

**DECISIONS SHOULD NOT BE IMPLEMENTED  
BEFORE MONDAY, 17TH NOVEMBER, 2008**

**CABINET**  
4th November, 2008

**PRESENT** – Councillor Williams (in the Chair); Councillors Chapman, Copeland, Dixon, Harker, McEwan , D.A. Lyonette, A J Scott and Wallis. (9)

**INVITEES** – Councillors Haszeldine, Johnson and Swainston. (3)

**APOLOGIES** – Councillor Mrs. Scott and Mr. A. MacConachie. (2)

**ALSO IN ATTENDANCE** – Councillors Coultas and Lewis. (2)

**C80. DECLARATION OF INTERESTS** – In respect of Minute C89 below, personal and prejudicial interests were declared by Councillor Harker, as his partners employer rents an office from Age Concern Darlington; Councillor Haszeldine, as his wife was employed by Age Concern Darlington; and Councillor Johnson, as he was a Trustee of Age Concern Darlington, and they left the meeting during consideration of that item only.

**C81. REPRESENTATIONS** – In respect of Minute C87 below, a representation was made by a Member in attendance at the meeting.

**C82. MINUTES** - Submitted - The Minutes (previously circulated) of the meeting of Cabinet held on 7th October 2008.

**RESOLVED** - That the Minutes be confirmed as a correct record.

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

**C83. MATTERS REFERRED TO CABINET** - There were no matters referred back for reconsideration.

**C84. ISSUES ARISING FROM SCRUTINY** – There were no issues arising from scrutiny.

**C85. KEY DECISIONS – (1) Eastbourne Church of England Academy – Request for Release of Capital Funding** – The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Children’s Services (previously circulated) requesting the release of £747,477 of Capital funding, allocated by the Department for Children, Schools and Families (DCSF) to support the new build Capital Project of Eastbourne Church of England Academy.

Discussion ensued on the completion date for the project and the carbon reduction funding.

**RESOLVED** – That £747,477 of additional capital funding, be released, to support the new build project for the Eastbourne Church of England Academy.

**REASON** – The funding has been allocated by the Department for Children, Schools and Families (DCSF) and will enable the new Academy building project to be completed for opening in September 2009.

**(2) Highway Winter Maintenance Operational Plan 2008/09** – The Cabinet Member with the Transport Portfolio introduced the report of the Director of Community Services (previously circulated) providing details of potential modifications to the Highway Winter Maintenance Operational Plan for the coming winter 2008/09. Maps detailing the proposed routes were appended to the submitted report.

A number of concerns were raised at the meeting in respect of the changes to the pre-salting routes.

**RESOLVED** – (a) That change in the type of product used to treat the roads, as detailed in the submitted report, be approved.

(b) That the modifications to the Highway Winter Maintenance Operational Plan, as identified in the submitted report, be deferred, and a further detailed report be submitted to a future meeting of Cabinet.

**REASON** – (a) To achieve the savings, as identified in the submitted report.

(b) To allow further consideration to be given to the routes to be pre-salted.

**(3) Revised Policy for Non-Council Markets Including Car Boot Sales** – The Cabinet Member with the Economy Portfolio introduced the report of the Director of Community Services (previously circulated) reviewing the current policy for markets (also previously circulated), other than the Council's, to reflect changes in both departmental and democratic arrangements, and requesting that consideration be given to the setting of a scale of charges for the grant of car boot sale market licenses.

**RESOLVED** – That the revised policy for non-council markets and car boot sales, as appended to the submitted report, be approved.

**REASONS** – (a) The current policy needs updating to reflect current departmental and democratic structures.

(b) The current policy of limiting the maximum number of stalls to 30 is insufficient in number for car boot sales.

(c) The current policy does not set a charge for car boot sales.

**(4) Treasury Management Investment Strategy - Review** - The Cabinet Member with the Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) informing Members of the recent review of the Treasury Management Investment Strategy, in the light of the global economic situation, aimed at reducing further risk to loss of investments, in the current worldwide financial/banking crisis.

**RESOLVED** – . (a) That the steps already taken to reduce the risks to capital sums invested and safeguard the revenue budget, as detailed in the submitted report, be noted.

(b) That the further procedures, as outlined in paragraph 19 of the submitted report, be included in the schedules to the Treasury Management Procedures.

- (c) That three money market funds be added to the counterparty list with an investment level of £5m.
- (d) That the counterparty list for the debt management office be unlimited.
- (e) That the counterparty list be restricted to UK banks and building societies.
- (f) That Nationalised Institutions, such as Northern Rock, be added to the counterparty list with a maximum limit for investments of three months and a maximum amount of £3m.
- (g) That the report be referred to Council.

**REASONS** – (a) To reduce the risks to the Capital sums invested in Financial Institutions.

(b) To comply with the requirements of the Local Government Act 2003.

**(5) Medium Term Financial Plan and the Capital Programme – Review** - The Cabinet Member with the Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to proposals to reduce capital expenditure commitments in light of the Council's overall financial position following the economic downturn.

**RESOLVED** – (a) That the Council's deteriorating financial position, as detailed in the submitted report, be noted.

(b) That the capital schemes, as detailed in Appendix B to the submitted report, be deferred, until the overall review of the Medium Term Financial Plan is undertaken in February 2009.

(c) That a report be submitted to a future meeting of Cabinet on the North Lodge Bandstand scheme, should the external funding be secured.

