

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY, 21ST JULY, 2008**

CABINET
8th July, 2008

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

INVITEES – Councillors Haszeldine, Mrs Scott and Swainston. (3)

APOLOGIES – Councillor Harker and Mr. A. MacConachie. (2)

ALSO IN ATTENDANCE – Councillors Armstrong, Barker, Cartwright, Coultas, Johnson and Richmond. (6)

C19. DECLARATION OF INTERESTS – That, in respect of Minute C25(1) below, the Chair and Councillors Copeland and D.A. Lyonette, declared personal but non-prejudicial interests, as they had bus passes; in respect of Minute C25(3) below, the Chair declared a personal but non-prejudicial interest, as his wife worked at one of the schools referred to in the submitted report and Councillor McEwan declared a personal but non-prejudicial interest, as he had a child at one of the schools referred to in the submitted report; in respect of Minute C32 below, Councillor Copeland declared a personal but non-prejudicial interest, as she was a member of the Friends of Beechwood; and in respect of Minute C36 below, Councillor Chapman declared a personal but non-prejudicial interest, as her husband was employed by the University.

C20. REPRESENTATIONS – In respect of Minute C25(1) and (3) below, representations were made at the meeting, by Members in attendance.

C21. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of Cabinet held on 3rd June, 2008.

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

REASON - They represent an accurate record of the meeting.

C22. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration.

C23. ISSUES ARISING FROM SCRUTINY – There were no issues arising from Scrutiny.

C24. RENEWAL OF INSURANCE – The Director of Corporate Services submitted a report (previously circulated) informing Cabinet of the outcome of the Consortium approach to the procurement of insurance with Stockton Borough Council, which had achieved a reduction in the annual insurance recharges for this Council of £900,000.

RESOLVED – That the outcome of the insurance procurement exercise, as detailed in the submitted report, be noted.

REASON – To comply with a previous resolution of Cabinet that the outcome of the insurance procurement exercise be reported back.

C25. KEY DECISIONS – (1) Darlington Concessionary Fare Travel Scheme 2008/09 – Revision – The Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (Regeneration) requesting that consideration be given to the making of a discretionary revision to the national scheme for concessionary bus travel from 20th July, 2008.

References were made at the meeting to the importance of the Concessionary Fare Travel Scheme to the residents of Darlington; the budget pressures on the Council when the scheme was introduced; the savings achieved in the re-negotiation of the insurance contract for the Council, detailed at Minute C24 above; and the possibility of allowing some residents to exchange their bus passes for taxi tokens.

RESOLVED – (a) That a further discretionary amendment be made to the Concessionary Fare Travel Scheme for Darlington in 2008/09 from 20th July 2008, permitting Darlington resident passholders (and a companion if appropriate), to travel for free within the Borough before 9:30am Monday to Friday.

(b) That the Medium Term Financial Plan be revised by adding £200,000 to the budget for Concessionary Fare Travel in 2008/09.

REASONS – (a) To provide all day, every day travel on local bus services for resident passholders to enable them to participate fully in the life of the Borough, without being restricted by ability to pay for travel.

(b) To make adjustments to the budget for concessionary fare travel to fund the estimated costs of this discretionary addition to the statutory bus pass scheme.

(2) (ITEM CALLED IN) Post Office Closures within Darlington – The Leader introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to whether the Council should provide a financial subsidy to retain some of the post offices included in the proposed closure programme.

References were made to the impact of the closure on the residents of those wards, in which they were located, and to the unknown financial burden, that would be placed on the Council and Council Tax payers, of retaining the post offices included in the proposed closure programme.

RESOLVED – (a) That the additional savings for the General Fund of £200,000 per annum, generated by the procurement exercise in renewing the Council's Insurance Contract, be noted.

(b) That the use of the windfall to extend the availability of the Concessionary Travel Scheme, for journey times beginning before 9.30 a.m., be noted.

(c) That due to the lack of available funding and the unknown financial burden on Darlington Council Tax Payers, a subsidy be not given to those Post Offices being closed by Post Offices Limited.

