

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY, 28TH JUNE, 2010**

**CABINET
15 June 2010**

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

INVITEES – Councillors Barker and Johnson. (2)

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

APOLOGIES – Councillors Haszeldine, Mrs H Scott and Swainston and Mr A MacConachie. (4)

C2. TIMES OF MEETINGS - RESOLVED - That meetings of this Cabinet be held at 5.00 p.m. for the remainder of the Municipal Year 2010/11.

REASON - To reflect the views of Cabinet.

C3. MINUTES - Submitted - The Minutes (previously circulated) of the meetings of this Cabinet held on 4 and 20 May 2010.

RESOLVED - That the minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C4. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration.

C5. ISSUES ARISING FROM SCRUTINY - There were no issues arising from Scrutiny.

C6. KEY DECISIONS - ICT ARCHITECTURE - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) seeking approval and release of funding, for the detailed design, procurement and implementation of the ICT Architecture proposals.

RESOLVED - (a) That £400,000 of corporate capital funding required to deliver the ICT Architecture programme, as detailed in the submitted report, be approved and released from the 2010/11 capital Medium Term Financial Plan.

(b) That the Director of Corporate Services, in consultation with the Cabinet Member with the Efficiency and Resources Portfolio, be authorised to vary the proposals within the existing budget to deliver the desired outcomes.

REASON - To progress the Council's ICT strategy.

C7. REPRESENTATION ON OTHER BODIES 2010/11 - The Leader introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to the Council's Representation on Other Bodies for the 2010/11 Municipal Year, the appointments of which were the responsibility of Cabinet.

RESOLVED - That the following be appointed, or nominated, to represent this Council on the Other Bodies specified for the 2010/11 Municipal Year :-

Name of Organisation	Nomination(s)
Arts Council England North East	Cabinet Member with Health and Leisure Portfolio (Councillor Harker) and Chair of Economy and Environment Scrutiny Committee (Councillor Long)
Charitable Organisations for the Blind (COB)	Councillor Swift
County Durham and Darlington Foundation Trust – Board of Governors	Councillor Copeland
County Durham Waste Management Partnership Steering Group	Cabinet Member with Sustainable Environment and Climate Change Portfolio (Councillor Wallis)
Darlington and District Youth and Community Association (2002)	Councillors Baldwin and Nicholson
Darlington Borough Council – Family Placement Panel	Councillor Nutt
Darlington College Corporation Board	No Vacancies
Darlington Partnership Board	Leader of the Council (Councillor Williams), Cabinet Member with Communities and Engagement Portfolio (Councillor A. J. Scott) and Councillor Mrs. Scott (Leader of the Opposition)
Darlington Railway Museum Trust	Cabinet Member with Health and Leisure Portfolio (Councillor Harker)
Disability Sport England – Northern Region	Councillors Nutt and York
Durham County Pension Fund Committee	Cabinet Member with Efficiency and Resources Portfolio (Councillor McEwan) and Chair of Resources Scrutiny Committee (Councillor Haszeldine)
Durham Tees Valley International Airport Limited	Councillor Williams (Director) with Councillor D. A. Lyonette as substitute Council Director
Durham Tees Valley International Airport Consultative Committee	Cabinet Member with Transport Portfolio (Councillor D. A. Lyonette)

