

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY 16TH JUNE, 2008**

CABINET
3rd June, 2008

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

INVITEES – The Mayor; Councillors Johnson and Swainston. (3)

APOLOGIES – Councillors Copeland and Mrs. Scott. (2)

ALSO IN ATTENDANCE – Councillors Coultas, Lewis, Richmond and Walker. (4)

C2. DECLARATION OF INTERESTS – There were no declaration of interests reported at the meeting.

C3. REPRESENTATIONS – A representation was raised by a Member in respect of Minute C8(5) below. In addition, a member of the public in attendance at the meeting, raised a question in respect of Disability Impact Assessments on Community Transport.

C4. TIMINGS OF MEETING - RESOLVED – That meetings of this Cabinet be held at 5.00 p.m. for the remainder of the Municipal Year 2008/09.

REASON – To reflect the views of Cabinet.

C5. MINUTES – Submitted – The Minutes (previously circulated) of the meetings of this Cabinet held on 29th April and 15th May, 2008.

RESOLVED – That, with the inclusion of Councillors Armstrong, Coultas, Dunstone, Johnson, Richmond and Robson, in the list of those ‘Also in Attendance’ at the meeting of Cabinet held on 29th April, 2008, the Minutes be confirmed, as a correct record.

REASON – They represent an accurate record of the meeting.

C6. MATTERS REFERRED TO CABINET – There were no matters referred back for reconsideration.

C7. ISSUES ARISING FROM SCRUTINY COMMITTEES - DARLINGTON EASTERN TRANSPORT CORRIDOR TASK AND FINISH REVIEW GROUP – The Leader introduced the report of the Chief Executive (previously circulated) reporting the Resources Scrutiny Committee’s findings and recommendations following the findings of an independent review, commissioned by the Council, in relation to the Darlington Eastern Transport Corridor.

The Chair of the Resources Scrutiny Committee, reported at the meeting, that the recommendations from the Scrutiny Committee had received unanimous agreement, from those present at the Special Resources Scrutiny Committee, called to consider the findings from the Review; the Committee had benefitted from the findings from the independent review; and that since the start of the Contract, a number of changes had been implemented in order to improve project management including a departmental restructure, a review of Contract Procedure Rules and the strengthening of the tendering process.

RESOLVED – (a) That the recommendations of the Resources Scrutiny Committee, be endorsed, namely:-

- (i) that the EC Harris report be noted;
- (ii) that the actions taken to improve project management within the Authority, including the restructure of departments implemented in 2007/08, be monitored and reviewed by this Scrutiny Committee and that the definition of strategic procurement, project management and the use of external consultants in delivering capital projects be included as part of this review and that this review should commence immediately;
- (iii) that the lessons learnt from the EC Harris report and discussions at this meeting be incorporated into the Capital Project Review Action Plan;
- (iv) following completion of the Capital Project Review, the Action Plan be monitored by this Scrutiny Committee forthwith; and
- (v) in light of the EC Harris report, Cabinet be requested to review its level of involvement in capital projects taking account of its duty of care and due diligence.

(b) That a further report on the outcome of the capital project review, be submitted to a future meeting of Cabinet.

(c) That the Chair and Members of the Resources Scrutiny Committee be thanked for their work in relation to the Review.

REASON – To ensure that the factors contributing to the budget overspend are understood and the lessons learned for future projects and programmes.

C8. KEY DECISIONS – (1) Early Years and Childcare 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 of the Darlington Early Years and Childcare Strategy (also previously circulated).

The Cabinet Member with the Children and Young People Portfolio encouraged the relevant Scrutiny Committee to be involved in the Strategy, as it evolved over time.

RESOLVED – (a) That the draft Early Years and Childcare Strategy, as appended to the submitted report, be approved.

(b) That the Strategy be referred to the next ordinary meeting of Council, scheduled to be held on Thursday 17th July 2008, for approval.

REASON – In order to improve the support for working parents and those who are seeking employment or training.

(2) (URGENT ITEM) Children and Young People’s Plan 2008/11 – The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Children’s Services (previously circulated) seeking endorsement of the Children and Young People’s Plan 2008/11 (also previously circulated).

