

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE TUESDAY, 7TH SEPTEMBER, 2004**

CABINET
24th August, 2004

PRESENT – Councillor Williams (in the Chair); Councillors Bristow, Dixon, Lister, McEwan and L. Vasey. (6)

APOLOGIES – Councillor Harker, D.A. Lyonette and Wallis. (3)

ABSENT -

ALSO IN ATTENDANCE – Councillors Johnson, Mrs. D. Jones and Richmond. (3)

C56. DECLARATION OF INTERESTS – Councillor Dixon declared a personal and non-prejudicial interested in Minute C60(2) below.

C57. MINUTES - Submitted - The Minutes (previously circulated) of the meetings of Cabinet held on 13th July and 5th August, 2004.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C58. MATTERS REFERRED TO CABINET – There were no matters referred back for reconsideration to the meeting.

C59. ISSUES ARISING FROM SCRUTINY – There were no issue referred from Scrutiny Committees to the meeting.

C60. KEY DECISIONS – (1) Adult and Community Learning – Three Year Development Plan – The Director of Education submitted a report (previously circulated) requesting that consideration be given to the three year Development Plan for Adult and Community Learning (also previously circulated).

RESOLVED – That the Adult and Community Learning – Three Year Development Plan, as appended to the submitted report, be approved.

REASONS – (a) The Learning and Skills Council requires plans to be agreed by Members.

(b) It will enable development of the service to proceed.

(2) Sure Start Local Programme Wave 5 - The Director of Education submitted a report (previously circulated) on the securing of Capital funding from the European Regional Development Fund (ERDF) by the Wave 5 Sure Start Local Programme, as part of the Darlington Targeted Communities Package and requesting that consideration be given to the release of that funding.

RESOLVED – That Capital Funding from the European Regional Development Fund and Sure Start, be released, for the Sure Start Local Programme Wave 5.

REASON – To enable building of the new Sure Start Centre to commence at Mount Pleasant, in order to ensure the local delivery of services.

(3) Advertising and Sale of Tobacco to Children Under the Age of 16 – The Cabinet Member with the Community Protection Portfolio introduced the report of the Director of Development and Environment (previously circulated) informing Members of the programme of enforcement carried out under The Children and Young Persons (Protection from Tobacco) Act 1991 from April 2003 to March 2004, and seeking approval for continuing a programme of enforcement, to be taken by the Trading Standards Section, in relation to the sale of tobacco to children under the age of 16 and under the Tobacco Advertising and Promotion Act 2002.

RESOLVED – (a) That the results from the programme of enforcement carried out from April 2003 to March 2004, be noted.

(b) That the programme of enforcement, as detailed below, under The Children and Young Persons (Protection From Tobacco) Act 1991 and the Tobacco Advertising and Promotion Act 2002, for the period April 2004 to March 2005, be approved:-

- (i) inspections to premise selling tobacco;
- (ii) inspections of premises where cigarette vending machines are sited;
- (iii) the investigation of complaints in respect of alleged offences (including test purchasing);
- (iv) checks on retailers using test purchasing; and
- (v) raising awareness of traders and children through the use of publicity.

REASONS – (a) The Act places a duty on the Local Authority to consider every twelve months the extent to which it is appropriate for them to carry out a programme of enforcement.

(b) Approval of the approved programme of enforcement would give an effective means of enforcing the provisions of the Acts.

(4) (URGENT ITEM) Drinkfield Civic Amenity Site Improvements - Department of Environment, Food and Rural Affairs Award – The Cabinet Member with the Community Protection Portfolio introduced the report of the Director of Development and Environment (previously circulated) informing Members of the successful bid made to the Department of Environment, Food and Rural Affairs (DEFRA) to enlarge and improve the Drinkfield Civic Amenity Site and requesting that consideration be given to the revenue consequences as a result of that bid being successful.

RESOLVED – (a) That the project to improve the Drinkfield Civic Amenity Site, with the aid of Department of Environment, Food and Rural Affairs grant, be approved.

(b) That additional revenue resources of £120,000 be provided in the Council's Medium Term Financial Plan from 2006/07, for the work to the Drinkfield Civic Amenity Site.

