

**DECISIONS SHOULD NOT BE IMPLEMENTED  
BEFORE MONDAY, 24TH DECEMBER, 2007**

**CABINET**  
11th December, 2007

**PRESENT** - Councillor Williams (in the Chair); Councillors Chapman, Copeland, Dixon, Harker and D.A. Lyonette. (6)

**INVITEES** - Councillors Barker and Mrs. Scott and Mr. A. McConachie. (3)

**APOLOGIES** – Councillors McEwan, Thistlethwaite, Wallis, I. Haszeldine, S. Jones and Swainston. (6)

**C125. DECLARATION OF INTERESTS** – There were no declarations of interested reported at the meeting.

**C126. REPRESENTATIONS** – Members of Council in attendance at the meeting made representations in respect of Minutes C130(2) and (4) and C134.

**C127. MINUTES** - Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 13th November, 2007.

**RESOLVED** - That the Minutes be confirmed.

**REASON** - They represent an accurate record of the meeting.

**C128. MATTERS REFERRED TO CABINET** – There were no matters referred back for reconsideration.

**C129. ISSUES ARISING FROM SCRUTINY** – There were no issues referred from Scrutiny Committee to this meeting.

**C130. KEY DECISIONS – (1) Supporting People Commissioning Strategy** - The Cabinet Member with the Neighbourhood Services and Community Safety Portfolio introduced the report of the Director of Community Services (previously circulated) seeking approval to the Supporting People Draft Commissioning Strategy 2007/10 (also previously circulated).

Discussion ensued at the meeting on one of the service providers referred to the strategy; to their original remit; and to their responsibility to tackle issues relating to their facility, which might affect the area in which their facility was located.

**RESOLVED** - That the report be noted and the Supporting People Draft Commissioning Strategy 2007/10, as appended to the submitted report, be approved.

**REASONS** - (a) To enable the effective commissioning of housing related support services.

(b) To help achieve the priorities of the Supporting People five year Strategy.

**(2) Borough Road Area Residents' Parking Scheme** - The Cabinet Member with the Transport Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to the objections received to the publication of the Traffic Regulation Order in relation to the Borough Road area.

In response to concerns raised by a Member, the Director of Community Services stated that residents' parking was currently being reviewed and would be reported in due course; and that he would confirm with the Member concerned whether the permits for the Borough Road area would require payment.

**RESOLVED** - That the objections, as detailed in the submitted report, be set aside and the proposals as advertised in the traffic regulation order for the Borough Road area, be implemented.

**REASON** - In order to introduce a parking scheme that improves the quality of life for the community.

**(3) Refurbishment of the Parks - Release of Capital Funding from the Medium Term Financial Plan** - The Cabinet Member with the Resources Portfolio introduced the report of the Director of Community Services (previously circulated) requesting the release of funding from within the Capital Programme for the refurbishment of parks, to assist in the delivery of the Local Area Agreement funded projects.

Discussion ensued on the parks to be refurbished and a Member requested clarification on whether Green Park was one of the parks to be refurbished.

**RESOLVED** - That £50,000 be released from the Council's capital programme to undertake the refurbishment of the parks.

**REASON** - To enable the Council to contribute towards the delivery of improvements to parks and open spaces identified in the Local Area Agreement.

**(4) Darlington Local Development Framework : Core Strategy Issues and Options - Community and Stakeholder Consultation** - The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) on the progress of the Core Strategy, which would form part of the new Darlington Local Development Framework, which was being prepared by the Council, and to seek views on the subject matter for, and approach to, a fresh consultation with the community and stakeholders, in conjunction with the consultation on the new Sustainable Community Strategy for Darlington. The Darlington Core Strategy, together with Tees Valley Minerals and Waste Core Strategy, would provide the overarching strategic policy component of the Darlington Local Development Framework and would be amongst the first of its constituent documents to be produced.

Following a question by a Member, it was reported that Climate Change would be central to all the Council's emerging strategies.

Discussion ensued on the process for the document and its links with the Local Area Agreement and the draft Sustainable Community Strategy.

**RESOLVED** - (a) That the draft Darlington Core Strategy Issues and Options 2008 document, as appended to the submitted report, be agreed as the basis for consultation.

