

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY 17 DECEMBER 2012**

CABINET
4 December 2012

PRESENT - Councillor Dixon (in the Chair); Councillors Copeland, Harker, D A Lyonette, McEwan and A J Scott. (6)

INVITEES – Councillors Curry and Mrs. Scott. (2)

ALSO IN ATTENDANCE – Councillor Francis.

APOLOGIES – Councillors CLB Hughes and Wallis. (2)

C79. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

C80. REPRESENTATIONS – In respect of Minute C84(1) below, representation was made at the meeting by a representative of a property company in attendance.

C81. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 6 November 2012.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C82. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration.

C83. ISSUES ARISING FROM SCRUTINY - There were no issues arising from Scrutiny.

C84. KEY DECISIONS - (1) Town Centre Regeneration - The Leader introduced the report of the Director of Place and the Director of Resources (previously circulated) informing Members of the recent work undertaken in respect of the future regeneration of the Town Centre and requesting that consideration be given to the principles to be used in guiding the vision for the Town Centre; the future for the Town Hall; and the use of Council land, for development.

A representative of a property group addressed Cabinet in respect of the report; the importance of anchor points in the Town Centre; the number and location of the major food stores within the town; and the benefits of the regeneration of Town Centre.

RESOLVED - (a) That the core development principles for the regeneration of the Town Centre, as described in paragraphs 29 and 30 of the submitted report, be agreed.

(b) That the vision for the Town Centre, as described in paragraphs 34 to 35 of the submitted report, be agreed.

(c) That the medium term ambitions for the Town Centre, as described in paragraph 36 of the submitted report, be agreed.

(d) That the proposals for the future development around the Town Hall, as described in paragraph 37 of the submitted report, be agreed.

(e) That Officers work with potential developers to see whether a food store of limited size on Northgate could deliver the benefits, as detailed in paragraph 49 of the submitted report.

(f) That the medium term future strategy for the Council's town centre office accommodation, as described in paragraphs 51 to 55 of the submitted report, be agreed.

(g) That further work be undertaken on a number of matters, which came out of the consultation process, as described in paragraph 59 of the submitted report, and as detailed in Appendix 1 of the submitted report, with specific action plans as appropriate, namely:-

- (i) coach facilities;
- (ii) bus stops and routes;
- (iii) the Indoor Market;
- (iv) Skinnergate and Duke Street public realm and parking;
- (v) a detailed car parking strategy;
- (vi) strategies for privately owned sites;
- (vii) linked infrastructure projects with the town centre fringe; and
- (viii) the feasibility of delivering a department store in the Town Centre.

(h) That a capital sum of £40,000 be allocated for feasibility work in relation to the potential refurbishment and creation of a new vision for the Indoor Market, this to include alternative uses for the old Town Hall.

(i) That a sum of £70,000 be re-programmed from the Local Transport Plan for feasibility work in relation to a multi-storey car park and remodelling of the North Road/Inner Ring Road junction.

(j) That it be noted that further funding will be required to deliver the ambitions set out in the submitted report, and a further report will be submitted to a future meeting of Cabinet on the detailed funding strategy.

(k) That the locational elements of the strategy and proposals in the submitted report be agreed for inclusion in the Preferred Options Making and Growing Places Development Plan Document.

REASONS - (a) To support the economic and physical regeneration of the Town Centre in line with the Local Plan Adopted Core Strategy and in the context of the National Planning Policy Framework.

- (b) To make the most efficient use of Council resources and assets to support the viability of the Town Centre.
- (c) To provide certainty to the development industry, the public and Council staff over the future of the Town Hall building and site.
- (d) To support the further work required to ensure that the Town Centre continues to thrive.
- (e) Current spending on the Local Transport Plan programme will allow feasibility work to be funded without detriment to other planned priorities.

(2) Darlington Planning Obligations Supplementary Planning Document – Pursuant to Minute C10(3)/Jun/12, the Cabinet Member with the Economy and Regeneration Portfolio introduced the report of the Director of Place (previously circulated) informing Members on how the key issues raised during stakeholder and public consultation held in June and July 2012 for the draft Darlington Planning Obligations Supplementary Planning Documents have been addressed; requesting that consideration be given to the finalised Planning Obligations Supplementary Planning Document (also previously circulated); and requesting that consideration be given to proposed transitional arrangements to be adopted.

RESOLVED - (a) That it be recommended to Council that the contents of the Planning Obligations Supplementary Planning Document, as appended the submitted report, be agreed.

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

(c) That the transitional arrangements to accommodate developers already in pre-application discussions with the Council, as outlined in paragraph 46 of the submitted report, be agreed.

REASONS - (a) To help deliver the Local Plan.

