

**DECISIONS SHOULD NOT BE IMPLEMENTED  
BEFORE MONDAY, 22ND SEPTEMBER, 2008**

**CABINET**  
9th September, 2008

**PRESENT** – Councillor Williams (in the Chair); Councillors Chapman, Copeland, Dixon, Harker, McEwan , D.A. Lyonette, A.J. Scott and Wallis. (9)

**INVITEES** – Councillors Barker and Mrs Scott. (2)

**APOLOGIES** - Councillors Haszeldine and Swainston and Mr A. MacConachie. (3)

**ALSO IN ATTENDANCE** – Councillors G. Cartwright, Richmond and Stenson. (3)

**C40. DECLARATION OF INTERESTS** – In respect of Minute C46(2) below, the Chair declared a personal but non-prejudicial interest as his mother was in receipt of some of the services referred to in the report and Councillor Stenson declared a personal and prejudicial interest, as his wife was in receipt of some of the services referred to in the report, and left the meeting after he addressed Members in respect of his concerns.

**C41. REPRESENTATIONS** – In respect of Minute 45(2) and (3) below, representations were made at the meeting, by Members and members of the public in attendance.

**C42. MINUTES** - Submitted - The Minutes (previously circulated) of the meeting of Cabinet held on 8th July, 2008.

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

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

**C43. MATTERS REFERRED TO CABINET** - There were no matters referred back for reconsideration.

**C44. ISSUES ARISING FROM SCRUTINY** – There were no issues arising from scrutiny.

**C45. KEY DECISIONS – (1) 14 to 19 Commissioning Strategy** – The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Children’s Services (previously circulated) seeking approval for the development of arrangements for commissioning future education, training and schools development for 14 to 19 year olds in the Borough and in neighbouring authorities. Submissions of intent were required to be submitted to the Department for Children, Schools and Families (DCSF) by 26th September, 2008.

The submitted report stated that it was proposed that responsibilities held by the Learning and Schools Council (LSC), for education and training for 16 to 18 year olds, be transferred to Local Authorities in 2010.

The Director of Children's Services reported at the meeting that it was proposed to establish a sub-regional group in the Tees Valley to work together to commission 14-19 educational and training provision.

Following comments from a Member, it was reported that the Young Peoples Learning Agency would have responsibility to ensure that there was sufficient provision for special educational needs and that it had been suggested that Stockton be appointed as the Lead Authority, for the sub-regional group for the Tees Valley, on a temporary basis.

**RESOLVED** – That a submission be made to the Department for Children, Schools and Families (DCSF) on proposals to work in collaboration with the other Tees Valley Authorities to secure future education, training and schools development for 14-19 year olds.

**REASON** – In order to be able to enter into discussions about how best to secure the most effective provision when responsibility transfers to Local Authorities in 2010.

**(2) Fairer Charging Guidance for Adult Services in Darlington – Review** – The Director of Community Services submitted a report (previously circulated) requesting that consideration be given to a number of proposed changes in the policy and practice of charging for non-residential adult social care services, following extensive consultation.

A number of questions were raised at the meeting, by Members, representatives from Dimensions Disability Initiative and the Chair of the Darlington Disability Carers Group, namely, was this the appropriate time to discuss the issue, as there was a government review scheduled; had a full equality impact assessment been undertaken; was there a positive impact for disabled people; and had consideration had been given to the Fairness Policy, including the charging for services. Members were requested to reconsider the implementation of this policy at this time, to allow consideration to be given to the implications of the policy as it was felt that it would have a negative impact on disabled people, carers and families and that some people would be discriminated against as they would be charged for services while others would not.

Although, it was acknowledged that there had been a lot of consultation, it was felt that there still needed to be more engagement with disabled people on the proposals and that the changes made to the policy, following consultation, should have been discussed with service users/carers, as part of the consultation process. References were also made to the supported employment service; provision of training and rehabilitation services; and charging for refreshments.

The Director of Community and the Cabinet Member with the Adult Services Portfolio, thanked speakers for their comments and responded to the issues and questions, thereon. Reference was made to the Disability Equality Duty placed upon public bodies to promote equality for disabled people and the Disability Impact Assessment which had been undertaken in accordance with the Council's policy and that decisions would be taken in light of that. It was also stated that the main aim of the review was to address the current inconsistencies in charging for services and that the original proposals had been amended as a result of the consultation exercise.

**RESOLVED** – That it be recommended to Council, at its meeting scheduled to be held on Thursday, 2nd October, 2008, that:-

(a) Proposals 1, 3, 4 and 5, as detailed in the submitted report, for implementing changes to the charging policy for non-residential Adult Social Care Services, be agreed;

(b) charges for Home Care Services, as outlined in Proposal 2 in the submitted report, be agreed, at a flat rate of £10.61 per hour, phased in over the period 2008/09 to 2011/12;

(c) Proposal 6, as detailed in the submitted report, in respect of charges for transport be not proceeded with; and

(d) a period of at least three months be allowed for financial assessments to be completed prior to implementation.

