

Cabinet

12 August 2013

Present: N Redfearn (Elected Mayor) (in the Chair)
Councillors EN Darke, CA Gambling, R Glindon, I Grayson,
JLL Harrison, F Lott, CB Pickard, L Spillard and JJ Stirling

In Attendance: A Caldwell (Age UK North Tyneside)
J Dutschak Kavanagh (Deputy Young Mayor)
S Neill (Northumbria Police)
D Rose (Business representative)

CAB62/08/13 Apologies

Apologies were received from M Cushlow (North Tyneside Clinical Commissioning Group) and I Sidney (Young Mayor).

CAB63/08/13 Declarations of Interest

There were no declarations of interest made.

CAB64/08/13 Minutes

Resolved that (1) the Minutes of the meeting held on 8 July 2013 and the Extraordinary meetings held on 17 July 2013 and 5 August 2013, be confirmed; and (2) the Minutes of the Extraordinary meeting held on 22 July 2013, be confirmed subject to any reference to 'Head of Environment and Culture' being amended to read 'Head of Environment and Leisure'.

CAB65/08/13 Report of the Young Mayor

The Deputy Young Mayor reported on the following activities in which the Young Mayor and/or Young Cabinet members had been involved:

- official opening of the new Whitley Bay Customer First Centre.
- foundation stone laying of the new Emergency Care hospital in Cramlington.
- Chair's Reception at the Mouth of the Tyne Festival.
- meeting at Police and Crime Commissioner's office along with elected young people from other boroughs around Northumbria.
- Safer North Tyneside Board meeting.
- meeting with Cultural Services Managers to discuss young people's views on services. The Young Mayor had undertook to consult on those activities which young people found expensive. He would also be involved in the review of the Cultural Services Plan.
- burial of a time capsule at Northumberland Park.
- attendance by the Youth Parliament Member at the Annual Sitting of the UK Youth Parliament in Leeds.
- Quadrant car wash, raising over £200, which was used to ensure that North Tyneside could be better showcased to visitors from Norway and enabled extra activities to be experienced. The visit, part of the Geordie Culture project, had been a great success.

The Mayor thanked the Deputy Young Mayor for the report and congratulated him, the Young Mayor and the Young Cabinet on their work and their role as ambassadors for young people in North Tyneside.

CAB66/08/13 Northumbria Police - North Tyneside Area Command Briefing

Chief Superintendent and Area Commander for North Tyneside, Steve Neill gave a presentation on the work challenges and achievements of North Tyneside Area Command.

Statistics were provided in relation to various crime categories. Overall crime had, since 1 April 2013, risen by 15%. However the level of crime in North Tyneside remained exceptionally low, especially when compared against other force areas throughout the country. It was also noted that since 2007 all categories of crime had reduced by at least 30%. North Tyneside was the safest metropolitan authority in the country.

In relation to detections North Tyneside was second in the country and first in the Northumbria Force area. Residents' confidence in the police and satisfaction with their service was high.

Challenges which the Force faced were funding, complacency, effective partnership working which was essential and a lack of contextual consideration.

North Tyneside had a unique blend of staff with the majority belonging to the area. The Special Constabulary was well represented with some officers having served for many years. The organisation had a positive culture and Chief Superintendent Neill saw his staff as the best of the best.

In summary it was noted that the Area Command was performing well. It was dealing with challenges effectively and was not complacent. It was community centric and saw effective partnership working as a key to success.

Members were given the opportunity to ask questions which were responded to appropriately.

The Mayor thanked Chief Superintendent Neill for his presentation.

CAB67/08/13 Permit Scheme for Works on the Highway (All Wards)

Cabinet considered a report detailing the proposed introduction of a permit scheme for works on the Council's highway network following the procedure set out in relevant government guidance.

Under the Traffic Management Act 2004, local authorities could introduce traffic management permit schemes. These provided greater control over how and when road works were carried out on the local highway network and could assist in reducing disruption carried out by works on the highway.

