of Community Services (previously circulated) informing Members of the death in service on Tuesday, 19th February, 2008, of Benjamin Paul Norgrove (known as Paul), a valued member of the Community Mental Health Team.

RESOLVED - (a) That, with great sadness, the recent tragic death of Paul Norgrove, a respected employee of the Council, be noted.

(b) That the actions of the Council in conveying sympathy to Paul's family and the support from the Human Resources Services, as detailed in the submitted report, be noted.

REASON - To make Members aware of the recent death in service.

C189. MINUTES - Submitted - The Minutes (previously circulated) of the meetings of Cabinet held on 12th and 19th February, 2008.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C190. MATTERS REFERRED TO CABINET – There were no matters referred back for reconsideration.

C191. ISSUES ARISING FROM SCRUTINY – There were no issues arising from Scrutiny.

C192. KEY DECISIONS – (1) Capital Programme 2008/09 - The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Children's Services (previously circulated) seeking agreement to the proposed Children's Services Capital Programme for 2008/09 (also previously circulated) and requesting the release of capital funding in relation to that programme.

Members were informed at the meeting that a joint Task and Finish Review would be undertaken on the new North Road Primary School. The development of this school was selected as regional 'pathfinder' project.

In response to issues raised at the meeting, the involvement of Scrutiny in relation to the North Road Primary School, was welcomed; the funding for the programme of works at Alderman Leach Primary School was devolved capital expenditure, which was the responsibility of the school to determine how it would be spent; should the work on the academy start on time, any ensuing risks would fall on the contractor; and that the road safety issues outside of Hummersknott School and Language College would continue to be investigated.

RESOLVED - (a) That funding for the Eastbourne Church of England Academy of £15.377M, be released.

(b) That the capital funding of £26.841M, to undertake the agreed works, as detailed in Appendix A to the submitted report, be released.

(c) That the proposed capital investment programme for Children's Services, as detailed in Appendix B to the submitted report, be agreed.

REASONS - (a) Through the Local Asset Management Plan Agreement (LAMPA) process schools have agreed to the proposed programme of works.

(b) Detailed planning to target need has been undertaken which ensures effective use of all investment.

(2) (ITEM CALLED IN) School Admission Arrangements for 2009/10 - 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 Local Authority's Admission Policy for 2009/10, together with the co-ordinated arrangements for all schools in the Borough. The Co-ordinated Admission Schemes, for both primary and secondary schools, were appended to the submitted report.

In response to a query raised by a Member, the Director of Children's Services stated that records held by the Council were checked in order to verify the parental addresses given on school admission forms.

RESOLVED - That the changes required to the local authority's Admission Policy for 2009/10, as detailed in the submitted report, be noted and the Co-ordinated Admission Schemes for both primary and secondary schools, as appended to the submitted report, be approved.

REASON - The Authority is under a statutory duty to consult and adopt an admissions scheme for both primary and secondary school places, for the academic year 2009/10.

(3) Local Area Agreement for Darlington – Development - The Leader introduced the report of the Assistant Chief Executive (previously circulated) requesting that consideration be given to the indicators (also previously circulated) to form a basis for negotiation as the Local Area Agreement (LAA) for Darlington.

RESOLVED - (a) That the draft Local Area Agreement (LAA), as detailed in Appendix 1 of the submitted report, be endorsed, and it be noted that the indicators included were draft and subject to negotiation with the Government Office North East (GONE), and were therefore potentially liable to change.

(b) That, it be noted, that the draft Local Area Agreement, as appended to the submitted report, had been submitted to the Government Office North East, in order to meet Department of Communities and Local Government deadlines.

(c) That the final Local Area Agreement be submitted to Cabinet in June 2008.

REASONS - (a) To ensure effective delivery of the new vision for Darlington.

(b) To fulfil the Council's statutory duties to adopt a LAA.

(4) One Darlington : Perfectly Placed - Darlington's Sustainable Community Strategy 2008/21 - The Leader introduced the report of the Assistant Chief Executive (previously circulated) requesting that consideration be given to the new Sustainable Community Strategy (SCS) for Darlington entitled 'One Darlington : Perfectly Placed' (also previously circulated) which had been approved by the Local Strategic Partnership Board.

The Chair of the Local Strategic Partnership (LSP) reported at the meeting that support had been received from all sectors of the community, including the private sector, in developing Darlington's Sustainable Community Strategy.

RESOLVED – (a) That the thanks of Cabinet be conveyed to the Local Strategic Partnership for their work in developing Darlington's Sustainable Community Strategy, 'One Darlington: Perfectly Placed'.

(b) That the Sustainable Community Strategy 'One Darlington : Perfectly Placed', as appended to the submitted report, be endorsed, and recommended to Council for approval.

REASONS – (a) The document has been approved by the Local Strategic Partnership Board.

