

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY, 10TH OCTOBER, 2005**

CABINET
27th September, 2005

PRESENT - Councillor Williams (in the Chair); Councillors Dixon, Harker, D.A. Lyonette and McEwan. (5)

APOLOGIES - Councillors Bristow, Thistlethwaite, L. Vasey and Wallis. (4).

ALSO IN ATTENDANCE – Councillors Armstrong, Richmond and Mrs Scott. (3)

C60. DECLARATION OF INTERESTS – That in respect of Minute C71 below, the Chair, Councillor Williams, declared a personal and prejudicial interest as his wife is the headteacher of Whinfield Primary School, and left the meeting during consideration of that item only, and Councillor Dixon took the Chair; and Councillor McEwan declared a personal but non-prejudicial interest as he had a child at Whinfield School.

C61. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of Cabinet held on 30th August, 2005.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C62. MATTERS REFERRED TO CABINET – There were no matters referred back for reconsideration.

C63. ISSUES ARISING FROM SCRUTINY – There were no issues referred from Scrutiny Committees to this meeting.

C64. KEY DECISIONS – (1) Darlington Local Development Framework Core Strategy - Public Participation on Preferred Options - The Cabinet Member with the Regeneration and Planning Portfolio introduced the report of the Director of Development and Environment (previously circulated) requesting that consideration be given to the preferred options for the core strategy of the new Local Development Framework; the arrangements for public participation on the preferred options; and the involvement of Members, leading up to the start of the participation. The core strategy, when adopted, would provide the overarching strategic policy component of the new Local Development Framework.

RESOLVED - (a) That the preliminary consultation that has taken place with key stakeholders on core strategy issues and options, together with the main issues raised in response, as detailed in the submitted report, be noted.

(b) That the recommendations of the Environment Scrutiny Committee thereon, made at its meeting on 18th August, 2005, be accepted.

(c) That the content of the draft long term spatial vision, the draft strategic objectives, the preferred options, and Sustainability Appraisal Report, as detailed in the submitted report, be endorsed as the focus for public participation starting in October 2005.

(d) That the Director of Development and Environment, in consultation with the Cabinet Member with the Regeneration and Planning Portfolio, finalise the necessary documentation and make arrangements for public participation in accordance with the relevant statutory requirements.

(e) That the next steps in the preparation of the Core Strategy, as detailed in the submitted report, be noted.

(f) That reports be submitted to future meetings of Cabinet in respect of the first Annual Monitoring Report and updating the Local Development Scheme.

REASONS - (a) The Council must consider the issues raised by the responses received to the preliminary consultation on Core Strategy Issues and Options before proceeding with public participation on preferred options.

(b) Consideration of, and decisions on, the matters covered is necessary at this stage to assist in meeting the next Local Development Scheme key milestone for the Council.

(2) Capital Strategy and Asset Management Plan – The Director of Development and Environment submitted a report (previously circulated) requesting that consideration be given to the Council’s Capital Strategy 2005/06 and Asset Management Plan 2005/06 (both also previously circulated).

RESOLVED - That the Capital Strategy 2005/06 and the Asset Management Plan 2005/06, both as appended to the submitted report, be forwarded to Council for approval.

REASON – To provide the Council with a Capital Strategy and Asset Management Plan to follow when capital investment and asset management decisions are made.

C65. COMPLAINTS MADE TO OMBUDSMAN - REVIEW - Pursuant to Minute C48/Aug/05, 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 to indicate any points of particular attention and/or referral to the Standards Committee since the last meeting of Cabinet held on 30th August, 2005.

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.

C66. DARLINGTON TRANSPORT FORUM - MINUTES - Submitted - The Minutes (previously circulated) of the meeting of the Darlington Transport Forum held on 4th July, 2005.

RESOLVED - That the Minutes be received.

REASON - They represent an accurate record of the meeting.

