

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY, 15 NOVEMBER 2010**

CABINET
2 November 2010

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

INVITEES – Councillors Barker, I. Haszeldine and Mrs. Scott. (3)

ALSO IN ATTENDANCE – Councillors G. Cartwright, Curry, Francis, Johnson, Mrs. D. Jones, Lewis, Long, Maddison and Richmond. (9)

C80. DECLARATION OF INTERESTS – In respect of Minute C83 below, Councillor Long declared a personal but non-prejudicial interest as she was on the Board of two companies who were based in the Arts Centre and in respect of Minute C85(5) below, Councillor Barker declared a personal but non-prejudicial interest as he was a town centre retailer.

C81. REPRESENTATIONS – A member of the public addressed Cabinet in respect of the proposed cuts to the bus services in the Harrowgate Hill Ward and representations were also made at the meeting in respect of Minutes C83, C85(1) and C87 below.

C82. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on Tuesday 5 October 2010.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C83. ISSUES ARISING FROM SCRUTINY - ARTS TASK AND FINISH REVIEW GROUP - The Cabinet Member with the Health and Leisure Portfolio introduced the report of the Director of Community Services and the Director of Corporate Services (previously circulated) reporting the findings and recommendations of the Economy and Environment Scrutiny Committee's Arts Task and Finish Review Group, established to give consideration to the provision of the Arts within Darlington.

In introducing the report, the Cabinet Member thanked the Chair of the Economy and Environment Scrutiny Committee on the work it had undertaken and the Chair of the Economy and Environment Scrutiny Committee addressed Cabinet in respect of the review, the importance of the Arts to the town and the recommendations of the Review Group.

RESOLVED - (a) That the recommendations of the Economy and Environment Scrutiny Committee, as detailed below, be endorsed, namely, that :-

(i) the following courses of action in relation to the Arts Centre be pursued:-

- a) further exploration of a dual use model with Queen Elizabeth Sixth Form College and more effective use of the building;

- b) review of all activity within the Arts Centre to determine suitability for partnership working;
 - c) ongoing liaison with Darlington Media Group and Theatre Hullabaloo;
 - d) a review of alternative models of governance;
 - e) an assessment be made of the likelihood of private and/or commercial funding;
 - f) an assessment be made of community voluntary work capacity; and
 - g) a review of education and outreach provision and capacity for the arts in Darlington alongside third sector organisations.
- (ii) the actions of Cabinet in aiding the Forum and Humantics to continue to operate be applauded and welcomed;
 - (iii) the budget constraints of 25 to 30 per cent over the next four years on the Arts Council of Great Britain and resultant consequence to Darlington Borough Council be acknowledged and the implications be explored;
 - (iv) efforts to increase income at the Head of Steam, by providing open access to the café and greater use of the Conference facility, be explored;
 - (v) consideration be given to a system of public subscription for arts services;
 - (vi) an assessment be made of the potential use of volunteers in the arts services and Head of Steam;
 - (vii) Darlington has a unique Industrial and Railway Heritage which needs to be actively promoted to encourage tourism to Darlington;
 - (viii) last year's Winter Closure of Head of Steam should not be repeated and therefore should be limited to two days per week (to ensure visitors have greater accessibility) and exhibits and Heritage Lottery Funding be secured;
 - (ix) Officers examine the implications of pursuing a potential bid, lead by the National Railway Museum, for World Heritage Status of the Darlington to Stockton rail line and report their findings to a future meeting of this Scrutiny Committee;
 - (x) as the National Framework for Performance Indicators has been replaced by outcome-based accountability consideration be given to developing local PI's performance indicators to aid the process and it is suggested that the Consumer Survey Panel may have a role to play; and
 - (xi) the Economy and Environment Scrutiny Committee monitor the recommendations arising out of this review.

(b) That the comments of the Director of Community Services, as detailed in the submitted report, particularly in relation to the severe financial constraints that the Council is currently facing, be noted.

REASON - To enable positive contributions to Arts provision in the Borough of Darlington to be continued.

C84. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration.

C85. KEY DECISIONS - (1) Diploma Development Funding for Branksome, Hurworth and Longfield Schools - 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 disbursement of capital funding for required improvements to Branksome, Hurworth and Longfield schools.

Particular references were made to the take up of the Diploma courses; whether the other secondary schools in the Borough had agreed for the funding to be used in this way; the plans for the funding to be held in reserves; and to the allowance for professional fees.

A Member in attendance at the meeting addressed Cabinet in relation to the investment in schools within the Borough, and in particular Longfield School.

