

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY, 20 SEPTEMBER, 2010**

CABINET
7 September 2010

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

INVITEES – Councillors Barker and Mrs. Scott. (2)

APOLOGIES – Councillors Haszeldine and Swainston and Mr. A. MacConachie. (3)

ALSO IN ATTENDANCE – Councillors Francis and Johnson. (2)

C54. DECLARATION OF INTERESTS - There were no declarations of interest reported at the meeting.

C55. REPRESENTATIONS – There were no representations made at the meeting from Members or members of the public.

C56. MINUTES - Submitted - The Minutes (previously circulated) of the meetings of this Cabinet held on 13 and 28 July 2010.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C57. MATTERS REFERRED TO CABINET - There were no matters referred back for reconsideration.

C58. ISSUES ARISING FROM SCRUTINY - There were no issues arising from Scrutiny.

C59. KEY DECISIONS - (1) (URGENT ITEM) Recovery of Building Regulation Charges - The Cabinet Member with the Health and Leisure Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to a new scheme (also previously circulated) for the recovery of Building Regulation charges that met the requirements of the Building (Local Authority Charges) Regulations 2010.

RESOLVED - (a) That the Scheme for the Recovery of Building Regulation Charges, as appended to the submitted report, be adopted and implemented from 1 October 2010.

(b) That the Scheme of Delegation to Officers be amended to replace the existing paragraph (C) 5 in relation to the powers of the Director of Corporate Services to determine the number of hours and amend the standard charge to reflect the relevant number of hours applicable to proposed developments as set out in the Council's Scheme for the Recovery of Building Regulation charges and in accordance with the provisions set out in the Building (Local Authority Charges) Regulations 2010.

REASONS - (a) To meet the requirements of the new Building (Local Authority Charges) Regulations 2010.

(b) To adopt a consistent scheme across the Tees Valley to the benefit of residents and businesses.

(2) Procurement Plan - Update - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to the updated Annual Procurement Plan (also previously circulated).

Particular reference was made at the meeting to the terminology used within the appendix to the submitted report.

RESOLVED - That the assessment of strategic and non-strategic contracts, as detailed in the appendix to the submitted report, be approved, and :-

- (i) the procurement strategies for those contracts designated as strategic, with the exception of the Gas Supply Contract, 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 contracts designated as non-strategic, as detailed in the appendix to the submitted report, be delegated to the appropriate Director.

REASONS - (a) The contracts designated strategic are of high value and high significance in respect of the impact on residents, Health and Safety and public safety.

(b) The contracts designated non-strategic are of a lower value and lower significance in respect of the impact on residents and public safety.

(3) Fairer Contributions Policy - The Cabinet Member with the Adult Services Portfolio introduced the report of the Director of Community Services (previously circulated) requesting that consideration be given to a new policy for determining how much a resident of Darlington could afford to contribute towards the cost of their social care known as the 'Fairer Contributions Policy' (also previously circulated).

It was reported that a Disability Equality Impact Assessment (DEIA) had been carried out and that it had been considered by Cabinet, when making its decision.

RESOLVED - (a) That the response to the consultation on the draft Fairer Contributions Policy, as detailed in the submitted report, be noted.

(b) That the Fairer Contributions Policy, as appended to the submitted report, be approved and implemented from 1 October 2010.

(c) That the implementation of the Fairer Contributions Policy, be deferred until April 2011, for those existing service users who would be affected by its introduction, in order that a re-assessment of their needs and circumstances could take place.

REASONS - (a) The proposal will eliminate inequalities in the current charging policy from non-residential Adult Social Care Services, making it more fair and transparent in supporting service users accessing a personal budget.

(b) The proposals have been amended as a result of consultation with service users, carers, user led organisations and the completion of a Disability Equality Impact Assessment.

C60. Standard Advisory Council on Religious Education - Revised Constitution - The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting that consideration be given to a revised constitution (also previously circulated) for the Standard Advisory Council on Religious Education.

RESOLVED - That the revised Constitution for the Standard Advisory Council on Religious Education, as appended to the submitted report, be approved.

REASON - To ensure that the Darlington SACRE Constitution adheres to the general practice promoted by the National Association of SACRE's.

C61. ANNUAL LETTER OF THE OMBUDSMAN - The Leader introduced the report of the Director of Corporate Services (previously circulated) informing Members of the receipt of the annual letter of the Ombudsman in relation to complaints against the authority.

RESOLVED - (a) That the Annual Letter from the Local Government Ombudsman for 2009/10, as appended to the submitted report, be welcomed.

(b) That the improvement in response times and reduction in complaints, as detailed in the submitted report, be noted.

(c) That Directors continue to support the work of the Corporate Complaints Unit in fostering a culture in which complaints are welcomed and responded to effectively.

REASON - To enable the Local Authority to continue to learn from complaints, improve service provision and increase efficiency.

C62. LOCAL LAND CHARGES - INCOME AND FEE VARIATIONS - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Corporate Services (previously circulated) advising Members of developments in relation to the legal position for charging for the local land charge service and requesting that consideration be given to a revised approach for charging for the service.

RESOLVED - (a) That the recent developments in relation to property search information and the financial impact on this Council, as detailed in the submitted report, be noted.

(b) That the revised approach to charging, as detailed in the submitted report, be approved.

REASON - (a) They allow the Council to respond to current developments in relation to personal search charges.

(b) To enable the Council to recover the costs involved in providing information that could be lawfully charged for.

C63. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C64. 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.

C65. 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 approved for the terms negotiated.

RESOLVED - That the Schedule, as appended to the submitted report, be approve and the transactions be completed on the terms and conditions detailed therein.

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

**DECISIONS DATED -
FRIDAY, 10TH SEPTEMBER, 2010**