Those carrying out works on the highway, such as utilities and their contractors, were expected to reinstate the road surface to an adequate standard on completion of works on the highway. An enhanced inspection regime in North Tyneside had indicated that a substantial proportion of reinstatements did not currently meet the required standard. Reducing this proportion would support the Council's efforts, through the Highway Asset Management Plan, to maintain the highway asset.

Under a permit scheme, those carrying out works on the highway would be required to obtain a permit from the Authority prior to commencement of the works, rather than simply notifying the Authority as at present. Permit fees would be set in line with relevant guidance issued by the Department for Transport (DfT) and it was intended that they would reflect the costs of scheme administration and management, so as to make the administration of the scheme self-financing. Detailed examination of the fees charged for permits and evidence for the level at which they were set would be included in the application for a permit scheme.

It would be an offence to carry out works without a permit or to breach a permit condition. In such cases the Authority could, by notice, require reasonable steps to be taken (e.g. remove the works or remedy the breach), or issue a fixed penalty notice in line with the regulations.

The government response to its consultation on permit schemes for street works, published in January 2013, indicated that in the future all authorities with permit schemes would be required to produce an annual evaluation of their scheme.

Cabinet considered the following decision options: either to agree the recommendations as set out in section 1.2 of the report, alternatively to disagree with the proposals.

Resolved that (1) the introduction of a permit scheme for works on the Council's highway network be approved; and
(2) the Head of Business and Economic Development be authorised to:
(i) develop an application for a permit scheme for works on the highway network, including consultation with relevant stakeholders; and
(ii) in consultation with the Head of Law and Governance and the Cabinet Member for Economic Development, to submit the permit scheme application to the Secretary of State for Transport and, subject to government authorisation, introduce the permit scheme thereafter.

(Reason for decision – a permit scheme will assist in reducing disruption carried out by works on the highway network.)

CAB68/08/13 Procurement of Advice And Information Services (All Wards)

Cabinet considered a report which sought approval to commence a procurement exercise to secure advice and information services for residents of North Tyneside by seeking the most economically advantageous tender in accordance with European procurement rules.

The existing contract, awarded to CAB North Tyneside for a three year period, commenced on 1 April 2009. This had subsequently been extended for a further 2 years and would end on 31 March 2014. The new contract would be for three years, starting on 1 April 2014, with an option to extend for two further years.

In the previous year CAB North Tyneside, had aided residents by helping to secure over £3 million of debt write offs and almost £1.5 million of benefit gains. At a time of economic hardship this made a significant difference to the lives of residents of North Tyneside. In addition they had helped to address over 71,000 advice issues.

Cabinet considered the following decision options:

Option 1 – not approve the recommendations in paragraph 1.2 of the report and decide not to re-procure the service;

Option 2 – approve the recommendations in paragraph 1.2 of the report.

Option 3 – not approve the recommendations in paragraph 1.2 of the report and decide to deliver this support in a different way, for example by the Council delivering this service.

Resolved that (1) a procurement exercise be undertaken, to secure advice and information for residents of North Tyneside for three years, commencing on 1 April 2014, with an option of a further two years extension; and (2) the Strategic Manager for Policy, Partnership, Performance and Communication, in consultation with the Cabinet member for Community Engagement, Head of Law and Governance and Strategic Director of Finance and Resources, be authorised to undertake a procurement exercise to identify a contractor for the above purposes in accordance with all procurement rules, with authority to:

- a) approve the specification and procurement documentation;
- b) approve the evaluation criteria; and
- c) award a contract to the winning tenderer on terms approved by the Head of Law and Governance.

(Reason for decision – the service has helped residents deal with millions of pounds worth of debt, giving trusted advice and information, including helping residents navigate through the welfare reform changes. Without this service many residents will not receive support to enable them to address and manage debt and access confidential and trusted advice.)