(b) That the Assistant Chief Executive (Regeneration) in consultation with the Cabinet Member with the Economy Portfolio, be authorised to amend the draft report and appraisal prior to publication, in response to wording of the Sustainable Community Strategy document.

(c) That consultation be undertaken alongside and in conjunction with consultation on the draft Sustainable Community Strategy, as outlined in the submitted report.

(d) That the Sustainability Appraisal report be published and comments invited thereon.

(e) That a report be submitted to a future meeting of Cabinet, after the close of consultations and adoption of the new Sustainable Community Strategy:

- (i) outlining the responses received and the views of the Economy and Environment Scrutiny Committee; and
- (ii) presenting a proposed Darlington Core Strategy Preferred Options document and details of proposed public participation arrangements.

**REASONS** – (a) To meet the regulatory requirements for preparing a core strategy development plan document.

(b) To accord with the Council’s guiding principles and commitments for community engagement in planning set out in the Statement of Community Involvement.

**(5) (ITEM CALLED-IN) Corporate Complaints Process - Proposed Changes** - The Cabinet Member with the Communities and Engagement Portfolio introduced the report of the Assistant Chief Executive (previously circulated) informing Members of the proposed changes to the Council’s Corporate Complaints Process and seeking outline approval for the process changes and funding required for implementation.

A Member expressed concern as to the costs associated with the proposed changes to the Corporate Complaints process in relation to the number of complaints received.

It was reported that the new process would be clearer and easier for members of the public to follow; the number of stages of the process would be reduced from three to two; the recording of all complaints would be improved; and the public would receive an improved service.

**RESOLVED** - (a) That a streamlined two-stage complaints process, as detailed in the submitted report, to be managed centrally, be adopted.

(b) That £51,000 of funding be released, to allow implementation of the changes to the Corporate Complaints Process.

**REASONS** - (a) The need to reduce the number of complaints being received by the Local Government Ombudsman either following full internal investigation or prematurely.

(b) The need to improve customer satisfaction with respect to complaints handling.

(c) The need to readily establish the position of a specific complaint or overall complaints received/pending/resolved at any point in time.

(d) The need to reduce duplication of effort in investigating complaints at stages 2 and 3.

**C131. ANNUAL PERFORMANCE ASSESSMENT 2007 - (1) Children's Services** - The Director of Children's Services submitted a report (previously circulated) informing Members of the outcome on the Annual Performance Assessment (APA) of Darlington Borough Council's Children's Services for 2007. A copy of the letter from Ofsted, summarising the findings of the 2007 Annual Performance Assessment, was appended to the submitted report.

**RESOLVED** - That the results of the Annual Performance Assessment, as detailed in the submitted report, be noted and officers and partners be congratulated on their work, in achieving the results from the assessment.

**REASON** - To inform Members of the current performance of Darlington Borough Council's Children's Services.

**(2) Adult Social Services** - The Director of Community Services submitted a report (previously circulated) informing Members of the outcome of the Annual Performance Assessment for Social Care Services for Adults carried out by the Commission for Social Care Inspection (CSCI). A copy of the notification letter from the CSCI was appended to the submitted report.

**RESOLVED** - That the Annual Performance Assessment, as detailed in the submitted report, be noted and officers and partners be congratulated on their work, in achieving the results from the assessment.

**REASON** - To comply with the requirements to report the outcome of the performance ratings and judgements within two months of notification at to make it available to the public.

**C132. DRAFT VISION FOR DARLINGTON** - The Leader introduced the report of the Assistant Chief Executive (previously circulated) requesting that consideration be given to the draft vision, priorities and themes of the draft Sustainable Community Strategy (SCS) and to the incorporation of the structure into corporate, service and financial planning. A copy of the draft Sustainable Community Strategy was appended to the submitted report.

**RESOLVED** - That the draft Sustainable Community Strategy, as appended to the submitted report, be endorsed and used as a basis for further extensive consultation.

**REASON** - As a major delivery organisation of the Sustainable Community Strategy, that the draft proposals are incorporated into corporate, service and financial planning.

