

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY, 29TH OCTOBER, 2007**

CABINET
16th October, 2007

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

INVITEES – Councillors Haszeldine, Johnson and Jones and Mr. A. MacConachie. (4)

ALSO IN ATTENDANCE – Councillors Coultas, Lewis and Ruck. (3)

APOLOGIES – Councillors Swainston, Mrs Scott and Thistlethwaite. (3)

C83. DECLARATIONS OF INTEREST - There were no declarations of interest reported at the meeting.

C84. REPRESENTATION – Members in attendance at the meeting made representations in respect of Minutes C88(1) and (4) below.

C85. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of Cabinet held on 18th September, 2007.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C86. MATTERS REFERRED TO CABINET – There were no matters referred back for reconsideration.

C87. ISSUES ARISING FROM SCRUTINY – There were no issues referred from Scrutiny Committees to this meeting.

C88. KEY DECISIONS – (1) Highway Winter Maintenance Operational Plan 2007/08 - The Cabinet Member with the Transport Portfolio introduced the report of the Director of Development and Environment (previously circulated) seeking approval to the continued use of the existing Highway Winter Maintenance Operational Plan for the coming winter 2007/08.

It was reported at the meeting, following concerns raised by Members, that although the winter season was set nationally, there was flexibility should there be bad weather at other times of the year; an element of inflation was added to the budget each year; generally the Council's employees were used to 'salt' the roads, however, some farmers were used in rural locations; and that all the spreading equipment used for salting had variable rates, and were amended according to conditions.

RESOLVED - That the existing Highway Winter Maintenance Operational Plan be approved for use during Winter 2007/08.

REASON - In order to discharge a statutory duty, it is essential that the authority, has in place, an operational plan setting out its policies and actions in respect of winter services.

(2) Residents' Parking Schemes - Consideration of Objections - The Cabinet Member with the 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 regulation orders in relation to two Residents' Parking Schemes in the area surrounding Darlington College, namely the Eastmount Road and the Hundens Lane areas.

Following issues raised by Members, the Director of Development and Environment reported at the meeting that Saturdays were included within the scheme to assist with consistency throughout the town, but that it would be kept under review; it would be the responsibility of the College to review the parking provision at the College and that the Council would prefer to promote other ways of travel; and that the Chesnut Street car park would be reviewed as part of the 'Oval' development.

Discussion ensued on the objections received.

RESOLVED - (a) That the objections to the Traffic Regulation Orders in relation to two Residents' Parking Schemes in the Eastmount Road and Hundens Lane areas, as detailed in the submitted report, be set aside.

(b) That the proposals as advertised in the Traffic Regulation Orders, be implemented.

REASON - The reasons for setting aside the objections were detailed in the appendix to the submitted report.

(3) Rights of Way Improvement Plan - Adoption - The Cabinet Member with the Transport Portfolio introduced the report of the Director of Development and Environment (previously circulated) requesting that consideration be given to the adoption of Darlington Borough Council's first Rights of Way Improvement Plan (also previously circulated), due to be published in accordance with the requirements made on all highway authorities by the Countryside and Rights of Way Act 2000 (CROW).

RESOLVED - That the Darlington Rights of Way Improvements Plan, as appended to the submitted report, be adopted.

REASONS - (a) In order to provide Darlington with its own Rights of Way Improvement Plan as required by the Countryside and Rights of Way Act 2000, by the required date.

(b) To provide a plan for the implementation of the Rights of Way Improvement Plan.

(c) To improve Darlington's Rights of Way network, in order to contribute to health, quality of life, social inclusions and sustainability objectives.

(4) Capital Strategy and Asset Management Plan 2007 - The Cabinet Member with the Resources Portfolio introduced the report of the Director of Development and Environment and the Director of Corporate Services (previously circulated) requesting that consideration be given to the Council's Capital Strategy and Asset Management Plan (both also previously circulated).

Particular references were made to project management monitoring and training and to the 'whole life' approach to project management.

RESOLVED - That the Capital Strategy and the Asset Management Plan, both as appended to the submitted report, be endorsed and forwarded to Council for approval.

REASON - To provide the Council with a Capital Strategy and Asset Management Plan to follow when capital investment and asset management decision are made.

(5) Getting Ready for Local Involvement Networks (LINKS) - The Cabinet Member with the Communities and Engagement Portfolio introduced the report of the Assistant Chief Executive (previously circulated) advising Members that as a local authority with responsibility for social care, it was obliged to procure a host organisation to develop and support a Local Involvement Network (LINK) to be operational by April 2008. In order to assist local authorities to establish links, the Department of Health have published two guidance documents released in August 2007 entitled 'Getting Ready for Links Planning your Local Involvement Network' and 'Getting Ready for Links Contracting a Host Organisation for Local Involvement Network', both of which were appended to the submitted report.

RESOLVED - That the proposals and procurement timetable for establishing a Local Involvement Network in Darlington, as detailed in the submitted report, be endorsed.

REASON - The need for this authority to have procured a host organisation and established a LINK framework by April 2008.

C89. PROCEDURES AND PROTOCOLS FOR LOCAL AUTHORITY ENGAGEMENT WITH SCHOOLS - The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Children's Services (previously circulated) informing Members of the development of Procedures and Protocols for Local Authority Engagement with Schools (also previously circulated), following the publication of the Education and Inspections Act 2006.

RESOLVED - (a) That the report be noted.

(b) That the Procedures and Protocols for Local Authority Engagement with Schools, as appended to the submitted report, be adopted.

REASONS - (a) The Local Authority needs to challenge and support schools appropriately.

(b) Failure to do this will have a detrimental effect on school improvement and subsequently on our rating in the Joint Area Review.