CAB69/08/13 Council Plan 2014-2018 (Previous Minute CAB34/06/13) (All Wards)

Cabinet considered a report detailing the initial proposals for the Council Plan 2014-2018 “Our North Tyneside”, in accordance with the steps set out in the Authority’s Constitution and Budget and Policy Framework Procedure rules.

At its meeting on 24 June 2013 Cabinet had approved the process and timetable for the development of the Plan. The new Plan was being developed to ensure that the Authority was working towards the priorities of the new administration. Developing the Plan at this stage would also provide the policy direction for the Financial Planning and Budget process for 2014/ 2015 and the following three years.

The Plan was being developed against a reduction in funding for local government and other public bodies. The detailed financial implications of the 2015/16 Spending Review for the Authority were being reviewed and would be more fully assessed as more detailed technical information became available.

It was acknowledged that the Plan could only be delivered by working in partnership with local people, communities, businesses and other local public sector and voluntary organisations. To reflect this reality the Authority and North Tyneside Strategic Partnership had agreed that the Plan would replace the Sustainable Community Strategy.

The initial Our North Tyneside Plan proposals had been based on an analysis of need for the Borough and developed using current performance information, views of local residents and by considering future trends, such as an ageing population and reduction in national government funding.

The four initial priorities which formed the basis of engagement were Our People; Our Places; Our Prospects; and Our Partners.

The four initial priorities had been tested with local people during three weeks of engagement in July 2013. Views had also been sought from Councillors, the Residents' Panel, the Staff Panel and the North Tyneside Strategic Partnership Executive. The report detailed feedback from the engagement, with 83% of respondents agreeing that the priorities made sense.

Views had also been sought on what would be different about North Tyneside if the priorities were achieved over the next four years. The most frequently mentioned outcomes were

- a better place to live, with happier residents and a strong sense of community;
- a stronger local economy with more jobs;
- a sustainable and clean local environment; and
- better opportunities for young people and teenagers.

Analysis of the responses from the engagement was ongoing. Work was also underway to shape the delivery plan actions that would be taken forward to achieve the new Plan. This would include the key measures which would be used to monitor ongoing performance. Following completion of this analysis, the Overview and Scrutiny Committee on 2 September 2013, and Cabinet on 9 September 2013 would consider the final proposals, before submission to Council on 26 September 2013 for final approval.

Cabinet considered the following decision options: either to agree the recommendations as set out in section 1.2 of the report, alternatively to disagree with the proposals.

Resolved that (1) the progress made in relation to developing the Council Plan 2014-2018 "Our North Tyneside", be noted;

(2) the initial proposals for the Council Plan 2014-2018 "Our North Tyneside" be approved; and

(3) the Strategic Manager for Policy, Partnerships, Performance and Communications, in consultation with the Elected Mayor and Deputy Mayor, be authorised to consider feedback from the engagement exercise and to finalise the Council Plan 2014-2018 "Our North Tyneside" proposals for them to be presented to Overview and Scrutiny Committee on 2 September 2013, and then for approval by Cabinet on 9 September 2013, before submission to Council on 26 September 2013 for final approval.

(Reason for decision - to enable work to continue to reflect the outcomes from engagement in the final proposals for the Council Plan 2014-2018 "Our North Tyneside" and for the final proposals to be considered by Overview and Scrutiny Committee, Cabinet and Council ahead of budget setting in the Autumn.)

CAB70/08/13 School Term And Holiday Dates 2014/15 (All Wards)

Cabinet considered a report which detailed the proposed school term and holiday dates for 2014/15, as set out in Appendix 1 of the report.

Not all authorities in the region had confirmed their term dates for 2014/15. However the proposed calendar was in line with published dates in Newcastle and matched current proposals in all other Tyne and Wear authorities. The calendar published by Northumberland matched the proposed model apart from the Easter break, which differed by one week.

