

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
MONDAY 21 SEPTEMBER 2015**

CABINET

8 September 2015

PRESENT – Councillor Dixon (in the Chair); Councillors Copeland, Harker, C L B Hughes, McEwan, A J Scott and Wallis. (7)

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

APOLOGIES – Andrea Jones, Darlington Clinical Commissioning Group.

C38. DECLARATIONS OF INTEREST – In respect of Minute C47 below, Councillor C L B Hughes declared a non-pecuniary interest as Chair of Directors of Carmel Education Trust and in respect of Minute C52 below, Councillor C L B Hughes declared a pecuniary interest, as Chair of Directors of Carmel Education Trust and left the meeting during consideration of that item.

C39. REPRESENTATIONS – In respect of Minute C43(2) below, a member of public in attendance at the meeting, addressed Members in respect of the relocation of the Cattle Market.

C40. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 7 July 2015.

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

REASON - They represent an accurate record of the meeting.

C41. MATTERS REFERRED TO CABINET - There were no matters referred back to this meeting for re-consideration.

C42. ISSUES ARISING FROM SCRUTINY – There were no issues arising from Scrutiny considered at this meeting.

C43. KEY DECISIONS - (1) Solar PV Programme for Council Housing Stock - The Cabinet Member with Adult Social Care and Housing Portfolio introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) requesting that consideration be given to installing Solar Photovoltaics (PV's) to all suitable Council owned housing stock, to be completed at nil cost to the Council, through the Service Concession procurement route.

In introducing the report, the Cabinet Member with the Adult Social Care and Housing Portfolio advised that the government had announced a consultation on a cut to the subsidy which, if introduced, may make the solar pv programme unviable. The intention is to move the programme forward as soon as can be undertaken before any reduction

in the tariff happens, but there may be a reduction in the number of properties that can benefit.

RESOLVED - (a) That the Director of Neighbourhood Services and Resources be authorised to proceed with the procurement of a service concession contract to enable the installation of Solar PV to all suitable Council properties.

(b) That the Head of Legal Services be authorised to formalise the legal documentation in relation to the 3rd party agreement and lease and pre-lease of the roof space to the successful contractor.

REASONS - (a) The proposed Solar PV programme will deliver financial savings to a large number of Council tenants, contribute significantly to the Council's green agenda and bring significant investment into the local economy.

(b) The use of a Service Concession procurement process is the most appropriate form of procurement for a contract where there is no direct payment from Darlington Borough Council to a contractor but the successful contractor stands to benefit from a significant amount of income from a third party, in this case the Government's Feed in Tariff payments.

(2) Relocation of Cattle Market from Clifton Road - The Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Economic Growth and the Director of Neighbourhood Services and Resources (previously circulated) requesting that consideration be given to the relocation of the cattle market from the existing Clifton Road site to Humbleton Farm and to the associated financial package required from the Council in order to facilitate the relocation.

A representative of Darlington Farmers Auction Mart (DFAM) addressed Cabinet in respect of the report, and in doing so, stated that the DFAM supported the relocation of the cattle market as it had outgrown the current site on Clifton Road and that the development of the new site would bring jobs and income into the Borough.

Discussion ensued on the benefits of relocating the Cattle Market; the on-going negotiations in respect of the payment of tolls and levies; and the next stage in the process of relocating the Cattle Market.

RESOLVED - (a) That Council be recommended to vote in favour of the relocation of the Cattle Market facility from Clifton Road to Humbleton Farm in accordance with the provisions of the Darlington Extension and Improvement Act 1872.

(b) That Council be recommended to approve and provide a bridging loan of £2m to Darlington Farmers Auction Mart (DFAM) in line with the principle terms, as set out in the report considered at Minute C51 below.

(c) That it be noted that the negotiations in respect of the payment of tolls and levies by DFAM to the Council are still on-going.

(d) That the Director for Economic Growth be authorised to negotiate and complete, in consultation with the respective Portfolio Holder, the necessary agreements in line with

the proposals set out in the submitted report and as set out in the report considered at Minute C51 below.

