

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY, 23RD JANUARY, 2006**

CABINET
10th January, 2006

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

ALSO IN ATTENDANCE – Councillors Armstrong, Johnson, Richmond, Ruck and Mrs. Scott. (5)

C120. DECLARATIONS OF INTEREST – That in respect of Minute C125 below, Councillors Dixon and L. Vasey declared personal but non-prejudicial interests as they had children attending a school referred to in the report; in respect of Minute C126 below, Councillors Dixon and McEwan declared personal but non-prejudicial interests as they had children attending a school referred to in the report; and in respect of Minute C141, Councillor Johnson declared a personal and prejudicial interest, as he was Chair of Darlington Council for Voluntary Service, and he left the meeting following consideration of Minute C130 below.

C121. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of Cabinet held on 29th November, 2005.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C122. MATTERS REFERRED TO CABINET – There were no matters referred back for reconsideration.

C123. ISSUES ARISING FROM SCRUTINY – DOGS REVIEW GROUP - The Cabinet Member with the Consumer and Environmental Services Portfolio introduced the report of the Director of Development and Environment (previously circulated) reporting the Public Protection and Community Partnerships Committees' recommendations in relation to the Dog Warden Service. The comments of the Director of Development and Environment were included within the submitted report.

A copy of the final report from the Review Group was appended to the submitted report.

RESOLVED - That the recommendations of the Public Protection and Community Partnerships Scrutiny Committee, in relation to the Dogs Review Group, be noted, and the Scrutiny Committee be thanked for their work.

REASON – To enable the views of Cabinet to be sought and referred back to the Public Protection and Community Partnerships Scrutiny Committee.

C124. KEY DECISIONS – (1) 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 'Darlington : A Town on the Move' Project, funded by the Department of Transport through the Sustainable Travel

Demonstration Town Initiative, and requesting the release of funding for the proposals for the delivery of the project in 2006.

RESOLVED - That the expenditure of a further £575,000 in 2006/07 and subsequent years of the Department for Transport Sustainable Travel Town Funding, be agreed, on measures as set out in the submitted and previous reports, subject to the evaluation of the individual initiatives by the reference group, including an exit strategy for each initiative.

REASONS - (a) To enable Officers to proceed with a range of current initiatives to promote sustainable travel, as detailed in Appendix 1 to the submitted report, and introduce new initiatives as detailed in paragraph 14 of the submitted report.

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

(2) Capital Programme 2005/06 - Arts Centre Refurbishment - Release of Funds - The Cabinet Member with the Leisure Services Portfolio introduced the report of the Director of Community Services (previously circulated) outlining the location of capital and external grants funding for the purpose of the Arts Centre refurbishment.

RESOLVED - (a) That capital expenditure, to a maximum of £1,161,000 in the event that all funding applications are received, be approved.

(b) That the release of £96,000 from the 2006/07 Capital Programme allocation, be approved.

(c) That, subject to receipt of the additional funds referred to in paragraphs 3 and 4 of the submitted report, the works be maximised in each of the three phases to the budget available.

REASON - To enable work to start to implement the project.

(3) Darlington Gateway – Taking Forward - The Cabinet Member with the Regeneration and Planning Portfolio introduced the report of the Director of Development and Environment (previously circulated) updating Members on the work being undertaken to define the future direction of major economic regeneration projects, beyond delivery of the existing Darlington Gateway programme.

RESOLVED - (a) That the approach, as detailed in the submitted report, to research future economic opportunities for Darlington and develop future Darlington Gateway projects, be agreed.

(b) That £48,000 of Single Programme funding, be released, to support the next generation of Darlington Gateway projects.

REASONS - (a) Work needs to be undertaken to develop the detailed evidence base and extensive preparatory studies required to support the next generation of Darlington Gateway projects.

(b) Investing in this work will enable the Council to influence funding providers and embed our aspirations in future strategies and delivery plans.

