

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY, 25TH FEBRUARY, 2008**

CABINET
12th February, 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 and Mrs. Scott and Mr. A. Maconachie. (5)

ALSO IN ATTENDANCE – The Mayor; Councillors Barker, Galletley, Johnson, Mrs. D. Jones, Lewis, Richmond and Robson. (8)

C165. DECLARATION OF INTERESTS – That in respect of Minute C170(3) below, Councillor Dixon declared a personal and prejudicial interest, as he was a resident in one of the areas included within a Residents Parking Scheme, and left the meeting during consideration of that item only.

C166. REPRESENTATIONS – Members in attendance at the meeting made representations in respect of Minutes C169 and C170 (1) and (6), below.

C167. MINUTES - Submitted - The Minutes (previously circulated) of the meetings of Cabinet held on 15th and 16th January, 2008.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C168. MATTERS REFERRED TO CABINET – FUTURE OF COMPLAINTS HANDLING – The Cabinet Member with the Communities and Engagement Portfolio introduced the report of the Assistant Chief Executive (previously circulated) advising Members of the decision of the Resources Scrutiny Committee, following its call-in of Cabinet's decision (Minute C130(5)/Dec/07), in respect of the proposed changes to the Council's Corporate Complaints Process and funding required for implementation of that process. The Minutes from the meeting of the Resources Scrutiny Committee were appended to the submitted report.

It was reported at the meeting that although the Resources Scrutiny Committee supported the proposals, in principle, they still had concerns in respect of the funding of those proposals.

RESOLVED - (a) That the comments of the Resources Scrutiny Committee be noted.

(b) That the original recommendations, be approved, namely:-

- (i) that a streamlined two-stage complaints process, as detailed in the submitted report, to be managed centrally, be adopted; and
- (ii) that £51,000 of funding be released, to allow implementation of the changes to the Corporate Complaints Process.

REASON - To improve services for local people.

C169. ISSUES ARISING FROM SCRUTINY – CLIMATE CHANGE - The Assistant Chief Executive (Regeneration) and the Director of Corporate Services submitted a report (previously circulated) presenting the recommendations from the Economy and Environment Scrutiny Committee in relation to Climate Change. A list of suggested items, identified by the various Scrutiny Committees, for inclusion in the Climate Change Action Plan, was appended to the submitted report.

The Chair of the Economy and Environment Scrutiny Committee introduced the report and stated that all the Council's Scrutiny Committee's had considered the issue of Climate Change and had identified a number of areas, relevant to their particular Scrutiny Committee, for inclusion in the Climate Change Action Plan.

Discussion ensued on the timescale for the production of the Action Plan; the collection of scientific evidence; and the involvement of Monitoring and Co-ordination Group and the Scrutiny Committees in the process.

The Cabinet Member with the Sustainable Environment and Climate Change Portfolio thanked all the Scrutiny Committees for their work and stated that the review had raised many areas which would be considered as part of the Action Plan.

RESOLVED - (a) That the suggested actions identified by the various Scrutiny Committees, as detailed in appendix 3 to the submitted report, be considered for inclusion in the Darlington Climate Change Action Plan and a further report be submitted to a future meeting of Cabinet.

(b) That the comments of the Assistant Chief Executive (Regeneration), as detailed in the submitted report, be noted.

REASON – (a) To enable the range of potential actions identified to be given further consideration.

(b) To allow the comments of the Assistant Chief Executive (Regeneration), to be endorsed.

C170. KEY DECISIONS – (1) Older People's Strategy - The Director of Community Services submitted a report (previously circulated) requesting that consideration be given to Darlington's Older People's Strategy (also previously circulated).

The Mayor, Councillor Swift, informed Cabinet that the Strategy had been considered by the Health and Well Being Scrutiny Committee at its meeting held on 12th February, 2008, and that although the Scrutiny Committee supported the Strategy, they had expressed concerns about the limited nature of the consultation undertaken as part of the process. The Scrutiny Committee also requested that they be involved in the consultation on the Action Plan and that they subsequently monitor its implementation.

The Cabinet Member with the Adult Services Portfolio stated that the strategy was a working document; further consultation would be undertaken on the Action Plan; and involvement of the Health and Well Being Scrutiny Committees in monitoring the Action Plan was welcomed.

Particular reference was made to the involvement of Scrutiny in the development of the document and to the news that Darlington were reported to be losing three post offices from within the Borough.

RESOLVED – (a) That the Older People’s Strategy, as appended to the submitted report, be approved.

