

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY, 20TH OCTOBER, 2008**

CABINET
7th October, 2008

PRESENT – Councillor Williams (in the Chair); Councillors Chapman, Copeland, Dixon, Harker, McEwan , D.A. Lyonette and A.J. Scott. (8)

INVITEES – Councillor Mrs. Scott.

APOLOGIES – Mr. A. MacConachie.

ABSENT – Councillor Wallis.

ALSO IN ATTENDANCE – Councillors Armstrong, Barker, Coultas, Johnson and Lewis. (5)

C58. DECLARATION OF INTERESTS – There were no declarations of interest reported at the meeting.

C59. REPRESENTATIONS – In respect of Minute C71 below, a representation was made by a Member in attendance at the meeting.

C60. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of Cabinet held on 9th September, 2008.

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

REASON - They represent an accurate record of the meeting.

C61. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration.

C62. ISSUES ARISING FROM SCRUTINY – There were no issues arising from scrutiny.

C63. KEY DECISIONS – (1) Darlington Local Development Framework - Core Strategy: Preferred Options – The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) outlining the contents, and highlighting some of the key planning issues, that were addressed in the Darlington Local Development Framework (LDF) Core Strategy: Preferred Options document, and seeking agreement to the document prior to public and other consultations being carried out.

The Assistant Chief Executive (Regeneration) referred to the comments which were made by the Economy and Environment Scrutiny Committee at its meeting held on 2nd October, 2008, in relation to the LDF Core Strategy: Preferred Options, which were that the document needed to be flexible enough to deal with unforeseen circumstances and that it supported policies of delivering more ‘culture; the town centre; the Town Centre Fringe/Gateway proposal, in order to improve the key routes into the town; biodiversity/greening initiatives as part of major developments; and the need for a Transport Assessment regarding the future of the Cross Town Route.

Particular reference was made at the meeting to congestion issues that required to be tackled.

RESOLVED – (a) That the contents of the Local Development Framework Core Strategy: Preferred Options, as appended to the submitted report, be agreed.

(b) That the Local Development Framework Core Strategy: Preferred Options, as appended to the submitted report, be agreed as the basis for carrying out public and other consultations, in line with regulatory requirements and the Council’s commitments to community engagement, as set out in the adopted Statement of Community Involvement.

REASONS – (a) To continue to progress towards fulfilling the statutory requirements to have an up to date Local Development Framework in place.

(b) To fulfil the regulatory requirements of Local Development Framework document preparation.

(2) Interreg Project – Release of Funding – The Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) advising members on the progress in securing Interreg, European Regional Development Funding, and seeking approval to release that funding for the delivery of the work packages for which Darlington had been allocated the funding.

RESOLVED – (a) That participation in the ‘Boosting Advanced Public Transport System’ (BAPTS) partnership, be agreed, and the funding be released subject to the completion of negotiations and documentation, on the basis as indicated in the submitted report.

(b) That the Assistant Chief Executive (Regeneration) be authorised to complete the negotiation of a partnership agreement with the City of Bielefeld.

(c) That the Borough Solicitor be authorised to complete the legal documentation for the partnership agreement.

REASONS – (a) Participation in the ‘Boosting Advanced Public Transport System’ (BAPTS) programme will secure £523,900 in funding (at an exchange rate of 1.42 Euros to the pound) for the delivery of a programme of work packages designed to better understand and plan for the impact of new developments on transport, to improve travel choices, encourage use of sustainable travel options and help to reduce traffic congestion.

(b) To raise the profile of Darlington within Europe and the European Commission.

(3) (URGENT ITEM) Community Infrastructure Fund and Housing Growth Point Submissions – The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) and the Director of Community Services (previously circulated) updating Members on the current position regarding the Housing Growth Point (HGP) and Community Infrastructure Fund (CIF) bids and outlining the idea behind the newly established Tees Valley Credit Crunch Task Force; seeking retrospective endorsement of the submitted joint Tees Valley Community Infrastructure Fund – Expression of Interest (also previously circulated); and seeking delegated authority to approve the joint Tees Valley Housing Growth Fund – Programme of Development.

RESOLVED – (a) That the Community Infrastructure Fund: Expression of Interest, as appended to the submitted report, submitted to the Department for Communities and Local Government (CLG) on 15 September 2008, be approved, on behalf of the five Tees Valley Authorities, including the ‘Darlington Urban Package’ element.

(b) That the Assistant Chief Executive(Regeneration), in consultation with the Cabinet Members with the Economy, Transport, and Neighbourhood Services and Community Safety Portfolios, be authorised to approve the Housing Growth Fund: Programme of Development.

