

**DECISIONS SHOULD NOT BE IMPLEMENTED  
BEFORE TUESDAY, 12TH MAY, 2009**

**CABINET**  
28th April 2009

**PRESENT** – Councillor Williams (in the Chair); Councillors Chapman, Copeland, Harker, McEwan, D.A. Lyonette, A.J. Scott and Wallis. (8)

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

**ALSO IN ATTENDANCE** – Councillors Robson and Mrs. Swift. (2)

**APOLOGIES** – Councillors Dixon, I. Haszeldine and Swainston. (3)

**C188. DECLARATION OF INTERESTS** - There were no declarations of interest reported at the meeting.

**C189. REPRESENTATIONS** – Cabinet heard the views of a member of the public in relation to the application of the approved Education Admission Criteria and to his particular circumstances, and the Cabinet Member with the Children and Young People Portfolio, responded to the issues thereon. Further representations were made by Members in attendance at the meeting in respect of Minute C193(1) and (2) below.

**C190. MINUTES** - Submitted - The Minutes (previously circulated) of the meeting of Cabinet held on 31st March, 2009.

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

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

**C191. DEATH IN SERVICE** – The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Community Services (previously circulated) informing Members of the recent sad death, in service, of Paul Louvain Saunders, a valued member of the Transport Team in the Environmental Services Section, on Saturday, 11th April, 2009.

**RESOLVED** – (a) That with great sadness, the recent death of Paul Louvain Saunders, a respected employee of the Council, be noted.

(b) That the actions of the Council in conveying sympathy to Paul’s family and the support offered from the Human Resources Services, be noted.

**REASON** – To make Members aware of the recent death in service.

**C192. MATTERS REFERRED TO CABINET** - There were no matters referred back for reconsideration to this meeting.

**C193. ISSUES ARISING FROM SCRUTINY – (1) Health and Well Being and Children and Young People Scrutiny Committees Joint Site Visit to Taste School Meals Task and Finish Review Group** – The Cabinet Member with the Health and Leisure Portfolio introduced the report of the Director of Corporate Services (previously circulated) reporting the findings and recommendations of Members of the Health and Well Being Scrutiny Committee and the Children and Young People Scrutiny Committee, following joint visits to schools to scrutinise the provision and quality of school meals. The report considered by both Scrutiny Committees was appended to the submitted report.

The Chair of the Health and Well Being Scrutiny Committee presented the report to Cabinet and in doing so stated the review was on going and that it would be extended to include secondary schools.

**RESOLVED** – (a) That the progress of the Health and Well Being Scrutiny Committee and Children and Young People Scrutiny Committee in respect of the task and finish review established to scrutinise the provision and quality of schools meals, be noted.

(b) That the comments of the Director of Children’s Services and Director of Community Services, as detailed in the submitted report, in respect of the review, be noted.

(c) That a further report be submitted to a future meeting of Cabinet once the review is complete.

**REASON** – To enable Cabinet to consider the findings of the review.

**(2) Waste Minimisation Review Group** – The Cabinet Member with the Sustainable Environment and Climate Change Portfolio introduced the report of the Director of Corporate Services (previously circulated) reporting the findings and recommendations of the Economy and Environment Scrutiny Committee’s Waste Minimisation Review Group which was established in order to investigate ways of reducing and reusing waste across the Borough. The final report of the Waste Minimisation Review Group was appended to the submitted report.

The Chair of the Economy and Environment Scrutiny Committee, in presenting the findings from the review, stated that continuous education was required in order to encourage the public and businesses not to produce too much waste and that the problem of waste was on-going and needed to be pursued continuously.

Particular reference was made at the meeting to a DVD that had been produced on the new waste management process.

**RESOLVED** – (a) That the recommendations of the Economy and Environment Scrutiny Committee, as detailed below, be endorsed, namely :-

- (i) that every opportunity be explored to ensure the public are made aware of the Council’s current Waste Minimisation Campaign entitled Making Waste Work, which focused on the three R’s – Reduce, Re-use, Recycle, in that order;
- (ii) that every effort be made to encourage supermarkets to use less packaging on goods and to encourage the use of re-useable carrier bags;

- (iii) that businesses and trade associations be made aware of the cardboard collection scheme currently run by the Council;
  - (iv) that in order to avoid food waste the message, ‘shop often, shop local and buy local’ be widely publicised across the Borough;
  - (v) that the Children and Young People Scrutiny Committee continue to encourage schools to educate children in food economy;
  - (vi) that Borough Council employees and Members be expected to reduce paper usage and recycle waste as much as possible;
  - (vii) that the work currently undertaken by the Green Champions Campaign continue to be supported by the Economy and Environment Scrutiny Committee; and
  - (viii) that the Economy and Environment Scrutiny Committee continue to monitor Waste Minimisation in the Borough of Darlington.
- (b) That the comments of the Director of Community Services, as detailed in the submitted report, be noted.