The Cabinet Member with the Children and Young People Portfolio, stated that extensive consultation had been undertaken, in the development of the Plan.

RESOLVED – (a) That the draft Children and Young People’s Plan 2008/11, as appended to the submitted report, be endorsed.

(b) That the Director of Children’s Services, in consultation with the Cabinet Member with the Children and Young People Portfolio, be authorised to submit the draft Plan to Ofsted, by 28th June, 2008.

(c) That the Plan be referred to the next ordinary meeting of Council, scheduled to be held on Thursday, 17th July, 2008, for approval.

REASON – (a) To comply with the statutory requirements of the Children and Young People’s Plan (England) Regulations 2005.

(b) In respect of recommendation (b), owing to the tight timetable for submission to Ofsted and ongoing consultation, further changes may be required to the Plan prior to submission.

(c) To comply with the statutory requirements of the Local Authorities (Function and Responsibilities) (England) Regulations 2000, all documents required to be included in the Council’s policy framework must be submitted to Council for approval.

(3) Local Area Agreement 2008/11 – The Leader introduced the report of the Assistant Chief Executive (previously circulated) requesting that consideration be given to the 35 indicators and three year targets for Darlington’s Local Area Agreement.

RESOLVED – (a) That the Local Area Agreement, as appended to the submitted, be endorsed and it be recommended to the Special Council meeting, scheduled to be held on Friday, 6th June, 2008, for approval.

(b) That it be recommended to Council that approval and amendment of the Local Area Agreement be designated as an Executive function.

(c) That the Chief Executive, in consultation with the Leader of the Council, be authorised to agree any minor amendments to the Local Area Agreement, including linkages to the Multi Area Agreement, as necessary.

REASONS – (a) The document has been approved by the Local Strategic Partnership Board.

(b) To fulfil the Council’s statutory duties to adopt a Local Area Agreement.

(4) Data Quality Strategy – The Cabinet Member with the Resources Portfolio introduced the report of the Assistant Chief Executive (previously circulated) seeking approval of the Data Quality Strategy (also previously circulated).

RESOLVED – (a) That the Data Quality Strategy, as appended to the submitted report, be approved.

(b) That the Resources Scrutiny Committee be requested to monitor the implementation of the Data Quality Strategy Action Plan, as appended to the submitted report.

REASON – To meet the requirements of good practice as identified in the Audit Commission’s Data Management Arrangements for Data Quality Key Lines of Enquiry and to further enhance the Council’s already good data quality management arrangements.

(5) (URGENT ITEM) Tees Valley Multi Area Agreement – The Cabinet Member with the Economy Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) seeking Cabinet’s endorsement of the Draft Multi Area Agreement for the Tees Valley (also previously circulated) and requesting that consideration be given to authorising the Chief Executive, in consultation with the Leader of the Council, to agree any amendments to the final version of the Multi Area Agreement, prior to it being submitted to the Government by the deadline of end of June 2008.

The Leader stated that the Multi Area Agreement would assist the Council in delivering priorities contained within Sustainable Community Strategy.

Following questions from a Member, it was reported that the projects would be reported using the processes that were currently in place within the Council; there was a proposal to establish a Tees Valley wide Scrutiny Committee, in order to scrutinise the projects; and that the Council would have extra powers to allow the Council to access funding more quickly.

RESOLVED – That the contents of the Draft Multi Area Agreement (MAA), as appended to the submitted report, be endorsed and the Chief Executive be authorised, in consultation with the Leader of the Council, to agree any amendments prior to its submission to the Government by the end of June 2008.

REASONS – (a) To date, the development of the MAA has raised the profile of the Tees Valley within Central Government, and being the first area to sign an agreed MAA would be a major coup for the Council and its Partners.

(b) The financial freedoms and flexibilities negotiated through the MAA are unique to the Tees Valley and present a real opportunity to ensure that our large scale investment priorities get delivered more efficiently and cost effectively.

(c) The MAA secures a longer term funding commitment to an agreed programme of investment across the Tees Valley, based on current funding envelopes, whilst providing the opportunity for the Council to benefit directly from any cost efficiencies arising.

