

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY, 20TH JULY, 2009**

CABINET
7th July, 2009

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

APOLOGIES – Councillors Dixon and Swainston and Mr. A. MacConachie. (3)

ALSO IN ATTENDANCE – Councillors Barker, Haszeldine and Mrs. H. Scott. (3)

C18. DECLARATIONS OF INTEREST - In respect of Minutes C23(7) below, Councillor Haszeldine declared a personal but non-prejudicial interest; and in respect of Minute C26 below, Councillor Coultas declared a personal interest, as he was Chair of the Darlington Credit Union, which was referred to in the submitted report.

C19. REPRESENTATIONS – In respect of Minutes C23(3) and (6) and C26 below, representations were made by Members in attendance at the meeting.

C20. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 2nd June, 2009.

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

REASON - They represent an accurate record of the meeting.

C21. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration.

C22. ISSUES ARISING FROM SCRUTINY – There were no issues arising from scrutiny.

C23. KEY DECISIONS – (1) National Station Travel Plan Pilot Programme – The Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (Regeneration) requesting that consideration be given to the Darlington Bank Top Station Travel Plan (also previously circulated), which had been developed as part of a national station travel plan pilot programme.

Discussion ensued on the franchise for the East Coast Main Line and bus service connections.

RESOLVED – (a) That the Bank Top Station Travel Plan, as appended to the submitted report, be approved.

(b) That the Council be authorised to work with rail industry partners to deliver, subject to further consultation with affected partners the short (2009/10) and medium (2010/11) term measures, as identified in the Bank Top Station Travel Plan, as appended to the submitted report.

REASONS – The Bank Top Station Travel Plan will help to:-

(a) improve access and the physical environment within the station, and on approaches to the station; and

(b) enable better partnership working between the Council, rail and bus operators, potentially improving connectivity between public transport modes.

(2) Reward and Recognition Scheme – Review – The Leader introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to revising the Reward and Recognition Scheme, following a review of the scheme by a small task and finish group made up of Tenant Board Members and Officers.

It was reported at the meeting that the Tenants Board and the Neighbourhood Services Scrutiny Committee, who considered the issue at its meeting held on 30th June, 2009, were in full agreement to the proposed revisions.

RESOLVED – That the revisions to the Reward and Recognition Scheme, as detailed in paragraph 9 of the submitted report, be approved.

REASON – To enable the scheme to be continually improved.

(3) Darlington Local Development Framework – Design of New Development Supplementary Planning Document – The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) identifying how the key issues raised during the stakeholder and public consultation for the Darlington Local Development Framework (LDF) Design of New Development Supplementary Planning Document (Design SPD) had been addressed; seeking agreement for the Design SPD to go before Council and adopted as Council Policy; and setting out the transitional arrangements proposed by developers who were already engaged with the Council, as part of pre-application negotiations.

Discussion ensued on the provision of lighting within new developments, with particular references being made to community safety and light pollution issues.

RESOLVED – (a) That the Local Development Framework Design of New Development Supplementary Planning Document, as appended to the submitted report, be agreed.

(b) That it be recommended to Council that the Design of New Development Supplementary Planning Document, as appended to the submitted report, be adopted.

(c) That the transitional arrangements, as detailed in the submitted report, be agreed.

REASONS – (a) To continue to progress, towards fulfilling the statutory requirements to have an up to date Local Development Framework in place.

(b) To fulfil the regulatory requirements of the Local Development Framework document preparation.

(4) Darlington Local Development Framework – Local Development Scheme 2009/12 – The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) requesting that consideration be given to the Local Development Scheme 2009/12 (also previously circulated).

RESOLVED – That it be recommended to Council that:-

- (a) the updated Local Development Scheme 2009/12, as appended to the submitted report, be agreed and formally submitted to the Government Office for the North East; and
- (b) the revised Local Development Scheme takes effect upon receipt by the Council of confirmation that the Secretary of State does not intend to give a direction to the Council under Section 15(4) of the Planning and Compulsory Purchase Act 2004.

