

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY, 24TH JULY, 2006**

CABINET
11th July, 2006

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

APOLOGIES – Councillor L. Vasey.

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

C23. DECLARATION OF INTERESTS – In respect of Minute C27(3) below, Councillor Dixon declared a personal and prejudicial interest, as a resident in that area, and left the meeting during consideration of that item only.

C24. MINUTES - Submitted - The Minutes (previously circulated) of the meetings of Cabinet held on 6th and 13th June, 2006.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C25. MATTERS REFERRED TO CABINET – There were no matters referred back for reconsideration.

C26. ISSUES ARISING FROM SCRUTINY – (1) Pedestrian Heart Gas Main Review - The Leader introduced the report of the Director of Development and Environment (previously circulated) reporting the Resources Scrutiny Committee's findings and recommendations in relation to the circumstances surrounding the finding of a gas main during the course of the pedestrian heart works. A copy of the final report from the Review Group was appended to the submitted report.

RESOLVED - (a) That the recommendations of the Resources Scrutiny Committee, as detailed in the submitted report, be noted and be taken forward by officers.

(b) That funding of £80,000 to enable the post of Assistant Director (Capital Projects) to be established, be approved.

REASONS - (a) To enable the investigative work undertaken by the Resources Scrutiny Committee to be taken to its conclusion.

(b) To improve the Council's project management.

(2) Neglected Land Review Group - The Cabinet Member with 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 neglected land sites within the Borough. A copy of the final report from the Scrutiny Committee was appended to the submitted report.

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

(b) That the comments of the Director be referred back to the Environment Scrutiny Committee.

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

C27. KEY DECISIONS – (1) Proper Officer - Appointment - The Cabinet Member with the Consumer and Environmental Services Portfolio introduced the report of the Director of Development and Environment (previously circulated) on a request from Dr. Robert Marshall, Director of County Durham and Darlington Local Health Protection Unit, that a revised list of Proper Officers be adopted. A copy of the letter from Dr. A.R. Marshall was appended to the submitted report.

RESOLVED - That Dr. A.R. Marshall be appointed as Proper Officer and Dr. Deborah Wilson, Dr. Ian Holtby, Dr. Michael Grandey, Dr. Kirsty Foster, Dr. Russell Gorton and Dr. Meng Khaw be appointed as alternate Proper Officers for the purposes of the:

- (a) Public Health (Control of Diseases) Act 1984 and Public Health (Infectious Diseases) Regulations 1988;
- (b) National Assistance Act 1948 and its amendment for the purposes of Section 47 Removals; and
- (c) Public Health Aircraft Regulations 1979

REASON - To enable the Council to carry out its statutory duties to protect the health of individuals and the general community.

(2) Darlington College - Proposed Residents Parking Scheme - The Cabinet Member with the Highways and Transport Portfolio introduced the report of the Director of Development and Environment (previously circulated) seeking approval for a strategy to manage potential parking displacement from the new Darlington College on the Central Park site.

RESOLVED - (a) That the areas identified by the feasibility report as being extremely vulnerable to parking problems associated with the new college, namely areas 1, 3 and 4 on the plan appended to the submitted report, have a resident parking scheme designed and they be consulted on the basis that a charge to residents be waived for permits.

(b) That the areas identified by the feasibility report that may be vulnerable to parking displacement, namely areas 5 and 6 on the plan appended to the submitted report, have a resident parking scheme designed and it be monitored once the college is open and should problems materialise residents be consulted on the basis that a charge to residents be waived for permits, and the resident parking schemes be progressed as soon as possible to alleviate any parking problems that may arise.

(c) That waiting restrictions to assist road safety and to regulate traffic flow highlighted by the feasibility report be progressed.

REASONS - (a) To regulate parking and protect parking areas for residents.

(b) To ensure road safety and regulate traffic flow.

(3) Stanhope Road Area - Proposed Residents Parking Scheme - 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 objections received to the publication of the Traffic Orders for the Stanhope Road area Residents Parking Scheme which was advertised between 20th April and 15th May, 2006. A summary of the objections received was appended to the submitted report.

RESOLVED - (a) That the objections to the proposals advertised between 20th April and 15th May, 2006 be set aside or upheld, as set out in Appendix 2 to the submitted report.

(b) That the proposals as advertised be implemented subject to the following amendments:-

- (i) the loading bay in front of 'Ken Warne Shop' be removed from the advertised order; and
- (ii) the waiting restrictions at the junction of Milbank Crescent/Milbank Road be removed from the advertised order.

