

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE WEDNESDAY, 19TH APRIL, 2006**

CABINET
4th April, 2006

PRESENT - Councillor Williams (in the Chair); Councillors Bristow, Dixon, Harker, D.A. Lyonette, McEwan, Thistlethwaite and L. Vasey. (8)

APOLOGIES – Councillor Wallis.

ALSO IN ATTENDANCE – Councillors Johnson and Richmond. (2)

C183. DECLARATION OF INTERESTS - There were no declarations of interest reported at the meeting.

C184. MINUTES - Submitted - The Minutes (previously circulated) of the meetings of Cabinet held on 1st and 7th March, 2006.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C185. MATTERS REFERRED TO CABINET – There were no matters referred back for reconsideration.

C186. ISSUES ARISING FROM SCRUTINY – There were no issues arising from Scrutiny.

C187. KEY DECISIONS – (1) Waste Management Environmental Options Assessment for Municipal Waste in Darlington - The Cabinet Member with the Consumer and Environmental Services Portfolio introduced the report of the Director of Development and Environment (previously circulated) informing Members of the recently completed Environmental Options Assessment for Municipal Waste in Darlington prior to a Waste Strategy being drafted.

It was reported at the meeting that the contract between this Council and the Premier Waste Management Company for the disposal of waste could be ended, but the Council were required to give them two years notice.

RESOLVED - That the options and weighting included in the Environmental Assessment, as appended to the submitted report, be noted and they be taken forward and consulted upon in the context of the emerging Waste Management Strategy.

REASON - To allow work on waste management to progress according to the project plan.

(2) Darlington Second Local Transport Plan Budget 2006/07 - The Director of Development and Environment submitted a report (previously circulated) requesting that consideration be given to the release of the 2006/07 budget for Darlington's Second Local Transport Plan.

RESOLVED - That Local Transport Plan funding of £2.76 million in 2006/07, be released, for the purposes as detailed in the submitted report.

REASON - To permit work to start on delivering the transport improvements contained within Darlington's final Second Local Transport Plan.

(3) Housing Benefit Overpayments Strategy and Policy and Proposed Write-Off of Irrecoverable Overpayments - The Cabinet Member with the Community and Public Protection Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to the Housing Benefit Overpayment Strategy and Policy (both also previously circulated) and to the write-off of housing benefits overpayments in respect of individual cases greater than £500, that were considered to be irrecoverable.

RESOLVED - (a) That invoices over £500 in value, in the sum of £123,033 be written off, subject to further action, if and when further contacts are made.

(b) That it be recommended to Council that the Housing Benefit Overpayment Policy and Strategy, both as appended to the submitted report, be approved.

REASON - (a) To enable the Council's accounts to be maintained in accordance with financial procedure rules.

(b) To enhance the Council's overall overpayment process.

(4) (URGENT ITEM) Housing Investment Programme 2006/07 - The Cabinet Member with the Community and Public Protection Portfolio introduced the report of the Director of Community Services (previously circulated) advising Members of the resources available for housing capital investment due in 2006/07 and recommending a programme to use those resources.

RESOLVED - That the Housing Investment Programme 2006/07, as detailed in the submitted report, be agreed and the funding be released.

REASON - To enable the works and the projects identified in the Housing Investment Programme for 2006/07 to proceed.

(5) (URGENT ITEM) Asylum Support Contract - The Cabinet Member with the Community and Public Protection Portfolio introduced the report of the Director of Community Services (previously circulated) advising Members that the current contract for asylum support ends in September 2006 and seeking approval to new contractual arrangements.

RESOLVED - That the Borough Solicitor be authorised to complete the new contractual arrangements for the continuation of the Asylum Support Scheme in Darlington over the next five years, as detailed in the submitted report.

REASONS - (a) Participation in the national asylum dispersal arrangements is recommended by the Office of the Deputy Prime Minister.

(b) The current asylum scheme has operated successfully for the past five years.

(c) The scheme contributes significantly to social inclusion and diversity, as well as contributing to the promotion of equalities.

(6) South Park Management and Maintenance Plan - The Cabinet Member with the Leisure Services Portfolio introduced the report of the Director of Community Services (previously circulated) seeking approval of the South Park Management and Maintenance Plan (also previously circulated), as required by the Heritage Lottery Fund

RESOLVED - That the South Park Management and Maintenance Plan, as appended to the submitted report, be adopted.

REASON - To commit adequate financial resource to maintain the park in line with Heritage Lottery Funding.

(7) Central Park - Developer Selection - The Cabinet Member with the Regeneration and Planning Portfolio introduced the report of the Director of Development and Environment (previously circulated) seeking agreement to the process for selecting a developer for Central Park involving the development of Council-owned land as a joint venture with One NorthEast, English Partnerships and Tees Valley Regeneration (TVR) and approval to undertake the Houghton Road foot/cycle bridge contract on behalf of the TVR and to the release of the requisite funding received from the Tees Valley Partnership and/or TVR and the Local Transport Plan. A plan of the site was appended to the submitted report.