(b) That the Health and Well Being Scrutiny Committee be involved in the consultation on the Action Plan for the Older People’s Strategy, and they subsequently monitor its implementation.

REASON - To ensure that a strategic approach is taken in addressing the increasing role of older people in the community and to take account of, and respond to, their specific needs.

(2) Improving Health Strategy - The Cabinet Member with the Health and Leisure Portfolio introduced the report of the Locality Director of Public Health (previously circulated) requesting that consideration be given to the Health Improvement Strategy 2008/12 (also previously circulated) in order to improve health over the next four years.

Following a query raised by a Member, it was reported at the meeting, that the issue of including a standard paragraph on Health Implications in the Council’s report, was being considered by the Corporate Governance Group.

RESOLVED - That the Improving Health Strategy 2008/12, as appended to the submitted report, be approved and the Health and Well Being Scrutiny Committee be commissioned to monitor the Action Plan.

REASON - To strengthen the co-ordination of the Council’s approach to improving health.

(3) Residents’ Parking Zone Review - The Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (Regeneration) on the findings of the review of the Residents’ Parking Zones.

The submitted report outlined the existing situation; the financial position and policy justification for residents’ parking schemes; how the schemes were working, taking into account residents’ views; and suggested options for future more detailed consideration.

In response to questions raised by Members, it was reported that the Member who had submitted the petition in respect of Residents’ Parking Zones had been informed that the issue was to be considered at this meeting of Cabinet; that the issues raised within the petition had been answered within the submitted report; and that to extend the Stanhope Road Residents’ Parking Scheme would involve a long and lengthy procedure, which, if it was to be commenced, would divert resources away from the work currently being undertaken on Civil Parking Enforcement.

RESOLVED - (a) That any changes to the operation of the Residents’ Parking Zones await the work on Civil Parking Enforcement.

(b) That fees for Residents’ Parking Zone permits be retained.

(c) That it be noted that there will be no charge for those permits in Borough Road (Zone K), Eastmount Road (Zone L) and Hundens Lane (Zone M), around the new Darlington College site, and Zone Z adjacent to the football club.

(d) That the feasibility and implications of tiered fees for permits, to contribute to Climate Change objectives, be considered further.

(e) That consideration be given to whether changes in enforcement regimes could improve enforcement.

(f) That, as part of the work on Civil Parking Enforcement, further consideration be given to introducing permits for carers, increasing the length of parking bays, and increasing the hours of operation where required (for example around the Memorial Hospital).

REASONS - (a) The legal and resource implications for preparing for an application for Civil Parking Enforcement (CPE) status. It is likely that physical and legal changes to the Resident Parking Zone (RPZ) schemes will be better delivered after CPE status has been granted. Making significant changes to RPZ's now would delay CPE work due to the staff time involved.

(b) The permit fees contribute to the operational costs of providing residents' parking zones and assist the effective operation of the schemes.

(c) Further work is required on the detail of how the operation of residents' parking zones can contribute to climate change and other policy issues.

(4) Cycling in the Town Centre - The Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (Regeneration) to consider the monitoring results from the six month trial period to allow cycling in the town centre.

It was suggested at the meeting that a code of conduct be drawn up for cyclists using the Town Centre.

Discussion ensued on the code of conduct; the request by the Darlington Association on Disability that a Disability Impact Assessment be undertaken; the number of incidents relating to cycling within the Town Centre; the issue of cycling on pavements; and enforcement.

RESOLVED - (a) That the trial period for cycling within the town centre, be extended to November 2008.

(b) That a Disability Impact Assessment on cycling in the town centre be carried out.

(c) That an educational programme on responsible cycling be carried out.

(d) That inter-generational work with older people be carried out on concerns about cycling.

REASONS - (a) To observe cycling for a full summer and gather more views from those using the town centre, and to communicate the issues covered in the submitted report.

(b) To work with Darlington Association on Disability and others to assess the impact of cycling in the town centre for disabled people.

(c) To work in partnership with Durham Constabulary and others to promote considerate cycling and address issues of anti social behaviour, to reduce the requirement for large scale enforcement.

(d) To address the disparity in views between younger and older people.

(5) (URGENT ITEM) Tees Valley Bus Network Improvement - The Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) to update Members on the Tees Valley Bus Network Improvement major scheme bid and seeking approval for submission of a bid for funding from the Department for Transport.

Following a concern raised by a Member, it was reported at the meeting that there were still ongoing discussions in relation to the future of the bus services to Sadberge.