(c) That the release of Capital Grant from Department of Environment, Food and Rural Affairs of £606,184 to finance the capital work, as outlined in the submitted report, be approved.

(d) That options to mitigate the effects of the site closure be examined and implemented subject to the cost being contained within the Medium Term Financial Plan.

REASONS –(a) The service offered to residents for the recycling and disposal of household waste will be enhanced

(b) The Council will be better placed to meet its landfill diversion targets under the Landfill Allowance Trading Scheme.

(5) Hackney Carriage and Private Hire Vehicles – Revision to License Conditions Relating to Vehicle Glass – The Director of Development and Environment submitted a report (previously circulated) requesting that consideration be given to revisions to the current standards and test procedures for hackney carriage and private hire vehicles in relation to windows.

RESOLVED –(a) That vehicle licence conditions and test procedures for Hackney Carriage and Private Hire Vehicles, approved by the Council, be amended, as detailed below:-

‘The vehicle shall be fitted with window glass in accordance with current Construction and Use Regulations as prescribed in respect of the *normal zone of vision* i.e. the front windscreen 75 per cent light transmittance and the front door windows 70 per cent light transmittance and that the remaining glass within the vehicle shall have a minimum light transmittance of not less than 70 per cent. No unapproved self-adhesive material (tinted or clear) shall be affixed to any part of the glass.’

(b) That vehicles currently licensed by this Council fitted with the glazing when new by the vehicle manufacturer will not be required to satisfy the condition in paragraph (a) above.

REASONS – (a) A public safety measure to protect the driver and fare paying passengers.

(b) A road safety measure to ensure the driver had adequate all round visibility.

(c) To allow “grandfather rights” to vehicles currently licensed by the Council with respect to glazing fitted by the vehicle manufacturer.

(6) Darlington Eastern Transport Corridor – Compulsory Purchase on Side Roads Orders – The Director of Development and Environment submitted a report and plans (previously circulated) outlining the new orders required for the Darlington Eastern Transport Corridor (DETC) scheme to proceed.

RESOLVED – (a) That the making of the proposed Compulsory Purchase Order 2004 under sections 239 and 240 of the Highways Act 1980 for the Darlington Eastern Transport Corridor, as detailed in Appendix 1 and shown in plan A, both as appended to the submitted report, be approved.

(b) That the making of the proposed Side Roads Order 2004 under sections 14 and 125 of the Highways Act 1980 for the Darlington Eastern Transport Corridor, as detailed in Appendix 2 and shown in plan B, both as appended to the submitted report, be approved.

(c) That the Director of Development and Environment be authorised to make any incidental or minor amendments to the orders, or amendments to those documents required following negotiations with any affected party.

(d) That the Director of Development and Environment be authorised to negotiate terms for the acquisition of all the land required for the scheme by agreement, with terms to be submitted to a future Cabinet meeting for approval.

(e) That the Borough Solicitor be authorised to complete all necessary acquisitions, as necessary, for the scheme to proceed.

(f) That existing Orders, as referred to in (a) and (b), be withdrawn.

REASONS – (a) To permit the Darlington Eastern Transport Corridor scheme progress to scheduled implementation during 2005/06.

(b) To ensure the legality of the revisions to the scheme design, as described in this report

C61. FOSTERING INSPECTION – The Cabinet Member with the Social Services Portfolio introduced the report of the Director of Social Services (previously circulated) presenting a summary of the National Care Standards Commission’s Inspection of Darlington Borough Council’s Fostering Services (also previously circulated).

RESOLVED – (a) That the findings and recommendations of the Fostering Services, as appended to the submitted report, be noted.

(b) That the contents of the Fostering Services Action Plan, as appended to the submitted report, to address ‘Good Practice Recommendations’, be noted.

(c) That the Statement of Purpose, as appended to the submitted report, be approved.

REASONS – (a) All regulatory requirements were met.

(b) ‘Good Practice Recommendations’ were made to address minor deficiencies.

(c) The Statement of Purpose meets all regulatory requirements.