Regulations required that 190 school term days be provided for pupils in each school year. 5 teacher training days had to be identified in the school year, the dates to be set at the discretion of the school.

The view of most parents was that no holiday should be longer than 6 weeks, no period of term time should be longer than 7 weeks, and that school holidays should take account of bank holidays, particularly those around Christmas and Easter.

Consultation with head teacher representatives and professional associations indicated that a major consideration for schools and school staff was consistency with neighbouring authorities, particularly Newcastle and Northumberland. Where there were differences between these authorities, the preference was for the best possible match with other authorities in the region.

The Draft Deregulation Bill recently published by central government, did not affect proposals for 2014-15. The Bill included proposals to allow all school governing bodies to set term dates for their schools, independently of the local authority. Should the Bill become law, the earliest year affected would be the 2015-16 school year.

Cabinet considered the following decision options:

Option 1 – approve the calendar at Appendix 1 of the report.

Option 2 – approve the calendar at Appendix 2 of the report

Resolved that the school term and holiday dates for 2014/15, as set out in Appendix 1 to the report, be approved.

(Reason for decision – this meets many of the factors that parent governors see as important; it matches the pattern in the majority of neighbouring authorities; and is likely to be the most acceptable to schools and families.)

CAB71/08/13 Changes to Learning Disability Supported Living Services – Update (Previous Minute CAB26/06/13) (All Wards)

Cabinet considered a report which provided an update on changes to supported living services for people with a learning disability and the work that had been undertaken since the report considered by Cabinet on 10 June 2013.

The report to the June meeting had highlighted some serious concerns that had been raised by family carers and service providers. From this it had been agreed to enter into further dialogue and consultation on the model as well as the potential for alternatives to be considered and developed to achieve the efficiency identified in the CEI Programme.

The main concerns from the Cornerstone Carers' Reference Group (CCRG) representing carers, parents and relatives of individual service users were detailed at Appendix 1 of the report. These concerns had been the subject of on-going debate and dialogue, as outlined in the report.

A supplementary report, circulated under separate cover, detailed the views and direct feedback from the CCRG in relation to the proposed changes.

In order to progress the work, Adult Social Care would prepare information / documentation to be sent out to individuals / carers to update them on progress to date and how the review process would operate. It had been agreed also to put in place some information sessions with the wider group of carers to support them as part of the change process. The CCRG would support the development of the information to be shared.

There was still some further work to finalise with the CCRG in relation to the documentation to record individuals and carer views, the process to be used and how quality will be integral to the review, decision making and on-going monitoring systems.

The project plan for reviews would be updated and the programme implemented from September 2013.

It was proposed that regular updates would be submitted to Cabinet on the progress of the changes to the service in North Tyneside. These updates would include the direct views of the CCRG.

The Mayor addressed those present, stating that she did not underestimate how difficult and at times stressful, the process had been for carers and families. She fully understood that their only concern was to protect and care for family members. Cabinet colleagues and Members from all parties had been closely following the progress of this work and were very aware of how important and difficult some decisions had been.

Whilst being very aware of the financial challenges that all Councils faced, the Mayor was committed to ensuring that any changes to services were carried out sensitively and had the best interests of people using those services at heart.

The Cabinet Member for Adult Social Care re-iterated the significance of the proposed changes to the service. At the outset it had been intended that there would be further dialogue with carers on whatever alternatives were identified and agreed upon but the seven proposals identified in the report, were recommended for approval and implementation.

It was vital however that there was on-going engagement, involvement and dialogue with Carers, Providers, Service Users and others, as part of the individual review process and she was committed to oversee this work in the light of the areas of concern to carers and families about the changes.

It was important that the review work re-commenced as soon as possible in order that the efficiency identified in the CEI programme was achieved without further delay.

She acknowledged the significant amount of increased activity in relation to communications, which had enabled carers to help shape the work going forward.

