

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY, 26TH NOVEMBER, 2007**

CABINET
13th November, 2007

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

INVITEES – Councillors Barker, Haszeldine, Jones and Mrs. Scott. (4)

ALSO IN ATTENDANCE – Councillors Coultas, Galletley, Johnson, Mrs. Jones, Lewis and Richmond. (6)

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

C101. DECLARATION OF INTERESTS – That in respect of Minute C106(4) below, the Chair, Councillors Williams, and Councillor Copeland declared personal and prejudicial interests, as they both resided in one of the wards detailed in the report, and left the meeting during consideration of that item only, and Councillor Dixon took the Chair for consideration of that item only; in respect of Minute C117 below, Councillor Williams declared a personal but non-prejudicial interest as his wife was the head teacher at one of the schools referred to in the report; and in respect of Minute C114, Councillors Dixon and Thistlethwaite declared personal and pre-judicial interests, and left the meeting during consideration of that item only, as they had relatives employed by the Council.

C102. REPRESENTATION – Members and members of the public in attendance at the meeting made representations in respect of Minutes C106(2), (4) and (5), C111 and C117 below.

C103. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of Cabinet held on 16th October, 2007.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C104. MATTERS REFERRED TO CABINET – There were no matters referred back for reconsideration.

C105. ISSUES ARISING FROM SCRUTINY – There were no issues referred from Scrutiny Committees to this meeting.

C106. KEY DECISIONS – (1) Renewal of Insurance - The Cabinet Member with the Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) informing Members of the current position in respect of the Council's insurance contract and requesting that consideration be given to insurance renewal proposals for next year.

Particular reference was made at the meeting to the potential financial savings for both Councils as a result of the joint procurement approach and for those savings to be reported back to Cabinet.

RESOLVED - (a) That the consortium approach, for the procurement of insurance with Stockton Borough Council, as detailed in the submitted report, be endorsed.

(b) That the extension of the insurance contract with Zurich Municipal, for the period 1st April to 31st May, 2008, be approved.

(c) That the financial savings made by both Councils, as a result of the joint procurement of the insurance contract, be reported back to a future meeting of Cabinet.

REASONS - (a) The Council is engaged in developing a shared services partnership with Stockton Borough Council.

(b) There is the potential of financial savings for both Authorities as a result of this joint procurement approach

(2) Community Engagement - Implementation Plan - The Cabinet Member with the Communities and Engagement Portfolio introduced the report of the Assistant Chief Executive (previously circulated) presenting the Implementation Plan (also previously circulated) and financial implications for the Community Engagement proposals, agreed by Council at its meeting held on 19th July, 2007 (Minute C24(4)/Jul/07 refers).

References were made to the attendance at the 'Talking Together' events, and in particular the 'Question and Answer' sessions, which were held as part of those events; the venue of the events; the budget and additional staff; the Business Engagement Strategy; and to feedback from the sessions held to date.

In response to those comments, it was reported that attendance at the events averaged 45 and that although the attendance at the 'Question and Answer' sessions, were relatively low in comparison, as many of those in attendance preferred to speak on an informal 1:1 basis, it was felt important to continue to incorporate these sessions into the events, to enable residents to ask questions on a more formal basis. In addition it was stated that the events held to date would be reviewed and changes made to future events, if necessary, to make them more accessible; the venues for the 'Talking Together' events would alternate and an event would be held in each of the wards throughout the year; and the additional staff would be utilised for other work including the development of the Business Engagement Strategy.

RESOLVED - (a) That the estimated costs of £145,500 and recruitment to two additional posts, as detailed in the submitted report, be approved.

(b) That the Implementation Plan, as appended to the submitted report, be approved.

REASON - To deliver on the Council's agenda to strengthen community engagement.

(3) The Oval Development - Commencement - The Cabinet Member with the Transport Portfolio introduced the report of the Assistant Chief Executive (Regeneration) (previously circulated) outlining the construction programme and communication strategy for Discovery Properties' shopping and leisure development, known as The Oval and requesting that consideration be given to compensating for the temporary loss of car parking whilst a new multi-storey park was being built, as part of the development, on the Kendrew Street surface car parks.

