

**DECISIONS SHOULD NOT BE IMPLEMENTED  
BEFORE MONDAY, 30TH APRIL, 2007**

**CABINET**  
17th April, 2007

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

**APOLOGIES** – Councillor Bristow.

**ALSO IN ATTENDANCE** – Councillor Johnson.

**C181. COUNCILLOR BRISTOW** – The Leader reported at the meeting that Councillor Bristow was not standing at the forthcoming Borough Council Elections.

**RESOLVED** - That the thanks of Cabinet be conveyed to Councillor Bristow, for his work, in particular on this Cabinet under his Resource Management Portfolio.

**REASON** – To convey the thanks of Cabinet to Councillor Bristow.

**C182. DECLARATIONS OF INTERESTS** - There were no declarations of interest reported at the meeting.

**C183. MINUTES** - Submitted - The Minutes (previously circulated) of the meeting of Cabinet held on 20th March, 2007.

**RESOLVED** - That the Minutes be confirmed.

**REASON** - They represent an accurate record of the meeting.

**C184. MATTERS REFERRED TO CABINET** – There were no matters referred back for reconsideration.

**C185. ISSUES ARISING FROM SCRUTINY – (1) Closed Circuit Television in Bus Shelters Task and Finish Review Group** - The Cabinet Member with the Community and Public Protection Portfolio introduced the report of the Director of Development and Environment (previously circulated) reporting the Public Protection and Community Partnerships Scrutiny Committee's recommendations in relation to the provision of closed circuit television (CCTV) in rural bus shelters. The comments of the Director of Development and Environment, in respect of the review, were included within the submitted report.

**RESOLVED** - (a) That the recommendations of the Public Protection and Community Partnerships Scrutiny Committee, as detailed in the submitted report, be noted.

(b) That the comments of the Director of Development and Environment, as detailed in the submitted report, be endorsed.

**REASON** - To enable recommendations of the Review Group to be considered and the comments of the Director to be endorsed.

**(2) Food Safety Review Group** - The Cabinet Member with the Consumer and Environmental Services Portfolio introduced the report of the Director of Corporate Services (previously circulated) reporting the Public Protection and Community Partnerships Scrutiny Committee's recommendations in relation to food standards and food hygiene. The comments of the Director of Development and Environment, in respect of the review, were included within the submitted report.

**RESOLVED** - (a) That the recommendations of the Public Protection and Community Partnerships Scrutiny Committee, as detailed in the submitted report, be noted.

(b) That the comments of the Director of Development and Environment, as detailed in the submitted report, be endorsed.

**REASON** - To enable the recommendations of the Review Group to be considered and the comments of the relevant Director to be endorsed.

**(3) Heritage Economic Regeneration Scheme Review Group** - The Cabinet Member with Regeneration and Planning Portfolio introduced the report of the Director of Corporate Services (previously circulated) reporting the Environment Scrutiny Committee's recommendations in relation to this Council's Heritage Economic Regeneration Scheme (HERS) and Darlington Partnership Conservation Schemes within Northgate. The comments of the Director of Development and Environment, in respect of the review, were included within the submitted report.

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

(b) That the comments of the Director of Development and Environment, as detailed in the submitted report, be endorsed.

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

**C186. REGULATION OF SMOKING IN SMOKE-FREE PREMISES, PLACES AND VEHICLES** - 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 a strategy and policy to implement those parts of the Health Act 2006, that regulates smoking in smoke-free premises, places and vehicles.

**RESOLVED** - (a) That it be recommended to Council that the Director of Development and Environment be given delegated authority to enforce those parts of the Health Act 2006 that relate to regulation of smoking.

(b) That the strategy and policy for enforcement of those parts of the Health Act 2006, that regulate smoking in smoke-free premises, places and vehicles, as detailed in the report, be approved.

(c) That the actions taken by officers to prepare for implementation of this legislation, as detailed in the submitted report, be approved.

**REASONS** - (a) The Council is an Enforcement Authority for the purposes of the Health Act 2006 and is required under Section 10 (3) of the Act to enforce the smoke-free provisions of the Act and regulations made under the Act.

(b) A clear strategy and an agreed policy on enforcement will ensure fair, consistent, proportional, transparent and accountable regulation of the legislation.

**C187. A NEW APPROACH TO COMMUNITY ENGAGEMENT: A BIGGER SAY AND A BETTER DEAL FOR OUR COMMUNITIES** - The Leader introduced the report of the Chief Executive (previously circulated) summarising the Council's planned approach to community engagement in the context of recent developments in our thinking about Leading Edge and the corporate approach to customer focus and suggesting ways of building on our existing good practice. A draft Community Engagement Strategy was appended to the submitted report.

**RESOLVED** - (a) That consultation arrangements for future development within the Corporate Plan be identified.

(b) That the outcomes of such engagement activity be linked directly into the Council's planning process in order to prove what difference engagement was making to service provision.

(c) That an effective definition of localities and when locality working is appropriate, be developed.

(d) That communications channels be developed to support community engagement, including better use of the internet.

(e) That the capacity building/training work with officers, elected members and stakeholders be commenced.

(f) That a programme of medium term actions be presented to Council in summer 2007.

**REASON** - To continue improving the Council's approach to community engagement.

**C188. TEES VALLEY CLIMATE CHANGE STRATEGY 2006/2012** - The Cabinet Member with the Consumer and Environmental Services Portfolio introduced the report of the Director of Development and Environment (previously circulated) seeking endorsement of the Tees Valley Climate Change Strategy (also previously circulated).