**REASONS** – (a) The proposals will eliminate inequalities in the current charging policy for non-residential Adult Social Care Services.

(b) The proposals have been amended as a result of extensive consultation with Service Users and Carers and the completion of a Disability Equality Impact Assessment.

**(3) Second Local Transport Plan Expenditure 2008/2011 – Revisions** – The Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (Regeneration) seeking approval to vary the previously agreed programme for the Second Local Transport Plan (2LTP) in order to address emerging priorities that had arisen since the original Cabinet approval on 18th March, 2008.

A Member in attendance at the meeting requested Members to consider re-introducing subsidised bus services to Harrowgate Hill Farm, when the current contracts expire, and handed a petition to the Chair in that regard.

A number of issues were raised at the meeting, including:- traffic congestion; the process for applying for traffic calming measures; the cost of slope stabilisation at Middleton One Row; how much Durham Constabulary would contribute to the works associated with the Speed Management Strategy; congestion on the Darlington Eastern Transport Corridor (DETC); the timing of the traffic lights on the DETC; enforcement of traffic calming schemes; communication to residents on rescinded schemes; and consultation on future individual schemes. The Assistant Chief Executive (Regeneration) responded to questions thereon.

**RESOLVED** – (a) That the changes to the Second Local Transport Plan capital programme for 2008-11, for expenditure broken down across financial years, as detailed in the submitted report, be approved.

(b) That the Assistant Chief Executive (Regeneration), be authorised, in consultation with the Cabinet Member with the Transport Portfolio, to vary the implementation of the agreed list of schemes, as detailed in the submitted report.

**REASONS** - To ensure that the most effective use is made of the settlements for 2008/11 by permitting a timely start to be made on the full programme of works.

**C46. OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN – REVIEW** – Pursuant to Minute C27/Jul/08, the Leader introduced the report of the Director of Corporate Services (previously circulated) providing Members with an update on 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 ordinary meeting of Cabinet held on 8th July, 2008.

**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.

**C47. TEES VALLEY GREEN INFRASTRUCTURE STRATEGY – ADOPTION** – The Cabinet Member with the Sustainable Environment and Climate Change Portfolio introduced the report to the Director of Community Services (previously circulated) requesting that Members adopt the Tees Valley Green Infrastructure Strategy (also previously circulated) and associated Action Plan, as it applied to Darlington, and by doing so it would help to make the best use of the town's existing green spaces as well as adding to those in a way that added value and interest to the adjacent built environment, keeping Darlington in step with the neighbouring authorities in the Tees Valley.

**RESOLVED** – That the Tees Valley Green Infrastructure Strategy, as appended to the submitted report, be adopted and its aims and objectives be supported and implemented in the Borough of Darlington.

**REASONS** – (a) Better co-ordinate the delivery of the wide range of benefits that an effective green infrastructure can bring to a community.

(b) Provide greater guidance on how other key related Council policies can incorporate objectives for the provision of a better quality green environment.

**C48. TEES VALLEY JOINT WASTE MANAGEMENT STRATEGY** – The Cabinet Member with the Sustainable Environment and Climate Change Portfolio introduced the report of the Director of Community Services (previously circulated) seeking approval for the adoption of the Tees Valley Joint Waste Management Strategy (also previously circulated).

**RESOLVED** - (a) That the Tees Valley Joint Waste Management Strategy 2008 and supporting documents, as appended to the submitted report, be adopted.

(b) That Officers produce an implementation plan during 2008 specific to this Council, to be refreshed annually.

**REASONS** - (a) To enable Darlington to continue to work in partnership with the other Tees Valley authorities on developing and delivering a sustainable waste management service.

(b) To enable Darlington, through its individual implementation plan, to deliver the policies within the Tees Valley Joint Waste Management Strategy 2008.

**C49. HACKNEY CARRIAGE FARES – VARIATION** – The Cabinet Member with the Transport Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to an application to revise the tariffs levied in respect of hackney carriage fares.

**RESOLVED** – That the application to increase the current hackney carriage tariff, as detailed in the submitted report, be refused.

**REASON** – The hackney carriage tariffs were increased in January 2008 and there has been substantial opposition by the trade to the recent application.

**C50. NATIONAL STATION TRAVEL PLAN PILOT PROGRAMME** – The Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (Regeneration) seeking approval for Officers to work with the Association of Train Operating Companies on developing a travel plan for Darlington’s Bank Top Station, as part of a National Station Travel Plan Pilot Programme.