C67. (URGENT ITEM) VIEW : SHAPING THE NORTH EAST - SUBMISSION DRAFT REGIONAL SPATIAL STRATEGY FOR THE NORTH EAST - The Cabinet Member with Regeneration and Planning Portfolio introduced the report of the Director of Development and Environment (previously circulated) outlining the contents of the Submission Draft Regional Spatial Strategy for the North East and seeking approval to the submission of various objections and statements of support as part of the current consultation process.

RESOLVED – That the comments and objections, as detailed in the submitted report, be forwarded to the Examination in Public’s Panel Secretary as the Council’s formal response to the Submission Draft Regional Spatial Strategy Consultation process.

REASONS - (a) Consideration of, and decisions on, the matters covered is necessary at this stage to meet the Consultation deadline of 5th October 2005.

(b) To enable the Council to influence emerging regional and sub-regional spatial development policy.

C68. REVENUE BUDGET MANAGEMENT - MONTHLY MONITORING REPORT - JULY 2005 – The Director of Corporate Services submitted a report (previously circulated) presenting Directors’ projections of income and expenditure for the year (also previously circulated) compared with approved budgets for consideration of the Council’s overall revenue budget position for 2005/06.

RESOLVED - (a) That the 2005/06 revenue budget projections, as appended to the submitted report, be noted.

(b) That further budget management and annual efficiency savings monitoring reports be presented regularly to Cabinet.

REASON - To ensure that robust revenue budget management procedures are maintained and efficiency gains are monitored regularly.

C69. IRRECOVERABLE SUNDRY DEBTS - PROPOSED WRITE-OFFS – The Director of Corporate Services submitted a report (previously circulated) seeking approval to the write-off of sundry debtor arrears in respect of invoices with individual values greater than £500, that were considered to be irrecoverable.

RESOLVED - That invoices over £500 in value, in the sum of £61,830.35 for 2004/05 be written-off, subject to further action if and when further contacts are made.

REASONS - (a) All steps for the recovery of these debts have been taken.

(b) During the course of such actions to recover the debts it was established that the debtors were insolvent, deceased or had absconded.

(c) As a result the debts are deemed irrecoverable.

C70. OFFICE OF THE DEPUTY PRIMEMINISTER CONSULTATION PAPER ON THE LOCAL GOVERNMENT FINANCE DISTRIBUTION FORMULA - RESPONSE –

The Director of Corporate Services submitted a report (previously circulated) advising Members of the implications for this Council of the Government consultation document on the review of the distribution mechanism for Local Government finance and seeking approval for the response of the Council to the consultation.

RESOLVED - That the formal response of this Council to the Government consultation document on the Review of the Local Government Finance Distribution Mechanism, as appended to the submitted report, be approved.

REASONS - (a) To ensure that the views of this Council are included in the Governments' considerations.

(b) To attempt to maximise the available financial resources of the Council.

C71. CAPITAL PROGRAMME - MONTHLY MONITORING REPORT - JULY 2005 –

The Director of Corporate Services submitted a report (previously circulated) presenting an update of the capital programme (also previously circulated) and looking at spending and resource levels.

RESOLVED - (a) That the 2005/06 updated Capital Programme, as appended to the submitted report, be noted.

(b) That land sale costs of £0.041m be formally released in relation to Morton Park.

(c) That Prudential Borrowing of £0.280m be formally released in relation to the Whinfield Primary Amalgamation Project.

(d) That additional Disabled Facility Grant of £0.042m be formally released.

(e) That a commitment of £0.075m be brought forward from 2006/07 to 2005/06 in relation to the Voice and Data Network Scheme.

(f) That Single Regeneration Budget of £0.032m be formally released in relation to the Town Centre Development Scheme.

REASON - To note the progress of the agreed Capital Programme and to allow the Morton Park, Whinfield Primary Amalgamation Project, Disabled Facility Grants, Voice and Data Network and Town Centre Development schemes to proceed.

C72. MEMBERSHIP CHANGES – RESOLVED - That Councillor Armstrong be appointed to the vacancy on the Northern Council of Education Authorities.

REASON – To ensure the Council is fully represented on the outside body.

C73. 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 7, 8 and 9 of Part I of Schedule 12A to the Act.

