
PEDESTRIAN HEART

Responsible Cabinet Member – Councillor John Williams, Leader of the Council

Responsible Director – Cliff Brown, Director of Community Services

SUMMARY REPORT

Purpose of the Report

1. To consider a recommendation from the Resources Scrutiny Committee following their investigation into whether, in relation to payments for the Pedestrian Heart work, the Officers' advice, not to take further action at this time unless further evidence comes to light is sound.

Summary

2. Following a recommendation by Cabinet, the Resources Scrutiny Committee met on the 12 November, 2009. Members heard from Mr Smith and Mr Hume residents of Darlington who had considered the reports and raised a number of questions. There was an extensive debate which explored the issues thoroughly.
3. The Committee agreed to recommend to Cabinet that:-
 - (a) no further action be taken at this time unless the Officers/Legal Section find additional evidence to pursue further legal action; and
 - (b) if, additional evidence is found, it be brought to the Resources Scrutiny Committee to recommend whether to take further legal action and to consider the financial implications of moving forward with legal action based on that evidence.

Recommendation

4. It is recommended that :-
 - (a) The recommendations of Resources Scrutiny Committee by accepted in full by Cabinet
 - (b) Mr Smith and Mr Hume and the Committee be thanked for the time taken to examine the issues in detail.

Reasons

5. The recommendations are supported by the following reasons :-
- (a) To follow the advice of relevant experts and avoid additional expenditure.
 - (b) Recognise the contribution made in the consideration of the issues.

Cliff Brown
Director of Community Services

Background Papers

There were no background papers used in the preparation of this report other than those referred to

C.Whitehead 2306

S17 Crime and Disorder	There are no implications for Crime and Disorder
Health and Well Being	There are no implications
Sustainability	There are no implications
Diversity	There are no implications
Wards Affected	All wards are affected equally by this report
Groups Affected	There are no groups specifically affected
Budget and Policy Framework	This does not represent a change to the budget and the policy framework
Key Decision	This is not a key decision
Urgent Decision	This is not an urgent decision
One Darlington: Perfectly Placed	There are no specific implications for the SCS
Efficiency	The report recommends no further expenditure in relation to this issue

MAIN REPORT

Information and Analysis

6. Cabinet, at its meeting held on the 6th October, 2009, when considering a report of the Director of Community Services on whether to commence any form of action for recovery of payments made to contractors in relation to the Pedestrian Heart project agreed that :-
 - (a) the report from E.C. Harris (forensic engineers) and Ward Hadaway Solicitors, as appended to the submitted report, in relation to the Pedestrian Heart contracts, be accepted; and
 - (b) the Resources Scrutiny Committee be requested to examine whether the Officers' advice not to take further action at this time unless further evidence comes to light is sound.
7. A meeting of the Resources Scrutiny Committee was held on the 12th November, 2009, to consider this and two members of the public also attended this meeting and helpfully contributed to the debate.
8. Following a lengthy discussion and debate and a number of questions, asked by both Members of the Scrutiny Committee and the two members of the public in attendance, it was agreed to recommend to Cabinet:-
 - (a) that no further action be taken at this time unless the Officers/Legal Section find additional evidence to pursue further legal action; and
 - (b) that if, additional evidence is found, it be brought to the Resources Scrutiny Committee to decide whether to take further legal action and to consider the financial implications of moving forward with legal action based on that evidence.
9. In considering the issue and in agreeing the above recommendation, a minority view was put forward that the Resources Scrutiny Committee should establish a Task and Finish Review Group to enable further investigations to be undertaken into the documents received and that, as part of the work of that group, the views of members of the public/interested parties be sought.
10. Members also commented on the statement contained in paragraph 8 of the Cabinet report of the 6th October, 2009, that the initial review of the Resources Scrutiny Committee had impacted on the working relationship during the contract and felt that the review they undertook was a detailed and thorough review and it fulfilled its role in challenging and enhancing the Scrutiny process.