

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY, 24 JANUARY 2011**

CABINET
11 January 2011

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

INVITEES – Councillors Haszeldine and Johnson and Mr A MacConachie. (3)

ALSO IN ATTENDANCE – Councillors Coultas, Francis, Lewis, Lister, Long and J Lyonette. (6)

APOLOGIES – Councillors Mrs Scott and Swainston. (2)

C112. DECLARATION OF INTERESTS - There were no declarations of interest reported at the meeting.

C113. REPRESENTATIONS – A Member in attendance at the meeting, made representation in respect of Minute C117(1) below.

C114. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of Cabinet held on Tuesday 7 December 2010.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C115. ANNUAL AUDIT LETTER 2009/10 - The Leader introduced the report of the Chief Executive (previously circulated) presenting the Annual Audit Letter for 2009/10 (also previously circulated), which provided a high level summary of the 2009/10 audit work undertaken by PricewaterhouseCoopers, the Council's external auditors.

The Leader reported that the Council had been issued with an unqualified audit report for 2009/10.

Janet Eilbeck from PricewaterhouseCoopers, presented the main findings from the Annual Audit Letter 2009/10 and stated that the Council had, in addition to being issued with an unqualified audit report for 2009/10, had also been issued with an unqualified conclusion on the Authority's arrangements for its Use of Resources. In presenting the report particular reference was made to the Annual Government Statement; the risks identified in the planning risk assessment; the National Fraud Initiative; and Pensions.

A question was raised by a Member in respect of the pensions liability, and Janet Eilbeck responded thereon.

RESOLVED - That the Annual Audit Letter 2009/10, as appended to the submitted report, be noted.

REASON - To enable the Audit Committee to receive the results of the external assessment.

C116. ISSUES ARISING FROM SCRUTINY - There were no issues arising from Scrutiny.

C117. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration.

C118. KEY DECISIONS - (1) (URGENT ITEM) Tees Valley Unlimited: Local Enterprise Partnership and Regional Growth Fund - The Cabinet Member with the Economy Portfolio introduced the report of the Director of Place (previously circulated) outlining the background to, and contents of, the successful Tees Valley Unlimited: Local Enterprise Partnership (LEP) Proposal (also previously circulated) and the proposed bid to Regional Growth Fund (RGF).

The submitted report stated that two projects had been submitted from private sector interests in Darlington, as part of the bid, namely the Darlington Innovation Centre and the Agriculture and Equine Centre.

A Member in attendance at the meeting welcomed, in particular, the inclusion of the Agriculture and Equine Centre in the bid, as a crucial step in moving the Cattle Mart from its current site to a more suitable location on the outskirts of Darlington. The Cattle Mart's business had grown over recent years and although this was good for the business, this had had a detrimental effect on the amenity of residents living in the area.

RESOLVED - (a) That the Council's continuing involvement in the Tees Valley Unlimited Local Enterprise Partnership, be endorsed.

(b) That the approach taken to identify potential Darlington-based Regional Growth Fund projects, as detailed in the submitted report, be endorsed.

(c) That the approach taken by Tees Valley Unlimited to co-ordinate Regional Growth Fund bids, as detailed in the submitted report, be noted.

REASONS - (a) To continue to influence policy and investment decisions across the Tees Valley, regionally and nationally.

(b) To ensure Darlington is part of the Tees Valley package of bids to Round 1 of the Regional Growth Fund.

(c) To support a co-ordinated Tees Valley approach to securing external funding and investment.

(2) Mid Year Prudential Indicators and Treasury Management Monitoring Report - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources (previously circulated) seeking approval of revised Prudential Indicators and providing a half year review of the Council's borrowing and investment activities.

RESOLVED - (a) That the Treasury Management half yearly review, be noted.

(b) That the report be forwarded to Council for approval of the updated prudential indicators, as contained within tables 2 to 17 of the submitted report.

REASONS - (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.

(d) To enable further improvements to be made in the Council's Treasury Management Function.

C119. ADULT SOCIAL SERVICES ANNUAL PERFORMANCE ASSESSMENT - The Cabinet Member with the Adult Services Portfolio introduced the report of the Director of People (previously circulated) informing Members of the outcome of the Annual Performance Assessment of Adult Social Care carried out by the Care Quality Commission (also previously circulated).

RESOLVED - (a) That the report be noted.

(b) The Adult Social Services Annual Performance Assessment be referred to the Health and Well Being Scrutiny Committee for their consideration.