REASON – The Council is required to submit an updated Local Development Scheme to the Government, taking account of the Town and Country Planning (Local Development) (Amendment) Regulations 2008.

(5) Provision of a Public Square in Association with the Department for Children, School and Families Relocation to Feethams – The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) requesting that consideration be given to the project proceeding for the construction of a new public square adjoining the proposed headquarters for the Department for Children, School and Families (DCSF) and to the release of funding for the design fees for the scheme.

Particular references were made to the importance of the scheme for the redevelopment of this part of Town Centre and to the future use of the Market Place.

RESOLVED – (a) That £31,611.00 be released from the capital programme, for the design fees for the new public square and the project proceed, as detailed in the submitted report.

- (b) That a report be submitted to a future meeting of Cabinet for approval of the design of the square and final estimated costs.
- (c) That the £7,000 estimated maintenance costs be added to the Medium Term Financial Plan.

REASON – To provide a high quality focus for the regeneration of the west side of Feethams, adding value and certainty to the currently proposed DCSF development, and the future regeneration of the area, in line with the Feethams Planning and Development Brief. The timing of this opportunity provides good value for money.

(6) Treasury Management Annual Report and Outturn Prudential Indicators 2008/09 – The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) providing information in respect of the regulation and management of the Council's borrowing, investments and cash flow and requesting that consideration be given to the Prudential Indicator results for 2008/09 in accordance with the Prudential Code and further revision to the Investment Strategy for 2009/10.

Particular reference was made to the technical nature of the report and on how to communicate the information contained within the report to the public.

RESOLVED – (a) That the outturn 2008/09 Prudential Indicators, as detailed within the submitted report and those in Appendix 1 to the submitted report, be noted.

- (b) That the Treasury Management Annual Report 2008/09, be noted.

(c) That the Councils own bank (currently Nat West) be added to the Counterparty list with a cash limit of £3M and a time limit of three months.

(d) That a further two Money Market Funds be added to the counterparty list with a maximum investment of £5M each but with an overall limit of investments in Money Market Funds of £20M.

(e) That the report be forwarded to Council, in order for the prudential Indicators for 2008/09 to be approved.

REASON – (a) In order to comply with the Prudential Code for Capital Finance in Local Authorities.

(b) To inform Members of the performance of the Treasury Management function.

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

(7) Eastbourne School – With the prior approval of the Leader to the matter being treated as urgent to enable a decision to be made at an early date, the Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services and the Assistant Chief Executive (Regeneration) (previously circulated) requesting that consideration be given to a request by Teesside University to use Eastbourne School on a temporary basis, pending the development of their proposed new facility at Central Park.

Members welcomed the opportunity for the University to provide courses in Darlington earlier than anticipated, however, concerns were expressed in relation to car parking for the development.

RESOLVED – (a) That the proposed short term use of Eastbourne School by Teesside University from September 2009 be approved, subject to the Director of Corporate Services, in consultation with the Cabinet Member with the Efficiency and Resources Portfolio, being satisfied with the University's arrangements for security of the buildings and site.

(b) That the Director of Corporate Services, in consultation with the Cabinet Member with the Efficiency and Resources Portfolio, be authorised to agree terms in line with those as detailed in Appendix 1 to the submitted report.

(c) That the Borough Solicitor be authorised to conclude the legal documentation accordingly.

REASON – To assist Teesside University in offering courses in Darlington prior to completion of a new University facility at Central Park.

C24. PROTECTION OF CHILDREN IN ENGLAND ACTION PLAN – Pursuant to Minute C195/Apr/09, the Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Children's Services (previously circulated) providing an update on the Laming Report, Government response and implications for safeguarding in Darlington.

RESOLVED – (a) That the report be noted.

(b) That regional work be supported to address the Action Plan recommendations and improve the child protection system.

(c) That the prioritisation of Child Protection Services, be supported.