RESOLVED - (a) That the list of infrastructure schemes, as detailed in Appendix 1 of the submitted report, in priority order of time saving benefits, be approved for inclusion in the bid submission to the Department of Transport.

(b) That the Assistant Chief Executive (Regeneration), in consultation with the Cabinet Member with the Transport Portfolio, be authorised to make final adjustments to the infrastructure schemes submitted in the bid.

REASONS - (a) To permit the submission of the full business case for the Tees Valley Bus Network Improvement major scheme in February 2007.

(b) To permit final adjustments to the submission, so that the total cost of the bid remains within the financial limits set out in funding guidance.

(6) Playing Pitch Strategy - 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 Playing Pitch Strategy (also previously circulated).

Particular concern was expressed, by a Member in attendance at the meeting, relating to the maintenance of a playing pitch at Middleton St. George and to the possibility of a further playing pitch in Middleton St. George, located at Durham Tees Valley Airport, being used in any future expansion of the Airport.

It was reported that should Durham Tees Valley use the playing pitch for future expansion plans, they would be required, as part of the planning permission, to provide another pitch; the strategy looked at all the provisions throughout the Borough, not just Local Authority provisions; and that the relevant Scrutiny could monitor its implementation.

RESOLVED – (a) That the Playing Pitch Strategy, as appended to the submitted report, be agreed and the delivery of the associated Action Plan, be supported.

(b) That the Health and Well Being Scrutiny Committee, monitor the implementation of the Strategy.

REASONS - (a) Sport England views Playing Pitch strategies as an essential element of underpinning its policy for the protection and provision of outdoor playing space.

(b) The Playing Pitch Strategy will provide a policy framework to improve and protect playing pitch provision in line with future demand.

C171. RAISING ATTAINMENT - 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 developments and initiatives at present being carried out by the Children's Services Department designed to raise attainment for children and young people in Darlington and to highlight attainment as a result of the impact of those initiatives and developments.

RESOLVED - That the report and the measures taken to raise attainment across the Borough, as detailed in the submitted report, be noted.

REASON - To ensure that the School Improvement Strategy has the support of Members.

C172. SACRE CONSTITUTION - REVISION - The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to proposed revisions to the SACRE Constitution.

RESOLVED - That the revised SACRE Constitution, as detailed at Appendix 1 of submitted report, be approved.

REASONS - (a) To ensure that the Darlington SACRE Constitution allows provision for representative decision-making.

(b) To ensure that the Darlington SACRE Constitution adheres to the general practice promoted by the National Association of SACRE's.

(c) To update the Darlington SACRE Constitution to reflect amendments in relevant terminology.

C173. OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN - REVIEW - Pursuant to Minute C154/Jan/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 15th January, 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.

C174. CONTRACT PROCEDURE RULES - The Cabinet Member with the Resources Portfolio introduced the report of the Assistant Chief Executive (previously circulated) seeking approval to proposals to change the way in which contracts are procured and contract awards are made. The revised Contract Procedure Rules were appended to the submitted report.

It was requested at the meeting that a training session be included in the Members Training and Development Programme, for both Officers and Members, on the changes to the Contract Procedure Rules.

RESOLVED - (a) That the revised Contract Procedure Rules, as appended to the submitted report, be referred to Council for adoption.

(b) That the rules be promoted to schools for adoption.

(c) That the amendments to section 3 of the Constitution, Responsibilities for Functions, as appended to the submitted report, be approved.

(d) That a training session on the revised Contract Procedure Rules, be included within the Members' Training and Development Programme.

REASONS - (a) To increase and enhance member's role in procurement.

(b) Improve the Councils' procurement practices.

C175. CORPORATE INFORMATION GOVERNANCE POLICY - The Cabinet Member with the Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) seeking approval to the Corporate Information Governance Policy (also previously circulated).

RESOLVED - That the Corporate Information Governance Policy, as appended to the submitted report, be approved.

REASON - To enhance the Council's Corporate Governance arrangements.

C176. COMBINED FINANCIAL SERVICES PERFORMANCE REPORT - QUARTER 3 2007/08 - The Leader introduced the report of the Chief Executive (previously circulated) reporting on progress against plan for third quarter service and financial performance, for April to December 2007, and identifying areas of corrective action.

RESOLVED - (a) That the areas where targets have not been met including Planning and Waste, be noted, and action planning be taken to address these key areas of under performance.

(b) That the overall strong performance against Community Strategy themes and corporate objectives, as detailed in the submitted report, be noted.