REASON - In order to inform Members of the current performance of Adult Social Care.

C120. ANNUAL ASSESSMENT OF DARLINGTON CHILDREN'S SERVICES - The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of People (previously circulated) informing Members of the outcome of the Annual Assessment of Darlington Children's Services for 2010 (also previously circulated).

Particular concern was expressed to certain areas achieving minimum requirements, and the Director of People and the Cabinet Member with the Children and Young People Portfolio, responded thereon.

RESOLVED - (a) That the Annual Assessment Judgement of Children's Services for 2010, as appended to the submitted report, be noted.

(b) That the Annual Performance Assessment of Darlington Children's Services be referred to the Children and Young People Scrutiny Committee for their consideration.

REASON - In order to be informed of the current performance of Children's Services in Darlington.

C121. OUTCOME OF COMPLAINTS MADE TO THE OMBUDSMAN - REVIEW - Pursuant to Minute C72/Nov/10, the Leader introduced the report of the Director of Resources (previously circulated) providing Members with an update of the outcome of cases which had been considered by the Local Government Ombudsman and indicating any points for particular attention since the preparation of the report for the meeting of Cabinet held on 2 November 2010.

RESOLVED - That the report be noted.

REASONS - (a) It is important that Members are aware of the outcome of complaints made to the Local Government 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.

C122. DARLINGTON LOCAL DEVELOPMENT FRAMEWORK : LOCAL DEVELOPMENT SCHEME 2011/14 AND ADOPTION OF DEVELOPMENT PLAN DOCUMENTS - The Cabinet Member with the Economy Portfolio introduced the report of the Director of Place (previously circulated) outlining the contents of the Local Development Scheme (LDS) 2011/14 (also previously circulated).

RESOLVED - That it be recommended to Council that:-

(a) the updated Local Development Scheme for the period 2011- 2014, as appended to the submitted report, be agreed and formally submitted to the Government Office for the North-East;

(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;

(c) the Director of Place (or his nominated officers) be authorised to propose changes to the Core Strategy Development Plan Document, the Tees Valley Minerals and Waste Core Strategy and the Tees Valley Minerals and Waste Policies and Sites Development Plan Documents during their respective Examinations, where these changes do not alter the original intent of the strategy and policies of the Development Plan Documents; and

(d) the Core Strategy, the Tees Valley Minerals and Waste Core Strategy and the Tees Valley Minerals and Waste Policies and Sites Development Plan Documents, as amended by the respective Inspectors Reports, on receipt of those reports, subject to the Assistant Director Resources not finding that any of the Inspectors' decisions could be subject to legal challenge by the Council, be adopted.

REASONS - (a) 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.

(b) To ensure that the Council can respond in a timely way to requests from the Inspector(s) for suggested changes to the development plan documents during their Examination.

(c) To ensure that the Council can adopt and use its Core Strategy and the minerals and waste DPD for development management and other purposes as soon as possible.

C123. COMBINED SERVICE AND FINANCIAL PERFORMANCE REPORT QUARTER TWO 2010/11 - The Leader introduced the report of the Chief Executive (previously circulated) outlining the Council's service and financial performance as at second quarter 2010/11.

RESOLVED - (a) That the areas where targets had not been met, be noted, and action planning be taken to address the key areas of under performance, as detailed in the submitted report.

(b) That the on target performance against the Sustainable Community Strategy and Corporate Plan, as detailed in the submitted report, be noted.

(c) That the provisional financial outturn for 2010/11 compared with the approved 2010/14 Medium Term Financial Plan, as detailed in the submitted report, be noted.

REASON - 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.

C124. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C125. 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.

C126. NO 176 VICTORIA ROAD, DARLINGTON (EXCLUSION PARAGRAPH NO 3) - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources (previously circulated) requesting that consideration be given to the disposal of land and buildings forming part of No 176 Victoria Road, as shown on the plan appended to the submitted report, to the existing lessee.

RESOLVED - (a) That the disposal of land forming part of No 176 Victoria Road, as shown on the plan appended to the submitted report, be approved on the terms as detailed in the submitted report.

(b) That the Assistant Director - Resources be authorised to document the sale accordingly.

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

(b) The land has no strategic value to the Council.

C127. SCHEDULE OF TRANSACTIONS (EXCLUSION PARAGRAPH NO. 3) - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources (previously circulated) requesting that consideration be given to the schedule of transactions (also previously circulated) and seeking approval of 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 14 JANUARY 2011**