REASONS - (a) The Local Authority role as lead within child protection arrangements.

(b) The Government's requirements of Local Authority Children's Service following Lord Laming's report.

(c) Members need to be informed of child protection systems within the Local Authority.

C25. OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN – REVIEW – Pursuant to Minutes C9/June/09, 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 ordinary meeting of Cabinet held on 2nd June, 2009.

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, other than detailed in the submitted report, is required.

C26. COMBINED SERVICE AND FINANCIAL PERFORMANCE REPORT QUARTER FOUR 2008/09 – The Leader introduced the report of the Director of Corporate Services and the Assistant Chief Executive (previously circulated) presenting the Combined Service and Financial Performance Report for Quarter Four 2008/09.

A Member in attendance at the meeting gave an update to Members on the development of the Darlington Credit Union, which would provide affordable credit to residents of the Borough.

RESOLVED – (a) That the areas where targets have not been met, be noted, and action planning be taken to address the key areas of under performance.

(b) That the overall on target performance against the Local Area Agreement and Corporate Plan, and below target performance for the Sustainable Community Strategy due to a single indicator, as detailed in the submitted report, be noted.

(c) That the latest projected financial outturn for 2008/09, as detailed in the submitted report, compared with the budget approved by Council in February 2008, be noted.

REASONS – To maintain appropriate management arrangements for the Council's finances to make effective use of the Council's resources and to continue to effectively manage services and improve value for money.

C27. ON-STREET PARKING CHARGES – REVIEW – The Cabinet Member with the Transport Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to reviewing the Council’s on-street parking charges.

Following a concern raised by a Member at the meeting in respect of the timing of the increase in parking charges, it was reported, that the increase would bring on-street charges in line with off-street parking charges and with charges by other Local Authorities in the region.

RESOLVED – That on-street car parking charges be increased from 40p per half hour and 80p per hour to 50p per half hour and £1 per hour.

REASON – To achieve consistency between off-street and on-street parking charges.

C28. HOUSING GROWTH POINT FUNDING – RELEASE – The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) and the Director of Corporate Services (previously circulated) seeking the release of £1.147 million housing growth point funding for 2009/10 and 2010/11.

RESOLVED – (a) That Housing Growth Point funding, be released, as detailed in the submitted report, to assist the development of the Central Park and the former Beaumont Hill Street school sites.

(b) That the Assistant Chief Executive (Regeneration) in consultation with the Cabinet Members with the Efficiency and Resources, Economy and Neighbourhood Services and Community Safety Portfolios, be given delegated authority to decide the use of this funding to accelerate housing development and housing growth to the Central Park and Beaumont Hill School sites.

REASONS – (a) To enhance the environmental, social and economic well-being of the Borough.

(b) To support the delivery of new housing in Darlington and the achievement of new housing development targets.

C29. COATHAM MUNDEVILLE CONSERVATION AREA CHARACTER APPRAISAL – The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) reporting the outcome of the consultation process for the Coatham Mundeville Conservation Area Character Appraisal (also previously circulated) and seeking approval of the Appraisal.

Particular reference was made to the importance of preserving Conservation Areas in the Borough.

RESOLVED – That the Coatham Mundeville Conservation Area Character Appraisal, as appended to the submitted report, be approved.

REASON – To provide a document to assist in the preservation and enhancement of the Coatham Mundeville Conservation Area.

C30. CAPITAL PROGRAMME MONITORING 2009/10 – QUARTER ONE – The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) providing a summary of the Council’s Capital Programme 2009/10 and highlighting any known changes to the programmes already approved by Cabinet and Council.

RESOLVED – (a) That the summarised position of the Capital Programme 2009/10, as detailed in the submitted report, be noted.

(b) That the resource virements required for Children’s Services’ budgets, as detailed in the submitted report, be approved.

REASON – To make Cabinet aware of the summarised position of the Capital Programme for 2009/10.