The Director of Children's Services and the Cabinet Member with the Children and Young People Portfolio responded to the comments raised thereon.

RESOLVED - (a) That the distribution of £1,500,000 Diploma Development funding, to address the most urgent condition, health and safety and Disability Discrimination Act (DDA) works required at each of the three Secondary Schools: Branksome; Hurworth and Longfield, be approved.

(b) That the remaining £5,453,974 be held in reserve for further planned investment in the three schools once the outcome of the Comprehensive Spending Review is known in detail.

REASONS - (a) The proposed share-out of funds would see improvements made to the three secondary schools in the Borough which have not benefited from capital investment.

(b) To try to ensure that children continue to be educated in warm, safe and dry conditions.

(2) Third Local Transport Plan – Draft - The Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) requesting that consideration be given to the draft Third Local Transport Plan (also previously circulated) as a basis for consultation during November and as a basis for the development of the Implementation Plan.

RESOLVED - That the final stage of consultation be undertaken on the basis of the draft Third Local Transport Plan, as appended to the submitted report, in particular, noting the strategic choices and options that will inform the implementation plan, together with the funding once it is announced in December 2010.

REASON - In order to engage local people and stakeholders in the development of the Third Local Transport Plan and to meet our statutory duty to prepare a local transport plan, including the implementation plan, by April 2011, in light of the late announcements of funding allocations.

(3) Tees Valley Bus Network Improvement - The Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) requesting that consideration be given to the conditional acceptance and release of the funding offer by the Department of Transport to undertake year one investment under the Tees Valley Bus Network Improvement (TVBNI) and setting out a possible strategy for dealing with future decision about investments scheduled in subsequent years of the programme.

In welcoming the proposals, particular references were made to bus interchanges and to the proposed schemes to be included within Years 1 and 2 of the programme.

RESOLVED - (a) That the Department for Transport year 1 grant offer, be accepted and released, subject to agreement on grant conditions as set out in the draft letter to the Department, as appended to the submitted report.

(b) That the Borough Solicitor be authorised to complete the purchase of land at North Road, required for the delivery of the Tees Valley Bus Network Improvement scheme, subject to agreement with partner Councils about the financial arrangements, as detailed in the submitted report, and the sum of £400,000 be released from the Local Transport Plan for the purchase.

(c) That the addition, deletion or modification of schemes in the Tees Valley Bus Network Improvement for Darlington, be delegated each year to the Assistant Chief Executive (Regeneration) in consultation with the Cabinet Member with the Transport Portfolio, subject to the overall benefits set out in the business case being maintained.

(d) That the finalisation of the Financial and Administrative Agreement be delegated to the Assistant Chief Executive (Regeneration) and Director of Corporate Services.

REASONS - (a) To draw down the confirmed grant for year 1 of the Tees Valley Bus Network Improvement programme.

(b) To enable future acceptance of grant for years 2 and 3 of the programme within the timescale for the option on this land, the funding to be drawn from the Second Local Transport Plan (£190,000) and Department for Transport year 1 grant repayable from the Third Local Transport Plan (£210,000).

(c) To aid efficient decision making in a programme involving all five Tees Valley Local Authorities.

(d) To expedite the grant acceptance process.

(4) (URGENT ITEM) Regeneration of Parkside 2010/12 - 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 proposed details of the Parkside Regeneration Programme 2010/12, following further resident consultation and to confirm the level of resources required to deliver the improvements.

RESOLVED - That the proposal to regenerate Parkside, be approved and options for traffic calming on Wordsworth Road be explored and agreed locally with Ward Members and residents within the scope of the overall budget of £3.3million for the period 2010/12.

REASON - Parkside has been identified in accordance with housing stock condition information as in need of intervention to maintain decent home standards and help sustain the estate in the long term through targeted remodelling and improvements.

(5) The Oval - The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) and the Director of Corporate Services (previously circulated) informing Members of the impact of the credit crunch on the Commercial Street Shopping Centre development (also known as The Oval); seeking agreement in principle to reflecting the developer's latest scheme proposals in the development agreement; and re-affirming the Council's willingness, in principle, to make a Compulsory Purchase Order in support of the scheme, if necessary.

Particular reference was made to the acquisition of the Queen Street Shopping Centre and to the use of the Compulsory Purchase Order powers.

RESOLVED - (a) That the proposed changes to the scheme, as detailed in the submitted report, be supported and accepted in principle, subject to planning permission being obtained.