REASON – To enable Cabinet to consider the option of providing financial subsidy to post offices.

(3) Primary Strategy for Change – The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Children’s Services (previously circulated) updating Members on the progress of the Primary Strategy for Change (also previously circulated); seeking approval for its submission to the Department for Children, Schools and Families; and requesting that consideration be given to a number of proposed projects, as detailed in the appendix to the submitted report.

RESOLVED – (a) That the Strategy for Change, as appended to the submitted report, be endorsed.

(b) That the list of projects, as detailed in Appendix B to the submitted report, be approved and submitted to the Department for Children, Schools and Families.

REASONS – (a) In order to secure the release of capital funding from the Department for Children, Schools and Families.

(b) In order to begin detailed work on the recommended schemes.

(4) National Review of 14 to 19 Funding – The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Children’s Services (previously circulated) informing Members of the changes being made to funding for 16 to 18 year olds, from September 2010, and seeking approval, to plan now for those changes.

Following concerns raised by Members, the Director of Children’s Services stated that the Government were currently considering a national formula, to ensure that this, and all other Councils, would not be disadvantaged by the proposals, and that funding for 14 to 16 year olds would also be reviewed.

RESOLVED – That Officers be authorised to enter into discussions with other local authorities in the region, with a primary focus on developing partnerships with other Tees Valley authorities, to determine the arrangements which would be most effective in managing the future commissioning and funding regime for post 16 provision.

REASON – To meet the government requirement that shadow groupings of local authorities are in place to manage the transfer of funding by March 2009.

(5) (URGENT ITEM) Amalgamation of Dodmire Infant and Nursery School with Dodmire Junior School - The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Children’s Services (previously circulated) seeking approval to begin the statutory process to amalgamate Dodmire Infant and Nursery School with Dodmire Junior School.

RESOLVED – (a) That the outcome of informal consultation on the proposals to amalgamate Dodmire Infant and Nursery School with Dodmire Junior School, be noted.

(b) That the statutory process to amalgamate Dodmire Infant and Nursery School with Dodmire Junior School, be commenced.

(c) That a temporary Governing Body for the proposed primary school, be established.

REASON - To implement Council policy to consider the amalgamation of linked infant and junior schools.

(6) Recycling and Composting Strategy - Options - The Cabinet Member with the Sustainable Environment and Climate Change Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to the establishment of a strategy for recycling and composting targets, tying into the new waste management contract.

Discussion ensued on the implementation of Option 2; the inclusion of cardboard in the items to be recycled; the associated Communication Strategy; and on the monitoring of the Strategy. It was requested, at the meeting, that a briefing session for all Members be arranged, on the Recycling and Composting Strategy.

RESOLVED – (a) That Option 2, for the Recycling and Composting Strategy, as detailed in the submitted report, be agreed.

(b) That the Economy and Environment Scrutiny Committee, be requested to consider the Recycling and Composting Strategy, when undertaking its Task and Finish Review of Waste Minimisation, focusing on reducing and reusing waste.

(c) That all Members of the Council, be invited to a briefing, on the Recycling and Composting Strategy.

REASONS – (a) Option 2 presents the Council with the opportunity to significantly improve recycling performance and at the same time reducing the overall financial burden placed on the Medium Term Financial Plan, from waste management.

(b) The Economy and Environment Scrutiny Committee can assist the Council in encouraging residents to think about waste by minimising the amount they produce.

(c) To enable all Members to be briefed on the Strategy.

(7) (URGENT ITEM) Disabled Facilities Grants – Amendments to National and Local Policy – The Cabinet Member with the Neighbourhood Services and Community Safety Portfolio introduced the report of the Director of Community Services (previously circulated) advising Members of national legislative changes to the provision of Disabled Facilities Grants (DFG's) and seeking approval for using new discretionary powers made available to the local authority.

RESOLVED – (a) That the mandatory changes to the Disabled Facilities Grant programme, as detailed in paragraph 12 of the submitted report, be noted.