C125. CHILDREN'S SERVICES PERFORMANCE IN 2005 - The Cabinet Member with the Children's Services Portfolio introduced the report of the Director of Children's Services (previously circulated) informing Members of the outcome from the Annual Performance Assessment of Darlington Borough Council's Education and Children's Social Care Services for 2005. The letters detailing the assessment of the Council's Education and Children's Social Care Services and the Social Care Performance rating, were appended to the submitted report.

RESOLVED - That the report be noted.

REASON - To inform Members of the current performance of Darlington Borough Council's Children's Services.

C126. SCHOOL PERFORMANCE 2005 - NATIONAL TESTS/EXAMS - The Cabinet Member with the Children's Services Portfolio introduced the report of the Director of Children's Services (previously circulated) providing an analysis of pupil performance in the national tests and exams in 2005 (also previously circulated).

RESOLVED - That the report be noted.

REASON - To allow Members to monitor the performance of schools in Darlington.

C127. ADULT SOCIAL SERVICES - PERFORMANCE RATING FOR 2005 - The Cabinet Member with the Adult Services Portfolio introduced the report of the Director of Community Services (previously circulated) informing Members of the Star (performance) Rating 2005 awarded for Adult Social Services in Darlington. A copy of the notification letter from the Commission for Social Care Inspection was appended to the submitted report.

RESOLVED - That the improvement in the Adult Services Performance Framework Assessment Indicators and the Council's performance being maintained at two stars with significant improvement to performance indicators, outturns and improvement in judgement, as detailed in the submitted report, be noted.

REASON - (a) The star rating for Social Services is a key factor in the Council's overall Comprehensive Performance Assessment (CPA) rating (below a 2 star rating limits the Council's overall CPA rating to 'good').

(b) The star rating is required to be reported publicly.

C128. COMPLAINTS MADE TO OMBUDSMAN - REVIEW - Pursuant to Minute C105/Nov/05, 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 meeting of Cabinet held on 29th November, 2005.

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 submitted report do not suggest that further action is required.

C129. STATUTORY PERFORMANCE STANDARDS ON RECYCLING AND COMPOSTING IN 2007/08 - RESPONSE TO CONSULTATION PAPER - The Cabinet Member with the Consumer and Environmental Services Portfolio introduced the report of the Director of Development and Environment (previously circulated) requesting that consideration be given to this Council's response to the Government's consultation paper on Statutory Performance Standards on Recycling and Composting 2007/08.

RESOLVED – That this Council's response to the Consultation Paper on Statutory Performance Standards on Recycling and Composting in 2007/08, as detailed in Appendix 1 to the submitted report, be endorsed.

REASON - Additional recycling targets will contribute to meeting national local waste strategies.

C130. HACKNEY CARRIAGE STANDARDS IN THE TOWN CENTRE - PROPOSED CHANGES - 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 authorising the Director of Development and Environment to advertise proposals for hackney carriage stands, to enable formal consultation to be undertaken with all interested parties, and for the results of that consultation to be included in a future report to Cabinet.

RESOLVED – That the Director of Development and Environment be authorised to take the necessary steps to:-

(a) advertise, and give notice to the Chief Constable, proposed hackney carriage stands, pursuant to Section 63(1) Local Government (Miscellaneous Provisions) Act 1976, as follows:-