(b) To fulfil the Council's statutory duties to adopt a SCS

(5) Darlington Climate Change Action Plan - The Cabinet Member with the Sustainable Environment and Climate Change Portfolio introduced the report of the Assistant Chief Executive (Regeneration) requesting that consideration be given to Council actions to form part of the Climate Change Action Plan (also previously circulated).

Discussion ensued on the aspirations contained within the Action Plan; the further research required; and Darlington's commitment to Climate Change.

RESOLVED - That the actions for the Council, as detailed in the Climate Change Action Plan, as appended to the submitted report, be agreed.

REASON - To accord with the Council's commitment to tackle the causes and effects of climate change, as set out in the Darlington and Tees Valley Climate Change Strategies.

(6) Second Local Transport Plan Expenditure 2008/11 - The Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (Regeneration) requesting that consideration be given to the release of funding from the 2008/11 settlement for the Second Local Transport Plan, the Road Safety Grant and Cycling England funding.

It was reported at the meeting that traffic coming into Darlington from outside of the Borough was increasing, and that the further work was required to tackle this issue.

RESOLVED - (a) That the £8.933m settlement from the Second Local Transport Plan for 2008-11, be released, for expenditure broken down across financial years, as detailed in Appendix 1 to the submitted report.

(b) That £112,367 of capital and £505,027 of revenue Specific Road Safety Grant, be released, for expenditure broken down across financial years, as detailed in Appendix 3 to the submitted report.

(c) That £986,500 of capital and £513,500 of revenue matched funding from Cycling England, be released, (subject to their approval of the strategy and programme) for expenditure broken down across financial years, as detailed in Appendix 2 to the submitted report.

(d) That the Assistant Chief Executive (Regeneration), in consultation with the Cabinet Member with the Transport Portfolio, be authorised to make any variations to the implementation of the agreed list of schemes, as set out in Appendix 1 to the submitted report.

REASON - To ensure that the most effective use is made of the settlements for 2008/11 by permitting a timely start to be made on the full programme of works.

(7) Southend Avenue Area Residents' Parking Scheme - Consideration of Objections - The Cabinet Member with the Transport Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to the objections received following the publication of the Traffic Regulation Order in relation to the proposed residents' parking scheme in the Southend Avenue area.

RESOLVED - (a) That the objections received to the Traffic Regulation Order, in relation to the proposed residents' parking scheme in the Southend Avenue area, be set aside and the proposal implemented, without the sections of Grange Road from Nos. 163 to 189 and 58 to 82.

(b) That further investigation be undertaken to consider the issues and objections in the Grange Road area with a potential to progress a second order.

REASON - In order to introduce a parking scheme that improves the quality of life for the community.

(8) (URGENT ITEM) Housing Investment Programme 2008/09 - 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 resources available for housing capital investment during 2008/09 and requesting that consideration be given to a programme (also previously circulated) to utilise those resources.

RESOLVED - That the Housing Investment Programme for 2008/09, as detailed in the submitted report, be agreed and the funding to support that programme be released.

REASON - To enable the works and projects identified in the Housing Investment Programme for 2008/09, to proceed.

(9) Local Housing Allowance Safeguard Policy - The Cabinet Member with the Neighbourhood Services and Community Safety Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to the Local Housing Allowance Safeguard Policy (also previously circulated).

RESOLVED - That the Local Housing Allowance Safeguard Policy, as appended to the submitted report, be approved.

REASONS - (a) To minimise the risk of people renting accommodation in the private sector from falling into arrears with their rent and losing their accommodation.

(b) To minimise any negative impact the introduction of Local Housing Allowance will have on private landlords and give them the confidence to rent their properties to people on low incomes.

(c) To ensure the aims and objectives of the Local Housing Allowance in promoting independence and financial inclusion can be achieved.

(10) Community Safety Plan 2008/11 - The Deputy Leader introduced the report of the Assistant Chief Executive (previously circulated) requesting that consideration be given to the Crime and Disorder Reduction Partnerships Community Safety Plan 2008/11 (also previously circulated).

The Chair of the LSP stated that the Community Safety Plan had been developed, in conjunction with the Local Authority and Partners, and the greater involvement of the NHS and the Fire Service, in this process, was particularly welcomed.

RESOLVED - (a) That the Community Safety Plan 2008/11, as appended to the submitted report, be endorsed.

(b) That the proposed targets to be set within the plan would be considered as part of a future report on Darlington's Local Area Agreement.

REASONS - (a) Community Safety is a local priority and a key theme within the Sustainable Community Strategy.

(b) The strategy sets out the Crime and Disorder Reduction Partnership's priorities for making Darlington even safer and fulfils the statutory responsibility as a responsible authority.