(e) That the Clifton Road site be declared surplus to requirements and £20,000 of the future land receipt be released to enable the Council to ensure the site is safe and secure following the successful relocation of the cattle Market from Clifton Road.

REASONS - (a) In the interests of facilitating the relocation of the Cattle Market from Clifton Road.

(b) To improve the residential amenity for the properties around Clifton Road.

(c) To make available a brownfield site in a sustainable location for suitable development in line with the Local Plan.

(d) To support the business growth opportunities for the agricultural sector which result from the new facility being delivered.

(e) In order to ensure the Council complies with its obligations under the Darlington Extension and Improvement Act.

(f) To provide the necessary funds to secure the site and reduce the Council's liabilities in respect of the vacated Clifton Road site.

C44. INSTRUMENTS OF GOVERNMENT FOR MAINTAINED SCHOOLS - The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Children, Families and Learning (previously circulated) requesting that consideration be given to new Instruments of Government (also previously circulated) for schools to be made in accordance with the requirements set out in the School Governance (Constitution) (England) Regulations 2012.

RESOLVED – That the Head of Legal Services be authorised to compete and formalise the new Instruments of Government for the following schools:

- (a) St Mary's Cockerton CE VA Primary School;
- (b) Corporation Road Primary School;
- (c) High Coniscliffe CE Primary School;
- (d) Mount Pleasant Primary School;
- (e) Northwood Primary School;
- (f) St Teresa's RC VA Primary School; and
- (g) Whinfield Primary School.

REASONS - (a) This will enable the new Instruments of Government to be sealed and issued to the relevant Governing Bodies forthwith.

(b) The Council has a duty to keep Instruments of Government up to date and to ensure that they comply with relevant law and guidance.

C45. REGULATION OF INVESTIGATORY POWERS – Pursuant to Minute C149/Apr/15, the Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Neighbourhood Services and Resources

(previously circulated) informing and updating Members about issues relevant to the use of the Regulation of Investigatory Powers Act 2000 and developments that have taken place since the last report to Cabinet in April 2015.

RESOLVED - (a) That the appointment of the Director of Neighbourhood Services and Resources as the Senior Responsible Officer for Communications data applications, be approved.

(b) That the appointment of the Assistant Director, Community Services and the Head of Legal Services, as additional Designated Persons, be approved.

(c) That the developments that have taken place since April 2015, as detailed in the submitted report, be noted.

(d) That further reports be submitted to future meetings of Cabinet on the use of the Regulation of Investigatory Powers Act and associated issues.

REASONS - (a) In order to ensure that the Council complies with the legal obligations under RIPA and that its procedures are in accordance with national guidance.

(b) To help in giving transparency about the use of RIPA in this Council.

C46. XENTRALL SHARED SERVICES ANNUAL REPORT 2014/15 - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) presenting the seventh Xentrall Annual Report to Cabinet.

RESOLVED - That the report be noted.

REASONS - To allow Members to receive information about the progress of the partnership.

C47. LAND ADJACENT ST CLARE'S ABBEY, DARLINGTON - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Economic Growth (previously circulated) requesting that consideration be given to declaring Council owned land adjacent to St Clare's Abbey, as shown on the plan appended to the submitted report, surplus to requirements and to approving a joint marketing exercise with The Hospitaller Order of St John of God, subject to consultation with Highways and Planning/Conservation Officers.

Particular reference was made to the need to take into account any potential increase in traffic on Carmel Road from the development of the site.

RESOLVED - (a) That the marketing and subsequent disposal of the Council's land, as shown on the plan appended to the submitted report, subject to resolution of highways, planning and conservation issues and with terms for a sale being agreed in consultation with the Cabinet Member with the Efficiency and Resources Portfolio, be agreed.

(b) That the Head of Legal Services be authorised to finalise and complete the documentation required to facilitate the disposal.

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

(b) To increase the provision of residential properties in Darlington.