Regarding continuity of care provider, it would be ensured that individual care reviews were undertaken in a consistent and transparent way and that a clear appeals process was developed.

The Authority would also work closely with carers and users of the service in relation to quality of care and how this would be used by the Council to choose eventual providers.

All future update reports would include the direct views of carers and families.

Cabinet considered the following decision options:

- (1) In relation to the main report: either to agree the recommendations as set out in section 1.2 of the report, alternatively to disagree with the proposals; and
- (2) In relation to the supplementary report:
Option 1 – note the views expressed and feedback received;
Option 2 – request that further work is done to develop carer feedback or Council responses.

Resolved that (1) the content of the substantive report in relation to progress on changes to learning disability supported living services in North Tyneside be noted; (2) the programme of work re-commences and the reviews of individuals with a learning disability in independent supported living services start from September 2013; (3) the views and responses expressed in the supplementary report be noted; (4) the Adult Social Care, Health and Wellbeing Sub Committee continue to monitor the work as it develops; and (5) further feedback from the Cornerstone Reference Group in relation to changes to independent supported living services, be included in future reports to Cabinet.

(Reason for decision – this will enable the implementation of the review programme to commence and will ensure that Cabinet receives the views of the North Tyneside Cornerstone Carer Reference Group).

CAB72/08/13 Exclusion Resolution

Resolved that under Section 100A (4) of the Local Government Act 1972 (as amended) and having applied a public interest test as defined in Part 3 of Schedule 12A of the Act, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act.

CAB73/08/13 Selection Of Preferred Bidder For The Reprocessing Of Recyclable Materials Through A Materials Recycling Facility (Previous Minute CAB55/07/13) (All Wards)

Cabinet considered a report which sought approval to appoint the recommended preferred bidder in the procurement of a contractor to sort, bale and transport recyclable materials to licensed re-processors.

Seven completed tenders had been received and evaluated against the published criteria by members of the Joint Project Team. The Preferred Bidder had been selected as the highest scoring based on the quality and financial scores representing the most economically advantageous tender.

The Cabinet Member for Housing and Environment stressed that the contractor must fully understand and pay particular attention to the environmental impact of a waste facility on the immediate neighbourhood. It was also very important that they ensured their impact was a positive one. With this in mind, the Head of Environmental Services was requested to ensure that the contractor fully understood their role in the community and their environmental impact on the community was regularly monitored and reviewed. Regular communication should be maintained between the contractor and residents; more specifically, it was important for residents to have direct communication links into the company so any concerns about operations or environmental impact on the local community could be addressed and responded to in a timely fashion.

Option 1 – approve the recommendations at paragraph 1.2 of the report to appoint Bidder 4.

Option 2 – not approve the recommendations at paragraph 1.2 of the report.

Option 3 – not approve the recommendations at paragraph 1.2 of the report and commence a new procurement exercise.

Resolved that (1) Bidder 4 whose variant bid 2 was identified as representing the most economically advantageous tender in the tender evaluation process, be appointed as the Authority's preferred bidder for the Reprocessing of Recyclable Materials through a Materials Recycling Facility; and
(2) the Head of Environmental Services, in consultation with the Head of Law and Governance and the Strategic Director of Finance and Resources, be authorised to finalise the procurement process and appoint Bidder 4 as the Authority's contractor as per the agreed specification and to ensure the contractor regularly monitors and reviews their environmental impact on the community and communicates with residents on any operational or environmental issues, as outlined above.

(Reason for decision – it will provide the best quality and value for money solution:

- The quality of service worked with Newcastle City Council to develop will be maintained as per the requirement of the Invitation to Tender.
- The preferred bid includes plans to improve the service further, for example improving the collection and reuse of textiles.
- The delivery of the contract will secure employment and investment in infrastructure within North Tyneside for the next six years.
- This bidder was assessed as providing the most deliverable and low risk solution, and the variant bid was the most financially robust.
- The Authority will no longer pay for the materials to be processed but will receive an income for each tonne of recycling supplied.)