Name of Organisation	Nomination(s)
European Chemicals Region Network	Councillor Richmond (representing the Tees Valley)
Family Help Organisation	Councillors Mrs. D Jones, J. Lyonette and Newall
Financial Incentives Appraisal Panel	Cabinet Member with Transport Portfolio (Councillor D. A. Lyonette), Chair of Economy and Environment Scrutiny Committee (Councillor Long) and Councillor Ruck
Firthmoor Community Centre Management Committee	Councillors Dixon and Vasey (Ward Members)
Groundwork North East Board:-	
(a) Board	Cabinet Member with Health and Leisure Portfolio (Councillor Harker)
(b) Sub-Regional Board	Cabinet Member with Health and Leisure Portfolio (Councillor Harker) and Cabinet Member with Communities and Engagement Portfolio (Councillor A.J. Scott)
Maidendale Nature and Fishing Reserve (Associate Member)	Councillor Dixon (Ward Member)
Museum Libraries Archives North East - Company	Cabinet Member with the Health and Leisure Portfolio (Councillor Harker)
National Society for Clean Air (Northern Division)	Councillors Ruck and Walker
North East Strategic Migration Partnership (NESMP)	Cabinet Member with Communities and Engagement Portfolio (Councillor A. J. Scott) (Councillor Hughes as named substitute)
North East Contracting Consortium for Asylum Support (NECCAS)	Councillor Hughes (Councillor Swift as named substitute)
North East Highways Training Centre – Management Committee	Cabinet Member with Transport Portfolio (Councillor D.A. Lyonette)
North East Purchasing Organisation (NEPO)	Cabinet Member with Efficiency and Resources Portfolio (Councillor McEwan), Chair of Resources Scrutiny Committee (Councillor Haszeldine) and Councillor Richmond
North East Regional Employers Organisation	Cabinet Member with Efficiency and Resources Portfolio (Councillor McEwan), Chair of Resources Scrutiny Committee (Councillor Haszeldine) and Vice-Chair of Resources Scrutiny Committee (Councillor Walker)
North East Sports Council	Councillor Nutt (Councillor Baldwin Observer status)
Northern Housing Consortium	Cabinet Member with Neighbourhood Services and Community Safety

Name of Organisation	Nomination(s) Portfolio (Councillor Dixon)
Northern Council of Education Authorities	Cabinet Member with Children and Young People Portfolio (Councillor Hughes), Chair of Children and Young People Scrutiny Committee (Councillor Lister) and Councillor Armstrong
Northumbrian Regional Flood Defence Committee	Councillor Wallis (observer status until 1st June, 2011)
RELATE North East	Councillors M. Cartwright and Regan
Shopmobility Steering Group	Cabinet Member with Transport Portfolio (Councillor D.A. Lyonette) and Cabinet Member with Communities and Engagement Portfolio (Councillor A.J. Scott)
Skerne Park Youth and Community Centre - Management Committee	Councillors Hughes and J. Lyonette (Ward Members)
Strategic Transport for Health Management Group	Cabinet Member with Transport Portfolio (Councillor D. A. Lyonette) and Cabinet Member with Adult Services Portfolio (Councillor Copeland)
Tees Valley Environmental Protection Group	Cabinet Member with Sustainable Environment and Climate Change Portfolio (Councillor Wallis), Vice-Chair of Economy and Environment Scrutiny Committee (Councillor Lawton) and Councillor Maddison
Tees Valley Local Access Forum	Councillor L. Haszeldine
Tees Valley Local Government Association	Leader of the Council (Councillor Williams) and Deputy Leader (Councillor Dixon)
Tees Valley Rivers and Fisheries Association	Member of Environment Scrutiny Committee (Councillor Jenkinson)
Tees Valley Unlimited	
Leadership Board	Leader of the Council (Councillor Williams)
Planning and Economic Strategy	Cabinet Member with Economy Portfolio (Councillor Williams)
Transport for Tees Valley	Cabinet Member with Transport Portfolio (Councillor D.A. Lyonette)
Housing Board	Cabinet Member with Neighbourhood Services and Community Safety Portfolio (Councillor Dixon)
Tidy North Regional Consultative Committee	Cabinet Member with Sustainable Environment and Climate Change Portfolio (Councillor Wallis)

REASON - To comply with the nominations received from the political groups.

C8. CARBON MANAGEMENT PLAN - The Cabinet Member with the Sustainable Environment and Climate Change Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) requesting that consideration be given to the Council's draft Carbon Management Plan (also previously circulated) including proposed projects, governance and finance arrangements, and in doing so, paid tribute to the hard work of those officers involved in producing the plan.

A Member raised concerns in respect of some of the figures and proposals contained within the Carbon Management Plan, and the Chair and Cabinet Member with the Sustainable Environment and Climate Change Portfolio responded thereon.

RESOLVED - (a) That the content of the Carbon Management Plan, as appended to the submitted report, be approved.