Stand	Location	No of Spaces
Beaumont Street West 7.00 pm – 7.00 am	On the north side from 8 metres west of Beaumont Street westwards for 40 metres.	Maximum 8 vehicles. Vehicles to face east.
Bondgate 24 Hour	On the south side from 6 metres west of Skinnergate westwards for 20 metres.	Maximum 4 vehicles. Vehicles to face west.
Bondgate 6.00 pm – 8.00 am	On the south side from 11 metres east of Skinnergate eastwards for 18 metres.	Maximum 4 vehicles. Vehicles to face west.
Coniscliffe Road 6.00 pm – 6.00 am	On the south side from 20 metres east of eastern boundary of 3 Coniscliffe Road westwards for 45 metres.	Maximum 9 vehicles. Vehicles to face west.
Duke Street 24 Hour	On the north side from 15 metres west of Raby Terrace westwards for 40 metres.	Maximum 8 vehicles. Vehicles to face east.
Duke Street 6.00 pm – 8.00 am	On the north side from 10 metres west of Barnard Street westwards for 35 metres.	Maximum 7 vehicles. Vehicles to face east.
East Row 6.00 am – 6.00 pm	On the west side in the lay-by lying approximately 4 to 21 metres south of Tubwell Row.	Maximum 4 vehicles. Vehicles to face north in a row parallel to carriageway.

Stand	Location	No of Spaces
East Row 6.00 pm – 6.00 am	On the west side in the lay-by lying approximately 4 to 21 metres south of Tubwell Row.	Maximum 8 vehicles. Vehicles to face north in two rows parallel to carriageway
Feethams 24 Hour	On the east side in the lay-by approximately 23 to 39 metres south of Horsemarket.	Maximum 2 vehicles. Vehicles to face south.
Gladstone Street 7.00 pm – 7.00 am	On the south side from 33 metres east of Kendrew Street eastwards for 85 metres.	Maximum 17 vehicles. Vehicles to face west.
Grange Road 24 Hour	On the west side from 5 metres south of Coniscliffe Road southwards for 30 metres.	Maximum 6 vehicles. Vehicles to face north.
Priestgate 24 Hour	On the south side from 5 metres east of Priestgate to 10 metres west of Penny Yard.	Maximum 5 vehicles. Vehicles to face west.
Tubwell Row 6.00 pm – 8.00 am	On the north side in the lay-by from Crown Street westwards for approximately 30 metres excluding pedestrian route across lay-by.	Maximum 6 vehicles. Vehicles to face east.

- (b) advertise the revocation of existing hackney carriage stands, pursuant to Section 63(1) Local Government (Miscellaneous Provisions) Act 1976, as follows:-

Stand	Location	No of Spaces
Beaumont Street West 7.00 pm – 2.00 am	On the north side from 8 metres west of Beaumont Street westwards for 36 metres.	5 vehicles. Vehicles to face east.
Blackwellgate 24 Hour	On the south side from eastern boundary of 37 Blackwellgate westwards for 20 yards.	3 vehicles. Vehicles to face west.
Bondgate 24 Hour	On the south side from 15 metres east of Skinnergate eastwards for 20 metres.	4 vehicles. Vehicles to face west.
Commercial Street Car Park 10.00 pm – 3.00 am	On the eastern boundary of Commercial Street West car park from the car park entrance northwards for 38 metres.	9 vehicles.
East Row 3.00 am – 6.00 pm	On the east side from 5 metres south of Tubwell Row southwards for 20 metres.	4 vehicles. Vehicles to face south.
East Row 6.00 pm – 3.00 am	On the west side parallel with the carriageway from 5 metres south of Tubwell Row to 5 metres north of Horsemarket.	10 vehicles Vehicles to face north.
East Street 9.00 am – 8.00 pm	On the north side from 15 metres east of Quebec Street eastwards for 20 metres.	4 vehicles. Vehicles to face east.
East Street 10.00 pm – 3.00 am	On the south side from 30 metres east of Crown Street eastwards for 25 metres.	5 vehicles. Vehicles to face west.
Feethams 24 Hour	On the east side in southerly lay-by outside Town Hall.	3 vehicles. Vehicles to face south.