(b) That the new discretionary powers to reclaim Disabled Facilities Grants, up to a maximum amount of £10,000 for work exceeding £5,000, be implemented.

(c) That in exceptional circumstances where the repayment would cause significant financial hardship, the Director of Community Services be authorised to approve exemptions.

REASONS – (a) There is a requirement for all local authorities providing Disabled Facilities Grant (DFG) assistance to embrace and implement the mandatory changes.

(b) Adopting the discretionary powers will enable more local people to be provided with DFG assistance through the recycling of reclaimed DFG funding.

(c) There is continued annual pressure on the DFG budget and the future forecast predicts this to be maintained given future population projections and an increasingly elderly population.

(8) Treasury Management Annual Report and Outturn Prudential Indicators 2007/08 – The Director of Corporate Services submitted a report (previously circulated) providing important information regarding the regulation and management of the Council’s borrowing, investments and cash-flow and seeking approval of the Prudential Indicator results for 2007/08, in accordance with the requirement of the Prudential Code.

RESOLVED – (a) That the outturn 2007/08 Prudential Indicators, as detailed in the submitted report and as detailed in Appendix 1, be noted.

(b) That the Treasury Management Annual Report for 2007/08, as detailed in the submitted report, be noted.

(c) That the outturn Prudential Indicators for 2007/08, as detailed in the submitted report, be forwarded to Council for approval.

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

(9) Depot Relocation – Procurement – The Director of Community Services submitted a report (previously circulated) requesting that consideration be given to the Procurement Strategy for the construction of a new depot facility, in accordance with the Contract Procedure Rules.

The Director of Community Services reported at the meeting that the two wards affected by the development, as detailed in Appendix A to the submitted report, were incorrect and should read Lingfield and Eastbourne Wards, and that the contract would be undertaken under the new protocol, considered and endorsed by the Resources Scrutiny Committee.

RESOLVED – (a) That the contract for the new depot, be proceeded to tender.

(b) That the procurement strategy for the construction of the new depot, as detailed in the submitted report, be approved.

(c) That the project governance arrangements and the delegations to the Project Board, as outlined in the submitted report and Appendix B, be approved.

REASONS - (a) The construction of a new depot and vacation of the existing site is essential to the Central Park Project.

(b) To enable the works to progress in line with the Central Park Project Plan.

(10) Procurement Forward Plan - The Assistant Chief Executive submitted a report (previously circulated) presenting the criteria for determining what constitutes strategic and non-strategic procurement and requesting that consideration be given to the Procurement Forward Plan (also previously circulated).

RESOLVED – (a) That the criteria for determining whether a procurement is strategic or non strategic, as detailed in the submitted report, be approved.

(b) That the assessment of strategic and non-strategic contracts, as presented in Appendix 3 of 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 3 to the submitted report, be delegated to the relevant officers, as set out in the Contract Procedure Rules.

(c) That the decision for delegating urgent contract award decisions for non-strategic contracts between the value of £75, 000 and £250,000 be delegated to the Assistant Chief Executive, in consultation with the Cabinet Member with the Resources Portfolio.

REASONS – (a) The revised Contract Procedure Rules require the production of an Annual Plan for approval by Cabinet. A set of criteria is needed to help determine whether procurement is strategic or non-strategic.

(b) 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 & 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.

(c) To allow urgent decisions to be made for non-strategic procurement

C26. SCHOOL HOLIDAY AND TERM DATES 2009/2010 AND 2010/2011 – 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 setting the school holiday dates and associated professional development arrangements for the academic years 2009/10 and 2010/11, and requesting that consideration be given to the ‘Guiding Principles for the School Calendar’ (also previously circulated) in line with the 11 other local authorities in the North East Region as well as 12 authorities in the Yorkshire Region.

RESOLVED – (a) That the school holiday and term dates for 2009/10 and 2010/11, as appended in the submitted report, be agreed.

(b) That the ‘Guiding Principles for the School Calendar’, as appended to the submitted report, be adopted.

REASONS – To assist schools, parents and the Council in the planning process.