**REASON** - To enable further work to be undertaken to ensure the message ‘Reduce, Re-use and Recycle’ is widely publicised across the Borough.

**(3) Development Control Review Group** – The Cabinet Member with the Economy Portfolio introduced the report of the Director of Corporate Services reporting the findings and recommendations of the Economy Environment Scrutiny Committee’s Development Control Review Group. The final report of the Development Control Review Group was appended to the submitted report.

The Chair of the Economy and Environment Scrutiny Committee, in presenting the findings from the review, stated that a number of the recommendations had already been implemented and welcomed the introduction of the electronic document management system, which would assist Members and members of the public to view planning applications electronically.

**RESOLVED** – (a) That the recommendations of the Economy and Environment Scrutiny Committee, as detailed below, be endorsed, namely:-

- (i) that the introduction of an electronic document management system (EDMS) be welcomed and the Economy and Environment Scrutiny Committee await its implementation at the earliest opportunity;
- (ii) that further delegated powers for Officers be considered;
- (iii) that mandatory training be given to all Members of the Planning Applications Committee at the start of the Municipal Year and Members remain exempt from the Committee until such training is completed;
- (iv) that should Members be unable to attend any scheduled Training Sessions arrangements be made for ‘one-to-one’ training to be given as a priority;

- (v) that ‘refresher’ training sessions be given to all Members of the Planning Applications Committee every six months;
- (vi) that ‘ad hoc’ training on specialist subjects e.g. wind farms, listed buildings, be provided where appropriate;
- (vii) that, although the approach to train Customer Services staff to assist in general planning enquiries be welcomed, further methods of improving access for the public to planning be explored; and
- (viii) that Economy and Environment Scrutiny Committee continue to monitor the implementation of recommendations arising out of the Trevor Roberts Associates review.

(b) That the comments of the Assistant Chief Executive (Regeneration), as detailed in the submitted report, be noted.

(c) That training be arranged for all Members once the new electronic document management system is introduced, to enable them to access the planning applications electronically.

**REASON** - To enable improvement of the performance of the Planning Service.

**C194. KEY DECISIONS – (1) Sustainable Travel to School Strategy** – The Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (Regeneration) and the Director of Children’s Services (previously circulated) requesting that consideration be given to the Sustainable Travel to School Strategy (also previously circulated).

References were made to those schools that did not have travel plans and to the lack of a cycle path between Darlington and Hurworth.

**RESOLVED** – (a) That the 2009/10 Sustainable Travel to School Strategy, as appended to the submitted report, be approved.

(b) That delegated authority be given to the Director of Children’s Services and the Assistant Chief Executive (Regeneration), in consultation with the Cabinet Members with the Children and Young People and Transport Portfolios, to ensure that ‘factual’ elements of the strategy are reviewed and updated annually.

**REASON** - (a) The Education and Inspections Act 2006 placed a new duty on Local Authorities to produce this strategy annually.

(b) The Director of Director of Children’s Services and Assistant Chief Executive (Regeneration) will take responsibility for ensuring that the strategy is reviewed annually. Should the outcome of the review suggest that changes in policy are necessary then the revised strategy will be presented to Cabinet for consideration.

**(2) Replacement of Concrete Street Lighting Columns – Release of Capital Funds** – 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 release of capital funds for the programme to replace concrete street lighting columns in the Borough.

Discussion ensued on the possibility of introducing further efficiencies and reducing carbon emissions.

**RESOLVED** – That the funds be released to undertake the programme to replace the Concrete Street Lighting Columns, as detailed in the appendix to the submitted report.

**REASON** – To maintain the street lighting asset to an appropriate standard.

**(3) Procurement Annual Plan** – The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) presenting the Procurement Annual Plan (also previously circulated) to Cabinet for consideration.

Discussion ensued on the tender process for the contracts.