C74. KEY DECISION - CENTRAL PARK (EXCLUSION NOS. 7 AND 9) - The Cabinet Member with Regeneration and Planning Portfolio introduced the report of the Director of Development and Environment (previously circulated) requesting that consideration be given to the principal heads of terms negotiated in respect of the proposed joint venture agreement for Central Park involving the development of Council-owned land and seeking approval to proceed with the joint venture agreement; undertake the Haughton Road junction contract and associated infrastructure works on behalf of Tees Valley Regeneration (TVR) and release the requisite funding received from Tees Valley Partnership and/or TVR for this purpose; commence demolition of four Council houses on Vicarage Road to facilitate the road junction/access road, ahead of the joint venture agreement; permit TVR to undertake on site main drainage works securing the new Darlington College across the Council's depot and allotment land, ahead of the joint venture agreement; and include additional Council land and buildings on Yarm Road into the Central Park development.

RESOLVED - (a) That the principal heads of terms, as appended to the submitted report, be approved and the Director of Development and Environment, in consultation with the Cabinet Member with the Resource Management Portfolio be authorised to conclude negotiations and complete the joint venture agreement.

(b) That subject to the Council receiving confirmation of Single Programme funding for the highways and demolition works, and confirmation that Tees Valley Regeneration will include the value of the houses within the joint venture agreement, referred to in the submitted report Members the following be approved:-

- (i) the demolition of the Vicarage Road houses in advance of completion of the joint venture;
- (ii) the Haughton Road junction contract be awarded and managed by the Council in advance of the joint venture;
- (iii) the mains outfall/gravity sewer contract proceeding on Council land in advance of the joint venture; and
- (iv) the Council owned property on and adjacent to Yarm Road, as indicated in the submitted report, being included in the Central Park development.

(c) That the release of funds, to be received from the Tees Valley Partnership and/or Tees Valley Regeneration, for the Haughton Road junction contract be released at the appropriate time.

(d) That the Director of Development and Environment and the Borough Solicitor, in consultation with the Cabinet Member with the Resource Management Portfolio, be authorised to take steps necessary to conclude negotiations and complete all appropriate documentation.

REASONS - (a) To conclude the joint venture agreement for Central Park.

(b) To enable the commencement of essential infrastructure works to ensure the opening of the new Darlington College and to serve Central Park.

(c) To meet land acquisition requirements for Central Park.

C75. GRANGE BAPTIST CHURCH (EXCLUSION NOS. 7, 8 AND 9) – The Director of Development and Environment submitted a report (previously circulated) seeking authority to enter into a lease of accommodation at The Grange Baptist Church for provision of day care facilities for the Learning Disability Service.

RESOLVED - (a) That a lease of accommodation at the Grange Baptist Church be authorised on the terms detailed in the submitted report.

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

REASONS - (a) To meet the requirements of the Valuing People, White Paper by providing community based socially inclusive resources.

(b) To allow the Learning Disability Service to use the Grange Baptist Church on a formal basis.

C76. TOWN FARM, SADBERGE (EXCLUSION NOS. 7, 8 AND 9) – The Director of Development and Environment submitted a report and plan (both previously circulated) seeking authority to dispose of ten square metres of land at Town Farm and to licence a further 18 square metres of land, as shown on the plan appended to the submitted report, and to regularise ownership on the site.

RESOLVED - (a) That the request to acquire and licence land by Mr. and Mrs. Hurst, as shown on the plan to the submitted report, be approved on the terms detailed in the submitted report.

(b) That the regularisation of land ownership, as detailed in the submitted report, be noted.

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

REASONS - (a) To allow the building of an extension at No. 1 Richmond Cottages.

(b) To establish Mr. and Mrs. Hurst's title to the land.

(c) To achieve the disposal.

C77. COMMERCIAL STREET, DARLINGTON (EXCLUSION NOS. 7 AND 9) – Pursuant to Minute C264/Apr/05, the Director of Development and Environment submitted a report (previously circulated) requesting that consideration be given to the terms negotiated with Discovery Properties Limited in respect of the proposed development of the Council's land at Commercial and Kendrew Street and to seek approval to exchange additional contracts.

