

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY 1ST NOVEMBER, 2004**

CABINET
19th October, 2004

PRESENT – Councillor Williams (in the Chair); Councillors Bristow, Dixon, Harker, Lister, D.A. Lyonette, McEwan, L. Vasey and Wallis. (9)

APOLOGIES -

ABSENT -

ALSO IN ATTENDANCE – Councillors Richmond, Ruck and Mrs. Scott. (3)

C103. DECLARATION OF INTERESTS - There were no declarations of interest reported at the meeting.

C104. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of Cabinet held on 21st September, 2004.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C105. MATTERS REFERRED TO CABINET – PROMOTING FAIRTRADE - The Cabinet Member with the Community Protection Portfolio introduced the report of the Director of Development and Environment (previously circulated) informing Members of the recommendation of the Public Protection and Community Partnerships Scrutiny Committee in relation to promoting fairtrade within Darlington.

RESOLVED – That the development of Darlington as a ‘Fairtrade’ town be supported and in order to do so, the goals outlined in the submitted report, be agreed.

REASONS – (a) To support the international ‘Fairtrade’ Initiative.

(b) To support sustainable development on a global level.

C106. ISSUES ARISING FROM SCRUTINY – CONSERVATION REVIEW GROUP - The Cabinet Member with the Regeneration and Planning Portfolio introduced the report of the Director of Development and Environment (previously circulated) reporting the Environment Scrutiny Committee’s recommendations in relation to the establishment of a Conservation Policy within the Borough. A copy of the final report of the Conservation Review Group entitled ‘Pride of Place’, was appended to the submitted report.

The Cabinet Member with the Regeneration and Planning Portfolio stated at the meeting that the report had indicated that there were problems caused by the loss of key staff in the Conservation Section and that these would be looked into.

RESOLVED – (a) That the recommendations of the Environment Scrutiny Committee, as detailed in the submitted report, be noted.

(b) That the comments be referred to a future meeting of the Environment Scrutiny Committee to allow an Action Plan to be drawn up.

REASON – To enable the views of Cabinet to be sought and referred back to the Environment Scrutiny Committee.

C107. HISTORIC ENVIRONMENT AND DESIGN CHAMPIONS - The Leader introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to the appointment of a Historic Environment and Design Champion for Darlington.

RESOLVED – That the Cabinet Member for Regeneration and Planning be appointed as this Council’s Champion for the Historic Environment for Design, and it be recommended to Council that his portfolio be amended accordingly.

REASON – To ensure that the Council’s historic environment is preserved and enhanced and that good urban design is prompted.

C108. KEY DECISIONS – (1) Library Position Statement - The Cabinet Member with the Education Portfolio introduced the report of the Director of Education (previously circulated) seeking Members endorsement for the Library Position Statement (also previously circulated).

RESOLVED – That the Library Position Statement, as appended to the submitted report, be approved.

REASON – The Library Position Statement needs formal approval before it will be accepted by the Department of Culture, Media and Sport.

(2) Darlington ‘A Town on the Move’ – The Cabinet Member with the Highways and Transport Portfolio introduced the report of the Director of Development and Environment (previously circulated) updating Members on the proposed revenue expenditure during 2004/09 associated with the Darlington ‘A Town on the Move’ which was funded by the Department for Transport through the Sustainable Travel Demonstration Town Initiative.

RESOLVED – (a) That the ‘A Town on the Move – Reference Group’, as detailed in the submitted report, be established.

(b) That expenditure of £905,000 on individualised travel marketing, be approved.

(c) That, subject to evaluation of the individual initiatives by the Reference Group, expenditure of £400,000 in 2004/05 and £430,000 in subsequent years, on other initiatives as set out in the submitted and previous reports, or similar initiatives which met the objectives of the Sustainable Travel Town funding, be approved.

REASONS – (a) To enable the procurement of the individualised travel planning and initial project outputs to occur within the timescale set by the Department for Transport.