**RESOLVED** – That the assessment of strategic and non-strategic contracts, as presented in Appendix 1 to the submitted report, be approved, and that:

- (i) the procurement strategies for those contracts designated as strategic be brought to Cabinet for approval in advance of the tenders being issued and that the contract award decision be made by Cabinet; and
- (ii) the contract award decisions for the remainder of the contracts, as detailed in Appendix 1 to the submitted report, be delegated to the relevant officers as set out in the Annual Procurement Plan.

**REASON** - The Contract Procedure Rules require Cabinet to approve the designation of contracts as strategic and non-strategic and:

- (i) the contracts designated strategic are of high value and high significance in respect of the impact on residents, Health and Safety and public safety; and
- (ii) the contracts designated non-strategic are of a lower value and lower significance in respect of the impact on residents and public safety

**(4) (URGENT ITEM) Rent Charges for Council Tenants in 2009/10 – Proposed Alterations** – The Leader introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to the Government's proposal to offer local housing authorities the opportunity to reduce guideline rent increases, for Council housing, in 2009/10.

**RESOLVED** – (a) That the previously agreed average weekly rent increase of 6.02% (£3.21) be reduced to 2.98% (£1.59) subject to Communities and Local Government (CLG) approval.

(b) That the draft budget, as detailed in Appendix 1 to the submitted report, be approved.

(c) That associated administrative costs be charged to the Housing Revenue Account and Housing General Fund, as appropriate.

**REASON** - In order to support the Government's initiative to ease the financial burden of Council tenants during the current economic downturn.

**C195. SAFEGUARDING AND THE LAMING REVIEW** – The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Children's Services (previously circulated) outlining the key messages from the Lord Laming Review of 'The Protection of Children in England' and the national and local implications of its findings.

Discussion ensued on the Local Safeguarding Children's Board and on the implications to this Council due to the increase in referrals.

**RESOLVED** – (a) That the contents of the Laming Review, as summarised within the submitted report, be noted.

(b) That the implications for Darlington's child protection systems, as detailed in the submitted report, be noted.

(c) That the report be referred to the Children and Young People Scrutiny Committee.

**REASON** – (a) Members have responsibilities for ensuring children's safeguarding.

(b) Government requires Local Authorities to prioritise safeguarding.

**C196. (URGENT ITEM) CONTACTPOINT SHIELDING APPEALS** – The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Children's Services (previously circulated) requesting that consideration be given to the arrangements to shield records on the ContactPoint national database and requesting that consideration be given to awarding the Director of Children's Services delegated authority to hear any appeals from parents, carers and young people, against the decision not to shield their record on ContactPoint.

A number of concerns were raised at the meeting in respect of this Policy and the Cabinet Member with the Children and Young People Portfolio responded thereon.

**RESOLVED** – (a) That the ContactPoint Shielding Policy, as appended to the submitted report, be approved.

(b) That, in line with the Policy approved at (a) above, the Director of Children's Services be given delegated authority to hear any appeals from parents, carers or young people where the Shielding Panel have denied the request to shield.

**REASON** – (a) The Director of Children's Services is Project Sponsor and has overall responsibility to ensure that the project meets its objectives and delivers the expected benefits.

(b) The Local Authority is data controller and is therefore responsible for any child's records held within our accountable body.

**C197. CALENDAR OF COUNCIL AND COMMITTEE MEETINGS 2009/10** – The Leader introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to the Calendar of Council and Committee Meetings (also previously circulated) for the 2009/2010 Municipal Year.

**RESOLVED** – That the Calendar of Council and Committee Meetings 2009/10, as appended to the submitted report, be approved, and the proposed dates for the meetings of Council be referred to the annual Council Meeting scheduled to be held on Thursday, 21st May, 2009.

Discussion ensued at the meeting on the timings of the meetings detailed in the Calendar.

**REASON** – To ensure that the Calendar of Meetings is approved for the forthcoming Municipal Year.

**C198. XENTRALL SHARED SERVICES ANNUAL REPORT** – The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) presenting the first Annual Report of Xentrall Shared Services (also previously circulated).

**RESOLVED** – That the report be noted.

**REASON** – To allow Members to receive information about the progress of this innovative partnership.

**C199. INFORMATION AND COMMUNICATION TECHNOLOGY (ICT) STRATEGY** - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) presenting the refreshed Information and Communication Technology (ICT) Strategy 2009/2011 (also previously circulated) to Cabinet for approval.