(d) The MAA is entirely complementary to the Council's new LAA, putting in place the economic infrastructure to enable other investments in working neighbourhoods, education and health to happen earlier than would otherwise have been the case. It also helps the delivery of a range of the Council's core strategies, in particular its Community Strategy.

C9. AGREED SYLLABUS FOR RELIGIOUS EDUCATION – 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 Agreed Syllabus for Religious Education (also previously circulated).

RESOLVED – That the Agreed Syllabus for Religious Education, as appended to the submitted report, be approved.

REASON – To enable schools to implement the new syllabus from September 2008 within the statutory framework.

C10. OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN – REVIEW – Pursuant to Minute C213/Apr/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 29th April, 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.

C11. REPRESENTATION ON OTHER BODIES 2008/09 – The Leader introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to this Council's Representation on Other Bodies for the 2008/09 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 Municipal Year 2008/09:-

Name of Body or Organisation	Nominations
Alternative Centre for Education (ACE) Advisory and Steering Group	Vice-Chair of Children and Young People Scrutiny Committee (Councillor Long)
Arts Council England North East	Cabinet Member with Health and Leisure Portfolio (Councillor A. J. Scott) and Chair of Economy and Environment Scrutiny Committee (Councillor Robson)
Charitable Organisations for the Blind (COB)	Councillor Swift
County Durham and Darlington Foundation Trust – Board of Governors	Councillor Copeland

Name of Body or Organisation	Nominations
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 Adoption Panel	Councillor Nicholson
Darlington Borough Council – Events Panel	Cabinet Member with Communities and Engagement Portfolio (Councillor Chapman) and Cabinet Member with Health and Leisure Portfolio (Councillor A. J. Scott)
Darlington Borough Council Fostering Panel	Councillor Nutt
Darlington College Corporation Board	No Vacancies
Darlington Domestic Violence Forum	Councillor Mrs. Swift
Darlington Partnership Board	Leader of the Council (Councillor Williams), Cabinet Member with Communities and Engagement Portfolio (Councillor Chapman) and Leader of the Opposition (Councillor Mrs. Scott)
Darlington Railway Museum Trust	Cabinet Member with Health and Leisure Portfolio (Councillor A. J. Scott)
Darlington Sure Start Partnership	Cabinet Member with Children and Young Portfolio (Councillor McEwan), Chair of Children and Young People Scrutiny Committee (Councillor Hughes) and Councillor Mrs. Scott
Disability Sport England – Northern Region	Councillors Nutt and York
Durham County Pension Fund Committee	Cabinet Member with Resources Portfolio (Councillor Harker) and Chair of Resources Scrutiny Committee (The Mayor, 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)
Durham Valuation Tribunal	No Vacancies
Family Help Organisation	Councillors J. Lyonette, Newall and Mrs. Scott
Financial Incentives Appraisal Panel	Cabinet Member with Transport Portfolio (Councillor D. A. Lyonette), Chair of Economy and Environment Scrutiny Committee (Councillor Robson) and Councillor Ruck

Name of Body or Organisation	Nominations
Firthmoor Community Centre Management Committee	Councillors Dixon and Vasey (Ward Members)
Local Access Forum	Chair of Economy and Environment Scrutiny Committee (Councillor Robson)
National Society for Clean Air (Northern Division)	Councillors Walker and Ruck
North East Strategic Partnership for Asylum and Refugee Support (NESPARS)	Cabinet Member with Communities and Engagement Portfolio (Councillor Chapman) (Councillor Hughes as named substitute)
North East Contracting Consortium for Asylum Support	Councillor Thistlethwaite (Councillor Swift as named substitute)
North East Highways Training Centre – Management Committee	Cabinet Member with Transport Portfolio (Councillor D.A. Lyonette)
Museum Libraries Archives North East	
Board	Cabinet Member with Health and Leisure Portfolio (Councillor A. J. Scott) (Appointed via the Tees Valley)
Company	Officer appointment
North East Purchasing Organisation (NEPO)	Cabinet Member with Resources Portfolio (Councillor Harker), Chair of Resources Scrutiny Committee (The Mayor, Councillor Haszeldine) and Councillor Richmond
North East Regional Employers Organisation	Cabinet Member with Resources Portfolio (Councillor Harker), Chair of Resources Scrutiny Committee (The Mayor, Councillor Haszeldine) and Vice-Chair of Resources Scrutiny Committee (Councillor Walker)
North East Sports Council	Councillor Nutt (Councillor Baldwin Observer status)
North East Trading Standards Association (NETSA)	Cabinet Member with Health and Leisure Portfolio (Councillor A. J. Scott)
Northern Housing Consortium	Cabinet Member with Neighbourhood Services and Community Safety Portfolio (Councillor Dixon)
Northern Council of Education Authorities	Cabinet Member with Children and Young People Portfolio (Councillor McEwan), Chair of Children and Young People Scrutiny Committee (Councillor Hughes) and Councillor Armstrong