C62. TEENAGE PREGNANCY STRATEGY ASSESSMENT FEEDBACK FOR 2003/04 – The Cabinet Member with the Social Services Portfolio introduced the report of the Director of Social Services (previously circulated) providing Members with a summary of the Teenage Pregnancy Strategy Assessment Feedback for 2003/04 (also previously circulated).

RESOLVED – (a) That the report be noted.

(b) That the continuation of the current arrangements and the multi-agency implementation of Darlington’s Teenage Pregnancy Strategy, be supported.

REASONS – (a) The 2003/04 report refers to the current (2002) statistical achievements of a 26 per cent reduction in under 18 conceptions relative to the 1998 baseline.

(b) The feedback from the Teenage Pregnancy unit is positive and Darlington is making good progress towards the aims of the National Strategy.

C63. YOUTH OFFENDING SERVICE ANNUAL PERFORMANCE – The Cabinet Member with the Social Services Portfolio introduced the report of the Director of Social Services (previously circulated) on the Youth Offending Service Annual Performance position for the year April 2003 to March 2004.

RESOLVED – That the report be received.

REASON – The excellent performance by Darlington Youth Offending Service is a measure of the success of the Youth Offending Service in reducing offending and re-offending by young people in Darlington.

C64. COMPLAINTS MADE TO OMBUDSMAN – (1) Overview – The Leader introduced the report of the Director of Corporate Services (previously circulated) providing Members with details of an overview of complaints made against the Borough Council that had been dealt with by the Local Government Ombudsman over the course of the previous year.

RESOLVED – That the report be noted.

REASON – It is important that Members are aware of the views of the Local Ombudsman on the Council's handling of complaints referred to it via the Ombudsman.

(2) Review of Outcome – Pursuant to Minute C13/Jun/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 for particular attention and/or referral to the Standards Committee since the meeting of Cabinet held on 8th June, 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 the report do not suggest that further action is required.

C65. 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 a request for grant aid from the Community Leisure Chest.

RESOLVED – (a) Darlington Tear Fund Support Group – That a grant of £200 be made.

(b) Darlington Chrysanthemum and Dahlia Society – That a grant of £200 be made.

(c) Darlington Choral Society – That a grant of £200 be made.

REASON - To enable officers to inform the organisations of their success or failure following their application for Community Leisure Chest Grant Aid.

C66. 'WOMEN INTO ENTERPRISE' PROJECT – The Director of Development and Environment submitted a report (previously circulated) seeking approval to extend the 'Women Into Enterprise' Project for a further year with Council funding and to enter into new Service Level Agreement with Darlington Business Venture for the delivery of the project.

RESOLVED – (a) That the extension of the 'Women Into Enterprise' Project for a further year be approved, and that it be noted that the expenditure for the 'Women Into Enterprise' Project was contained within the Department's existing Medium Term Financial Plan.

(b) That Officers be authorised to enter into a new Service Level Agreement with Darlington Business Venture to deliver the 'Women Into Enterprise' Project, as outlined in the submitted report.

REASONS – (a) To enable the 'Women Into Enterprise' Project to continue.

(b) To ensure that the Project is delivered in an accountable manner.

C67. 'START YOUR BUSINESS' EVENT –The Director of Development and Environment submitted a report (previously circulated) seeking approval to sponsor the 'Start Your Business' event, which was organised by Darlington Business Venture and was scheduled to be held at Carmel College on Saturday, 25th September, 2004.

RESOLVED – That the sponsorship by the Council of the 'Start Your Business' event be approved.

REASONS – (a) To enable the 'Start You Business' event to take place

(b) To provide residents of Darlington with the assistance and advice they require to establish their own businesses

C68. 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 two applications in respect of financial assistance received from two charitable non-profit making organisations.

RESOLVED – (a) Darlington Credit Unions – That a grant of £250 be made.

(b) Northern Regional Brass Band Trust – That a grant of £150 be made.

REASON – The applications meet criteria for support.

C69. 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 a number of applications in respect of discretionary rate relief which had been received from various charitable and non-profit making organisations.