**RESOLVED** – (a) That the refreshed ICT Strategy, as appended to the submitted report, be approved.

(b) That the potential resourcing implications of the ICT Strategy, when reviewing the Council's medium term financial plan, be noted.

(c) That delegated powers be given to the Director of Corporate Services to make minor adjustments to the ICT Strategy, in conjunction with the Cabinet Member with the Efficiency and Resources Portfolio.

(d) That the report be referred to the Resources Scrutiny Committee.

**REASON** - A clear, integrated and achievable ICT Strategy is critical in supporting both the Council's current and future service delivery aims and aspirations.

**C200. REVENUE BUDGET MONITORING – APRIL 2008 TO FEBRUARY 2009** – The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) informing Members of the latest forecast outturn of the 2008/09 Revenue Budget.

**RESOLVED** – (a) That the latest projected 2008/09 outturn compared with the 2009/13 Medium Term Financial Plan, as detailed in the submitted report, be noted.

(b) That the final 2008/09 outturn be reported to Cabinet in July 2009.

**REASON** - To make Cabinet aware of the latest financial position of the Council

**C201. CAPITAL PROGRAMME MONITORING – APRIL 2008 TO FEBRUARY 2009**

- The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) presenting an update of the Capital Programme, including spending and resource levels, and requesting approval to a number of minor changes to the Programme.

**RESOLVED** – (a) That the projected capital expenditure and resources, as detailed in the submitted report, be noted.

(b) That the resource virements required for Children’s Services and Housing Services budgets, as detailed in the submitted report, be approved.

(c) That the contribution of £50,000, received from the Environment Agency in respect of the ‘Source of the Denes’ project, as detailed in the submitted report, be noted and the funding be released.

(d) That the £73,000 underspend previously reported on the Contact Centre be revised to £50,000, in light of additional expenditure identified.

(e) That the £84,000 reduction in projected spending on the Pedestrian Heart Scheme be noted and returned to Corporate Resources.

**REASON** – (a) To make Cabinet aware of the latest financial position of the Council.

(b) To maintain effective management of resources.

**C202. MEMBERSHIP CHANGES – RESOLVED** – There were no membership changes reported at the meeting.

**C203. 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.

**C204. KEY DECISIONS – SUPPORTED BUS SERVICES UPDATE** – The Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) updating Members on the implementation of Supported Bus Service Contracts due to start on 3rd May 2009; advising members that two contractors do not wish to fulfil their contracts; updating Members on the procurement of temporary contracts; and requesting that consideration be given to the evaluation criteria for the procurement and awarding of supported bus services contracts.

**RESOLVED** – (a) That the termination or variation of contracts affected by competing commercially provided bus journeys, as detailed in paragraph 16 of the submitted report, be agreed.

(b) That the Assistant Chief Executive (Regeneration) be authorised, in consultation with the Cabinet Member with the Transport Portfolio, to agree contract compensation terms with those operators no longer being awarded contracts due to commercial operation of the relevant



journeys.

(c) That the possible claim against two contractors for their failure to fulfil contracts which they had been awarded and the possible counter claim against the Council, be noted.

(d) That temporary contracts be awarded to replace those no longer being provided from 3rd May, 2009, under delegated powers, for services specified in paragraph 24 of the submitted report, noting the variations required to avoid competition with commercially operated bus journeys.

(e) That the evaluation criteria to be used in the procurement of new and replacement long term contracts, as detailed in paragraph 27 of the submitted report, be approved.

(f) That the Assistant Chief Executive (Regeneration), in consultation with the Cabinet Member with the Efficiency and Resources Portfolio and the Cabinet Member with the Transport Portfolio, be authorised to award the contracts for services specified in paragraphs 24 and 26 of the submitted report and subject to the costs being within the Medium Term Financial Plan.

**REASON** – (a) To comply with law regarding the provision of supported bus services.

(b) To permit the termination of contracts no longer required due to their replacement by commercially operated bus journeys.

(c) To support the continued provision of bus services from 3rd May, 2009.

(d) To enable the procurement of long term contracts as previously resolved by Cabinet.

(e) To expedite the process of procuring long term contracts to minimise delays to the benefit of local people and to minimise expenditure.

**C205. 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 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 under the terms and conditions detailed therein.

**REASON** – The terms negotiated require approval by Cabinet before binding itself contractually to a transaction.

**DECISIONS DATED -  
FRIDAY, 1ST MAY, 2009**