(b) That the establishment of a Rotating Investment Fund, as detailed in the submitted report, and the potential requirement to bid for external funding, be approved.

(c) That the Scheme of Delegation to officers be amended to include a power for the Director of Corporate Services under A, Financial Matters as a new item 18, as follows:

‘Approve capital expenditure up to a maximum of £250,000 in any one financial year for carbon management schemes where projects are expected to have a net financial saving, and appropriate funding is in place.’

(d) That the Economy and Environment Scrutiny Committee be requested to monitor progress against the Plan and report back to Cabinet, as necessary.

REASONS - (a) National targets require local authorities to consider carbon emissions from their own operations. Local Authorities are in a unique position to lead by example to their Communities. The Carbon Management Plan directly delivers against NI185 which feeds into NI186, an indicator included in the Local Area Agreement.

(b) Delivering carbon reductions results in reducing energy consumption and therefore will deliver significant efficiency savings.

(c) To ensure adequate resources are available to deliver projects.

(d) To ensure timely and efficient decision making on funding requirements.

(e) To ensure Member involvement and, through the Scrutiny process, to consider progress on a regular basis.

C9. TEES VALLEY CLIMATE CHANGE STRATEGY - The Cabinet with the Sustainable Environment and Climate Change Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) requesting that consideration be given to the revised Tees Valley Climate Change Strategy (also previously circulated).

RESOLVED - (a) That the adoption of the Tees Valley Climate Change Strategy, as appended to the submitted report, be endorsed.

(b) That launch of the Tees Valley Climate Change Strategy, be supported.

REASONS - (a) The Tees Valley Climate Change Strategy is a sub-regional, strategic document which supports the climate change work already being undertaken by the Council.

(b) Working in partnership through the Tees Valley Climate Change Partnership has the potential to maximise funding opportunities for the Council.

C10. (URGENT ITEM) COUNCIL SUPPORT FOR THE THIRD SECTOR - The Cabinet Member with the Communities and Engagement Portfolio introduced the report of the Assistant Chief Executive (previously circulated) requesting that consideration be given to identifying improvements to the way that the Council works with the third sector in order to develop an environment for a thriving third sector into the future.

The Cabinet Member with the Communities and Engagement Portfolio stated at the meeting that positive comments had been received from Third Sector partners, in respect of the proposals contained within the submitted report.

RESOLVED - (a) That a health check be undertaken for all organisations receiving a Council grant, commencing with those requesting a grant from 1 July 2010 or where there are payments still to be made in the current financial year.

(b) That governance arrangements for a joint funding advisory panel for Darlington be put in place between this Council and County Durham Community Foundation.

(c) That Schedule 2 of the Responsibility for Functions in the Constitution be amended, as detailed below:-

‘to transfer the power currently delegated to the Cabinet Member for Efficiency and Resources Portfolio in relation to Community Grants to the Cabinet Member for Communities and Engagement, and to grant an additional delegated power to award discretionary rate relief to the Cabinet Member for Communities and Engagement’.

(d) That work with the third sector be continued to develop the capability and capacity of the sector to tender for services through the Targeted Support Fund Programme.

REASONS - (a) Implementation of these recommendations will increase the transparency of Darlington Borough Council’s grant giving processes and reduce the risk of legal challenge.

(b) These recommendations will show a clear commitment by the Council to enable the third sector to continue to thrive despite the changes to the economic environment that need to be addressed by both the public and third sectors.

C11. COUNCIL HOUSING FINANCING - REFORM - The Cabinet Member with the Neighbourhood Services and Community Safety Portfolio introduced the report of the Director of Community Services (previously circulated) informing Members of a consultation paper issued by the previous Government setting out proposals for the reform of the Housing Revenue Account (HRA) finance system. A copy of the draft response to the consultation was appended to the submitted report.

Following a query raised by a Member, it was reported that responses to the proposals contained within the consultation paper were required to be submitted by 6 July, 2010.

RESOLVED - (a) That the proposals for the reform of the Council Housing Finance, as detailed in the submitted report, be noted.

(b) That the draft response to the consultation, as appended to the submitted report, be approved, subject to the addition of any further points that may be of benefit to the Council (with the approval of the relevant portfolio holder).