RESOLVED - (a) That the two stage selection process to appoint a developer for Central Park, as detailed in the submitted report, be approved.

(b) That the selection of a shortlist of developers and preferred developer in accordance with the marketing pack be delegated to the Director of Development and Environment in consultation with the Cabinet Members with the Resource Management Portfolio and the Regeneration and Planning Portfolio.

(c) That, subject to the Council receiving confirmation of Single Programme funding for the Houghton Road foot/cycle bridge, the contract be awarded and managed by the Council in accordance with Council procurement procedures and in advance of the joint venture.

(d) That the funds to be received from the Tees Valley Partnership and/or Tees Valley Regeneration for the Houghton Road foot/cycle bridge contract, be released, at the appropriate time.

(e) That the funds to be received from the Local Transport Plan for the Houghton Road foot/cycle bridge contract, be released, at the appropriate time.

(f) That the acquisition of land from Network Rail either freehold or by easement for placement of bridge footings and subsequent pedestrian access to the new bridge, on terms to be agreed by the Director of Development and Environment in consultation with Cabinet Member with the Resource Management Portfolio, be agreed.

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

REASONS - (a) To progress the Central Park development through the appointment of a developer.

(b) To enable the commencement of the foot/cycle bridge works to meet the opening of the new Darlington College (or as close as possible) and to serve Central Park with a pedestrian and cycle link from the town centre to the development.

C188. (URGENT ITEM) HURWORTH SCHOOL - The Cabinet Member with the Children's Services Portfolio introduced the report of the Director of Children's Services (previously circulated) seeking approval for the non-teaching staff employed at Hurworth School to continue to have access to the Local Government Pension Scheme in the event that Hurworth School becomes a Foundation School.

RESOLVED - That non-teaching staff employed by the Governing Body of Hurworth School be authorised to join, or continue as members, of the Local Government Pension Scheme, after the school becomes a Foundation School.

REASON - To allow non-teaching staff to transfer from Council employment to Hurworth School when it becomes a foundation school, without detriment to the membership of the Local Government Pension Scheme.

C189. (URGENT ITEM) DURHAM TEES VALLEY AIRPORT - SOUTHSIDE DEVELOPMENT AGREEMENT - The Leader introduced the report of the Chief Executive (previously circulated) seeking approval to the action taken by the Chief Executive, in response to a request from Peel Airports Limited, for an extension of time to enter into a Southside Development Agreement at Durham Tees Valley Airport under the Subscription and Shareholders Agreement.

RESOLVED - That the action of the Chief Executive in agreeing, in consultation with the Leader of the Council, to an extension of time until 30th September, 2006 by which Peel Airports Limited should have used all reasonable endeavours to procure that Durham Tees Valley Airport enters into a Southside Development Agreement under the Subscription and Shareholders Agreement and that the appropriate officer of Stockton Borough Council be authorised to sign an appropriate agreement to that effect on behalf of this Council, be endorsed.

REASON - The action of the Chief Executive in agreeing a limited relaxation of the originally agreed timetable for Peel Airports Limited to enter into the appropriate agreement is an appropriate course of action to take and the urgent action taken was necessary in view of the original agreement deadline.

C190. SERVICE PLANNING 2006/07 - The Leader introduced the report of the Chief Executive (previously circulated) requesting that consideration be given to the four departmental plans, along with the Chief Executive's Office plan, in accordance with the service planning timetable for 2006/07.

RESOLVED - That the four departmental plans and the Chief Executive's Office plan, be adopted.

REASON - To ensure continued implementation of the Corporate Plan, and comprises part of the Council's Corporate Governance arrangements, leading to further service improvement.

C191. COMPLAINTS MADE TO OMBUDSMAN - REVIEW - Pursuant to Minute C173/Mar/06, 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 to indicate any points of particular attention and/or referral to the Standards Committee since the last meeting of Cabinet held on 7th March, 2006.

RESOLVED - That the report be noted.

REASON - (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.

C192. REPRESENTATION ON OTHER BODIES - DARLINGTON COLLEGE CORPORATION BOARD - The Leader introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to the appointment of a Member to the Corporation Board of Darlington College.

RESOLVED - That Councillor Long be nominated to serve on the Corporation Board of Darlington College for a four year term of office, commencing 1st April, 2006.

REASON - To ensure that the Council is represented on the Board.

C193. DARLINGTON ENVIRONMENTAL FORUM - Submitted - The Minutes (previously circulated) of a meeting of the Forum held on 6th March, 2006.

RESOLVED - That the Minutes be received.

REASON - They represent an accurate record of the meeting.

C194. DARLINGTON TRANSPORT FORUM - Submitted - The Minutes (previously circulated) of the meeting of the Darlington Transport Forum held on 6th February, 2006.