CAB74/08/13 Appointment of a Service Provider for North Tyneside Council's Sheltered Housing PFI (Previous Minute CAB154/12/12) (All Wards)

Cabinet considered a report which recommended the award of the Quality Homes for Older People Project contract to a special purpose vehicle company, which would be incorporated shortly before financial close of the project.

The Authority's current sheltered housing did not currently meet the Government's Decent Homes standard and the Quality Homes for Older People Project through the investment of over £300m would transform the Authority's sheltered housing stock to provide modern, attractive living choices for the Borough's ageing population.

The contract sought to deliver the Authority's requirements for the provision and maintenance of sheltered housing on identified sites situated within North Tyneside for a period of 28 years (or such other lawful contract period as may be required by the Homes and Communities Agency) under the Private Finance Initiative.

The report set out the list of new and refurbished schemes. Details of the tendering process and the funding solution and implications for TUPE and pensions of those Authority employees who were currently engaged in duties that were directly associated with the sheltered housing that formed the basis of the contract. The report also outlined the position relating to planning permissions for the project and related judicial review periods.

Cabinet considered the following decision options:-

Option 1 - accept the recommendations set out in paragraph 1.2 of the report and award the contract to the preferred bidder with the authority to take the Project to commercial and financial close on the basis that:

- the Authority takes any planning-related judicial review risks which may remain as at the date of financial close (as described in paragraph 1.5.6 of the report);

- subject to the Authority being in receipt of the required amount of PFI credit; and
- the Project is within the Authority's affordability envelope.

Option 2 - accept the recommendations set out in paragraph 1.2 of the report and agree to award the PFI contract for the Project to the preferred bidder, with the authority to take the Project to commercial and financial close on the basis that:

- the Authority does not take any planning-related judicial review risks which may remain as at the date of financial close (as described in paragraph 1.5.6);
- subject to the Authority being in receipt of the required amount of PFI credit; and
- the Project is within the Authority's affordability envelope.

Option 3 - not accept the recommendations set out in paragraph 1.2 of the report and not award the PFI Contract to the recommended bidder and may decide to abort the Project in its entirety.

Resolved that (1) subject to Resolution (3) below, the affordability of the Preferred Bidder's proposals for delivering the Project, be accepted and agreed;

(2) the financial implications of the Project, as set out in Section 2.1 of the Report, and that appropriate provision for the costs have already been made in the Authority's financial plans and the Authority's budgetary framework, be noted;

(3) delegated authority be granted to the Head of North Tyneside Homes, in consultation with the Strategic Director of Finance and Resources (Section 151 Officer) and the Head of Law and Governance, the Elected Mayor, the Deputy Mayor and the Cabinet Members for Housing and Environment and Finance and Resources, to make any final amendments to the final business case and to decide upon any outstanding matters including, but not limited to:

(a) whether to accept any lawful proposal from the Homes and Communities Agency (HCA) to vary the proposed contract term/duration for the Project;

(b) whether the finalised contract and associated financial proposal represents value for money and is affordable within the affordability envelope agreed by Cabinet as part of the setting of the 2013/14 Housing Revenue Account Budget and 30 Year Business Plan; and

(c) whether to enter into the PFI contract with the preferred bidder prior to the end of any period in which third parties may judicially review any decision relating to planning permissions related to the Project;

(4) delegated authority be granted to the Head of North Tyneside Homes, in consultation with the Strategic Director of Finance and Resources (Section 151 Officer) and the Head of Law and Governance, to:

(a) finalise and agree the arrangements with the preferred bidder and Central Government through to commercial and financial close and to secure completion of such arrangements;

(b) finalise and agree the final business case for the Project with Central Government to achieve commercial and financial close and to secure the award of grant monies under the Private Finance Initiative (PFI credit) by the issue of a promissory note for the Project, including the completion of all such arrangements and taking all ancillary steps and documentation for such purposes;