It was requested, that businesses and cycling groups be consulted on the proposals.

**RESOLVED** - (a) That the Council participate in the National Station Travel Plan Pilot Programme.

(b) That the measures identified through the development of the Travel Plan for Bank Top Station be the subject of a future report to Cabinet.

**REASONS** – (a) Raise the national profile of Darlington Bank Top Station, focusing the attention of the rail operator on improving access and the physical environment within the Station.

(b) Bring in some additional funding and expertise to complete a study of how passengers currently access the station. It is proposed that the survey takes place in October or November 2008.

(c) Help to identify areas where the Council, the train operators and other key stakeholders, for example bus operators and businesses, could work together on improving access to/from the station, including securing funding from external partners.

**C51. SITE INVESTIGATION WORK AT FOUR FORMER LANDFILL SITES** – The Cabinet Member with the Health and Leisure Portfolio introduced the report of the Director of Corporate Services (previously circulated) informing Members of the award of grants from the Department of Environment, Food and Rural Affairs (DEFRA), to undertake site investigation works at four former landfill sites, as shown on the plans appended to the submitted report, and seeking approval to the release of that funding to undertake the works.

**RESOLVED** – That grant funding of £190,760 be released to carry out the intrusive site investigation works at four former landfill sites, as detailed in the submitted report.

**REASON** – Compliance with the Council Statutory Duty under Part 2A of the Environmental Protection Act 1990 to inspect its Borough to identify and remediate contaminated land.

**C52. (URGENT ITEM) CENTRAL PARK – EXTENSION OF CO-OPERATION AGREEMENT** – The Cabinet Member with the Environment Portfolio introduced the report of the Assistant Chief Executive (Regeneration) requesting that consideration be given to extending the Co-operation Agreement between the developer and the Joint Venture Partners (One North East, Tees Valley Regeneration, English Partnerships and the Council) for the Central Park development, for up to an additional six months.

**RESOLVED** – That the Co-operation Agreement for the Central Park development, between the Council, its Joint Venture Partners and the Development Consortium be extended on the

same terms, up to a period of an additional six months, and that the Borough Solicitor be authorised to complete the extension to the agreement.

**REASON** – To progress the Central Park development.

**C53. TOWN CENTRE IMPROVEMENTS** – The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) seeking Members’ approval to spend £16,000 capital finance, on a series of initiatives to improve Darlington Town Centre, from the town centre allocation of £100,000.

**RESOLVED** – That £16,000 be released from the £100,000 Town Centre capital allocation, for the schemes, as detailed in the submitted report.

**REASONS** – (a) To achieve key aims within the Darlington Town Centre Business Plan 2008-11 and in line with priorities in the prosperous theme ‘One Darlington: Perfectly Placed’

(b) To continue to enhance and maintain the quality of Darlington town centre’s physical environment, promote it to attract additional visitors and revenue to town centre businesses and to compete regionally with other destinations and town centres.

**C54. IRRECOVERABLE SUNDRY DEBTS – PROPOSED WRITE-OFF** – The Cabinet Member with the Resources Portfolio introduced the report of the Director of Corporate Services (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 £20,366.54 for 2007/08 be written-off, subject to further action being taken 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.

**C55. MEMBERSHIP CHANGES** – That Councillor Copeland replace Councillor Robson as this Council’s representative on the Local Access Forum.

**C56. 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.

**C57. DARLINGTON AND DISTRICT INDOOR BOWLS CLUB (EXCLUSION PARAGRAPH NO. 3)** – The Cabinet Member with the Resources Portfolio introduced the report of the Director of Corporate Services and the Director of Community Services (previously circulated) requesting that consideration be given to a request from Darlington and District Indoor Bowls Club for financial support.

**RESOLVED** – (a) That capital expenditure of £30,000 be released to cover the items, as detailed in the submitted report.

(b) That the rent arrears and current year rent totalling £38,497, be written off.

(c) That officers work with the Darlington and District Indoor Bowls Club to produce a business plan.

**REASONS** – (a) To fulfil the statutory and lease obligations that the Darlington and District Indoor Bowls Club is unable to undertake.

(b) To allow the Darlington and District Indoor Bowls Club to continue operating for the remainder of this financial year.

(c) To provide a basis for on-going support to Darlington and District Indoor Bowls Club on terms suitable to both parties.

**C57. SCHEDULE OF TRANSACTIONS (EXCLUSION PARAGRAPH NO. 3)** – The Cabinet Member with the Resources Portfolio introduced the report and the schedule of the Director of Corporate Services (both previously circulated) requesting that consideration be given to the schedule of transactions 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, 12TH SEPTEMBER, 2008**