RESOLVED - That the terms for the proposed Development Agreement and Lease as contained within the submitted report, be approved and the Director of Development and Environment and the Borough Solicitor be authorised to conclude negotiations and, in consultation with Portfolio Cabinet Members and the Leader of the Council, take measures necessary to complete the requisite legal documentation to facilitate the development.

REASONS - (a) To confirm the previous resolution.

(b) To achieve development set out in the Council's Town Centre Development Strategy.

(c) To benefit the economic well-being of the Borough.

(d) To maximise a revenue stream for the Council consistent with the above objectives.

C78. SKERNE PARK EXTENDED SCHOOL PROJECT (EXCLUSION NOS. 7, 8 AND 9) – The Director of Development and Environment submitted a report (previously circulated) requesting that consideration be given to the granting of a lease of accommodation at the new Skerne Park School to the Skerne Park Community Enterprise Association for the provision of a neighbourhood nursery.

RESOLVED - (a) That a lease be granted to the Skerne Park Community Enterprise Association, as detailed in the submitted report.

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

REASONS - (a) To ensure the appropriate provision of nursery care at Skerne Park School.

(b) To allow the Skerne Park Community Enterprise Association to occupy Council property.

C79. NO. 43 KIELDER DRIVE, DARLINGTON (EXCLUSION NOS. 7 AND 9) – The Director of Development and Environment submitted a report and plan (both previously circulated) seeking authority to dispose of the Council’s freehold interest in approximately 128 square metres (153 square yards) of land immediately to the south of No. 43 Kielder Drive to the owner of that property (as shown on the plan appended to the submitted report).

RESOLVED - (a) That subject to planning permission being obtained, the request to dispose of the land, as shown on the plan appended to the submitted report, be approved on the terms outlined in the submitted report.

(b) That the Borough Solicitor be authorised to complete the sale accordingly.

REASONS - (a) To satisfy the request of the adjoining owner to purchase the land.

(b) To remove from the Council the responsibility for managing the subject land.

(c) To achieve a capital receipt within the timescale outlined in the submitted report.

C80. NO. 134 PARKSIDE, DARLINGTON - LAND TO THE REAR (EXCLUSION NOS. 7, 8 AND 9) – The Director of Development and Environment submitted a report (previously circulated) seeking authority to dispose of the Council’s freehold interest in approximately 63.2 square metres (180 square feet) of land to the rear of No. 134 Parkside (as shown on the plan appended to the submitted report) to the owner of that property.

RESOLVED - (a) That subject to planning permission being obtained, the request to dispose of the land, as shown on the plan appended to the submitted report, be approved on the terms outlined in the submitted report.

(b) That the Borough Solicitor be authorised to complete the sale accordingly.

REASONS - (a) To satisfy the request of the adjoining owner to purchase the land.

- (b) To remove from the Council the potential burden of maintaining the subject land.
- (c) To achieve a capital receipt within the timescale outlined in the submitted report.

C81. NO. 77 GENEVA ROAD, DARLINGTON (EXCLUSION NOS. 7 AND 9) – The Director of Development and Environment submitted a report (previously circulated) seeking authority to dispose of the Council’s freehold interest in approximately 118.5 square metres (1,275 square feet) of land to the south of No. 77 Geneva Road, as shown on the plan appended to the submitted report, to the owners of that property.

RESOLVED - (a) The request to dispose of the land, as shown on the plan appended to the submitted report, be approved on the terms, as outlined in the submitted report.

- (b) That the Borough Solicitor be authorised to complete the sale accordingly.

REASONS - (a) To satisfy the request of the adjoining owner to purchase the land.

- (b) To remove from the Council the potential burden of maintaining the subject land.
- (c) To achieve a capital receipt within the timescale outlined in this report.

C82. SCHEDULE OF TRANSACTIONS (EXCLUSION NOS. 7, 8 AND 9) – The Director of Development and Environment submitted a report and schedule (both previously circulated) requesting that consideration be given to the schedule of transactions 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, 30TH SEPTEMBER, 2005**