RESOLVED – That the three organisations as detailed in Schedule 1 appended to the submitted report, be granted 20% discretionary rate relief in 2004/05 and 2005/06.

REASON – To continue to existing Policy.

C70. MEMBERSHIP CHANGES – There were no membership changes to other bodies to which Cabinet appoints reported at the meeting.

C71. 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, 7, 8 and 9 of Part I of Schedule 12A to the Act.

C72. (URGENT ITEM) APPROVED SOCIAL WORKER STATUS – AUTHORISATION (EXCLUSION NO. 1) - The Cabinet Member with the Social Services Portfolio introduced the report of the Director of Social Services (previously circulated) requesting that consideration be given to the suitability of two staff members to undertake the role of Approved Social Worker.

RESOLVED – That approval be given to Julie Wheatley and Sandra Dashwood to undertake the roles of Approved Social Workers for a five year period from 24th August, 2004 to 24th August, 2009 and 9th September, 2004 to 9th September, 2009, respectively.

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

C73. GENEVA LANE/PARKSIDE, DARLINGTON (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 approval to the disposal of land to George Wimpey North East Limited, as shown on the plan appended to the submitted report.

RESOLVED – (a) That the request to acquire the land, as shown on the plan appended to the submitted report, at a nominal cost, be approved.

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

REASONS – (a) To give George Wimpey North East Limited legal title to the land.

(b) To avoid a claim for ownership by adverse possession.

C74. LAND BETWEEN NOS. 7 AND 9 HILLCLOSE AVENUE, HUMMERSKNOTT (EXCLUSION NOS. 7 AND 9) – The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Development and Environment (previously circulated) requesting that consideration be given to the disposal of the Council's freehold interest in approximately 204 square metres of land adjacent to Nos. 7 and 9 Hillclose Avenue, subject to a right of pre-emption.

RESOLVED – That the land, as outlined in the plan appended to the submitted report, be disposed of to the owners of Nos. 7 and 9 Hillclose Avenue, and the Borough Solicitor be authorised to complete the documentation as necessary.

REASONS – (a) To give the owners of Nos. 7 and 9 Hillclose Avenue legal title to land which they have been occupying and maintaining, subject to a right of pre-emption.

(b) To avoid any claims for ownership by adverse possession.

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

C75. 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 term 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.

C76. DRIVING STANDARDS AGENCY TAXI DRIVER TEST – APPEAL AGAINST DECISION OF MAGISTRATES’ COURT (EXCLUSION NO. 12) – The Cabinet Member with the Highway and Transport Portfolio introduced a report of the Director of Corporate Services and the Director of Development and Environment (previously circulated) outlining the advice of Counsel in relation to a recent decision of the Magistrates’ Court relating the above policy and seeking a decision on the continuation of the policy.

RESOLVED – (a) That the steps Officers have taken to appeal to the High Court against the decision of the Magistrates’ Court to allow Mr Kaye’s appeal, be noted.

(b) That the Council’s policy in relation to the Driving Standards Agency Taxi Driver Test be amended to the effect that after 1st April, 2005 the Driving Standards Agency Taxi Driver Test shall be a pre-requirement for the renewal of a Hackney Carriage and Private Hire Driver Licences when the licence is next due for renewal.

(c) That the Driving Standards Agency Taxi Driver Test shall continue to be a pre-requirement for new applicants and the Test shall also apply to experienced drivers who have allowed a licence to lapse.

(d) That the Director of Development and Environment and the Borough Solicitor, in consultation with the Cabinet Member with the Highways and Transport Portfolio, be authorised to review the decision to appeal after considering the Opinion of the Queen’s Counsel and take appropriate action in the light of that opinion.

REASONS – (a) To acknowledge Officers’ actions.

(b) To prevent officer time and Council resources being expended on appeals to the Magistrates’ Court pending the decision of the High Court on the policy.

(c) To promote the safety of the general public by testing the driving skills of new or inexperienced hackney carriage and private hire drivers and those who have allowed their licence to lapse.

**DECISIONS DATED -
FRIDAY, 27TH AUGUST, 2004**