(11) Outdoor Markets - Review of Stall Locations - The Cabinet Member with the Economy Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to vary the location of stalls attending the outdoor markets and determine the daily charge for market stalls for 2008/09.

Discussion ensued on the work that had already been undertaken on relocating the market stalls; the options available; the introduction of differential rents; the possibility of trading from both sides of the stalls; and the possibility of introducing short stay parking for customers around the outside of the indoor market.

RESOLVED - (a) That the Director of Community Services make all of the necessary arrangements, to allow the placing of market stalls in Blackwellgate and that all stalls be allocated to traders attending general markets in the manner, as detailed in the submitted report.

(b) That the Director of Community Services make the necessary application to obtain planning permission to allow the placing of market stalls in all appropriate parts of the pedestrianised town centre for all of the markets that may take place.

(c) That when market stalls can be located in Blackwellgate on market days, then no stalls shall be placed directly in front of the water feature on West Row.

(d) That the Director of Community Services investigates the development of the space in front of the water feature as an event area or pavement café to maximise its potential.

(e) That the daily charge for a market stall in 2008/09, be as set out in Appendix 6 of the submitted report, the additional revenue raised to be used to contribute to the cost of the Summer Market Spectacular and Winter Market event.

(NOTE: This was a unanimous vote by Cabinet).

REASONS - (a) To ensure that open markets are sustainable and contribute to the high quality pedestrian town centre.

(b) To continue to support, improve and develop the weekly and themed markets in Darlington.

(12) Market Regulations - The Cabinet Member with the Economy Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to changes to the Market Regulations (also previously circulated).

RESOLVED - That the revised Market Regulations, as appended to the submitted report, be approved.

REASONS - (a) To continue to improve and develop the overall standard of the weekly and themed markets in Darlington.

(b) To ensure that open markets contribute to the high quality pedestrian town centre.

(c) To provide Regulations that can be understood by Market traders attending Darlington Markets.

(13) (URGENT ITEM) North East of England Regional Spatial Strategy - Secretary of State's Further Proposed Changes - The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) informing Cabinet of the status and main contents of the Secretary of States proposed changes to the Regional Spatial Strategy for the North East and requesting that consideration be given to the submission of various objections and statements of support, as part of the current consultation process.

RESOLVED - That the comments and objections, as detailed in the submitted report, be forwarded to the Secretary of State, via the Government Office for the North East, as the Council's formal response to the Secretary of States proposed changes to the Draft Regional Spatial Strategy for the North East.

REASONS - (a) Consideration of, and decisions on, the matters covered is necessary at this stage to meet the consultation deadline of 2nd April, 2008.

(b) To enable the Council to influence emerging regional and sub-regional spatial development policy.

(14) Proposed European Funding Bid Under the North West Europe Interreg Programme - The Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) informing Members of an opportunity to participate in a trans-national Interreg Project and seeking approval to be a partner in a bid for Interreg funding.

RESOLVED - That the Assistant Chief Executive (Regeneration), in consultation with the Cabinet Member with the Transport Portfolio, be given delegated authority to pursue submission of an Interreg bid.

REASONS - (a) To enhance the economic, environmental and social well-being of the Borough.

(b) To sustain and enhance the work of the nationally-recognised, groundbreaking work of the Local Motion team.

(c) To promote sustainable development and transport, contributing to the 'Greener Darlington' outcomes in the draft sustainable community strategy.

C193. OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN - REVIEW - Pursuant to Minute C173/Feb/08, 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 ordinary meeting of Cabinet held on 12th February, 2008.

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.

C194. CORPORATE AND DEPARTMENTAL PLANNING - The Leader introduced the report of the Assistant Chief Executive (previously circulated) presenting the Council's four departmental plans (also previously circulated) in accordance with the corporate and service planning timetable for 2008/09.

RESOLVED - That the four new departmental plans, all as appended to the submitted report, be adopted.

REASON - To ensure implementation of the corporate and medium term financial plan which comprises part of the Council's performance management arrangements, leading to further service improvement.

C195. CUSTOMER CHARTER - The Cabinet Member with the Communities and Engagement Portfolio introduced the report of the Assistant Chief Executive (previously circulated) presenting the Council's draft Customer Charter (also previously circulated).

RESOLVED - That the Customer Charter, as appended to the submitted report, be approved.

REASON - To deliver on the Council's agenda to strengthen community engagement by sending a clear message to staff and members of the public what service standards should be delivered in our dealings with the public.

C196. COMPLAINTS POLICY - PROPOSED CHANGES - The Leader introduced the report of the Assistant Chief Executive (previously circulated) requesting that consideration be given to changes to the Council's current complaints policy, to introduce measures to enable the Council to respond to unreasonably persistent complainants and to deal with unreasonable complainant behaviour. A copy of the proposed policy on unreasonable and unreasonably persistent complainants was appended to the submitted report.