(b) To enable Officers to proceed with a range of initiatives to promote sustainable travel, as detailed in Darlington's bid to be a Sustainable Travel Town.

(c) To enable the Council to maximise the amount of external funding available to help residents of the Borough.

C109. RACIAL INCIDENTS IN SCHOOLS – ACADEMIC YEAR 2003/04 – MONITORING REPORT - The Cabinet Member with the Education Portfolio introduced the report of the Director of Education (previously circulated) providing Members with information in respect of the number, nature and outcome of racist incidents in schools during the academic year 2003/4.

RESOLVED – That the report be noted.

REASON – Members should receive a report on racist incidents in schools and this will be produced annually.

C110. OMBUDSMAN COMPLAINTS – REVIEW – Pursuant to Minute C87/Sep/04, 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 meeting of Cabinet held on 21st September, 2004.

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 this report do not suggest that further action is required.

C111. (URGENT ITEM) HURWORTH TO NEASHAM FOOTWAY/CYCLEWAY – COMPULSORY PURCHASE ORDER – Pursuant to Minute C37/Jul/04, the Cabinet Member with the Highways and Transport Portfolio introduced the report and plan of the Director of Development and Environment (both previously circulated) requesting that consideration be given to the making of a Compulsory Purchase Order to secure the acquisition of land required for the Hurworth to Neasham footway, as shown on the plan appended to the submitted report, which was proposed to be a shared use footway/cycleway.

RESOLVED – (a) That the making of the proposed Hurworth to Neasham Footway/Cycleway Compulsory Purchase Order 2004, on land as shown on the plan appended to the submitted report, be approved.

(b) That the Director of Development and Environment be authorised to make any incidental or minor amendments to the order following negotiations with any affected party.

REASONS – (a) To secure the acquisition of all land required for the proposed footway/cycleway.

(b) To secure the construction of the new footway/cycleway for which funding is already available.

C112. (URGENT ITEM) LINKS TO SCHOOLS PROGRAMME – RELEASE OF CAPITAL FUNDS - The Cabinet Member with the Highways and Transport Portfolio introduced the report of the Director of Development and Environment (previously circulated) requesting that consideration be given to the release of £105,000 of external funding in order to fund three links of the cycle network.

RESOLVED – That £105,000 of external funding be released, towards the total expenditure of £212,000 for cycle routes, as identified in the submitted report.

REASONS – (a) To deliver key links in Darlington’s Cycle Network and improve access to schools.

(b) To enable the Council to maximise the amount of external funding available to the Borough.

C113. COMMUNITY LEISURE CHEST - The Cabinet Member with the Leisure Services Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to the request for grant aid from the Community Leisure Chest.

RESOLVED – That a grant of £130 be made to the Velo 167 Cycling Club.

REASON – To enable officers to inform the organisation of their success or failure following their application for community leisure chest grant aid.

C114. MAIDENDALE NATURE AND FISHING RESERVE, GENEVA WOOD, BRANKIN MOOR AND ROCKWELL PROPOSAL - The Cabinet Member with Regeneration and Planning Portfolio introduced the report and plans of the Director of Development and Environment (previously circulated) requesting that consideration be given to the designation of Maidendale Nature and Fishing Reserve, Geneva Wood, Brankin Moor and Rockwell, as statutory local nature reserves, as shown on the plans appended to the submitted report.

RESOLVED – (a) That Maidendale Nature and Fishing Reserve, Geneva Wood, Brankin Moor and Rockwell, as shown on the plans appended to the submitted report, be formally declared as Statutory Local Nature Reserves.

(b) That the Borough Solicitor be authorised to make and publicise the declarations for each site.

REASONS – (a) The need to provide the Darlington public with quality green space.

(b) The need to continue in the process of reaching the 2010 target of one hectare of Local Nature Reserve per 1,000 head of population.

C115. FINANCIAL ASSISTANCE 2004/05 – The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to four applications in respect of financial assistance received from one charitable and non-profit making organisation and three individuals.