Name of Body or Organisation	Nominations
Northumbrian Regional Flood Defence Committee	Councillor Wallis (full representative until 1st June, 2009)
RELATE North East	Councillors Regan and M. Cartwright
Shopmobility Steering Group	Cabinet Member with Transport Portfolio (Councillor D.A. Lyonette) and Cabinet Member with Communities and Engagement Portfolio (Councillor Chapman)
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), Councillor Maddison and Vice-Chair of Economy and Environment Scrutiny Committee (Councillor Dunstone)
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 Community and Public Protection Portfolio (Councillor Dixon)
Tidy North Regional Consultative Committee	Cabinet Member with Sustainable Environment and Climate Change Portfolio (Councillor Wallis)

C12. GRASS STREET PLAY AREA, DARLINGTON – ALTERATIONS – The Cabinet Member with the Resources Portfolio introduced the report and plan of the Director Of Children’s Services (both previously circulated) seeking approval to make alterations to the Grass Street Play Area, adjacent to Grass Street in the North Road area of Darlington (as shown on the plan appended to the submitted report).

The Director of Children’s Services circulated existing and proposed site plans of the proposals at the meeting.

RESOLVED – (a) That the transfer of the small parcel of land, as shown on the plan appended to the submitted report, from general Council owned land to School Playing field, be approved.

(b) That the Borough Solicitor be authorised to complete the exchange accordingly.

REASONS – (a) To reduce the Council’s responsibility for managing the subject land.

(b) To provide suitable playing field area for the school whilst at the same time re-provide new facilities for the Grass Street Play Park.

C13. CONTRACTS UNDERTAKEN FOR EXTERNAL CLIENTS 2007/08 – The Cabinet Member with the Resources Portfolio introduced the report of the Director of Community Services (previously circulated) advising Members of the work undertaken by the Community Services Department for external clients during 2007/08.

RESOLVED – That the report be noted.

REASON – To advise Members of the level of external trading undertaken by Community Services.

C14. AIR CONDITIONING INSTALLATION FOR CUSTOMER SERVICES/ HOUSING BENEFITS – REQUEST TO RELEASE CAPITAL FUNDING FROM THE MEDIUM TERM FINANCIAL PLAN – The Cabinet Member with the Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to the release of funding within the Capital Programme to install an air conditioning system within the Customer Services Centre, Interview Rooms and Room G02 (Housing Benefits) on the ground floor of the Town Hall.

RESOLVED – That £35,000 be released from the Council’s Capital Programme, to install the air conditioning system within the Customer Services Centre, Interview Rooms and Room G02 (Housing Benefits) on the ground floor of the Town Hall.

REASON – To ensure that the environmental conditions in the Customer Services/Housing Benefits areas are reasonable.

C15. NON-DOMESTIC RATES AND COUNCIL TAX – PROPOSED WRITE-OFF – The Cabinet Member with the Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) seeking approval for the write off of arrears of non-domestic rates and council tax, which were considered to be irrecoverable.

RESOLVED – That non-domestic rate arrears of £127,696.92 and council tax arrears of £75,802.60 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 Financial Procedure Rules.

C16. MEMBERSHIP CHANGES – No membership changes to other bodies to which Cabinet appoints, were reported at the meeting.

C17. 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 item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 3 of Part I of Schedule 12A to the Act.

C18. SCHEDULE OF TRANSACTION (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, 5TH JUNE, 2008**