(c) That a secondary traffic order be published by 15 September 2006 to include:

- (i) additional residents' parking bays be introduced as identified in paragraph 16 of this report;
- (ii) a loading bay in front of 'Ken Warne shop' be advertised providing a loading bay with operational hours 8.00 am to 10.30 am Monday to Saturday and a restriction limiting waiting to 30 minutes from 10.30 am to 6.00 pm Monday to Saturday; and
- (iii) additional restrictions are advertised providing back lane protection as identified in paragraph 24 of this report.

(d). That further consideration be given to the following locations with a view to their inclusion in the secondary traffic order:

- (i) double yellow lines around the junction of Stonedale Crescent;
- (ii) the junction at The Woodlands/Milbank Road with a view to possible inclusion of waiting restrictions; and
- (iii) the junction of Milbank Crescent/Milbank Road be discussed with the Police with the possible inclusion of waiting restrictions in the secondary order.

REASONS - (a) To introduce a residents' parking scheme that is needed to manage parking in the area and improve the quality of life of the community.

(b) To address the concerns raised by objectors during the statutory advertising period of the Traffic Regulation Order for the Residents' Parking Scheme - Stanhope Road Area.

(4) Darlington Local Development Framework - Local Development Scheme - The Cabinet Member with Regeneration and Planning Portfolio introduced the report of the Director of Development and Environment (previously circulated) requesting that the timetable for the preparation of the Local Development Framework Core Strategy be reconsidered, having regard to the response to public consultation on the preferred options for the core strategy; progress of key areas of work outstanding at the time of public consultation; and emerging national and regional planning policy.

RESOLVED - (a) That a draft updated Local Development Scheme, concentrating on the period 2006 to 2009, and based on the indicative timetable attached to the submitted report, be formally submitted to the Government Office for the North-East in time for it to be brought into effect before the end of August 2006.

(b) That authorisation be given for the Director of Development and Environment to make amendments, in consultation with the Cabinet Member with the Regeneration and Planning Portfolio, if required, in response to changed circumstances.

(c) That all updates take effect upon confirmation that the Secretary of State does not intend to intervene.

REASONS - (a) The Council is required by statute to resolve to bring its local development scheme, and any update thereof, into effect on a specified date.

(b) Consideration of, and decisions on, the matters covered is necessary at this stage to assist in bringing an updated scheme into effect by the end of August 2006.

C28. CHILDREN'S TRUST FOR DARLINGTON - The Cabinet Member with the Children's Services Portfolio introduced the report of the Director of Children's Services (previously circulated) seeking approval to the establishment of a Children's Trust for Darlington as part of the Local Strategic Partnership.

RESOLVED - That a Children's Trust for Darlington be established, as part of the overall structure for Local Strategy Partnership and it be chaired by the Director of Children's Services.

REASON - To comply with statutory requirements.

C29. INFORMATION SHARING INDEX FOR CHILDREN'S SERVICES - 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 requirements to develop a Children's Index following publication of the Children Act (2004).

RESOLVED - That the report be noted.

REASON - The Children's Services Department needs to implement a Child Index for the Darlington area to comply with legislation.

C30. COMPLAINTS TO OMBUDSMAN - REVIEW - Pursuant to Minute C9/Jun/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 indicating any points of particular attention and/or referral to the Standards Committee since the last meeting of Cabinet.

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.

C31. ULLSWATER AVENUE - FOOTPATH AND LAND - The Cabinet Member with the Highways and Transport Portfolio introduced the report of the Director of Development and Environment (previously circulated) seeking approval for the release of additional resources and approval of a scheme to erect a 2.4 metre high fence, running parallel to both sides of the pedestrian/cycle link joining Ullswater Avenue to Railway View, together with landscaping of the site and land adjacent to the footpath and Smithfield Road.

RESOLVED - (a) That additional resources of £41,900 be approved and released, for the erection of a 2.4 metre high fence running parallel to both sides of the pedestrian/cycle link joining Ullswater Avenue to Railway View, together with landscaping of the site and land adjacent to the footpath and Smithfield Road.

(b) That the scheme to complete the fencing around the mounds be approved at an estimated cost of £30,300.

(c) That the improvements to the landscaping of the mounds, be approved, at an estimated cost of £11,600, and the works be implemented at the earliest opportunity in the next planting season.

(d) That it be noted than an application for a Designation Order is being progressed.

REASONS - (a) To improve the security of the mounds to reduce the likelihood of anti-social behaviour and crime from people misusing the mounds.

(b) To improve the appearance of the mounds for the benefit of local residents.

C32. 'PEOPLE AND NATURE IN DARLINGTON' - UPDATE AND AMENDMENT TO DARLINGTON COUNTRYSIDE STRATEGY - The Cabinet Member with Regeneration and Planning Portfolio introduced the report of the Director of Development and Environment (previously circulated) seeking approval to begin a process to review the Council's existing Countryside Strategy 'People and Nature in Darlington' with the purpose of bringing the Strategy up to date and making it more relevant to current needs.