(c) That the projected overspend of £0.077M, as detailed in the submitted report, compared with the draft Medium Term Financial Plan, be noted.

(d) That the positive value for money assessment and improvement in the external score for value for money which contributes to the overall CPA star rating for the authority, be noted.

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

C177. CAPITAL PROGRAMME MONITORING REPORT - DECEMBER 2007 - The Cabinet Member with the Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) presenting an update of the capital programme, including spending and resource levels.

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

(b) That the virement of resources within the Children's Services programme, as detailed in the submitted report, be approved.

(c) That the additional funding of £0.095M from Mount Pleasant Primary School, as detailed in the submitted report, be approved.

(d) That the under spend of £0.572M relating to the 06-07 Housing capital programme and additional spending of £0.500M to Sheltered Housing Schemes, as detailed in the submitted report, be approved.

(e) That the variance on spend on the Local Transport Plan, as detailed in the submitted report, be noted.

(f) That the additional spend of £0.078M relating to the Dolphin Centre Refurbishment, as detailed in the submitted report, be noted.

(g) That the additional funding of £0.002M for the Firthmoor MUGA, as detailed in the submitted report, be approved.

(h) That the under spend relating to Central House alteration to access and telephone system of £0.061M, as detailed in the submitted report, be approved.

(i) That additional corporate resources of £0.010M relating to Honeypot Lane Caravan Site, as detailed in the submitted report, be approved.

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

C178. MEMBERSHIP CHANGES - There were no membership changes to other bodies, to which Cabinet appoints, reported at the meeting.

C179. 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.

C180. AUTHORISATION OF APPROVED SOCIAL WORKER STATUS (EXCLUSION PARAGRAPH NO. 1) - The Cabinet Member with the Adult Services Portfolio introduced the report of the Director of Community Services (previously circulated) informing Members of a decision taken by the Director of Community Services, under delegated powers, to approve an approved Social Worker.

RESOLVED - That the decision taken under delegated powers by the Director of Community Services, to approve an Approved Social Worker, be noted.

REASON - In order to maintain sufficient Approved Social Workers for the purpose of discharging the functions conferred in Social Services Department by the Mental Health Act 1983.

C181. COMMERCIAL STREET (EXCLUSION PARAGRAPH NO. 3) - The Cabinet Member with the Economy Portfolio introduced the report and plan of the Director of Corporate Services and the Assistant Chief Executive (Regeneration) (both previously circulated) requesting that consideration be given to the terms negotiated with the Council's chosen developer of Commercial Street, Cobalt Estates (Darlington) Limited, in respect of a proposed Licence Agreement, to facilitate the construction of the multi storey car park on Kendrew Street with building to commence on 1st April, 2008.

RESOLVED - (a) That the granting of a licence on Kendrew Street, to facilitate the Commercial Street Development, as outlined in the submitted report, be approved.

(b) That the Director of Corporate Services and Assistant Chief Executive (Regeneration), in consultation with the Cabinet Members with the Resources and Economy Portfolios, be authorised to complete negotiations and agree the terms of the proposed Licence Agreement.

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

REASONS - (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 maximise a revenue stream for the Council consistent with the above objectives.

C182. CENTRAL PARK : DEVELOPMENT AGREEMENT AND NEW DEPOT PREMISES (EXCLUSION PARAGRAPH NOS. 1 AND 3) – With the prior approval of the Chair to the matter being treated as urgent, the Cabinet Member with the Economy Portfolio introduced the report and plan of the Director of Corporate Services and the Assistant Chief Executive (Regeneration) (both previously circulated) seeking approval to enter into a Development Agreement with the preferred developer consortium and the Joint Venture Partners, in respect of Central Park, and to undertake the new Depot procurement project as a Council Capital scheme.

RESOLVED - (a) That the terms of the proposed Development Agreement, as identified in the submitted report, be approved and the Director of Corporate Services jointly with the Assistant Chief Executive (Regeneration), in consultation with the Cabinet Members with the Economy and Resources Portfolios, be authorised to conclude negotiations.

(b) That, subject to negotiations being satisfactorily concluded, the Borough Solicitor be authorised to complete the Development Agreement.

(c) That the procurement of the new Council Depot be undertaken as a Council capital scheme and that a further detailed report, on the proposed procurement contract be brought to Members, in due course.

REASONS - (a) To progress the Central Park scheme.

(b) To enable the new Council Depot to be built and to facilitate development at Central Park.

**DECISIONS DATED -
FRIDAY, 15TH FEBRUARY, 2008**