**REASON** – (a) To reduce any dependencies the Council may have on borrowing to cover its Capital Medium Term Financial Plan.

(b) In respect of recommendation (c), to allow further consideration to be given to the scheme should the external funding be received.

**C86. OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN – REVIEW** – Pursuant to Minute C64/Oct/08, the Leader introduced the report of the Director of Corporate Services (previously circulated) providing Members with an update on the outcome of cases which had been considered by the Local Ombudsman and indicating any points for particular attention since the last ordinary meeting of Cabinet held on 7th October, 2008.

**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.

**C87. COVERED MARKETS - REVITALISATION** – The Cabinet Member with the Economy Portfolio introduced the report of the Director of Community Services (previously circulated) presenting the work completed to date on examining options to develop a project to facilitate the revitalisation of the Covered Markets.

Particular references were made, at the meeting, in relation to consultation with the market traders; indicative costs for the scheme; opening hours; speciality markets; footfall; use of debit and credit cards; and Sunday opening.

**RESOLVED** – (a) That the significant challenges in getting the project to development stage, as detailed in the submitted report, be noted.

(b) That further work, at a cost of £29,000, be undertaken to progress the project to an outline scheme, with an options appraisal and full business case funded from Council reserves.

(c) That a further report be submitted to a future meeting of Cabinet once the investigations on the cost and scale of essential works is complete.

(d) That the Town Centre Board oversee taking the project forward, including future consultation.

**REASONS** – (a) To secure the long term viability of the covered market building as a market-retailing outlet.

(b) The potential requirement of future work to repair and improve the building to maintain and protect its fabric and also to provide modern facilities supportive of the retail function it serves.

**C88. CAPITAL PROGRAMME – RELEASE OF FUNDING FOR PLANNED MAINTENANCE – CAPITALISED REPAIRS** – The Cabinet Member with the Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) seeking approval for the release of funding for Planned Maintenance – Capitalised Repairs approved in the 2008/09 Capital Programme.

The Cabinet Member with the Resources Portfolio stated that the reference to North Road Goods Shed was to be deleted from the report.

**RESOLVED** - That the Council's commitment to a programme of planned maintenance, be endorsed, and :-

(a) £160,000, as identified in the submitted report, be released, from the 2008/09 Capital Medium Term Financial Plan, and

(b) the Director of Corporate Services, the Council's Corporate Property Officer, be authorised to undertake works to the operational and non-operational property portfolio, as outlined in the submitted report and/or considered appropriate in the best interest of the Council.

**REASON** - To ensure capital funds are available to enable appropriate works to the progressed

**C89 COMMUNITY GRANT APPLICATIONS – AGE CONCERN DISCRETIONARY RATE RELIEF** – The Leader introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to two applications for Community Grant from Age Concern who, were unable to be considered under delegated powers.

**RESOLVED** – That Age Concern be awarded discretionary rate relief of 20 per cent in respect of their premises at Bradbury House, Beaumont Street and No. 9 Clarks Yard, Darlington.

**REASON** – To continue with existing policy.

**C90. MEMBERSHIP CHANGES** – There were no membership changes to outside body to which Cabinet appoints made at the meeting.

**C91. 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 1, 2 and 3 of Part I of Schedule 12A to the Act.

**C92. NON-DOMESTIC RATES – REQUESTS FOR RELIEF FROM BUSINESS RATES ON THE GROUNDS OF HARDSHIP (EXCLUSION PARAGRAPH NO. 3)** – The Cabinet Member with the Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to requests from two separate ratepayers for relief from non-domestic rates, on the grounds of hardship.

**RESOLVED** – (a) That the requests for hardship relief from non-domestic rates from the two ratepayers, as detailed in the submitted report, be declined.

(b) That should the company, as detailed at paragraph 9 of the submitted report, provide financial or management reports in the future providing financial hardship, then their request be reconsidered.

**REASON** – (a) In regard to the company, as detailed at paragraph 9 of the submitted report, it appears unlikely the company will sustain hardship if relief is not awarded at this stage but should they provide management reports in the future proving financial hardship then their request will be reconsidered.

(b) In regard to the second company, as detailed at paragraph 10 of the submitted report, whilst the company may suffer hardship if relief is not granted, it does not appear reasonable to do so having regard to the interests of council tax payers

**C93 LAND OFF BATES AVENUE (EXCLUSION PARAGRAPH NOS. 1 & 2)** – The Cabinet Member with the Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) seeking approval for Council owned land currently used as open grassed area, as shown on the plan appended to the submitted report, to be used to provide balancing ponds, wildlife area and footpath/cycle links in connection with the proposed development of the former Alderman Leach School site.

**RESOLVED** – (a) That the proposed change of use of the land, as shown on the appended to the submitted report, be approved.

(b) That the Director of Corporate Services, in consultation with the Cabinet Member with the Resources Portfolio, be authorised to conclude negotiations in line with the terms as outlined in the submitted report.

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

**REASONS** – (a) The use of balancing ponds for the drainage scheme is preferred to the less sustainable alternative of connecting directly into the existing adopted sewers.

(b) The developers proposal does not involve any land being disposed of by the Council and the area where the ponds are anticipated to go is one which is within the Environment Agency's floodline.

(c) The developers proposal does not restrict any future development potential which the Council's retained land may have.

**DECISIONS DATED -  
FRIDAY, 7TH NOVEMBER, 2008**