

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY, 25TH APRIL, 2005**

CABINET
12th April, 2005

PRESENT - Councillor Williams (in the Chair); Councillors Dixon, Harker,
D.A. Lyonette, McEwan, L. Vasey and Wallis. (7)

APOLOGIES – Councillor Bristow.

ALSO IN ATTENDANCE – Councillors Johnson and Richmond. (2)

C251. DECLARATION OF INTERESTS – That in respect of Minutes C255(2) below, Councillor Williams declared a personal but non-prejudicial interest, as his wife was the Headteacher at Whinfield Primary School; Councillor Dixon declared a personal but non-prejudicial interest as he had a child at Hummersknott Comprehensive School; Councillor Harker declared a personal but non-prejudicial interest as he was a Governor at Reid Street Primary School; Councillor D.A. Lyonette declared a personal but non-prejudicial interest as he had a grandchild at Carmel RC Technology College; Councillor McEwan declared a personal but non-prejudicial interest as he had children at Whinfield Primary and Haughton Comprehensive Schools; Councillor L. Vasey declared a personal but non-prejudicial interest as she had children at North Road Primary and Longfield Comprehensive Schools; and Councillor Wallis declared a personal but non-prejudicial interest as he had a child at George Dent Nursery School.

C252. MINUTES - SUBMITTED - The Minutes (previously circulated) of the meeting of Cabinet held on 15th March, 2005.

RESOLVED - That the Minutes be confirmed.

REASON - That they represent an accurate record of the meeting.

C253. MATTERS REFERRED TO CABINET - There were no matters referred back for re consideration.

C254. ISSUES ARISING FROM SCRUTINY- There were no issue referred from Scrutiny Committees to this meeting

C255. KEY DECISIONS – (1) Targeted Capital Fund 2005 - Submission from Hummersknott Language College – The Cabinet Member with the Children's Services Portfolio introduced the report of the Director of Children's Services (previously circulated) seeking approval for submission of a bid under the Department of Education and Skills (DfES) Targeted Capital Fund (TCF) for financial support to remodel and, in some areas replace, the existing Hummersknott Language College.

The Cabinet Member with the Children's Services Portfolio stated at the meeting that the closing date for submission of bids had been put back to the 27th May, 2005, and as such the report was

no longer classed as an urgent item in accordance with the Scrutiny Committee 'call in' Procedure Rules.

RESOLVED – (a) That a proposal to bid for Targeted Capital Funding to undertake works at Hummersknott Language College, be made.

(b) That Corporate investment of £3 million matched funding be agreed, in principle, subject to the approval of Council.

REASON - There is a clear need for significant capital investment to be made into Hummersknott Language College which will have a direct effect upon the Authority's drive to raise educational standards in Darlington. At present, a bid for Targeted Capital Funding is the only available funding stream to provide such support.

(2) CHILDREN'S SERVICES EDUCATION PREMISES CAPITAL PROGRAMME 2005-2006 - The Cabinet Member with the Children's Services Portfolio introduced the report of the Director of Children's Services (previously circulated) requesting that consideration be given to the capital programme of works in schools for 2005/06 and the release of funding to support those schemes.

RESOLVED - (a) That the results of the Schools Capital Allocation Round 2005-2006 and the recent funding allocations, as detailed in the submitted report, be noted.

(b) That the capital programme of works in schools for 2005-2006, as detailed in Annex B of the submitted report, be approved and the funding to support those schemes, as detailed in Annex A of the submitted report, be released.

REASON - To ensure the funding of over £5 million secured for Darlington schools can be directed at the most urgent building projects providing an improved environment for children to learn.

(3) LOCAL TRANSPORT PROGRAMME PLAN EXPENDITURE 2005/06 - The Cabinet Member with the Highways and Transport Portfolio introduced the report of the Director of Development and Environment (previously circulated) requesting that consideration be given to the release of capital funds associated with the proposed works to be carried out in the 2005/06 financial year under the Local Transport Plan programme.