REASONS - (a) The Housing Revenue Account Subsidy system is outdated and no longer fit for purpose.

(b) The proposals for becoming self-financing will give us greater flexibility and improve our financial position.

C12. FUTURE JOBS FUND - The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) requesting that consideration be given to the release of £299,000 of Future Jobs Funding for 2010/11.

Discussion ensued on the fact that there would be no further rounds of the Future Jobs Fund.

RESOLVED - That £299,000 of Future Job Funding, be released.

REASONS - (a) To enhance the environmental, social and economic well-being of the Borough.

(b) To support medium-term unemployed in Darlington and increase their chances of entering sustainable employment.

(c) This project is of greater significance to Darlington in comparison to the other four local authorities within Tees Valley. This is because Darlington Borough Council does not receive funds such as L.E.G.I. (Local Enterprise Growth Initiative) or WNF (Working Neighbourhoods Fund).

C13. THE DENES - SUCCESSFUL HERITAGE LOTTERY FUND AWARD - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to the release of funds awarded by the Heritage Lottery Fund (HLF) for carrying out improvements to the Denes.

RESOLVED - That Heritage Lottery Funding Capital Award of £818,992 for the Denes, be released.

REASON - To enable improvements to the Denes to take place.

C14. PROPOSED WRITE-OFF OF IRRECOVERABLE NON-DOMESTIC RATES AND COUNCIL TAX - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting consideration be given to the write-off of arrears and non-domestic rates and council tax which were considered to be irrecoverable.

RESOLVED - That non-domestic rates arrears of £197,911.31 and council tax arrears of £16,130.60 be written-off, subject to the implementation of further action if and when future contacts are made.

REASONS - (a) It is considered all practical steps have been taken to recover the debts.

(b) To enable the Council's accounts to be maintained in accordance with the Financial Procedure Rules.

C15. PROPOSED WRITE-OFF OF IRRECOVERABLE DEBTS - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to the write-off of sundry debtor invoices with individual values greater than £500 that were considered irrecoverable.

RESOLVED - That sundry debtor invoices over £500 in value amounting to £148,119.14 for 2009/10 be written off, subject to further action if and when contacts are made.

REASONS - (a) It is considered that all practical steps have been made to recover the debts.

(b) To enable the Council's account to be maintained in accordance with the Financial Procedure Rules.

C16. ST. ANDREW'S CHURCH, HAUGHTON - LAND ADJACENT - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to a proposal by the Haughton Residents Association and St Andrew's Church to create a memorial garden and car parking on the former St Andrew's School site, Haughton Road, Darlington.

RESOLVED - (a) That the proposal to create a Memorial Garden and car parking on Council land adjacent to St Andrew's Church, Haughton, Darlington, as outlined in the submitted report, be approved in principle.

(b) That the proposer's application for planning permission and for Community Spaces funding be recognised and their request for the 'landowner's permission' form to be signed, be agreed.

(c) That subject to planning permission and funding being obtained, the Director of Corporate Services, in consultation with the Cabinet Member with the Efficiency and Resources Portfolio, be authorised to negotiate and agree terms for the use of the land.

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

REASONS - (a) To support an application for grant funding for a Residents Association project on Council land.

(b) To enable an area of Council land to be improved for the benefit of the local residents.

C17. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C18. 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.

C19. APPOINTMENT OF ORGANISATIONS TO THE FRAMEWORK AGREEMENT FOR THE PROVISION OF WORKS FOR CONTRACTORS (EXCLUSION PARAGRAPH NO 3) - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to appoint companies to a Framework Agreement for the provision of Works for Contractors.

RESOLVED - That the organisations highlighted in Appendix 1 to the submitted report, be appointed to the Framework Agreement for the Provision of Works for Contractors.

REASON - The tender process identified those organisations as offering the most economically advantageous tenders in accordance with the agreed criteria.

C20. 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 Corporate Services (both previously circulated) requesting that consideration be given to the schedule 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 Cabinet before binding itself contractually to a transaction.

**DECISIONS DATED -
FRIDAY, 18TH JUNE, 2010**