REASONS – (a) To confirm the officers actions carried out to meet the required deadlines.

(b) To ensure the Programme of Development is submitted by the deadline of 27th October, 2008.

(4) Anti-Social Behaviour Strategy - The Deputy Leader introduced the report of the Assistant Chief Executive (previously circulated) seeking endorsement of the updated Anti-Social Behaviour Strategy 2008/09 (also previously circulated).

The Deputy Leader reported at the meeting that greater emphasis was required on the Alcohol Strategy and that this would feature more prominently in future updates.

A Member stated at the meeting, that it would be helpful if Ward Members could receive reports on the number of anti-social behaviour incidents that occurred in their respective wards.

RESOLVED – That the refreshed Anti-Social Behaviour Strategy 2008/09, as appended to the submitted report, be endorsed.

REASONS – (a) Anti-social behaviour remains a local and national priority.

(b) The strategy draws together some of the activity being delivered to make Darlington even safer.

C64. OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN – REVIEW – Pursuant to Minute C46/Sept/08, the Leader introduced the report of the Director of Corporate Services (previously circulated) providing Members with an update on 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 9th September, 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.

C65 CORPORATE PLAN 2008/09 – 2011/12: PERFORMANCE TARGETS – The Leader introduced the report of the Assistant Chief Executive (previously circulated) requesting that consideration be given to the performance targets for the period 2008/09 to 2011/12 and performance out-turns for 2007/08 (both also previously circulated).

The Leader reported at the meeting, that all Cabinet Members were responsible for the monitoring of performance targets.

The Assistant Chief Executive gave an overview of the Council's performance for 2007/08; stated that 36 percent of the Council's performance targets were in the Best Quartile; and that challenging targets had been set for 2008/09 to 2011/12.

RESOLVED – (a) That the performance targets, as set out in Appendix 1 to the submitted report, be approved for monitoring and reporting during the remainder of 2008/09 and subsequent years.

(b) That the performance out-turns for 2007/08, as set out in Appendix 2 to the submitted report, be noted.

REASONS – (a) To complete the preparation and adoption of the Corporate Plan for 2008-12.

(b) To enable the performance of Council services and improvement delivery plans to be monitored, and the statutory duty to report Darlington's performance against national indicators to be carried out.

C66. LOCAL AREA AGREEMENT – REWARD ELEMENT TARGETS - PROGRESS REPORT – The Leader introduced the report of the Assistant Chief Executive (previously circulated) informing Members of the progress made to date in relation to the performance of the Local Area Agreement Reward Element Targets, for the pilot Local Area Agreement 2006/09.

RESOLVED - (a) That the performance of the Local Area Agreement Reward Element, as detailed in Appendix 1, be noted.

(b) That the highest priority be given to all Reward Element targets, to ensure that stretch targets are achieved.

(c) That particular attention is paid to those targets marked as 'high' priority.

(d) That all indicators contained within the Local Area Agreement Reward Element receive the most stringent and regular monitoring, where possible.

(e) That areas of under performance in their relevant target areas, be investigated, to ensure everything is done in order to achieve the maximum reward grant possible.

REASONS - (a) To maximise the potential Reward Element Grant payable to the local authority, as accountable body, on behalf of Darlington Partnership.

(b) To generate funding for further investment into partnership activities in subsequent years.

C67 LOCAL DEVELOPMENT FRAMEWORK DOCUMENT – RESPONSE TO CONSULTATIONS FROM ADJACENT LOCAL PLANNING AUTHORITIES ON THEIR EMERGING DOCUMENTS – The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) outlining proposed arrangements for responding to consultations on Local Development Framework (LDF) documents, from adjacent local planning authorities within the necessary timescales, and seeking Cabinet’s agreement to the proposed arrangements.

RESOLVED – (a) That the proposed arrangements, as detailed in the submitted report, be agreed.

(b) That the Assistant Chief Executive (Regeneration) in consultation with the Cabinet Member with the Economy Portfolio, be authorised to make comments/representations on adjoining authorities’ Local Development Framework documents, subject to the Assistant Chief Executive (Regeneration) and the Cabinet Member with the Economy Portfolio not deciding that the issues raised are so significant to the strategic objectives of the Council, that the matter should be referred to Cabinet.

(c) That when the timetable for representations does not allow for a Cabinet decision, the Assistant Chief Executive (Regeneration) be authorised, in consultation with the Cabinet Member with the Economy Portfolio, to issue a holding comment, to be subsequently reported to Cabinet for confirmation or amendment.