RESOLVED - (a) That the £3.062 million allocation from the Local Transport Plan for works to be carried out in the 2005/06 financial year, as outlined in Table 2 of Appendix 1 to the submitted report, be released.

(b) That the borrowing of £2.630 million through the Prudential Borrowing Scheme, for works to be carried out in 2005-2007, as outlined in the submitted report, be released.

REASON - (a) The full release of the Local Transport Plan allocation as proposed is deemed to be the most effective use of the 2005/06 settlement in view of approved outcomes for the first Local Transport Plan, approved transport strategies, current Government guidance and the practicalities of scheme delivery.

(b) To accelerate the maintenance programme in order to better meet the concerns of local residents over highway maintenance and lighting issues.

(4) RIGHT TO BUY SCHEME - REPAYMENT OF DISCOUNT - The Cabinet Member with the Community and Public Protection Portfolio introduced the report of the Director of Community Services (previously circulated) advising Members of the new legislation in respect of the Right to Buy Scheme for the Council's housing stock and seeking approval to exercise discretion where the repayment of discounts would lead to demonstrable personal hardship.

RESOLVED - That it be recommended to Council that:-

(a) the Delegated Powers of the Director of Community Services be varied to include powers to waive the repayment period of Right to Buy discounts in consultation with the Cabinet Member with the Community and Public Protection Portfolio and that any such decisions be formally recorded.

(b) the Council's constitution be amended to reflect the change in the Director of Community Services' delegated powers.

REASON - To avoid situations where the repayment of the Right to Buy discount would lead to demonstrable personal hardship.

(5) COMMERCIAL STREET, DARLINGTON - The Cabinet Member with the Regeneration and Planning Portfolio introduced the report and plan of the Director of Development and Environment (both previously circulated) outlining the developer selection process undertaken to bring forward the development on the Council's Commercial Street and Kendrew Street sites.

RESOLVED – That the decision be made in Part III of this meeting (see Minute C264 below).

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

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

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

C256. CORPORATE AND BEST VALUE PERFORMANCE PLAN 2005 - 2008 - The Leader introduced the report of the Acting Chief Executive (previously circulated) reporting the arrangements for the production of the 2005/08 Corporate and Best Value Performance Plan in order to meet Government Guidance and to comply with audit and related planning requirements.

RESOLVED – (a) That the proposed approach and process for the production of the Corporate and Best Value Performance Plan 2005 – 2008, as detailed in the submitted report, be noted.

(b) That a draft Corporate and Best Value Performance Plan 2005/08 be submitted to a special meeting of Council scheduled for 20th June 2005.

REASONS - (a) To comply with the Council's legal duties in accordance with the Local Government Act 1999 and ODPM guidance (as revised).

(b) To meet production deadlines for the design and print of the Corporate and Best Value Performance Plan.

C257. COMPREHENSIVE PERFORMANCE ASSESSMENT - CORPORATE ASSESSMENT - The Leader introduced the report of the Acting Chief Executive (previously circulated) presenting the Audit Commission's final Comprehensive Performance Assessment (CPA) Corporate Assessment Report (also previously circulated) and requesting that consideration be given to the Council's response to the report.

RESOLVED – (a) That the organisational development strategy be revised and developed to support the cultural change required to deliver improvement.

(b) That a more formal approach to project and programme management be introduced corporately.

(c) That a holistic approach be taken towards delivering Gershon efficiencies so that the areas for development be addressed at the same time as delivering efficiencies.

(d) That the Comprehensive Performance Assessment improvement plan be incorporated into the Corporate Plan/Best Value Performance Plan.

REASON - To continue to deliver excellent services to local people

C258. (URGENT ITEM) ACHIEVING GERSHON EFFICIENCIES - The Leader introduced the report of the Corporate Management Team (previously circulated) requesting that consideration be given to a strategy to achieving Gershon efficiencies and requesting that consideration be given to endorsing the Council's first Annual Efficiency Statement (AES) to meet national requirements.