RESOLVED - That the revised Complaints Policy, as appended to the submitted report, and the policy on an Unreasonable and Unreasonably Persistent Complainants, included at Appendix 2 to the Complaints Policy, be approved.

REASON - (a) To ensure that the Council is consistent in the treatment of complainants who are unreasonable or unreasonably persistent.

(b) To protect the Council against criticism from the Local Government in the handling of unreasonable or unreasonably persistent complainants.

C197. HOUSING GROWTH POINT - The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) requesting that consideration be given to Darlington's participation in a Tees Valley wide partnership submission, to be designated a Housing Growth Point.

RESOLVED - (a) That Darlington be a partner in the Tees Valley Housing Growth Point expression of interest.

(b) That a further report be submitted to a future meeting of Cabinet to consider the funding available should the expression of interest be successful.

REASONS - To enhance the economic, environmental and social well being of the Borough.

(b) To promote sustainable development, contributing to the outcomes in the draft Sustainable Community Strategy.

(c) To contribute towards meeting the requirements for additional affordable housing as identified by the local Housing Needs study commissioned in 2005, and, contributing towards an accessible 'balanced housing market'.

C198. WRITE-OFF OF FORMER TENANT ARREARS AND HOUSING BENEFIT OVERPAYMENTS - The Cabinet Member with the Neighbourhood Services and Community Safety Portfolio introduced the report of the Director of Community Services (previously circulated) presenting an update on the current position on former tenants arrears and housing benefit overpayments and seeking approval to write-off debts of £91,296 and £82,543, respectively.

A Member in attendance at the meeting reported on concerns raised by residents, on the amount of money that was to be written-off by the Council.

It was stated that the amounts to be written off were a large number of small debts which the Council had been unable to collect for a number of different reasons, however, should contact be made in the future, the outstanding money would be collected.

RESOLVED - That a total amount of £91,296 for former tenant arrears and £82,543 for housing benefits overpayments, be written off, subject to steps of recovery being taken, wherever possible, if and when contact is made.

REASON - Regular arrangements for writing off debts are in accordance with the audit commission best practice for good financial management.

C199. SOUTH PARK CARPET BED - The Cabinet Member with the Health and Leisure Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to the application received for the design of the South Park carpet bed.

RESOLVED - That the application from the Boys Brigade to design the South Park carpet bed, as detailed in the appendix to the submitted report, be approved.

REASON - To enable the design and planting of the South Park carpet bed to proceed.

C200. CONSERVATION AREA CHARACTER APPRAISALS - (1) Bishopston - The Cabinet Member Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) seeking approval to the finalised Bishopston Conservation Area Character Appraisal (also previously circulated).

RESOLVED - That the Bishopton Conservation Area Character Appraisal, as appended to the submitted report, be approved.

REASON - To provide a document to assist in the protection and management of the Bishopton Conservation Area.

(2) Denton - The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) requesting that consideration be given to the finalised Denton Conservation Area Character Appraisal (also previously circulated).

RESOLVED - That the Denton Conservation Area Character Appraisal, as appended to the submitted report, be approved.

REASON - To provide a document to assist in the protection and management of the Denton Conservation Area.

C201. MEMBERSHIP CHANGES - No membership changes to other bodies to which Cabinet appoints, were reported at the meeting.

C202. 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.

C203. BECK HOUSE (EXCLUSION PARAGRAPH NOS. 1 AND 3) - The Cabinet Member with the Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to declaring Beck House, as shown on the plan appended to the submitted report, surplus to Council requirements and seeking authority to demolish the building and dispose of the site by informal tender.

RESOLVED - (a) That Beck House be declared surplus to Council requirements.

(b) That the Director of Corporate Services, in consultation with the Cabinet Member with the Resources Portfolio, be authorised to demolish the building and incur the forward costs of £96,300, as identified in the submitted report, and to dispose of the property by informal tender.

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

REASONS - (a) To ensure that hazards and liabilities at the property are minimised.

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

C204. (URGENT ITEM) WHESOE ROAD, DARLINGTON (EXCLUSION PARAGRAPH NOS. 1 AND 3) - The Cabinet Member with the Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) seeking authority to acquire 17,400 square metres (4.31 acres) of land at Whessoe Road, as shown the plan appended to the submitted report, to facilitate part of the North Road/Whessoe Road junction improvement scheme.

RESOLVED - (a) That the acquisition of land from British Rail Board (Residuary) Limited (BRBR), as shown on the plan appended to the submitted report, be approved, conditional upon grant funding being received from the Department for Transport.

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

REASONS - (a) To achieve the acquisition of land for highway improvements with Government funding.

(b) To improve the highway network and reduce a bottleneck at the existing North Road/Whessoe Road junction.

C205. 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 -
THURSDAY, 20TH MARCH, 2008**