Discussion ensued on the Chesnut Street car park and the provision of permit parking.

RESOLVED - (a) That actions 1 to 4, as detailed in the submitted report, be implemented.

(b) That capital expenditure of £125,000 to implement action 2, as detailed in the submitted report, funded by prudential borrowing, be approved.

REASONS - (a) To facilitate the funding of alternative long stay town centre parking provision and provision of alternative travel advice to motorists.

(b) To ensure that the economy of the town centre is supported by provision of adequate car parking.

(4) 20mph Zones Proposed for Bank Top, Lascelles, Red Hall, Corporation Road and Oakwood Areas - Consideration of Objections - 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 objections received following the advertising of notices in relation to the introduction of 20 mph zones and traffic calming features within the Bank Top, Lascelles, Red Hall, Corporation Road and Oakwood Drive areas.

The Cabinet Member with the Transport Portfolio reported at the meeting that the objections received to the introduction of the 20 mph zones had now been resolved.

A member of the public in attendance at the meeting, raised a number of concerns in respect of the location of the speed humps; the quality of speed humps in other areas of the town; and the cost of incorporating and repairing speed humps.

Discussion ensued on alternative methods of reducing speed; enforcement of the schemes; and other traffic calming schemes.

RESOLVED - That the objections from the residents of Waverley Terrace and White Bridge Avenue, as detailed in the submitted report, be set aside.

REASON - To allow the implementation of traffic calming and comprehensive 20 mph zones in the areas identified.

(5) Darlington and Stockton Partnership - 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 detailed business case for the partnership with Stockton Borough Council to provide a range of support services to both Councils. An executive summary of the outline business case, together with the comments received from the Unions and the comments of the Director of Corporate Services thereon, were appended to the submitted report.

The Cabinet Member with the Resources Portfolio stated that the savings would start next year and not this year, as detailed in the submitted report.

In response to a number of questions raised by a Member, it was reported that although the representation on the Advisory Board was not cross-party from this Council, it would comprise of a Conservative Member from Stockton Borough Council; there would be adequate cover in Darlington in respect of ICT support and printing; it was not yet known the number of job loses expected as a result of the partnership but as much as possible had been done to minimise the number; and that the £3.7 m contribution referred to in the submitted report, was a joint contribution between this Council and Stockton Borough Council.

RESOLVED - (a) That the report be referred to Council to approve the amendments to the Council's Medium Term Financial Plan (MTFP).

(b) That subject to approval of the financial implications by Council:-

- (i) the formation of a partnership with Stockton to provide support services, be approved;
- (ii) the Director of Corporate Services, in consultation with the Cabinet Member with the Resources Portfolio, be given delegated powers to finalise the partnership agreement; and
- (iii) powers be delegated to Stockton Borough Council under s19 Local Government Act 2000, to carry out executive functions for the delivery of ICT, print and design, transactional human resources and transactional finance, to come into effect on a date to be determined by the Director of Corporate Services, in consultation with the Cabinet Member with the Resources Portfolio.

REASONS - (a) To seek Council approval for changes to the MTFP.

(b) To enable the partnership to be established.

(c) To enable the Council to deliver financial efficiencies.

C107. DARLINGTON'S PARENTING STRATEGY - 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 development of a comprehensive Parenting Strategy for Darlington (also previously circulated).

RESOLVED - (a) That the report be noted.

(b) That the Parenting Strategy, as appended to the submitted report, be endorsed for future development.

(c) That the Director of Children's Services, in consultation with the Cabinet Member with the Children and Young People's Portfolio, be authorised to undertake the development of a strategy and its action plans.

(d) That the strategy be referred to the relevant Scrutiny Committee for their consideration.

REASONS - (a) To ensure that parents have access to the support they need, when they need it.

(b) To enable the strategy to be further developed.