C31. REVENUE BUDGET MONITORING 2009/10 – QUARTER ONE – The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) providing an early forecast of the 2009/10 revenue budget outturn as part of the Council’s continuous financial management processes.

RESOLVED – (a) That the forecast revenue outturn for 2009/10 and actions being taken to manage the Council’s Financial Services, as detailed in the submitted report, be noted.

(b) That further regular reports be made to monitor progress and take prompt action if necessary.

REASONS – (a) To continue the effective management of resources.

(b) To continue to deliver services to agreed levels.

C32. CAPITAL PROGRAMME OUTTURN 2008/09 – The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of the Corporate Services (previously circulated) providing information on the delivery of the Council’s Capital Programme; the financial outturn position as at 31st March, 2009; and the proposed financing of the 2008/09 Capital Expenditure.

RESOLVED – (a) That the delivery and financial outturn of the 2008/09 Capital Programme, as detailed in the submitted report, be noted.

(b) That the virement of resources required for Children’s Services and Housing Services budgets, as identified in Appendix 3 to the submitted report, be approved.

(c) That the transfer of £155,000 and £27,000 capital resources to revenue balances, as detailed in the submitted report, be approved.

(d) That additional spending and funding, be approved, as detailed below:-

Scheme	Amount	Financed by
Chancery Lane	£12,000	Corporate Resources
Land sales	£13,000	Corporate Resources
Corporate Services - Minor changes to schemes	£9,000	Corporate Resources
Cycling Schemes	£69,000	Capital Grant
Chesnut Street Car park	£42,000	Departmental Borrowing
Lets get cracking	£108,000	Departmental Borrowing
Heighington Primary	£48,000	Contribution from school
ICT Unit Lingfield house	£77,000	Contribution from Xentrall
Play Areas	£61,000	Contributions

REASON – To enable Members to note the progress of the 2008/09 Capital Programme and to allow the capital spend for 2008/09 to be fully financed.

C33. REVENUE OUTTURN 2008/09 – The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) presenting the revenue outturn 2008/09, to allow Members to consider the results in light of the Council’s Medium Term Financial Plan for the General Fund and also consider the Collection Fund and Housing Revenue Account outturn.

RESOLVED – (a) That the satisfactory results for 2008-09 revenue outturn, as detailed in the submitted report, be noted.

(b) That the increase in General Fund corporate reserves, in respect of corporately managed resources totalling £133,000, as detailed in the submitted report, be noted.

(c) That £155,000 of capital resources be transferred to revenue reserves.

(d) That departmental resources of £331,000, as detailed in the submitted report, be transferred to General Fund corporate reserves.

(e) That departmental balances of £218,000 be carried forward to meet committed expenditure in 2009/10.

(f) That resources totalling £692,000 be carried forward to 2009/10 to meet commitments in health improvement partnership working arrangements, as detailed in the submitted report.

REASON – In order to maintain appropriate management arrangements for the Council’s finances and make effective use of the Council’s resources.

C34. MEMBERSHIP CHANGES – RESOLVED – There were no Membership changes reported at the meeting.

C35. 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 paragraphs 1, 2 and 3 of Part I of Schedule 12A of the Act.

C36. LAND AT MCMULLEN ROAD (EXCLUSION OF PARAGRAPHS NO. 1 AND 2) –
The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) seeking authority to dispose of the freehold interest of 0.393 hectares (0.97 acres) of land at McMullen Road, as shown on the plan appended to the submitted report, to S G Petch Limited, for the parking and display of vehicles for sale.

RESOLVED – (a) That the disposal of land, as shown on the plan appended to the submitted report, be approved, on the terms as detailed in the submitted report.

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

REASONS – (a) To achieve the capital receipt for the Council.

(b) To allow S G Petch to extend their site.

(c) To tidy up the area between the Darlington Eastern Transport Corridor and S G Petch’s site.

**DECISIONS DATED -
FRIDAY, 10TH JULY, 2009**