RESOLVED – (a) Tempest Social Club, Tempest Anderson House, Brinkburn Road, Darlington – That a grant of £150 be made.

(b) Andrew Finn – Invitation to represent England at the Under 14's Ice Hockey Championship in Windsor, Canada – December 2004 – That a grant of £300 be made.

(c) Ellie Martin – World Challenge Expeditions, Tanzania – November 2004 – That a grant of £300 be made.

(d) Miss Alice Woods – Invitation to attend the National Children's Under 14's Orchestra – Residential Courses at Ackworth School, Pontefract and Dorset – That a grant of £300 be made.

REASON – The applications met the criteria for support.

C116. DISCRETIONARY RATE RELIEF 2004/05 - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to two applications in respect of discretionary rate relief which had been received from charitable and non-profit making organisations.

RESOLVED – (a) That the Branksome Community Association be granted 20 per cent discretionary rate relief in 2004/05 and 2005/06 in respect of their premises located at Eggleston View, Darlington.

(b) That the Darlington Squash Club be granted 50 per cent discretionary rate relief in 2004/05 and 2005/06 in respect of their premises located at McMullen Road, Darlington.

REASON – To continue with existing policy.

C117. REVENUE AND CAPITAL MEDIUM TERM FINANCIAL PLANS, REVENUE BUDGET AND COUNCIL TAX 2005/06 – TIMETABLE - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to the timetable for review of the Medium Term Financial Plans and production of the Council's 2005/06 Revenue Budget, Council Tax and Housing Revenue Accounts.

RESOLVED – That the timetable for the Revenue and Capital Medium Term Financial Plans 2005/06 to 2008/09, the Revenue Budget, Council Tax and Housing Revenue Account 2005/06, as detailed in the submitted report, with the change of the Cabinet date from 2nd to 3rd February, 2005, be agreed.

REASON – To comply with statutory and local requirements and established good practice.

C118. LOCAL AUTHORITIES BUSINESS RATES GROWTH INCENTIVES - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) providing information in respect of the Government's second round of consultation on Local Authorities Business Rates Growth Incentives and requesting that consideration be given to a response from this Council. A copy of this Council's draft response was appended to the submitted report.

RESOLVED – (a) That the report be noted.

(b) That the draft response of this Council to the consultation, as appended to the submitted report, be approved.

REASON – To ensure that the views of Darlington Borough Council are fully included in the Local Authorities Business Rates Growth Incentives consultation exercise.

C119. MEMBERSHIP CHANGES – RESOLVED – That Councillor Maddison replace Councillor Walker as one of this Council’s representatives on the Tees Valley Environmental Protection Group.

REASON – To ensure that the Council is fully represented on the Group.

C120. (URGENT ITEM) COMMERCIAL STREET SITE – With the prior approval of the Leader to the matter being treated as urgent in order to allow a decision to be made on the Council’s land at the earliest possible date, the Cabinet Member with the Resource Management Portfolio introduced the report and plan of the Director of Development and Environment (both previously circulated) requesting that consideration be given to the marketing of the Council’s land at Commercial Street and Kendrew Street, as shown on the plan appended to the submitted report, with a view to bringing forward a shopping centre development in line with the Town Centre Development Strategy; using compulsory purchase powers; and minor updating of the Planning and Highways Requirements Statement for the site.

RESOLVED – (a) That the Council’s land at Commercial Street and Kendrew Street, as shown on the plan appended to the submitted report, be marketed to obtain expressions of interest from developers wishing to progress a shopping centre development in line with the Town Centre Development Strategy.

(b) That, in principle, and subject to the necessary legal requirements being met and to the action being funded by a developer, the Council use its compulsory purchase powers to achieve such a development.

(c) That the Director of Development and Environment be authorised to make minor change to the Commercial Street Planning and Highways Requirements Statement to bring it up to date.

REASONS – (a) To achieve the development set out in the Council’s strategies.

(b) To benefit the economic well-being of the town.

