

DURHAM COUNTY COUNCIL

CABINET

AT A MEETING of the **CABINET** held at the County Hall, Durham on **THURSDAY 28 AUGUST 2008** at **10.00 a.m.**

PRESENT

COUNCILLOR HENIG in the Chair

Cabinet Members:

Councillors NC Foster, Hodgson, Hovvels, E Huntington, Nicholls, Robson, Stephens, Vasey and B Young.

Other Members:

Councillors Arthur, Barnett, Blakey, Chaplow, Dixon, Freeman, Gittins, Graham, Gray, Hancock, Holland, G Huntington, Martin, D Myers, R Ord, J Robinson, Rodgers, Savory, Shiell, Shuttleworth, Stelling, Stradling, Thomson, Todd, Tomlinson, Walker, Wilkes, Wilkinson, Williams, and Woods.

Apologies for absence were received from Councillors Murphy and O'Donnell.

A1 Minutes

The Minutes of the meeting held on 31 July 2008 were considered. The Acting Director of Corporate Services advised that there was an error in the wording of the resolution at Minute A6 concerning Parish Elections in 2009. The resolution should read "that Parish Elections should not be held in 2009". The minutes amended accordingly were agreed as a correct record and signed by the Chairman.

A2 Declarations of interest

Councillor Stelling, in relation to Minute A4, as a Member of Derwentside District Council.

Councillor J Robinson, in relation to Minute A10, as a Member of Sedgefield Town Council.

Councillor Holland, in relation to Minute A10, as Mayor of Durham City.

Councillor Martin, in relation to Minute A11, as a School Governor of Durham Johnston Comprehensive School.

A3 Budget & Medium Term Financial Plan 2009/10 – 2011/12 and Budget Monitoring and Forecast Outturn 2008/09 Strategy and Work Programme

The Cabinet considered a Report of the Report of County Treasurer (for copy see file of Minutes) to-

- Propose a process and an outline timetable for the production of the 2009/10 Budget and the Medium Term Financial Plan (MTFP) for 2010/11 – 2011/12 for the new Unitary Authority.
- Provide a framework to help prepare the MTFP for the new Unitary Authority
- Establish the budget strategy for the new Unitary Authority.
- Propose the framework for budget monitoring through 2008/09 and for forecasting the 2008/09 outturn for the County Council

In response to a question from Councillor Woods, the Chairman provided clarification that the figures set out in the report were a starting point for determination of the budget and would change as the Council worked its way through the budget process.

Resolved:-

That the recommendations in the Report be agreed.

A4 Business as Usual – Consett Sport Project

The Cabinet considered a Report of the County Treasurer (for copy see file of Minutes) seeking approval to appoint consultants to examine proposals by Derwentside District Council to design and build a sports facility.

Councillor Stelling expressed concern at the consequential delay of the project. The County Treasurer advised that there were a number of issues that required clarification as set out in his report.

Resolved:-

That the recommendation in the Report be agreed.

A5 Quarter 1 Finance Report

The Cabinet considered a report the County Treasurer (for copy see file of Minutes) to review the Council's current financial position and to provide a forecast of the position to the year-end.

Resolved:-

That the recommendation in the Report be agreed.

A6 Quarter 1 Corporate Performance Report

The Cabinet considered a Report of the Head of Policy and Improvement (for copy see file of Minutes) providing an analysis of performance for Q1 2008/09 covering:

- Key performance indicators and tasks to measure priority outcomes for improvement identified in the Council's Corporate Plan (2008-09),
- Local Area Agreement (LAA 2006-09) stretch targets
- National Indicator Set and LAA (2008-11)
- Corporate Health (DCC & districts)
- Financial management and value for money issues
- Data quality issues

The Acting Chief Executive advised that a series of briefing meetings for Members would be held that would provide information on the new performance management system.

Resolved:-

That the recommendations in the Report be agreed.

A7 Annual Report 2007/08

The Cabinet considered a Joint Report of the Head of Policy and Improvement, and County Treasurer (for copy see file of Minutes) providing a draft version of the Council's Annual Report for 2007/08.

Resolved:-

That the draft Annual Report be endorsed prior to final publication.

A8 The Work of Corporate Risk Management in the Quarter Period April 2008 – June 2008

The Cabinet considered a Report of the County Treasurer on behalf of the Corporate Risk Management Group (for copy see file of Minutes) providing an insight into the work carried out by the Corporate Risk Manager and the Corporate Risk Management Group during the period April – June 2008. As well as good management practice, the report also positively responds to the Key Lines of Enquiry in the Use of Resources element of the Comprehensive Performance Assessment. Risks are assessed and managed at both a service and corporate level. All risks are reported as Net Risk, which is based on an assessment of the impact and likelihood of the risk occurring with existing controls in place.

In response to a question from Councillor Woods in connection with Premier Waste Management Company, the Acting Chief Executive advised that an appropriate seminar would be held for Members.

Resolved:-

That the Report be noted.

A9 Equalities and Diversity Steering Group Report

The Cabinet considered a Joint Report of the Equality and Diversity Steering Group and the Acting Director of Corporate Services (for copy see file of Minutes) providing information from all Services for the first quarter of 2008/09 together with a more general update on equality and diversity issues and activities.

Resolved:-

The Cabinet welcomed the returns from Services, and the examples of good practice outlined in the report. Members were asked to advise the Cabinet Portfolio Holder of any further information they would find useful in future reports.

A10 Ceremonial Issues arising from Local Government Review

The Cabinet considered a Report of the Acting Director of Corporate Services (for copy see file of Minutes) relating to various ceremonial matters and seeking the views of Cabinet to inform the Department for Communities and Local Government of local wishes, and to appraise the Cabinet of emerging legislation on related matters.

