



RECORD OF EXECUTIVE DECISIONS

The following is a record of the decisions taken at the meeting of **CABINET** on **THURSDAY 5 MARCH 2009**.

These decisions will come into force and may be implemented from **16 MARCH 2009**, unless the Overview and Scrutiny Management Committee or its Committees object to any such decision and call it in.

Constitution: Revisions

Summary

The Cabinet considered a Report of the Acting Director of Corporate Services about revisions to the Constitution to ensure that its governance arrangements are fit for purpose by vesting day, 1 April 2009, as a result of the transfer of functions and responsibilities from the District Councils to the unitary County Council under the current LGR process.

The document as set out as Appendix 2 to the report (reflects the deliberations within the Constitution Working Group. In the case of the Planning governance arrangements these had already been approved by full Council on 17 December 2008.

Decision

The Cabinet approved the draft Constitution attached as Appendix 2 and authorised the Acting Director of Corporate Services, in consultation with the Leader and Deputy Leader, to complete and make further changes to the draft Constitution before the final draft is presented to full Council on 17 March for adoption.

Authorisation of Officer to Appear in Magistrates' Courts

Summary

The Cabinet considered a Report of the Acting Director of Corporate Services Purpose of Report requesting authorisation for Eloise Goupil, Legal Assistant, to appear on behalf of Durham County Council in Magistrates' Courts. As part of her duties she is required to attend Magistrates' Courts to represent the County Council on various matters.

Decision

The Cabinet agreed that Miss Goupil be authorised, in accordance with Section 223 Local Government Act 1972, to prosecute, defend or appear on behalf of Durham County Council in Magistrates' Courts.

Shaw Bank, Barnard Castle -Transfer of County Council Land at to Teesdale Community Resources to Facilitate the Hub Project [Key Decision LLL/CYPS/03/09].

Summary

The Cabinet considered a Joint Report of the Corporate Director, Children and Young People's Services and the Acting Director of Corporate Services about a proposed community development – The Hub – being funded through a £5m Myplace Fast Track award from the Big Lottery and seeking approval in principle to the disposal of County Council owned land to facilitate the project.

The Hub Project will provide a world class facility in the Shaw Bank area of Barnard Castle which will offer opportunities for the provision of:

- Youth work and positive activities for young people;
- Sport, leisure and recreation activity;
- Training and employment related programmes;
- Arts and cultural activities;
- Residential work and international exchange; and
- Accredited learning.

Teesdale Community Resources (TCR) has for some time been considering a preferred site for the project, but this cannot be made available within the grant funding timescales. An alternative site comprising an area of agricultural land held by the County Council for potential future expansion of Teesdale School has recently been identified by TCR. It has been requested that this site be transferred to TCR free of charge. TCR has also written to the County Council to request the transfer of ownership of the land to facilitate the planning process. The transfer of the land rather than the grant of a long term lease is necessary owing to the conditions of Myplace grant and scheduled changes to the planning process from 31 March 2009.

Failure to transfer the land will result in the scheme being called in for re-assessment by Government Office North East with the consequent loss of £5million of investment in the County.

It is understood that the requirement to create access splays to the access track at the junction of the A688, may require the release of another small area of land forming part of the school site. This will be examined in keeping with Sport England and School Playing Field regulations and land transfer organised possibly under delegated powers.

Although no final decision has been made regarding the future development of Teesdale School under Building Schools for the Future, the area of land

earmarked for The Hub will not affect any future decision to rebuild the school and, consequently, the Headteacher fully supports the scheme.

In relation to the request to make the site available free of charge an informal estimate, based upon limited information currently available, indicates the site to be worth in the region £35,000. The Authority has powers to make land available at less than best consideration for various purposes, including community use and the proposal accords with the objectives of the Quirk Report 2006.

Decision

The Cabinet noted the proposed £5m community development by Teesdale Community Resources and agreed to the disposal of the site identified in the report for the project, free of charge subject to the appropriate consultations and clearances and on the basis of terms to be agreed.

Shotton Hall Infant & Junior Schools iSchool Organisation: The Determination of the Office of the Schools Adjudicator on the Proposal to reorganise into a New Build Primary School

Summary

The Cabinet considered a Report of the Corporate Director, Children and Young People's Services about the determination of the Office of the Schools' Adjudicator on the proposal of Durham County Council to reorganise Shotton Hall Infant and Junior Schools into one new build primary school and to comment on the potential for the project to be completed earlier than originally anticipated.

In addition the Cabinet were informed of the determination of the Office of the Schools' Adjudicator on the proposal of Durham County Council to reorganise Shotton Hall Infant and Junior Schools into one new build primary school and to comment on the potential for the project to be completed earlier than originally anticipated

The County Council submitted an application to the Department for Children, Schools and Families (DCSF) to publish the proposal to reorganise Shotton Hall Infant and Junior Schools into a new build primary school, which received approval. However the final decision on the proposal to establish the new school would be made by the Office of the Schools' Adjudicator as the LA cannot determine its own proposal.

The Office of the Schools' Adjudicator on Thursday 15 January 2009 approved the proposal with the condition that planning provision for the new school is obtained by 1 June 2009."

On 18 September 2008 Cabinet also had decided that the opportunity would be taken to build the new primary school in conjunction with the work to rebuild Shotton Hall Secondary School, which is scheduled to be a 'sample' school under the Building Schools for the Future (BSF) programme. It has become clear that the private sector partner likely to be procured to undertake

the building works may be able to complete the build of the primary school as early as autumn 2010, almost a year earlier than anticipated. In the circumstances it is recommended that officers be authorised to work with the governing bodies and headteachers involved to seek agreement to, and implement, an appropriate transition plan to make early use of the new building to maximise educational opportunity, whilst there were possible protecting the interest of staff in the schools scheduled for closure.

Decision

The Cabinet noted the approval given by the Office of the Schools' Adjudicator to the proposal to reorganise Shotton Hall Infant and Junior Schools into a new build primary school from 1 September 2011 and authorised officers to work with the closing schools, to agree and implement a transition plan allowing early use of the new building if it can be opened in the 2010/11 academic year.

**Leisure Centre and Swimming Pools Bank Holiday Opening Times
[Key Decision SHSC/LGR/02/08].**

Summary

The Cabinet considered a Report of the Corporate Director, Neighbourhood Services about whether there was a need for a harmonised approach to bank holiday opening hours at leisure centres and swimming pools, for equality of service provision at vesting day. Currently with the exception of Teesdale Leisure Centre in Barnard Castle all other leisure facilities are closed on public/bank holidays. There is more detailed work required to establish a longer term vision for access to leisure services during public holidays which will be programmed during 2009/2010.

Decision

The Cabinet approved the retention of a different level of service standards in this instance and sanctioned the ongoing opening of Teesdale Leisure Centre on Public/Bank Holidays until further notice.

The Cabinet endorsed a review of the harmonisation of service standards for Sports and Leisure Services during 2009/2010.

Lesley Davies,
Acting Director of Corporate Services

9 March 2009