RESOLVED - That the review of the Council's Countryside Strategy 'People and Nature in Darlington', be undertaken.

REASONS – To ensure that the Council:-

(a) has a strategy towards the countryside and the green environment that is able to address the new agenda driving developments in these areas;

(b) can demonstrate that it is able to prioritise resources in a way that ensures Darlington is performing at an excellent level in delivering its services to the countryside and green infrastructure; and

(c) through extensive consultation has a Countryside Strategy that truly reflects the wishes of the Darlington public.

C33. TOWN HALL LIFTS - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting funding to replace two of the lifts in the Town Hall and to repair a third lift.

RESOLVED - That corporate capital measures of £133,000, be released, to cover the refurbishment of the two lifts at the north side of the Town Hall building and to repair one of the lifts at the southside of the building.

REASON - To ensure that the lifts are operational in the Town Hall to meet DDA requirements.

C34. TREASURE MANAGEMENT ANNUAL REPORT AND ACTUAL PRUDENTIAL INDICATORS 2005/06 - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) presenting the annual treasury report, in accordance with the Council's reporting procedures and the treasury activity for 2005/06, and seeking approval of the actual prudential indicators for 2005/06 in accordance with the requirements of the Prudential Code.

RESOLVED - (a) That the actual 2005/06 Prudential Indicators, as detailed within the submitted report and included in Appendix 1, be approved.

(b) That the Treasury Management Annual Report for 2005/06, be noted.

REASONS - (a) To comply with the Prudential Code for Capital Finance.

(b) To comply with the Treasury Policy Statement adopted by this Council.

C35. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C36. 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.

C37. FINANCE AND HUMAN RESOURCES SYSTEM REPLACEMENTS (EXCLUSION PARAGRAPH NO. 3) - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) seeking approval to acquire replacements for the Council's Human Resource Management System (HRMS) and Financial Management System (FMS).

RESOLVED - (a) That PSE and Business World be purchased from Northgate and Agresso respectively.

(b) That capital expenditure of £0.789m be approved to be financed as detailed in the submitted report and to be funded from existing resources within the Corporate Services Department budget.

(c) That a joint implementation with Stockton be pursued.

REASONS - (a) They are the most cost effective solutions.

(b) The joint approach with Stockton paves the way for partnership working.

C38. SKERNE HOUSE, LAKESIDE, DARLINGTON - LAND ADJACENT (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 dispose of 87 square metres of land, as shown on the plan appended to the submitted report, at Lakeside and Hammond Drive, Darlington.

RESOLVED - (a) That the sale of 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 necessary documentation.

REASONS - (a) To facilitate the satisfactory redevelopment of Skerne House.

(b) To achieve a capital receipt for the Council.

C39. NO. 78 WHITBY WAY, DARLINGTON (EXCLUSION PARAGRAPH NO. 3) - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Development and Environment and the Director of Community Services (previously circulated) seeking authority to accept a surrender of the lease of No. 78 Whitby Way and to dispose of the property on the open market.

RESOLVED - (a) That the early surrender of the lease of No. 78 Whitby Way, be accepted and the property be declared surplus to requirements.

(b) That the Director of Development and Environment be given delegated authority to market, negotiate and agree terms for the disposal of the property in consultation with the Cabinet Member with the Resource Management Portfolio.

(c) That the Legal Services Manager be authorised to prepare and complete the necessary documentation.

(d) That the terms agreed be reported to a future Cabinet meeting.

REASONS - (a) To generate a capital receipt.

(b) To ensure that the property does not remain vacant and subject to vandalism once New Era's lease has expired.

C40. (URGENT ITEM) SERVICE NO. 16 MOWDEN TO NEWTON AYCLIFFE (EXCLUSION PARAGRAPH NO. 3) – With the prior approval of the Leader to the matter being treated as urgent 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 (previously circulated) requesting that consideration be given to the replacement of existing bus service 16 from Mowden to Newton Aycliffe via Darlington Town Centre, which was scheduled to be withdrawn on 30th July, 2006, by Arriva North East.

RESOLVED – (a) That the contract for a supported bus service between Mowden and Newton Acyliffe, via Darlington Town Centre, from 31st July, 2006, to the lowest cost provider at a net subsidy of £193 per day, be approved.

(b) That additional funds of £32,656 in 2006/07 and £11,329 in 2007/08, be approved, to support this bus service until 30th June, 2006.

REASON – To ensure continuity of service to provide local people with a bus to help them access local facilities including the Hospital and the Colleges.

**DECISIONS DATED -
FRIDAY, 14TH JULY, 2006**