Gladstone Street 10.00 pm – 5.00 am	On the south side from 31 Gladstone Street westwards for 35 yards.	7 vehicles. Vehicles to face west.
Horsemarket 7.00 pm – 3.00 am	On the north side parallel with carriageway from 5 metres east of West Row eastwards to 5 metres east of the Covered Market building line.	3 vehicles Vehicles to face east.
Priestgate 24 Hour	On the south side from 5 metres east of Prebend Row eastwards for 25 metres.	4 vehicles. Vehicles to face west.
Tubwell Row 24 Hour	On the north side in the lay-by from Crown Street westwards for 13.7 metres and from 15.6 metres west of Crown Street westwards for 15 metres.	6 vehicles Vehicles to face east.

REASONS - (a) The Pedestrian Heart scheme has changed traffic movements and parking arrangements within the town centre, which necessitates a re-distribution of hackney carriage stands.

(b) Existing hackney carriage stands require revoking to enable the appointment of the proposed stands.

C131. (URGENT ITEM) RED HALL COMMUNITY ASSOCIATION - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to the Corporate Services Financial Section, to undertake the monitoring of the financial elements of Red Hall Community Associations Community Centre refurbishment and extension project, on behalf of the Association.

RESOLVED – That the Director of Corporate Services be authorised to undertake the financial monitoring of Red Hall Community Association’s Community Centre Refurbishment and Extension project.

REASON – To ensure the Financial Management Structures are in place to deal with project’s finances efficiently.

C132. AUDIT SERVICES ANNUAL AUDIT PLAN 2005/06 - PROGRESS REPORT - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) providing a progress report against the 2005/06 annual audit plan, in accordance with the Audit Services’ role and terms of reference.

RESOLVED – That the progress against the 2005/06 Annual Audit Plan, as detailed in the submitted report, be noted.

REASON - They comprise part of the Council’s corporate governance arrangements.

C133. NORTH EAST ASSEMBLY AND ASSOCIATION OF NORTH EAST COUNCILS - PENSION PROVISIONS - The Leader introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to this Council entering into a Guarantee Agreement, in common with other participating local authorities, in relation to the admission of employees of the North East Assembly and the Association of North East Councils to the Tyne and Wear Pension Fund.

RESOLVED - That the Borough Solicitor be authorised to enter into an appropriate Guarantee Agreement relating to the admission of employees of the North East Assembly and the Association of North East Councils to the Tyne and Wear Pension Fund, on the understanding that all member Authorities enter into the same undertaking.

REASON - It is important that all constituent Local Authorities enter into the Guarantee Agreement and share the contingent liability on an equitable basis.

C134. RENEWAL OF INSURANCES - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) informing Members of the current position in respect of the Council's insurance renewals negotiations with Zurich Municipal and requesting that consideration be given to a two-year extension of the insurance contract to Zurich Municipal.

RESOLVED - (a) That the renewal terms from Zurich Municipal be accepted and the contract for this Council's insurances be extended to 31st March, 2008, with Zurich Municipal.

(b) That the Director of Corporate Services resolve the minor issues outstanding with Zurich Municipal relating to their new terms under his delegated powers.

(c) That the Director of Corporate Services be authorised to seek tenders, at the appropriate time, for Council Insurances from 1st April, 2008.

REASONS - (a) Due to economic benefits for the Council in accepting reduced terms from Zurich Municipal and current insurance market conditions as advised by Insurance Brokers.

(b) To enable the Director of Corporate Services to arrange Council Insurance by the tender process in two years time.

C135. TAXIS IN THE TOWN CENTRE – With the prior approval of the Chair to the matter being treated as urgent in order to allow a decision to be made at the earliest possible date, the Cabinet Member with the Highways and Transport Portfolio introduced the report of the Director of Development and Environment (report enclosed) proposing changes to Town Centre traffic regulations to improve taxi access to, and egress from, the town centre, for the benefit of taxi users and taxi operators. A plan of the Northgate/Crown Street area was appended to the submitted report.

The Cabinet Member with the Highways and Protection Portfolio referred to a letter at the meeting, received from Arriva in respect of the proposed changes to the Town Centre traffic regulations.