(b) To help deliver new and improved infrastructure in the Borough.

(c) To fulfil the regulatory requirements of Supplementary Planning Document preparation.

C85. ADULT SOCIAL CARE POLICY REVIEW - ELIGIBILITY CRITERIA POLICY – Pursuant to Minute C43(2)/Sep/12, the Cabinet Member with the Adult Social Care and Housing Portfolio introduced the report of the Director of People (previously circulated) advising Members of a clerical error contained within the matrix attached to the Eligibility Criteria Policy for Adult Social Care, which was approved by Cabinet on 11 September 2012.

The Cabinet Member with the Adult Social Care and Housing Portfolio stated at the meeting that no-one had been disadvantaged by this clerical error.

RESOLVED - That the 'matrix' at appendix two to the Eligibility Criteria Policy for Adult Social Care (appendix one of the Cabinet Report, Item 7 (b)), be amended to correct a clerical error.

REASON - To ensure that Cabinet are aware and satisfied that the amendments made to the matrix are correct and in line with the Eligibility Criteria Policy for Adult Social Care which was approved on 11 September 2012.

C86. OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN – Pursuant to Minute C11/Jun/12, 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 determined by the Local Government Ombudsman indicating any points for particular attention since the preparation of the report for the meeting of Cabinet held on 12 June 2012.

RESOLVED - That the contents of 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 this report do not suggest that further action, other than detailed in the report, is required.

C87. COMPASS - CHANGES TO THE COMMON HOUSING ALLOCATION POLICY - The Cabinet Member with the Adult Social Care and Housing Portfolio introduced the report of the Director of Place (previously circulated) requesting that consideration be given to the Council's amended Housing Allocations Policy (also previously circulated).

RESOLVED – That the following proposed changes to the Housing Allocation Policy be approved, namely that:-

- (a) applicants with high rent arrears and serious anti social behaviour be ineligible to apply for 12 months;
- (b) additional priority be awarded to tenants of Compass partners to help them move to more affordable accommodation;
- (c) the Compass Policy reflects the Housing Benefit guidance in determining the bedroom requirements of an applicant;
- (d) priority be afforded to applicants with affordability issues;
- (e) preference be given to applicants in low paid work, above other households not in work with similar housing needs;
- (f) preference be given to households that are prospective adopters, foster carers or special guardians;
- (g) a one reasonable offer policy be introduced;

- (h) where there is evidence that applicants have worsened their own circumstances their priority should be reduced; and
- (i) families be allowed to bid on both houses and flats as specified by the advert.

REASONS - Adoption of the revised Policy is recommended in order :-

- (a) to enable the Council to meet its commitments in respect of the existing scheme;
- (b) to ensure that the policy is harmonised with statute and guidance that has emerged since the original policy was developed;
- (c) to ensure that the policy operation assists the Council in mitigating the impact of welfare reform;
- (d) to ensure that the policy is reflective of stakeholder feedback provided during the consultation process.

C88. SUPPORTED HOUSING STRATEGY - The Cabinet Member with the Adult Social Care and Housing Portfolio introduced the report of the Director of Place (previously circulated) requesting that consideration be given to the draft Supported Housing Strategy 2012/17 (also previously circulated).

RESOLVED - That the Supported Housing Strategy 2012/17, as appended to the submitted report, be agreed.

REASONS - (a) The Supported Housing Strategy is a key element of the delivery of the Housing Strategy.

(b) The strategy reflects the changing policy agenda, financial environment and an evolving understanding of support needs.

(c) The Strategy provides a clear set of objectives and actions for supported housing.

C89. MORTGAGE RESCUE SCHEME - The Cabinet Member with the Adult Social Care and Housing Portfolio introduced the report of the Director of Place (previously circulated) requesting that consideration be given to this Council participating in the Mortgage Rescue Scheme, as a service provider.

RESOLVED - (a) That it be agreed that the Council participates in the local Mortgage Rescue Scheme, Time2Buy, as a Registered Provider.

(b) That the Council's operations be restricted to be within this Council's boundaries.

(c) That a fixed term tenancy be offered, initially for a three year term.

(d) That the Assistant Director Resources be authorised to complete the necessary documentation for participation in the scheme.

REASONS - (a) The scheme benefits households in Darlington who are at risk of losing their homes.

(b) Increasing the Council's housing stock provides more affordable housing in Darlington and is financially advantageous to the Housing Revenue Account.

C90. FORMER DEPOT PREMISES, REAR TANDRIDGE COURT OFF WOODLAND ROAD, DARLINGTON - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report and plan of the Director of Place and the Director of Resources (both previously circulated) requesting that consideration be given to the former Depot premises at the rear of Tandrige Court off Woodland Road, Darlington, as shown on the plan appended to the submitted report, being declared surplus to requirements and seeking authority to dispose of it by informal tender or such other method as is appropriate.