C48. LAND ADJACENT TO FEETHAMS LEISURE SITE - LEASE OF ADDITIONAL LAND - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Economic Growth (previously circulated) requesting that consideration be given to declaring the area of land, as shown by cross hatching on the plan appended to the submitted report, surplus to requirements and seeking authority for the disposal of the land on a long term lease.

RESOLVED - (a) That the land identified by cross hatching on the plan appended to the submitted report, be declared surplus to operational requirements.

(b) That the Director of Economic Growth, in consultation with the Cabinet Portfolio Holder be authorised to negotiate and complete lease terms with Terrace Hill in line with those set out in paragraphs 12 and 13 of the submitted report.

REASONS - (a) To ensure the land is available for use to promote an active frontage to the scheme.

(b) To contribute to the economic viability of the adjacent unit.

C49. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C50. 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.

C51. KEY DECISION - RELOCATION OF CATTLE MARKET FROM CLIFTON ROAD (EXCLUSION PARAGRAPH NO 3) – Pursuant to Minute C43(2) above, the Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Economic Growth and the Director of Neighbourhood Services and Resources (previously circulated) requesting that consideration be given to relocating the cattle market from the existing Clifton Road site, to Humbleton Farm, and the approval of the associated financial package required from the Council in order to facilitate this relocation.

RESOLVED - (a) That it be recommended to Council to approve and provide a £2M bridging loan to Darlington Farmers Auction Mart, in line with the principle terms set out in Annex 1 of the submitted report.

(b) That the Director for Economic Growth be authorised to negotiate and complete, in consultation with the respective Portfolio Holder, the necessary agreements in line with the principle terms as set out in Annex 1 of the submitted report.

REASONS - (a) In the interests of facilitating the relocation of the Cattle Market from Clifton Road.

- (b) To improve the residential amenity for the properties around Clifton Road.
- (c) To make available a brownfield site in a sustainable location for suitable development in line with the Local Plan.
- (d) To support the business growth opportunities for the agricultural sector which result from new facility being delivered.
- (e) In order to ensure the Council complies with its obligations under the Darlington Extension and Improvement Act.
- (f) To provide the necessary funds to secure the site and reduce the Council's liabilities in respect of the vacated Clifton Road site.

C52. LAND AT FORMER EASTBOURNE SCHOOL – PHASE II DISPOSAL AND INVESTMENT IN EASTBOURNE SPORTS COMPLEX (EXCLUSION PARAGRAPH NO 3) - The Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Economic Growth and the Director of Neighbourhood Services and Resources (previously circulated) updating Members on progress made with regard to the disposal of land at Eastbourne School Phase II and requesting that consideration be given to the use of the receipt from the sale of the land to reinvest in sporting provision; the land shown as area C on the plan appended to the submitted report, being declared surplus to operational requirements; the sale by Private Treaty of the areas B, C & D, as shown on the plan appended to the submitted report; and any capital receipt, above that required to fund the sports provision identified in the report at paragraph 26, be referred back to Cabinet for consideration.

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

(b) That the Director of Economic Growth, in consultation with the Portfolio Holder, be authorised to negotiate and conclude a sale of the Phase II land by Private Treaty to the Esh Group in line with the terms, as set out in paragraph 19 of the submitted report.

(c) That the allocation and release of funding from the sale receipt, to the sports provision as identified in paragraph 26 of the submitted report, be approved.

REASONS - (a) To upgrade sporting provision in line with the requirements of DfE and Sport England utilising the capital receipt from the sale of the Phase II land.

(b) To enable the sale of land by private treaty to the Esh Group which will provide best consideration for the Council.

C53. SCHEDULE OF TRANSACTIONS (EXCLUSION PARAGRAPH NO 3) - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report and schedule of the Director of Economic Growth (both previously circulated) requesting that consideration be given the schedule of transactions and seeking approval of the terms negotiated therein.

RESOLVED - That the schedule, as appended to the submitted report, be approved and the transactions completed on the terms and conditions detailed therein.

REASON – The terms negotiated require approval by Cabinet before binding itself contractually to a transaction.

**DECISIONS DATED –
FRIDAY 11 SEPTEMBER 2015**