C109. OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN - REVIEW - Pursuant to Minute C90/Oct/07, 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 meeting of Cabinet held on 16th October, 2007.

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.

C110. LOCAL GOVERNMENT OMBUDSMAN - ANNUAL LETTER - The Leader introduced the report of the Director of Corporate Services (previously circulated) reporting the contents of the Annual Letter of the Local Government Ombudsman for 2006/07 (also previously circulated).

RESOLVED - (a) That the Annual Letter from the Local Government Ombudsman for 2006/07, as appended to the submitted report, be welcomed.

(b) That Directors be requested to ensure that there is a speedy response from Ombudsman enquiries and to raise awareness about the Council's complaints procedure, with a view to reducing the number of premature complaints.

(c) That a report on options to improve the way in which complaints to the Council are handled be submitted to a future meeting of Cabinet.

REASON - To ensure that where weaknesses are identified improvements can be made to the handling and management of complaints referred to the Local Government Ombudsman.

C111. CORPORATE SERVICE AND MEDIUM TERM FINANCIAL PLAN PERFORMANCE REPORT - QUARTER TWO SERVICE AND FINANCIAL MANAGEMENT 2007/08 - The Leader introduced the report of the Chief Executive (previously circulated) reporting on progress against plan, for half year service and financial performance for April to September 2007, identifying areas of corrective action.

References were made to the over-achieving on a number of targets; over spends on projects; temporary savings being included in the Gershon savings; and savings in the Chief Executive's Department.

The Cabinet Member with the Transport Portfolio congratulated the Local Motion Team on the Travel Marketing Promotion, which was well ahead of target.

The Chair referred to the projected over spend, in relation to Adult Social Services, which was a national problem, and that savings had been made in other areas to compensate for this overspend.

RESOLVED - (a) That the solid performance against target, as detailed in the submitted report, be noted.

(b) That the projected overspend of £0.836m, as detailed in the submitted report, compared with the Medium Term Financial Plan, be noted.

(c) That the positive value for money assessment, as appended to the submitted report, be noted.

(d) That action plans be taken to address areas of under performance.

REASON - To continue effective management of service and financial performance and improvement for value for money.

C112. ULLSWATER AVENUE FOOTPATH CRIME PREVENTION CLOSURE - The Cabinet Member with the Transport Portfolio introduced the report of the Director of Community Services (previously circulated) advising Members of the crime and anti-social behaviour issues associated with a footpath at Ullswater Avenue and requesting that consideration be given as to whether a special Extinguishment Order or Gating Order should be pursued.

RESOLVED - (a) That a Special Extinguishment Order, not be progressed, for the footpath at Ullswater Avenue.

(b) That a Gating Order, for the footpath at Ullswater Avenue, be not progressed.

(c) That Crime and Anti-Social Behaviour at the footpath at Ullswater Avenue, continue to be monitored to identify any changes in pattern and volume to ensure appropriate action is taken.

(d) That a document be developed to establish the Council's policy and procedures with regard to Gating Orders and Footpath Closures, for the purposes of crime prevention.

REASONS - (a) It is the opinion of officers that the evidence is not strong enough when considering the statutory tests to justify either a Special Extinguishment Order or a Gating Order.

(b) To provide a clear framework and approach to footpath closures for the purposes of crime prevention.

C113. ADVERTISING AND SALE OF TOBACCO TO CHILDREN UNDER THE AGE OF 16 - The Cabinet Member with the Health and Leisure Portfolio introduced the report of the Director of Corporate Services (previously circulated) reporting on the programme of enforcement carried out under the Children and Young Persons (Protection from Tobacco) Act 1991 from April 2006 to March 2007 and seeking approval for a continuing programme of enforcement, to be taken by the Trading Standards Section, in relation to the advertising and sale of tobacco.

RESOLVED - (a) That the results of the programme of enforcement carried out from April 2006 to March 2007, as detailed in the submitted report, be noted.