RESOLVED - (a) That the property, as shown on the plan appended to the submitted report, be declared surplus to the Council's requirements.

(b) That the Director of Resources be authorised to dispose of the property in line with the conclusion as detailed at paragraph 23 of the submitted report.

(c) That the Assistant Director Resources be authorised to complete the appropriate documentation.

(d) That the Director of Resources be given delegated authority to advertise the proposed disposal of the land, in line with paragraph 16 of the submitted report, and consider objections thereto prior to completion of the disposals/contract documentation.

REASONS - (a) To remove from the Council potential maintenance and security liabilities.

(b) To achieve a capital receipt.

C91. PROJECT POSITION STATEMENT AND CAPITAL PROGRAMME MONITORING - QUARTER TWO 2012/13 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources and the Director of Place (previously circulated) providing Members with a summary of the latest capital resource and commitment position, to inform the monitoring of the affordability and funding of the Council's capital programme and updating Members on the current status of all construction projects currently being undertaken by the Council.

RESOLVED - (a) That the status position on construction projects, as detailed in the appendix to the submitted report, be noted.

(b) That the projected capital expenditure and resources, as detailed in the submitted report, be noted.

(c) That the adjustments to resources as detailed in paragraph 19 of the submitted report, be approved.

(d) That the resource virements, as indicated in paragraph 20 of the submitted report, be approved.

REASONS - (a) To inform Cabinet of the current status of construction projects.

(b) To make Cabinet aware of the latest financial position of the Council.

(c) To maintain effective management of resources.

C92. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C93. 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.

C94. LAND AT ALBERT ROAD/NORTH ROAD (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 conditional sale of approximately 0.57 hectares (1.41 acres) of land at Albert Road, subject to planning permission for a mixed use development, and the inter-related sale of approximately 0.93 hectares (2.3 acres) of land at Forge Way Industrial Estate, both as shown on the plans appended to the submitted report.

RESOLVED - (a) That the sale of land at Albert Road to Opus Land (North) Ltd., as shown on the plan appended to the submitted report, conditional upon planning permission and ground investigations, be approved, and the Director of Resources be authorised to conclude negotiations and complete the sale in line the terms set out in paragraph 12 of the submitted report.

(b) That the sale of land at Forge Way Industrial Estate, as shown on the plan appended to the submitted report, to either or both Davies Transport and Durham Auto Spares, be approved, and the Director of Resources be authorised to conclude negotiations and complete the sale(s) of land in line with the terms set out in paragraph 20 of the submitted report.

(c) That the Assistant Director Resources be authorised to complete all transactions as necessary.

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

(b) To bring forward development and improve an underused site.

C95. LAND AT BUXTON MOOR CRESCENT AND EDGEMOOR ROAD (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 conditional sale of approximately 0.55 hectares (1.36 acres) of land at Buxton Moor Crescent and

Edgemoor Road, as shown on the plan appended to the submitted report, subject to planning permission for the erection of 24 affordable residential units.

RESOLVED - (a) That the sale of land, as shown on the plan appended to the submitted report, to Partner Construction Ltd at the price indicated in paragraph 13 of the submitted report, be approved, conditional upon planning permission.

(b) That the Assistant Director Resources be authorised to complete all transactions as necessary.

REASONS - (a) To achieve a capital receipt for the Council from the sale of land.

(b) To ensure the development of affordable housing in the Borough.

C96. LAND AT HIGH FAVERDALE - DATA CENTRE (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 this Council entering into an option agreement for the Grant of a Right of Way, to include construction of a vehicle access across Council land at High Faverdale Farm, as shown on the plan appended to the submitted report.

RESOLVED - (a) That the proposal to grant an Option Agreement to permit the construction and use of an access over Council land at High Faverdale Farm to facilitate a Data Centre, as shown on the plan appended to the submitted report, be approved.

(b) That the Director of Resources, in consultation with the Cabinet Member with the Efficiency and Resources Portfolio, be authorised to finalise negotiations with the developer named in the submitted report in line with those terms outlined in Appendix 1 and to conclude an Option Agreement.

(c) That the Assistant Director Resources be authorised to conclude the legal documentation accordingly.

REASON - An Option Agreement for access will assist in promoting the site to potential Data Centre occupiers who in developing such a facility would bring significant financial and other benefits to the Borough.

C97. 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 completed on the terms and conditions detailed therein.

REASON - Terms negotiated require approval by Cabinet before binding itself contractually to a transaction.

DECISIONS DATED – FRIDAY 7 DECEMBER 2012