C27. OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN - REVIEW - Pursuant to Minute C10/June/08, 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 ordinary meeting of Cabinet held on 3rd June, 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.

C28. HEALTHY COMMUNITY CHALLENGE FUND: INVITATION TO LOCAL AREAS – The Cabinet Member with the Health and Leisure Portfolio introduced the report of the Assistant Chief Executive (previously circulated) requesting that consideration be given to the submission of an expression of interest to the Healthy Community Challenge Fund.

RESOLVED – (a) That the submission of an expression of interest as Stage One of the application, be endorsed.

(b) That the preparation of a Stage Two application, on the basis that Darlington can demonstrate a strong case against the criteria, be supported.

(c) That a further report be presented to Cabinet following the preparation of a detailed plan, including financial implications.

REASONS – (a) Levels of obesity in Darlington are among the worst in England. To reduce health inequalities a reduction must be made in inequalities in lifestyle choices around physical activity and food

(b) In order to secure additional resources to prevent and help reduce rates of overweight and obesity in our population

C29. DARLINGTON PARK AND RIDE FEASIBILITY STUDY – The Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (Regeneration) requesting that consideration be given to the issues raised in the Darlington Park and Ride Feasibility Study produced by consultants Atkins Highways in March 2008, and requesting that consideration be given to the action to be taken in respect of that study.

RESOLVED – (a) That no further work be undertaken on Park and Ride in the short term.

(b) That ‘Park and Ride’ be reviewed again when funding decisions are taken on whether to support the Tees Valley Bus Network Improvement bid and Metro proposals.

REASONS – (a) The feasibility study shows that there is currently insufficient demand to develop a business case.

(b) Providing high quality public transport (bus, rail or Metro) for inter urban trips may provide alternatives to the development of Park and Ride sites.

C30. OUTDOOR MARKETS CALENDAR REVIEW – The Cabinet Member with the Economy Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to the number, range and type of markets held, within the pedestrianised areas of the town centre.

RESOLVED – That the calendar, as appended to the submitted report, be approved

REASONS – (a) The recently launched Community Strategy, One Darlington: Perfectly Placed, demonstrates a strong commitment in its statement of ‘supporting independent traders and pursuing a viable future for Darlington’s historic markets’.

(b) The range and quality of these markets was a principal factor in Darlington being awarded national recognition as the UK, ‘Market of the Year (Special Attractions) Award 2008’.

C31. CAPITAL PROCESS REVIEW - The Director of Community Services submitted a report (previously circulated) advising Members of the developments in the effective management of capital projects and programmes.

The Director of Community Services reported at the meeting that the review had been considered and endorsed by the Resources Scrutiny Committee and that they would continue to be involved.

RESOLVED – That the actions taken to improve capital processes, as detailed in the submitted report, be approved.

REASONS – There has been recognition of the need to strengthen the existing project management processes.

C32. BEECH WOOD DEPOT - DISPOSAL – The Director of Community Services submitted a report and plan (both previously circulated) seeking permission to demolish Beech Wood Depot, as shown on the plan appended to the submitted report, which is now surplus to requirements.

RESOLVED – That the Council Depot at Beech Wood, as shown on the plan appended to the submitted report, which is now surplus to requirements, be demolished.

REASONS – (a) There is a continuing programme of improvements underway within Beech Wood working closely with the local Friends Group. The Council Depot, which is surplus to requirements, does detract from those improvements.

(b) Its demolition would allow further enhancements to the natural environment.

C33. CAPITAL PROGRAMME OUT-TURN 2007/08 – The Director of Corporate Services submitted a report (previously circulated) providing information on the delivery of the Council’s Capital Programme; the financial out-turn position as at 31st March 2008; and the proposed financing of the 2007/08 capital expenditure.

RESOLVED – (a) That the delivery and financial outturn of the 2007/08 Capital Programme, as detailed in the submitted report, be noted.

(b) That the virement of resources, in respect of Children’s Services, Housing, Transport and Corporate Services, as identified in Appendix 3 of the submitted report, be approved.