C90. OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN - REVIEW - Pursuant to Minute C59/Sep/07, 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 18th September, 2007.

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.

C91. BEAUMONT STREET - CTC MARINE PROJECTS - The Cabinet Member with the Economy Portfolio introduced the report of the Director of Development and Environment (previously circulated) requesting that consideration be given to dispose of part of the Feethams West Site, as shown on the plan appended to the submitted report, to facilitate the development of a new headquarters office building for CTC Marine Projects.

RESOLVED - (a) That the proposed development and disposal of part of the Beaumont Street West site, as outlined in the submitted report, be approved.

(b) That the Assistant Chief Executive (Regeneration) and Director of Corporate Services, in consultation with the Cabinet Members with Resources and the Economy Portfolios, be authorised to agree the Brief, and seek initial expressions of interest from potential developers.

(c) That the developer/architect selection process be concluded and the sale of the land be completed,

(d) That the Borough Solicitor be authorised to complete the documentation accordingly.

(e) That the terms agreed be reported to Cabinet in due course.

REASON - This is an excellent opportunity both to help a world-class company meet its expansion needs in Darlington and to kick-start the regeneration of this part of the town centre with a development of high quality.

C92. TOWN CENTRE FORUM - Submitted - The Minutes (previously circulated) of the meeting of the Town Centre Forum held on 26th June, 2007.

RESOLVED - That the Minutes be received.

REASON - They represent an accurate record of the meeting.

C93. TEES VALLEY METRO - The Cabinet Member with the Transport Portfolio introduced the report of the Director of Development and Environment (previously circulated) seeking authority for officers to enter into negotiations with the other Tees Valley Boroughs to provide funding towards the capital costs of the Tees Valley Metro; setting out the current status of the Tees Valley Metro project; and requesting an 'in principle' commitment to fund part of the submission of a revised business case to the Department for Transport and Network Rail in early 2008.

The Cabinet Member with the Transport Portfolio reported at the meeting that the other four Tees Valley Authorities had committed their support to the project.

Discussion ensued on the termination point for the line; the need for better public transport; the importance of the line servicing Durham Tees Valley Airport; and links to Bishop Auckland and Darlington College.

RESOLVED - (a) That the Assistant Director (Development and Regeneration) and the Director of Corporate Services be authorised to enter into negotiations with the other four Tees Valley Boroughs and other sources to endeavour to provide a combined local funding contribution of 10 per cent of the capital cost (currently around £14 million) towards the Tees Valley Metro project between 2011 and 2013.

(b) That a further report be presented to Cabinet and Council for the approval of the precise commitment required from Borough Council funds.

REASONS - (a) The Tees Valley Metro will deliver a step change in sub-regional public transport across the Tees Valley, providing a high frequency, high quality service, and a 21st Century metropolitan public transport system.

(b) The funding requirements are significantly less than envisaged previously, by using existing infrastructure and use of funds already in the national rail network. However, an 'in principle' commitment to endeavour to fund a 'local' contribution of 10 per cent of the capital cost of the scheme is a Department for Transport requirement.

(c) Metro leverages planned funding in an innovative way to bring strong benefits, including support for economic regeneration that will deliver a significant uplift in GVA of up to £400 million and help the Tees Valley realise its potential.

(d) Metro serves many brownfield sites and communities along the River Tees, opening up development potential in proximity to its stations, with the potential for Local Authorities to leverage Section 106 contributions from private sector developers.

C94. DARLINGTON TRANSPORT FORUM - Submitted - The Minutes (previously circulated) of the meeting of the Darlington Transport Forum held on 16th July, 2007.

RESOLVED - That the Minutes be received.

REASON - They represent an accurate record of the meeting.

C95. SCHEME OF DELEGATION - The Cabinet Member with the Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) seeking approval to a revised Scheme of Delegation to reflect the changes brought about by the Council restructure. A revised copy of the Scheme of Delegation to Officers was appended to the submitted report.

RESOLVED - That the revised Scheme of Delegation, as appended to the submitted report, be approved, to reflect the changes brought about by the restructure of the Council.

REASON - To enable officers to carry out functions following the implementation of the restructure.

C96. LOCAL LAND CHARGES - ADJUSTMENT OF FEES - The Cabinet Member with the Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) seeking authority to reduce the level of fees charged by the local land charges service.

RESOLVED - That the revised local land charges fees, as appended to the submitted report, be approved.

REASON - To enable the local land charges service to bring its scale of fees in line with the cost of provision.

C97. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C98. MEDIUM TERM FINANCIAL PLAN AND CORPORATE PLAN CONSULTATION AND TIMETABLE – With the prior approval to the matter being treated as urgent to allow a decision to be made at the earliest possible date, the Leader introduced the report of the Director of Corporate Services and the Assistant Chief Executive (previously circulated) requesting that consideration be given to the consultation arrangements, proposed by Cabinet, and timetable for the Council’s Medium Term Financial Plan (MTFP) and Corporate Plan.

The Leader stated at the meeting that a briefing will be given to all Members on the MTFP before the end of October.

RESOLVED – (a) That the draft Corporate and Financial Planning Consultation Programme, as detailed in the submitted report, be approved.

(b) That a Budget Panel, comprising of approximately 30 residents of the Borough, be established to develop community engagement with the Council’s financial planning.

REASON - To help deliver the Community Engagement Strategy.

C99. 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 item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 3 of Part I of Schedule 12A to the Act.

C100. SCHEDULE OF TRANSACTIONS (EXCLUSION PARAGRAPH NO. 3) - The Cabinet Member with the Resources 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 transaction 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, 19TH OCTOBER, 2007**