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

REASONS - (a) To achieve the development set out in the Council's Town Centre Development Strategy, the Planning Requirements Statement for the site and the Local Development Framework.

(b) To benefit the economic well being of the Borough.

(c) To further the aims of One Darlington: Perfectly Placed.

C86. NEW POLITICAL ARRANGEMENTS - The Leader introduced the report of the Director of Corporate Services (previously circulated) informing Members of the results of the consultation on the new political arrangements required by the Local Government and Public Involvement in Health Act 2007, and seeking approval to the constitutional changes, as detailed in the appendix to the submitted report, so far as they are the responsibility of the Executive.

RESOLVED - (a) That it be recommended to Council that a Leader and Cabinet form of Executive be implemented following the local elections in May.

(b) That it be recommended to Council that the arrangements include provision for the Leader to be removed during the four year term of office by a vote of the majority of Council Members.

(c) That the changes to the Constitution, as detailed in Appendix 2 to the submitted report, be approved, so far as they are the responsibility of the Executive.

REASON - In order to comply with new legislation.

C87. VARIATION TO HACKNEY CARRIAGE FARES - The Cabinet Member with the Transport Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to an application to revise the traffics levied in respect of hackney carriage fares.

A member of the taxi trade, who submitted the application to increase the tariff, addressed Cabinet in respect of the reasons for the application.

RESOLVED – That, in view of the fact that a large proportion of the licensed Trade who responded to the consultation were opposed to any change to the current tariffs the application to amend the tariffs, be refused.

REASON – There has been substantial opposition by the trade to the recent application and the subsequent proposals to vary the application.

C88. ELECTRIC VEHICLE CHARGING POINTS - The Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) requesting that consideration be given to the release of the funding for the provision of electric vehicle recharging infrastructure, as part of a regional network, that seeks to develop a business model for the long term provision of charging points.

RESOLVED - (a) That participation in the ‘Plugged In Places’ programme for the North East, be agreed.

(b) That the relevant traffic regulation orders be amended to allow free parking whilst recharging.

(c) That £20k funding from the Second Local Transport Plan be released to One NorthEast or the relevant lead authority to fund the work, as detailed in the report, on a matched funding basis.

(d) That the current Second Local Transport Plan programme be amended, to reduce the budgets for the Closed Circuit Television grant scheme and monitoring.

REASONS - (a) To take advantage of the regional grant for installing charging points for electric vehicles.

(b) To provide the local funding contribution required as part of the North East bid.

(c) The objectives and output for the Second Local Transport Plan programmes can be met.

C89. DARLINGTON LOCAL DEVELOPMENT FRAMEWORK - ACCOMMODATING GROWTH DEVELOPMENT PLAN DOCUMENT ISSUES AND OPTIONS REPORT - The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) outlining the contents of the Local Development Framework Accommodating Growth Development Plan Document Issues and Options Report (also previously circulated).

The Chair of the Economy and Environment Scrutiny Committee reported that the Local Development Framework Accommodating Growth Development Plan Document Issues and Options Report would be considered by a special meeting of that Scrutiny Committee on 9th December, 2010, and the meeting would be open to all Members to attend.

RESOLVED - (a) That the contents of the Darlington Local Development Framework: Accommodating Growth Development Plan Document, Issues and Options Report, as appended to the submitted report, be agreed.

(b) That the Darlington Local Development Framework: Accommodating Growth Development Plan Document Issues and Options Report form the basis for carrying out public and other consultations, in line with regulatory requirements and the Council's adopted Statement of Community Involvement.

(c) That the Assistant Chief Executive (Regeneration), in consultation with the Cabinet Member with the Economy Portfolio, be authorised to agree the text to be inserted into the 'What the SA says' boxes within the main document before it goes out to consultation.

(d) That the Assistant Chief Executive (Regeneration), in consultation with the Cabinet Member with the Economy Portfolio, be authorised to make any minor changes to the wording prior to finalising the Local Development Framework: Accommodating Growth Development Plan Document, Issues and Options Report, for consultation.

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

(b) To avoid unnecessary delays in the remaining stages of Local Development Framework Accommodating Growth Development Plan Document preparation.

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

C90. MIDDLETON ONE ROW CONSERVATION AREA CHARACTER APPRAISAL - The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) reporting the outcome of the consultation process for Middleton One Row Conservation Area Character Appraisal and seeking Members approval of that appraisal (also previously circulated).

The Character Appraisal was welcomed by the Ward Councillor in attendance at the meeting.