REASON – To operate an efficient and effective Planning Service, specifically to ensure that the Council can respond appropriately to all the consultations on neighbouring Local Development Framework documents it receives.

C68. (URGENT ITEM) CENTRAL PARK ALLOTMENTS – The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) requesting the release of an additional £250,000 towards the final costs of £750,000, for the relocation of some of the Hundens Lane Allotments to Arnold Road.

RESOLVED – That an additional £250,000 of external funding be released, to progress and finalise the costs of the relocation of the Hundens Lane Allotments to Arnold Road.

REASON – To enable the Hundens Lane Allotments to be relocated to alternative sites in order to progress the Central Park development.

C69. FEETHAMS PLANNING AND DEVELOPMENT BRIEF – The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) reporting on the outcome of the consultation process for the Feethams Planning and Development Brief (also previously circulated) and requesting that consideration be given to the adoption of the brief, as Council Policy.

The Chair, Members and Officers of the Feethams and Markets Working Group were thanked for their work, particularly in relation to the development of the Brief.

RESOLVED – That the Feethams Planning and Development Brief, as appended to the submitted report, be adopted as Council Policy, helping to inform planning decisions for the area and the disposal of Council land.

REASON – (a) The Planning and Development Brief is in line with the emerging Local Development Framework, One Darlington: Perfectly Placed and the Development Strategy for Darlington Town Centre, furthering its future economic and environmental development.

(b) The draft brief has been modified in line with wide consultation.

C70. IMPERIAL EXPRESS CAFÉ – PROPOSED PAVEMENT CAFE – The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) and the Director of Community Services (previously circulated) seeking agreement on the principle of converting carriageway to pavement, for the purpose of creating a pavement café, as shown on the plan appended to the submitted report, subject to the owner receiving the necessary detailed approvals from Planning, Highways and Licensing.

RESOLVED – (a) That the principle of converting carriageway to pavement, for the purpose of creating a pavement café, as shown on the plan appended to the submitted report, be approved, subject to Planning Permission being granted.

(b) That officers be authorised to proceed with negotiations on detailed highway and licensing approvals.

REASON – (a) To encourage increased footfall and turnover for town centre businesses.

(b) The objectives are in line with the Town Centre Business Plan in the creation of a vibrant and attractive town centre.

C71. REVENUE BUDGET MONITORING – APRIL TO AUGUST 2008 – The Cabinet Member with the Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) updating Members on the approved Revenue Budget and requesting that consideration be given to actions to reduce net expenditure.

A Member in attendance at the meeting, stated that the report showed a serious overspend against budget and that there was a need for a more rigorous risk assessment to be undertaken when developing the Medium Term Financial Plan.

RESOLVED – (a) That the current projected increase in expenditure, compared with the approved revenue budget, as detailed in the submitted report, be noted.

(b) That officers be requested to continue to review the revenue budget and seek options to reduce the overspend, and report back to a future meeting of Cabinet.

(c) That the report be referred to the Resources Scrutiny Committee

REASONS – (a) To make Cabinet aware of the latest financial position of the Council.

(b) To consider options to mitigate the potential consequences of the projected increases in expenditure.

C72. CAPITAL PROGRAMME MONITORING – APRIL TO AUGUST 2008 – The Cabinet Member with the Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) updating Members on progress of the approved Capital Programme and highlighting the impact of the ‘credit crunch’ on the asset disposal programme.

RESOLVED – (a) That it be noted that expenditure on the Capital Programme was in line with existing financial plans.

(b) That the impact of the ‘credit crunch’ on the Council’s ability to raise capital receipts and the subsequent impact on the Council’s Medium Term Financial Plan, as detailed in the submitted report, be noted.

(c) That officers be requested to continue to review the capital programme to identify schemes that could be deferred and a further report be submitted to the next ordinary meeting of Cabinet scheduled to be held on Tuesday, 4th November 2008.

(d) That the resource virements, as detailed in the submitted report, be approved.

(e) That the report be referred to the Resources Scrutiny Committee.

REASONS – (a) To make Cabinet aware of the latest financial position of the Council.

(b) To consider options to mitigate the potential financial consequences of the anticipated reduction in capital receipts.

(c) To maintain effective management of resources.

C73. MEMBERSHIP CHANGES – RESOLVED – That pursuant to Minute C55/Sep/08, Councillor D.A. Lyonette, be appointed as this Council’s representative on the Local Access Forum, in place of Councillor Copeland.

C74. 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, 2 and 3 of Part I of Schedule 12A to the Act.