(c) To achieve best consideration in any future disposal of the Council’s land.

C121. (URGENT ITEM) RAILWAY MUSEUM – URGENT SAFETY WORK - With the prior approval of the Leader to the matter being treated as urgent in order to enable safety work to be concluded at the earliest opportunity, the Cabinet Member with the Leisure Services Portfolio introduced the report of the Director of Development and Environment (previously circulated) requesting that consideration be given to the release of funding to enable urgent temporary safety work to be undertaken at the Railway Museum.

RESOLVED – That expenditure of up to £80,000 be approved, for immediate urgent work to be undertaken to the roof of the Railway Museum.

REASON – To ensure that the roof trusses are made safe at the earliest opportunity.

C122. 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 7, 8 and 9 of Part I of Schedule 12A to the Act.

C123. (URGENT ITEM) EAST STREET CAR PARK (EXCLUSION NOS. 7 AND 9) - The Cabinet Member with Regeneration and Planning Portfolio introduced the report and plan of the Director of Development and Environment (both previously circulated) requesting that consideration be given to a proposal for bringing the upper deck of East Street car park back into use for car parking and to be managed by the Council.

RESOLVED – (a) That the action of officers, in relation to the termination of National Car Parks tenancy of East Street Car Park, in accordance with Section 25 of the Landlord and Tenant Act 1954 on ground 30(1)(g), be endorsed.

(b) That the Director of Development and Environment be authorised to conclude negotiations with National Car Parks.

(c) That the prudential borrowing, as detailed in the submitted report, be approved to fund the repair works.

REASONS – (a) To allow the Council to occupy the premises and ensure appropriate remedial works are carried out to the top deck of the East Street Car Park.

(b) To obtain increased revenue to the Council from the property.

(c) To enhance car parking supply, to benefit the economy of the Town Centre.

C124. GREENWELL STREET – LAND AT BACK (EXCLUSION NOS. 7 AND 9) – The Cabinet Member with the Resource Management Portfolio introduced the report and plan of the Director of Development and Environment (both previously circulated) requesting that consideration be given to a request from Mr. C. Moore to conditionally acquire land at back of Greenwell Street, as shown on the plan appended to the submitted report, for residential development and seeking approval to the disposal on the terms provisionally agreed.

RESOLVED – (a) That the land, as shown on the plan appended to the submitted report, be disposed of to Mr C Moore, on the terms as outlined in the submitted report.

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

REASONS – (a) To satisfy Mr. Moore’s request to acquire the Council’s land.

(b) To facilitate the disposal and generate a capital receipt for the Council.

C125. LAND AT BANKS ROAD (EXCLUSION NOS. 7 AND 9) - The Cabinet Member with the Resource Management Portfolio introduced the report and plan of the Director of

Development and Environment (both previously circulated) seeking authority to dispose of the Council's freehold interest in approximately 250 square metres of land off Banks Road, McMullen Road Trading Estate, Darlington, as shown on the plan appended to the submitted report.

RESOLVED – (a) That, subject to planning permission being obtained, the disposal of the land, as shown on the plan appended to the submitted report, be approved, on the terms as outlined in the submitted report.

(b) That the Borough Solicitor be authorised to complete the sale accordingly.

REASONS – (a) To satisfy the request of the adjoining owner to purchase the land.

(b) To remove from the Council the potential burden of maintaining the subject land.

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

C126. SCHEDULE OF TRANSACTIONS (EXCLUSION NOS. 7, 8 AND 9) - The Cabinet Member with the Resource Management Portfolio introduced the report and schedule of the Director of Development and Environment (both previously circulated) requesting that consideration be given to the schedule and seeking approval of the terms negotiated.

RESOLVED – That the schedule, as appended to the submitted report, and the transactions completed on the terms and conditions detailed therein, be approved.

REASON – The terms negotiated require approval by Council before binding itself contractually to a transaction.

**DECISIONS DATED -
FRIDAY, 22ND OCTOBER, 2004**