**C133. OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN - REVIEW** - Pursuant to Minute C109/Nov/07, 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 indicating any points of particular attention and/or referral to the Standards Committee since the last meeting of Cabinet held on 13th November, 2007.

**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.

**C134. CLIMATE CHANGE - UPDATE** - The Cabinet with the Sustainable Environment and Climate Change portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) informing Members of progress to date on Darlington's response to climate change and requesting that consideration be given to a list of actions being carried out by the Council which could form part of the climate change action plan currently being prepared.

Discussion ensued on renewable energy targets; renewable energy provisions in any new Local Authority developments and Central Park; lack of recycling in certain areas; innovative ways of communicating with the hard to reach groups; provision of recycling bins in the Town Centre; and inclusion of a standard paragraph in reports on Climate Change.

It was reported that climate change would be taken into account when developing plans for any future council buildings and that further consultation would be undertaken on collection of waste and recycling, in advance of the implementation of the new Waste Management Contract.

**RESOLVED** - (a) That the actions, as detailed in the submitted report, be used as input into the Climate Change Action Plan together with work being undertaken by Scrutiny Committees and Darlington Partnership and with outcomes from public consultations.

(b) That a further report be submitted to a future meeting of Cabinet on a draft Climate Change Action Plan.

**REASONS** - To accord with the Council's commitment to tackle causes and effects of Climate Change as set out in the Darlington and Tees Valley Climate Change Strategy.

**C135. PUBLIC PROTECTION FORUM** - Submitted - The Minutes (previously circulated) of the minutes of the Public Protection Forum held on 11th October, 2007.

**RESOLVED** - That the Minutes be received.

**REASON** - They represent an accurate record of the meeting.

**C136. DARLINGTON ENVIRONMENTAL FORUM** - Submitted - The Minutes (previously circulated) of the minutes of the Darlington Environmental Forum held on 8th October, 2007.

**RESOLVED** - That the Minutes be received.

**REASON** - They represent an accurate record of the meeting.

**C137. GENDER EQUALITY SCHEME** - The Cabinet Member with the Communities and Engagement Portfolio introduced the report of the Assistant Chief Executive (previously circulated) presenting the Council's first draft Gender Equality Scheme (also previously circulated).

**RESOLVED** - That the report be noted and the Gender Equality Scheme, as appended to the submitted report, be endorsed.

**REASON** - To ensure that the Council is able to comply with the gender equality duty by publishing its first Gender Equality Scheme.

**C138. CITIZENS ADVICE BUREAU FUNDING** - The Cabinet Member with the Communities and Engagement Portfolio introduced the report of the Assistant Chief Executive (previously circulated) on a request for funding from the Citizens Advice Bureau.

**RESOLVED** - (a) That the Citizens Advice Bureau be awarded one off funding of £27,400, to enable them to develop a sustainable medium term business plan.

(b) That Officers continue to assist the Citizens Advice Bureau in developing the business case and that continued core funding be contingent on the strength of that business case.

**REASONS** - (a) To enable the Citizens Advice Bureau to continue to provide advice to Darlington residents.

(b) To enable sufficient time to be devoted to developing a viable business case.

**C139. DARLINGTON TRANSPORT FORUM** - Submitted - The Minutes (previously circulated) of the minutes of the Darlington Transport Forum held on 22nd October, 2007.

**RESOLVED** - That the Minutes be received.

**REASON** - They represent an accurate record of the meeting.

**C140. (URGENT ITEM) SKERNINGHAM COMMUNITY WOODLAND - EXTENSION** - The Cabinet Member with the Health and Leisure Portfolio introduced the report of the Director of Community Services and the Director of Corporate Services (previously circulated) requesting that consideration be given to a change in management of 5.5 hectares of Council-owned, as shown on the plan appended to the submitted report, presently under agricultural tenancy and used for cereal farming, into land managed for nature conservation purposes and as an important addition to land dedicated for access to attractive and biodiverse countryside in this part of Darlington's urban fringe.

**RESOLVED** – That the change in management of the land at Skerningham Community Woodland, as detailed in the submitted report, be approved.