The Acting Director of Corporate Services confirmed that Roberta Blackman-Woods was supportive of the proposals in general.

Councillor Holland expressed his concern at the proposals and that decisions relating to Durham City would be made by those from outside of the area.

Councillor Woods suggested that the ceremonial rights connected with the Durham City Charter should transfer to the Town Council once established.

The Chairman clarified that there was no threat to the Office of Mayor of Durham City, or to the artefacts, and that the issue Cabinet was to consider was the options on who could be Charter Trustees and the areas they were from. He advised that at the current time Durham City did not have a Town Council, and if considered appropriate at the time when one was established it could be the subject of a further report.

In response to a question from Councillor Wilkes concerning a potential overlap of duties of the seven Mayors and Chairman of Durham County Council, the Chairman advised that the Constitutional Working Group would look at issues such as this.

Resolved:-

- (1) That in relation to Durham City:
 - (a) the actions of the Acting Director of Corporate Services in submitting an application to the Ministry of Justice, jointly with the support of Durham City Council, to secure the continuance of City Status, be confirmed and ratified,
 - (b) the Council propose to the DCLG that Charter Trustees be appointed by the County Council from the county-wide membership of the Durham Unitary Authority for the reasons set out in this report,
 - (c) the Council supports the continuation of the community governance review being undertaken by Durham City Council for their unparished area.
- (2) In relation to Sedgefield Borough that the Council confirm to DCLG that their suggestion be accepted, i.e. that civic and ceremonial privileges and rights be transferred to Sedgefield Town Council.
- (3) That Cabinet notes the position regarding Aldermen and other matters and receives further reports as appropriate
- (4) That Cabinet approves the protocol set out in Appendix 2 relating to District Council artefacts, etc.

A11 Admission Arrangements for Durham Johnston Comprehensive School for September 2009: Decision of the School Adjudicator

The Cabinet considered a Report of the Corporate Director, Children and Young Peoples Services (for copy see file of Minutes) about the decision of the Schools Adjudicator relating to the admission arrangements for Durham Johnston Comprehensive School for school year September 2009 and the wider implications for school admissions across the County.

In response to a question from Councillor Martin, the Corporate Director, Children and Young Peoples Services advised that he would look into whether it would be possible for the Admissions Forum to meet in public, and whether a new parent governor had been appointed to the Forum. He went on to clarify that the Admissions Forum would make recommendations to Cabinet

on the admissions criteria, hence it would be the Cabinet that would make any decisions.

Resolved:-

That the recommendations in the Report be agreed.

A12 Building Schools for the Future (BSF) Facilities Management Service Provision for PFI Schools and Co-located Schools

The Cabinet considered a Joint Report of the Corporate Director Children and Young People's Services and the County Treasurer (for copy see file of Minutes) proposing policy recommendations for PFI schools in respect of cleaning and catering service provision and the provision of primary schools on the same sites as PFI schools.

The Cabinet Portfolio Holder confirmed that the BSF Board are robust in challenging the formation of contracts which are looked at on a school by school basis.

Resolved:-

That the recommendations in the Report be agreed.

A13 New Roads and Street Works Act 1991: Fixed Penalty Notices

The Cabinet considered a Joint Report of the Acting Corporate Director Environment and the Acting Director of Corporate Services (for copy see file of Minutes) proposing a new delegated authority to issue Fixed Penalty Notices under the Traffic Management Act 2004 and the New Roads and Street Works Act 1991.

Resolved:-

That the recommendation in the Report be agreed.

A14 Civil Parking Enforcement Standing Orders: Durham District

The Cabinet considered a Report of the Acting Corporate Director Environment (for copy see file of Minutes) setting out the requirement of the Authority to specify the officers having the authority to cancel parking tickets issued by a Civil Enforcement Officer following the implementation of Civil Parking Enforcement in Autumn 2008.

The Acting Chief Executive confirmed that any disputes would be reported back to Members through the Performance Management Reports.

Resolved:-

That the recommendations in the Report be agreed.

A15 Free Swimming

The Cabinet considered a Report of the Acting Corporate Director of Environment (for copy see file of Minutes) about the Department of Culture Media and Sport (DCMS) grant aid scheme for Local Authorities to provide free swimming to those aged 60 years and over and those aged 16 years or under, and establishing the criteria for grant application and providing details of the implications and opportunities of participation.

Councillor Wilkes commented that for consistency across the county he hoped that all District Councils took up this scheme. The Chairman advised that they were to meet with the Durham District Councils the following day and would raise the issue.

Resolved:-

That the recommendations in the Report be agreed.

A16 Durham New Growth Point

The Cabinet considered a Report of the Acting Corporate Director Environment (for copy see file of Minutes) providing an update on the progress of the Durham New Growth Point bid, setting out the implications of its inclusion in the confirmed list of New Growth Points, outlining the next steps and requesting agreement to continuing to develop the proposals.

Resolved:-

That the recommendations in the Report be agreed.

A17 Exclusion of the Public

Resolved:

That under Section 100 A (4) of the Local Government Act 1972, the public be exclude from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 2 and 3 of Schedule 12 A to the said Act.

B18 Appointment of Corporate Directors

The Chairman advised that this item was to be withdrawn from the agenda and considered at the County Council meeting on 9 September 2008.

B19 Heighington Lane West Business Park

The Cabinet considered a Joint Report of the Acting Director of Corporate Services and Managing Director of County Durham Development Company (for copy see file of Minutes) providing an update on the sale of land to Merchant Place Developments.

Resolved:-

That the Report be noted.

B20 Kromek Limited, Facility at NETPark

The Cabinet considered a Report of the Managing Director of County Durham Development Company (for copy see file of Minutes) seeking agreement to facilitate the development of a business unit on behalf of Kromek Ltd.

Resolved:-

That the recommendations in the Report be agreed.