RESOLVED – (a) That, subject to the findings of the relevant audits, as detailed in the submitted report, the Director of Development and Environment and the Borough Solicitor be authorised to make an experimental Traffic Regulation Order to allow:

- (i) hackney carriages to use the Coniscliffe Road bus lane;
- (ii) hackney carriages to use the Stonebridge/St Cuthbert's Way bus lane;
- (iii) hackney carriages to access Northgate from the Northgate/inner ring road roundabout; and

(iv) a Clearway preventing vehicles other than buses stopping on Northgate/Crown Street.

(b) That an experimental Order be made for a maximum of 18 months, with a view to it being made permanent during that period.

(c) That objections be sought during the first six months from the making of the Order, and then considered by Cabinet, together with the results from monitoring the experimental period.

REASONS – To improve taxi access to and from the town centre.

C136. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C137. 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.

C138. DARLINGTON : A TOWN ON THE MOVE - PROPOSED MULTI-OPERATOR TICKETING SCHEME (EXCLUSION NOS. 7 AND 9) - 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 this Council working in partnership with the private bus operating companies on the expansion of an existing multi-operated weekly ticket scheme, to a scheme that also offers daily and monthly tickets, with associated promotional activity.

RESOLVED - That a multi-operator bus ticket framework agreement be entered into with Arriva North East, Stagecoach North East and other companies operating local bus services in Darlington.

REASON - To enable the officers to proceed with proposals to develop and market a range of bus tickets eligible for use on all Arriva, Stagecoach and supported bus services.

C139. LAND AT HAUGHTON ROAD (EXCLUSION NOS. 7 AND 9) - 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 sell back twelve square metres of land on Haughton Road, as shown on the plan appended to the submitted report, to the original owner, following the revision of requirements for Darlington Eastern Transport Corridor.

RESOLVED - (a) That the disposal of the twelve square metres of land, as shown on the plan appended to the submitted report, on the terms outlined in the report, be approved.

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

REASON - To allow the owner of the land to develop his land at the earliest opportunity.

C140. LAND AT RIDGEWAY, DARLINGTON (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) seeking authority to acquire land from the Crown Estate, as shown on the plan appended to the submitted report, and sell parts of it to adjacent owners for inclusion into gardens.

RESOLVED - (a) That the acquisition of land, as shown on the plan appended to the submitted report, from the Crown Estate be authorised, on the terms as outlined in the submitted report.

(b) That the disposal of land, as shown on the plan appended to the submitted report, to adjoining owners be authorised, on the terms outlined in the submitted report.

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

REASONS - (a) To allow adjoining owners to extend their gardens.

(b) To allow the Council to complete an adopted footpath link from Ridgeway to Kitching Grove.

C141. CHURCH ROW, DARLINGTON - LEASE OF ACCOMMODATION (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) seeking authority to enter into a lease of accommodation of a the room at the Council for Voluntary Services' offices at Church Row, to accommodate a temporary community development worker.

RESOLVED - (a) That a lease of accommodation at Church Row be authorised, on the terms as detailed in the submitted report.

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

REASONS - (a) To accommodate the temporary community development worker.

(b) To help Northgate and Central Wards access a fair share of National Lottery money.

C142. ORANGE MAST - LAND AT SALTERS LANE SOUTH (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) seeking authority to grant a ten year lease of land at Salters Lane South, as shown on the plan appended to the submitted report, to Orange Personal Communications Limited, for the erection of a twelve metre pole mounted telecommunications installation with associated equipment cabinet.

RESOLVED - (a) That the grant of a ten year lease of land at Salters Lane South, as shown on the plan appended to the submitted report, to Orange Personal Communications Limited, be agreed on the terms as outlined in the submitted report.

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

REASON - In order to obtain an on-going revenue receipt.

C143. 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 of transactions and seeking approval for 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 details therein.

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

**DECISIONS DATED -
FRIDAY, 13TH JANUARY, 2006**