**REASON** - The change of management of this Council owned farmland is necessary to allow for the translocation of the important species rich grassland at Faverdale and the improvement of access to quality countryside in this part of Darlington.

**C141. DARLINGTON LOCAL DEVELOPMENT FRAMEWORK : TEES VALLEY JOINT MINERALS AND WASTE DEVELOPMENT PLAN DOCUMENTS - PREFERRED OPTIONS** - The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) seeking authorisation for the Planning and Economic Strategy Board of Tees Valley Unlimited to carry out public consultation on preferred options for future minerals and waste development in the Tees Valley.

**RESOLVED** - (a) That the preferred options reports for the joint Tees Valley Minerals and Waste Development Plan Documents, be endorsed, for the purposes of public consultation by the Planning and Economic Strategy Board of Tees Valley Unlimited.

(b) That the Assistant Chief Executive (Regeneration), in consultation with the Cabinet Member with the Economy Portfolio, be authorised to amend the draft report and appraisal prior to publication, if required in response to changed circumstances.

**REASONS** - The need to meet the milestone in the Council's local development scheme of public consultation on the joint minerals and waste preferred options in February 2008.

**C142. PRUDENTIAL INDICATORS UPDATE AND TREASURY MANAGEMENT HALF-YEAR REVIEW** - The Cabinet Member with the Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to the update to the prudential indicators and half-yearly review of the Council's treasury management borrowing and investment activities; the changes to the Medium Term Financial Plan with regard to the Treasury Management budget; and new money limits for Counterparties.

**RESOLVED** - (a) That the revised prudential indicators and limits, as detailed within Tables 1 to 11 of the submitted report, be approved.

(b) That the Treasury Management half yearly review, as detailed in the submitted report, be noted.

(c) That the new counterparty monetary limits, as detailed in Table 14 of the submitted report, be agreed.

(d) That the report be referred to Council to approve the updated Prudential Indicators.

**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.

**C143. CAPITAL PROGRAMME - RELEASE OF FUNDING FOR DISABILITY DISCRIMINATION ACT AND FIRE REGULATORY REFORM COMPLIANCE** - The Cabinet Member with the Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to the release of funding approved in the 2007/08 Capital Programme to enable Disability Discrimination Act and Fire Regulatory Reform Compliance.

**RESOLVED** - That £50,000, identified in the submitted report, be released from the 2007/08 Capital Medium Term Financial Plan to enable Disability Discrimination Act and Fire Regulatory Reform Compliance.

(b) That the Director of Corporate Services, be authorised to undertake the works identified in the submitted report and/or considered appropriate to ensure compliance with the relevant legislation.

**REASONS** - (a) To ensure funds are available.

(b) To enable appropriate works to be progressed.

**C144. MEMBERSHIP CHANGES** - There were no membership changes reported at the meeting.

**C145. 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 1 and 3 of Part I of Schedule 12A to the Act.

**C146. BUS DEPOT - FEETHAMS (EXCLUSION PARAGRAPH NOS. 1 AND 3)** - The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) and the Director of Corporate Services (previously circulated) requesting that consideration be given to the terms negotiated for the purchase of Arriva's leasehold interest in the bus depot and associated funding proposals for the purchase.

**RESOLVED** - (a) That the Director of Corporate Services, in consultation with the Cabinet Member with the Resources Portfolio, be authorised to conclude the acquisition of the leasehold interest in the bus depot, on the terms outlined in the submitted report, subject to confirmation of external funding.

(b) That the Assistant Chief Executive (Regeneration) be authorised to take the necessary steps to secure the funding, identified in the submitted report, and to progress the proposed demolition and car park works, also as identified in the submitted report.

(c) That the Borough Solicitor be authorised to conclude the legal documentation accordingly.

**REASONS** - (a) To enhance the economic well-being of the Borough.

(b) To facilitate re-development of the bus depot and wider Town Centre Fringe sites.

**C147. SCHEDULE OF TRANSACTIONS (EXCLUSION PARAGRAPH NO. 3)** - The Cabinet Member with the Resources Portfolio introduced the report and schedule of the Director of Corporate Services (both previously circulated) requesting that consideration be given to the schedule of transaction and seeking approval for 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, 14TH DECEMBER, 2007**