C75. NORTH ROAD PRIMARY SCHOOL – PROCURMENT FOR BUILDING CONTRACTOR (EXCLUSION PARAGRAPH NO. 3) – The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Children’s Services (previously circulated) seeking approval for the appointment of a contractor to construct the replacement building for North Road Primary School.

RESOLVED – That Kier Northern be awarded the contract to build the replacement North Road Primary School.

REASON – The tender process identified the most suitable contractor in accordance with the adopted selection criteria.

C76. CENTRAL PARK (EXCLUSION PARAGRAPH NOS. 1 AND 3) – The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) providing an update on the Central Park development and proposed necessary amendments to the Heads of Terms in order to enable the development to progress; to inform Members of the necessary re-phasing of the development to accommodate the University of Teesside and achieve the required programme; to seek approval for the temporary relocation of part of the Council depot in advance of the new Council depot being constructed; and approval for the maintenance of a new fence within the site.

RESOLVED – (a) That the draft Heads of Terms of the proposed Development Agreement, as appended to the submitted report, be approved and the Director of Corporate Services and 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 temporary relocation of part of the Council depot, be agreed, the costs of which to be met by the Developer Consortium.

(d) That the maintenance of a new fence within the site be maintained for a period of approximately two years.

REASONS – (a) To progress the Central Park development

(b) To accommodate the new University of Teesside building within Central Park

C77. NO. 2 CHANCERY LANE (EXCLUSION PARAGRAPH NO.3) – The Cabinet Member with the Health and Leisure Portfolio introduced the report of the Assistant Chief Executive (previously circulated) seeking authority to enter into a new lease of office accommodation at No. 2 Chancery Lane, as a result of Darlington's successful bid to host the country's first regional office aimed at tackling alcohol issues.

RESOLVED – (a) That the offices at No. 2 Chancery Lane, be leased on the terms outlined in the submitted report.

(b) That the Director of Corporate Services, in consultation with the Cabinet Member with the Resources Portfolio, be authorised to conclude negotiations, in line with the terms outlined in the submitted report.

(c) That £5,000 be released from the DDA capital scheme to provide a contribution to works required at Chancery Lane.

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

REASONS – (a) To support the efforts being made in Darlington to address alcohol related issues.

(b) To support the work of the North East Alcohol Trust.

C78. LAND AT BEAUMONT 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) seeking authority to declare approximately 0.2 hectares (0.5 acres) of land at Beaumont Street, as shown on the plan appended to the submitted report, surplus to the Council’s requirements, and to dispose of the land to facilitate the relocation and development of a new office headquarters, on the terms provisionally agreed, as detailed in the submitted report; appropriate land at the Feethams site, as shown on the plan appended to the submitted report, for planning purposes in accordance with Section 122 of the Local Government Act 1972; and incur expenditure to facilitate the disposal of land.

RESOLVED – (a) That the land at Beaumont Street be declared surplus to the Council’s requirements and the proposed sale of land, to the buyer named in the submitted report, be approved.

(b) That the Director of Corporate Services, in consultation with the Cabinet Member with the Resources Portfolio, be authorised to conclude the negotiations and the proposed sale of land on the terms outlined the submitted report.

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

(d) That the land be appropriated to planning and development purposes in exercise of the powers in Section 122 of the Local Government Act 1972 and be held under part IX of the Town and Country Planning Act 1990.

REASONS – (a) To facilitate the development of this town centre site in accordance with the Feethams Planning and Development Brief.

(b) To provide an opportunity to meet the relocation needs of a major Government Department and secure jobs within Darlington.

(c) To achieve a capital receipt

(d) To formally record the change in the statutory purposes for which the site is held.

(e) To ensure the Council has statutory powers to override the effect of any easements and covenants, which might otherwise inhibit the development.

C79. NO. 136 NORTHGATE, DARLINGTON (EXCLUSION PARAGRAPH NOS. 1 AND 2) – The Cabinet Member with the Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) seeking authority to dispose of No. 136 Northgate, which was surplus to the Council’s requirements.

RESOLVED – (a) That No. 136 Northgate, be declared surplus to the Council’s requirements.

(b) That the Director of Corporate Services be authorised to conclude the sale of the property, in line with the terms as outlined in the submitted report.

(c) That the Borough Solicitor be authorised to complete the appropriate documentation to conclude the sale accordingly.

(d) That the capital receipt be used to repay debt.

REASONS – (a) To satisfy the request of the tenant to purchase the property.

(b) To remove from the Council a potential liability.

(c) To achieve a capital receipt within the timescale outlined in the submitted report.

(d) To offset the loss of rental income.

**DECISIONS DATED -
FRIDAY, 10TH OCTOBER, 2008**