RESOLVED - That the Minutes be received.

REASON - They represent an accurate record of the meeting.

C195. GROUNDWORK IN DARLINGTON - The Cabinet Member with the Leisure Services Portfolio introduced the report of the Director of Community Services and the Director of Development and Environment (previously circulated) requesting that consideration be given to the establishment of a Groundwork Trust within Darlington.

RESOLVED - (a) That the introduction of a Groundwork Trust by extending the existing Groundwork West Durham Trust into Darlington, as detailed in the submitted report, be approved.

(b) That the setting up of a liaison group, as detailed in the business plan appended to the submitted report, be endorsed.

REASON - The setting up of a Groundwork Trust in Darlington will be bring considerable added value to the Council.

C196. REVENUE BUDGET MANAGEMENT - MONTHLY MANAGEMENT REPORT - JANUARY 2006 - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) presenting Directors' projections of income and expenditure for the year (also previously circulated) compared with approved budgets.

RESOLVED - (a) That the 2005/06 Revenue Budget Projects, as appended to the submitted report, be noted.

(b) That further budget management and annual efficiency savings monitoring reports be presented regularly to Cabinet.

(c) That Housing Revenue Account balances in excess of £0.50M be used for capital purposes.

REASON - To ensure that robust revenue budget management procedures are maintained and efficiency gains are monitored regularly.

C197. CAPITAL PROGRAMME - MONTHLY MONITORING REPORT - JANUARY 2006 - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) presenting an update of the capital programme (also previously circulated) and looking at spending and resource levels.

RESOLVED - (a) That the 2005/06 updated capital programme, as appended to the submitted report, be approved.

(b) That the position relating to additional costs for the Pedestrian Heart, South Park refurbishment, land sales and the outcome of the monthly review of Housing Capital Programme, as detailed in the submitted report, be noted.

REASON - To allow the agreed capital programme to proceed.

C198. SMITHFIELD ROAD/BARTON STREET LAND EXCHANGE - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Development and Environment (previously circulated) seeking authority to exchange two parcels of land at Smithfield Road and Barton Street respectively, as shown on the plan appended to the submitted report.

RESOLVED - (a) That the acquisition of land at Smithfield Road, as shown on the plan appended to the submitted report, be approved on the terms outlined in the submitted report.

(b) That the disposal of land at Barton Street, as shown on the plan appended to the submitted report, be approved on the terms outlined in the submitted report.

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

REASONS - (a) To allow a parking area to be created for Smithfield Road allotment users.

(b) To comply with a request from Lexington Payne Homes Limited.

(c) To regularise existing situations on the ground.

C199. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C200. 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 paragraph 3 of Part I of Schedule 12A to the Act.

C201. (URGENT ITEM) FLAT 91 DINSDALE CRESCENT - ACQUISITION (EXCLUSION PARAGRAPH NO. 3) - The Cabinet Member with the Community and Public Protection Portfolio introduced the report of the Director of Community Services (previously circulated) seeking approval to the acquisition of Flat 91 Dinsdale Crescent.

RESOLVED - That Flat 91 Dinsdale Crescent, be acquired for the Council's housing stock.

REASON - To increase available affordable housing, and to facilitate and compliment the remodelling of Dinsdale Crescent Phase 3.

C202. (URGENT ITEM) NO. 2 CHANCERY LANE, DARLINGTON (EXCLUSION PARAGRAPH NO. 3) - 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 office accommodation at No. 2 Chancery Lane.

RESOLVED - (a) That No. 2 Chancery Lane be rented, on the terms as outlined in the submitted report.

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

REASON - To satisfy the requirements of the Leading Edge Project teams in order to accommodate staff from various sections across the Authority.

C203. SNIPE HOUSE FARM - PROPOSED DEVELOPMENT ACCESS (EXCLUSION PARAGRAPH NO. 3) - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Development and Environment (previously circulated) seeking in principle approval to incorporate Council-owned land, as shown on the plan appended to the submitted report, at Skerne Park to facilitate residential development.

RESOLVED - (a) That the use of the Council's land at Skerne Park to access, facilitate and enhance development of land to the south, as shown on the plan appended to the submitted report, subject to planning permission being granted, be agreed, in principle.

(b) That the site of the former Skerne Park Club and adjacent grassed area be declared surplus to requirements and released for potential disposal.

(c) That the Director of Development and Environment be authorised to enter into negotiations with the proposed developer on terms negotiated, as detailed in the submitted report, be referred to a future meeting of Cabinet for consideration.

REASONS - (a) To facilitate residential development on land to the south of Skerne Park.

(b) To incorporate the site of the former club and adjacent grassed area in the proposed development.

(c) To achieve a financial consideration for the Council.

C204. SCHEDULE OF TRANSACTIONS (EXCLUSION NO. 3) - 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 detailed therein.

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

**DECISIONS DATED -
FRIDAY, 7TH APRIL, 2006**