(c) That additional spending and funding, as detailed below, be approved:-

Scheme	Amount	Financed by
	£	
Mount Pleasant Primary School	22,000	Contribution from School
Lets Get Cracking	88,000	Departmental borrowing
Arts Centre	9,000	Departmental revenue budget
Faverdale Industrial Estate	4,000	Departmental revenue budget

REASON - To enable Members to note the progress of the 2007/08 Capital Programme and to allow the capital spend for 2007/08 to be fully financed.

C34. COMBINED REVENUE ACCOUNT RESULTS AND SERVICE PERFORMANCE REPORT YEAR END 2007/08 – The Leader introduced the report of the Chief Executive (previously circulated) presenting the revenue out-turn for 2007/08 and to allow Members to consider the results in light of the Council’s Medium Term Financial Plan (MTFP) for the General Fund and also consider the Collection and Housing Revenue Account out-turn.

RESOLVED – (a) That the areas where targets have not been met including Planning and Waste, be noted, and action planning be taken to address those key areas of under performance.

(b) That the overall strong performance against Community Strategy themes and corporate objectives, as detailed in the submitted report, be noted.

(c) That the satisfactory results for the 2007-08 revenue outturn, as detailed in the submitted report, be noted.

(d) That the carry forward of £207,000 departmental balances, as detailed in the submitted report, be approved.

(e) That contributions to departmental balances of £168,000 from the General Fund corporate reserves, as detailed in the submitted report, be approved.

(f) That additional resources of £137,000 for job evaluation appeals and £17,000 for other corporately managed resources, as detailed in the submitted report, be approved.

(g) That contributions to General Fund corporate reserves of £65,000 in respect of reduced financing costs and £122,000 in respect of recharges to Housing Revenue Account, as detailed in the submitted report, be approved.

(h) That the transfer of £123,000 capital resources to revenue in respect of legal costs relating to equal pay litigation, as detailed in the submitted report, be approved.

(i) That the reduction in Local Authority Business Growth Incentive grant of £223,000 and increase of £28,000 for the Local Public Service Agreement grant, as detailed in the submitted report, be noted.

REASON - To maintain appropriate management arrangements for the Council's finances and make effective use of the Council's resources and to continue effective management of services and improvement in value for money

C35. MEMBERSHIP CHANGES – No membership changes to other bodies to which Cabinet appoints, were reported at the meeting

C36. DEVELOPMENT OF A NEW UNIVERSITY CENTRE IN DARLINGTON – With the prior approval to the matter being treated as urgent, to allow a decision to be made at the earliest possible date, the Leader introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) requesting that consideration be given to the provision of funding support for the proposed University of Teesside development at Central Park.

RESOLVED – That it be recommended to Council that the allocation of £500,000, towards the University of Teesside development, as detailed in the submitted report, be approved, should the funding be necessary.

REASON – The securing of the University development is an important step in achieving wider educational skills, prosperity and market positioning for Darlington, in line with the two priorities, and Prosperous and Aspiring themes, in One Darlington: Perfectly Placed.

C37. 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

C38. BEAUMONT STREET – LAND AT (EXCLUSION PARAGRAPH NO. 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) seeking authority to appropriate land on the Beaumont Street West site, as shown on the plan appended to the submitted report, for planning purposes, in accordance with Section 122 of the Town and Country Planning Act 1972 to facilitate the development.

RESOLVED – (a) That the land identified as a turning head, as shown on the plan appended to the submitted report, be appropriated for planning and development purposes, in exercise of the powers in Section 122 of the Local Government Act 1972 and be held under Part IX of the Town and Country Planning Act 1990.

(b) That the Borough Solicitor be authorised to effect the appropriation.

(c) That the Director of Corporate Services, in consultation with the Cabinet Member with the Resources Portfolio, be authorised to conclude negotiations and settle compensation in line with the terms, as outlined in the submitted report.

REASON – To safeguard the Council’s legal position to facilitate development and settle compensation.

C39. 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 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, 11TH JULY, 2008**