(b) That the following programme of enforcement considered under the Children and Young Persons (Protection from Tobacco) Act 1991, be continued, namely:

- (i) a programme of inspections to premises selling tobacco;
- (ii) a programme of inspections to premises where cigarette vending machines are sited;
- (iii) the investigation of complaints in respect of alleged offences (including test purchasing);
- (iv) a programme of checks on retailers using test purchasing; and
- (v) raising awareness of traders and children through the use of publicity.

REASONS - (a) The Act places a duty on the Local Authority to consider the extent to which it is appropriate for them to carry out a programme of enforcement.

(b) Approval of the programme of enforcement would give an effective means of enforcing the provisions of the Act.

C114. MANAGEMENT OF CHANGE - SEVERANCE AND PROTECTION PAYMENTS - 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 management of change within the Council by the introduction of revised discretionary severance payments for employees whose employment is terminated on redundancy or efficiency grounds and a scheme for salary grade protection for employees who are downgraded as a result of restructuring.

RESOLVED – That the report be noted and it be recommended to Council that:-

(a) the discretion to use an employee's actual week's pay in calculating redundancy and efficiency payments, in line with current practice, continue to be applied;

(b) the discretion for efficiency of the service terminations on a case- by-case basis up to a maximum of 104 weeks' pay, be applied;

(c) the discretion for enhanced redundancy payments using the statutory redundancy matrix with a multiplier of 2.2, be applied;

(d) any enhanced payment (over and above the statutory redundancy payment) either for redundancy or efficiency of the service terminations be used to purchase additional membership of the LGPS under regulation 52, if employees feel this is more beneficial to their individual circumstances;

(e) further consultation take place with schools on the application of the DCR for all non-teaching staff and that further assessment be made of the discretions within the Teachers Pension Scheme for application to teaching staff; and

(f) the implementation of a three year salary grade protection scheme for employees who are downgraded as a result of restructuring comprising one year at full salary protection, one year at 50 per cent difference between old and new salary and one year at 25 per cent of difference between old and new salary.

REASON - (a) The Council must decide how it will operate under the revised DCR to ensure that it acts in line with age legislation.

(b) Operating the DCR as proposed in this report will assist the Council in the management of change and associated employee relation issues.

(c) Operating protection arrangements as outlined in the submitted report will also assist the Council in implementing change.

C115. CABINET'S DELEGATED POWERS - ADDITIONAL REVENUE AND CAPITAL EXPENDITURE - The Cabinet Member with the Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to increasing Cabinet's delegation to approve additional expenditure for Capital and Revenue from £250,000 to £500,000 for 2007/08 and future years.

RESOLVED – That Council be requested to increase Cabinet's maximum limit for delegation for additional revenue funds and additional capital expenditure that can be approved by Cabinet without reference to Council from £250,000 to £500,000, in both cases, for 2007/08 and future years.

REASON - In order that delegation limits keep in context with the size of overall budgets.

C116. CAPITAL PROGRAMME - RELEASE OF FUNDING FOR PLANNED MAINTENANCE - CAPITALISED REPAIRS - 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 approved in the 2007/08 capital programme for planned maintenance.

RESOLVED - That the Council's commitment to a programme of planned maintenance, be endorsed, and :-

- (a) £250,000, identified in the submitted report from the 2007/08 Capital MTFP, be released, to undertake the programme of planned maintenance; and
- (b) the Director of Corporate Services, as the Council's Corporate Property Officer, be authorised to undertake works to the operational and non operational property portfolio, as outlined in the submitted report, and/or considered appropriate in the best interest of the Council.

REASONS - (a) To ensure funds are available.

(b) To enable appropriate works to be progressed.

C117. CAPITAL PROGRAMME MONITORING REPORT - SEPTEMBER 2007 - The Cabinet Member with the 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.

The Chair reported at the meeting that an independent external enquiry would be conducted on the overspend in relation to the Darlington Eastern Transport Corridor (DETC) scheme.

A member of the public referred to the overspend in relation to the DETC scheme; the contract for the scheme; and how the overspend would be met.