(c) finalise and agree the final form of the project documentation as set out in the list attached at Appendix 2 to the Report ("the Document List") and other documents and agreements necessary to give effect to the Project and any subsequently agreed amendments ("Project Documents");

(5) subject to Resolutions (3) and (4) above, the preferred bidder be appointed to be the service provider for the Project and the Authority enter into the PFI contract with the preferred bidder (the "Project Agreement");

- (6) the Head of Law and Governance be authorised to complete all Project Documents incorporating the finalised terms, the principles of which are set out in the Report, and subsequently incorporate in any agreed amendments;
- (7) in accordance with Article 14 of the Authority's Constitution and Order 21 of the Authority's Contract Standing Orders, the sealing, authentication, and the affixing of the Common Seal of the Authority to the Project Documents and any other documents or agreements in order to give effect to the Project and/or the recommendations set out in paragraph 1.2 of the Report, be approved and attested by the Chair or Deputy Chair of the Authority and the Head of Law and Governance, and that in each case by the act of so doing the Project Documents and project related documents, as the final form of such documents to be entered into on behalf of the Authority and any amendments made to such documents subsequent to the Cabinet meeting, be approved;
- (8) the Head of North Tyneside Homes be authorised to obtain the approval of the Secretary of State under Section 27 of the Housing Act 1985 for the delegation of the Authority's management functions as set out in the PFI contract;
- (9) the Authority's Section 151 Officer or any other Proper Officer be authorised to issue the necessary Certificates under Section 3 of the Local Government (Contracts) Act 1997 in respect of the Project Agreement, and the Funder's Direct Agreement ("Certificates");
- (10) in relation to the Local Government Contracts Act 1997, it be agreed that:
- (a) in respect of the Section 151 Officer or any other proper Officer of the Authority issuing Certificates in connection with the Project Agreement and the Funder's Direct Agreement the Authority shall, subject to the exceptions set out below, indemnify them against any claims made against them (including costs incurred by and awarded against them) and will not itself make claims against them for any loss or damage (other than claims falling within the cover provided to their Officers under any policy of insurance taken out by the Officer) occasioned by the neglect and, error or omission committed by such an Officer in the course of and in connection with issuing the Certificates;
 - (b) the exceptions to the indemnity referred to above be as follows:
 - (i) any amount which is declared to be an item of account contrary to law on the application of the Authority's auditor (acting under Section 17 of the Audit Commission Act 1998), to the extent which the Court orders is to be repaid by the Officer or which the auditor certifies as due from, and decides to recover from, an Officer;
 - (ii) any amount which results directly or indirectly from the commission of a criminal offence of which the Officer is convicted, save where the Authority, upon consideration of all the circumstances, determines that the Officer shall nonetheless benefit from the indemnity;
 - (iii) any amount directly or indirectly resulting from the fraud or dishonesty of the Officer;
 - (iv) this indemnity shall not apply if an Officer, without prior written approval of the Authority, admits liability or compromises any claim falling within the scope of this indemnity;
 - (v) this indemnity shall also not apply if prior to the Officer signing the certificate under the Local Government (Contracts) Act 1997 the Authority resolves it shall not apply; and
 - (vi) further all references to statutory provisions in this resolution apply to such provisions as may be amended from time to time, or to any enactment which replaces it.

(Reason for decision – the preferred bidder has offered the most economically advantageous final tender which is a value for money solution for the Authority in delivering the Project).

CAB75/08/13 Date and Time of Next Meetings

6.00pm on Monday 9 September 2013.

Minutes published on Thursday 15 August 2013.

The decisions contained within these Minutes may be implemented (unless called in by 3 Non-Executive Members for consideration by the Overview and Scrutiny Committee) immediately following the expiry of the call-in period; ie 5.00pm on 22 August 2013.