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

REASON - To provide a document to assist in the preservation and enhancement of the Middleton One Row Conservation Area.

C91. PROJECT POSITION STATEMENT AND CAPITAL PROGRAMME MONITORING QUARTER TWO 2010/11 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services and the Director of Community Services (previously circulated) providing Members with a summary of the latest capital resource and commitment position, to inform monitoring of the affordability and funding of the Council's capital programme, and updating Members on the current status of all construction projects currently being undertaken by the Council.

RESOLVED - (a) That status position on construction projects, as detailed in the appendix to the submitted report, be noted.

(b) That projected capital expenditure and resources, as detailed in the submitted report, be noted.

(c) That the adjustments to resources, as detailed in paragraph 19 of the submitted report, be approved.

(d) That the resource virements, as indicated in paragraph 20 of the submitted report, be approved.

REASONS - (a) To inform Cabinet of the current status of construction projects.

(b) To make Cabinet aware of the latest financial position of the Council.

(c) To maintain effective management of resources.

C92. REVENUE BUDGET MANAGEMENT 2010/11 AND MEDIUM TERM FINANCIAL PLAN 2010/15 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) providing Members with information on the Council's Medium Term Financial Plan up to 2015.

RESOLVED - (a) That the forecast revenue outturn for 2010/11 and actions being taken to manage the Council's finances and services, as detailed in the submitted report, be noted.

(b) That further regular reports be made to monitor progress and take prompt action if necessary.

REASONS - (a) To continue effective management of resources.

(b) To continue to deliver services to agreed levels.

C93. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C94. 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.

C95. KEY DECISION - THE OVAL (EXCLUSION PARAGRAPH NO. 1) – Pursuant to Minute C85(5) above, 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 approval to vary the terms of the Development and Lease Agreement for The Oval, to take into account the revised scheme.

RESOLVED - (a) That the proposed changes to the terms of the Development and Lease Agreement, as detailed in the submitted report, be approved.

(b) That the Assistant Chief Executive (Regeneration) and Director of Corporate Services, in consultation with the Cabinet Members with the Economy and with the Efficiency and Resources Portfolios, be authorised to conclude negotiations in line with the report.

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

REASONS - (a) To achieve the development set out in the Council's Town Centre Development Strategy, the Planning Requirements Statement for the site and the Local Development Framework.

(b) To benefit the economic well being of the Borough.

(c) To further the aims of One Darlington: Perfectly Placed.

C96. NO. 4 SCOTTS TERRACE AND NO. 40 ROCKINGHAM STREET, DARLINGTON (EXCLUSION PARAGRAPH NOS 1 AND 2) - 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 Council-owned houses at No. 4 Scotts Terrace and No. 40 Rockingham Street being declared surplus to requirements and seeking authority to dispose of them by informal sealed tender bids or such other method as is appropriate.

RESOLVED - (a) That the properties be declared surplus to the Council's requirements.

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

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

REASONS - (a) To remove from the Council potential maintenance and security liabilities.

(b) To achieve capital receipts within the timescale outlined in the submitted report.

C97. SCHEDULE OF TRANSACTIONS (EXCLUSION PARAGRAPH NO. 3) - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to the schedule of transactions (also previously circulated) and seeking approval of 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.

C98. FAVERDALE (EXCLUSION PARAGRAPH NOS. 1 AND 2) – With the prior approval of the Leader to the matter being treated as urgent to enable a decision to be made at the earliest possible date, the Assistant Director (Regeneration) and Director of Corporate Services submitted a report (previously circulated) requesting that consideration be given to the construction of an access road across Council owned land, as shown on the plan appended to the submitted report.

RESOLVED - (a) That the construction of an access road across the Council's land, as identified in the submitted report, be agreed, in principle.

(b) That the Assistant Chief Executive (Regeneration) and Director of Corporate Services, in consultation with the Cabinet Members with the Economy and the Efficiency and Resources Portfolios be authorised to conclude negotiations in line with the principles of the terms, as detailed in the submitted report.

(c) That the Director of Corporate Services be authorised to serve notice for the land required for the access, as detailed in the submitted report, and settle compensation accordingly.

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

Reasons

(a) To facilitate the development of a substantial inward investment in Darlington.

(b) To benefit the Economic Wellbeing of the Borough.

(c) To enable Council owned land to be brought forward and opened up for development.

(d) To achieve a capital receipt.

(e) To further the aims of One Darlington: Perfectly Placed.

**DECISIONS DATED -
FRIDAY, 5TH NOVEMBER, 2010**