Discussion ensued on project management in general across the Council's schemes and the overspend on the DETC scheme.

RESOLVED - (a) That the 2007/08 updated Capital Programme, as detailed in the submitted report, be noted.

(b) That the virement of resources within the Children's Services programme, as detailed in the submitted report, be approved.

(c) That additional funding of £0.021M from the Department of Children, Schools and Families relating to Devolved Formula Capital, as detailed in the submitted report, be noted and released.

(d) That Prudential Borrowing taken by Cockerton Primary school of £0.032M, as detailed in the submitted report, be noted and released.

(e) That the variance of £0.015M identified in Housing for garage improvements, as detailed in the submitted report, be noted.

(f) That the variance on spend on the Local Transport Plan, as detailed in the submitted report, be noted.

(g) That the position on the Darlington Eastern Transport Corridor, as detailed in the submitted report, be noted, and a detailed report be submitted to future meetings of Cabinet and Council.

(h) That the additional resources required for the CCTV schemes of £0.007M, as detailed in the submitted report, be approved.

(i) That the additional resources required for the Arts Centre scheme of £0.050M from Corporate Capital resources, as detailed in the submitted report, be approved.

(j) That the position relating to Faverdale ERDF Grant, as detailed in the submitted report, be noted, and a detailed report be submitted to future meetings of Cabinet and Council.

(k) That the underspend relating to Surplus School Sites, as detailed in the submitted report, be approved and the unused Corporate Capital Resources of £0.050m be available to spend elsewhere.

(l) That the position relating to the Fishing reserve unused grant, as detailed in the submitted report, be noted.

(m) That additional costs of £0.002M associated with Hopetown Office relocation to be funded from Corporate Capital Resources, as detailed in the submitted report, be approved.

(n) That the virement relating to Crown Street Library and Planned Maintenance of £0.035M, as detailed in the submitted report, be approved.

(o) That the additional cost and approved Corporate Capital Resource of £0.087M for the Reconfiguration of the Learning Disability Service, as detailed in the submitted report, be noted.

(p) That the report conducted to investigate the overspend in relation to the DETC scheme, be referred to the relevant Scrutiny Committee for their consideration.

REASON - To allow Members to note the progress of the agreed Capital Programme and agree changes to the Capital Programme.

C118. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C119. PROCUREMENT OF WASTE MANAGEMENT SERVICES – With the prior approval of the Chair to the matter being treated as urgent to allow a decision to be made at the earliest possible date, the Cabinet with the Sustainable Environment and Climate Change Portfolio introduced the report of the Director of Community Services and the Director of Corporate Services (previously circulated) requesting that consideration be given to the final tenders received for the contract to be awarded to deliver waste management services for eleven years, from April 2009.

Discussion ensued on the procurement process; recycling targets; kerbside collections; and consultation.

RESOLVED - That the bid from Stonegrave Aggregates, as detailed in the submitted report, be accepted, and they be awarded the contract to deliver waste management services for eleven years, from April 2009.

REASON - The bid represents the most economically advantageous option.

C120. 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.

C121. TIMES OF FUTURE MEETINGS - RESOLVED - That future meetings of this Cabinet be held at 5.00 p.m.

REASON – To comply with the views of Members.

C122. 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.

C124. PROCUREMENT OF WASTE MANAGEMENT SERVICES (EXCLUSION PARAGRAPH NO. 3) - With the prior approval of the Chair to the matter being treated as urgent in order to allow a decision to be made at the earliest possible date and pursuant to Minute C119 above, the Director of Community Services and Director of Corporate Services submitted a report (previously circulated) providing additional information in support of the award of the contract for delivery of waste management services for eleven years, from April 2009.

RESOLVED – That the report and additional information, in support of the award of the contract for the delivery of waste management services, as detailed in the submitted report, be noted.

REASON – To provide supporting information to Members to enable them to make an informed decision.

**DECISIONS DATED -
FRIDAY, 16TH NOVEMBER, 2007**