**RESOLVED** - That the Tees Valley Climate Change Strategy, as appended to the submitted report, be endorsed and the work of the Partnership be supported.

**REASON** - This Council's membership of the Partnership has enabled access to technical expertise within the field of climate change, particularly in developing the emissions inventory and baseline data.

**C189. (URGENT ITEM) DARLINGTON LOCAL DEVELOPMENT FRAMEWORK - TEES VALLEY JOINT MINERALS AND WASTE DEVELOPMENT PLAN DOCUMENTS - ISSUES AND OPTIONS AND SUSTAINABILITY APPRAISAL SCOPING REPORTS** - The Cabinet Member with Regeneration and Planning Portfolio introduced the report of the Director of Development and Environment (previously circulated) seeking authorisation for the Tees Valley Joint Strategy Committee to carry out public consultation on a report on the future issues and options for minerals and waste development in the Tees Valley and on an accompanying scoping report for sustainability appraisal.

**RESOLVED** - (a) That the consultants' draft reports on Issues and Options and Sustainability Appraisal Scoping for the joint Tees Valley Minerals and Waste Development Plan Documents, for the purposes of public consultation, be endorsed.

(b) That the Director of Development and Environment, in consultation with the Cabinet Member with the Regeneration and Planning Portfolio, be authorised to agree to amendments to the draft reports prior to publication, if required in response to changed circumstances.

**REASON** - To enable the successful achievement of the milestone of public consultation on the reports set in the Council's local development scheme for May 2007.

**C190. VICTORIA EMBANKMENT CONSERVATION AREA CHARACTER APPRAISAL** - The Cabinet Member with Regeneration and Planning Portfolio introduced the report of the Director of Development and Environment (previously circulated) seeking approval to the finalised Victoria Embankment Conservation Area Character Appraisal (also previously circulated).

**RESOLVED** - That the Victoria Embankment Conservation Area Character Appraisal, as appended to the submitted report, be approved.

**REASON** - To provide a document to assist in the protection and management of the Victoria Embankment Conservation Area.

**C191. WORKERS MEMORIAL DAY** - The Director of Corporate Services submitted a report (previously circulated) requesting that consideration be given to this Council commemorating the 'Workers Memorial Day', which takes place annually on 28th April.

**RESOLVED** - (a) That the Workers' Memorial Day, be commemorated by this Council, from 28th April 2007 onwards.

(b) That awareness of the day this year be raised by:-

- (i) displaying posters and having articles in the Flyer and weekly communications bulletin beforehand;
- (ii) flying the Union Jack at half-mast over the Town Hall on Saturday 28 April; and
- (iii) agreeing that UNISON make purple lapel ribbons available in Council reception areas during week commencing 23 April and that funds raised from this activity be donated to the Great North Air Ambulance.

(c) That the Council build on the foundations as detailed at (b) above, to develop a more comprehensive campaign in future years by considering some of the additional measures, as detailed in the submitted report, that require more forward planning.

**REASON** - Commemorating the day will highlight the Council's commitment to health and safety and show our respect for those who have died in the course of their work.

**C192. MEMBERSHIP CHANGES** - There were no membership changes reported at the meeting.

**C193. 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.

**C194. WEST LODGE AND 22/24 HORSEMARKET, DARLINGTON - LEASE OF ACCOMMODATION (EXCLUSION PARAGRAPH NO. 3)** - The Director of Development and Environment submitted a report (previously circulated) requesting that consideration be given to the grant of leases of accommodation at West Lodge and Nos. 22 to 24 Horsemarket, to Darlington Association on Disability for the provision of day care services with ancillary office use and the Shopmobility and other disability services respectively.

**RESOLVED** - (a) That leases of accommodation at West Lodge and Nos 22 to 24 Horsemarket be granted to Darlington Association on Disability, as detailed in the submitted report.

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

**REASONS** - (a) To allow Darlington Association on Disability to occupy Council premises at West Lodge and Horsemarket.

(b) To ensure the continuation of the provision of day care and Shopmobility services.

**C195. LAND AT LINGFIELD WAY (EXCLUSION PARAGRAPH NO. 3)** - The Director of Development and Environment submitted a report and plan (both previously circulated) seeking authority to dispose of 4,046 square metres (1 acre) of land at Lingfield Way on Yarm Road Business Park, as shown on the plan appended to the submitted report, to Edward Price of Prices Paving and Tile Limited.

**RESOLVED** – (a) That the sale of the land, as shown on the plan appended to the submitted report, to Edward Price of Prices Paving and Tile Limited, be approved, on the terms outlined in the submitted report.

(b) That the sale of the Council's remaining land, referred to in the submitted report, be authorised on terms to be agreed in consultation with the Cabinet Member with the Resource Management Portfolio.

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

**REASONS** – (a) To permit industrial development.

(b) To facilitate future industrial development.

(c) To achieve capital receipts for the Council.

**C196. SCHEDULE OF TRANSACTIONS (EXCLUSION PARAGRAPH NO. 3)** - The Director of Development and Environment submitted a report and schedule (both previously circulated) requesting that consideration be given to the schedule of transaction and seeking approval for the terms negotiated.

The Director of Development and Environment circulated and additional transaction prior to the meeting.

**RESOLVED** - That the schedules 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, 20TH APRIL, 2007**