RESOLVED – (a) That the authority embrace Gershon and publicly state that the next stage of the Council's organisational development 'leading edge' be the prime means through which the Gershon efficiencies are delivered in the medium to long term.

(b) That appendices 1 and 2 of the submitted be used, after appropriate editing, to form the basis of our first Annual Efficiency Statement by the deadline of 15th April 2005.

REASONS - (a) To identify a strategic approach to achieving the efficiencies described in our Medium Term Financial Plan.

(b) To meet Government requirements.

C259. HIGHWAYS ACT 1980 - OBJECTION TO ROAD HUMP ADVERTISED UNDER SECTION 90A - 20 MPH ZONE - PRIOR STREET (PART), COCKERTON GREEN (PART) AND NEWTON LANE (PART) - The Cabinet Member with the Highways and Transport Portfolio introduced the report of the Director of Development and Environment (previously circulated) requesting that consideration be given to the objection received to a speed table outside Nos. 6, 8 and 10 Newton Lane.

RESOLVED – That the objection to the speed table outside Nos. 6, 8 and 10 Newton Lane, as detailed in the submitted report, be set aside.

REASON - To allow the implementation of the traffic calming scheme.

C260. CAPITAL PROGRAMME 2005/06 - RELEASE OF FUNDS FOR WORKS TO RAILWAY MUSEUM ROOF - The Cabinet Member with the Leisure Services Portfolio introduced the report of the Director of Development and Environment (previously circulated) seeking approval to release capital monies approved in the 2005/06 Capital Programme for the Railway Museum.

RESOLVED – That the details of the scheme, as detailed in the submitted report, be noted and the release of £400,000 previously approved by the Council and an additional £90,000 to enable the repair and restoration to the station building and train shed to be undertaken, be approved.

REASON - To enable work to proceed on the Capital Medium Term Financial Plan.

C261. COMMUNITY GRANTS 2005/06 - The Leader introduced the report of the Director of the Corporate Services (previously circulated) requesting that consideration be given to an application in respect of community grant received from an individual.

RESOLVED - That a grant of £1,000 be made to Peter Rowley, Director and Chief Executive of the Darlington Building Society for the Flora London Marathon scheduled to take place on Sunday, 17th April, 2005 in aid of four local hospice movements.

REASON - The application met the criteria for support.

C262. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C263. 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.

C264. COMMERCIAL STREET (EXCLUSION NO. 7 AND 9) - Pursuant to Minute C255(5) above, the Cabinet Member with the Regeneration and Planning Portfolio introduced the report and plan of the Director of Development and Environment (both previously circulated) requesting that consideration be given to the four submissions of the short-listed developers and requesting that a preferred developer be selected to bring forward the development on the Council's Commercial Street and Kendrew Street sites.

RESOLVED – (a) That Developer D be selected as the Council's preferred developer for the land at Commercial Street and Kendrew Street, as shown on the plan appended to the submitted report, on the basis of the terms and scheme proposal referred to in the submitted report and Developer A be selected in reserve should the preferred developer not proceed in a reasonable timescale.

(b) That the Director of Development and Environment and the Borough Solicitor be authorised to negotiate and, in consultation with Portfolio Cabinet Members and the Leader of the Council, take measures necessary to complete the legal documentation to facilitate development by Company D at the earliest opportunity and with Company A, should Company D not proceed.

(c) That the terms agreed be reported to Cabinet in due course.

REASONS - (a) To achieve development set out in the Council's Town Centre Development Strategy;.

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

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

C265. SCHEDULE OF TRANSACTIONS (EXCLUSION NO. 7,8 AND 9) - The Cabinet Member with the Resource Management Portfolio introduced the report and schedule of the Director of Development and Environment (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, 15TH APRIL, 2005**