

DECISIONS OF CABINET

24 March 2010

ITEM		RECOMMENDATION(S)	DECISION
1.	Re-Commissioning of the Debt, Benefits and Consumer Advice Scheme	That, in order to maintain continuity of service and delivery of a Debt, Benefits and Consumer Advice Service to residents of the borough from the 1 April 2010; a two (2) year contract be awarded to the current incumbent - Citizens Advice Bureau (CAB).	As per recommendation.
2.	Support and Maintenance Contract For Mitel Telephony System	(a) That Standing Orders be waived on the grounds of 2b(v) which states : “goods and services are obtainable only from a limit numbers of persons or bodies”. (b) The maintenance and support contract be awarded to Mitel Networks with effect from 1 April 2010 for a three year period.	} As per recommendations.
3.	Staffordshire Credit Union	(a) Cabinet notes the very positive progress made in the last 12 months in the development of Staffordshire Credit Union. (b) Cabinet formally approve the release of the third (and final) year’s funding for 2010/11 of the 3-year funding agreed in March 2008.	(a) & (b) As per recommendations. (c) That a further monitoring report including details of outcomes be submitted to a future meeting of the Cabinet.
4.	Newcastle-under-Lyme Sports Council – Grant Aid 2010/11	(a) That approval is given for a grant to the Newcastle-under-Lyme Sports Council of £22,550 in 2010/11. (b) That Members acknowledge the contribution to local sport made via the Sports Council Grant Awards.	(a) & (b) As per recommendations. (c) That the members of the Sports Council be thanked for their work.
5.	Replacement Children’s Play Area, Marsh Way, Wolstanton	(a) That the petition and other representations be received.	(a) & (b) As per recommendations. (c) That the proposed siting of the play area

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		(b) That Cabinet consider the further representations received from residents.	on Marsh Way, Wolstanton will not proceed and officers will investigate all other options permissible with the legal agreement in consultation with Bloor Homes.
6.	Housing Capital Programme 2010/11	A report on this matter will be circulated prior to your meeting.	See item 12.
7.	Development of Affordable Housing on Part of London Road Car Park, Chesterton	<p>To support the sale of land to Staffordshire Housing Association for a nominal £1, subject to:</p> <p>(a) the Council receiving a contribution of £15,000 from them for the purpose of completing minor improvement works to the car park (including demarcation of spaces) and;</p> <p>(b) the development being commenced within the financial year 2010/11.</p>	<p>} As per recommendations.</p>
8.	Sub Regional Structure	A report on this matter will be circulated prior to your meeting.	See item 13.
9.	Asset Management Strategy 2009/12	A report on this matter will be circulated prior to your meeting.	See item 14.
10.	Health and Wellbeing Centre	A report on this matter will be circulated prior to your meeting.	See item 15
11.	Energy Efficiency and Climate Change Strategy and Carbon Reduction Plan	<p>(a) To approve the Energy Efficiency and Climate Change Strategy and the associated Carbon Reduction Plan.</p> <p>(b) To agree that the Council should participate in the Carbon Trust's Local Authority Carbon Management Programme on the basis set out in the report.</p>	<p>} As per recommendations.</p>
	SUPPLEMENTARY		
12.	Housing Capital Programme 2010/11 (item 6 on main agenda)	(a) That the proposed housing capital programme for 2010/11 be approved and that the	As per recommendations.

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		<p>2011/12 be agreed for planning purposes funded by capital receipts and government grants.</p> <p>(b) That £70,000 from capital receipts is allocated to the Housing Capital Programme.</p> <p>(c) That £535,000 from the existing budget in the capital programme for Housing Market Renewal is allocated to the Housing Capital Programme.</p>	<p>} As per recommendations.</p>
13.	Sub Regional Structure (item 8 – main agenda)	This item has now been deferred post election pending any further government proposals.	
14.	Asset Management Strategy (item 9 on main agenda)	That Members approve the Asset Management Strategy 2010/11 – 2012/13.	<p>(a) As per recommendation.</p> <p>(b) That a further report on the disposal programme be submitted to a future Cabinet meeting.</p>
15.	Proposed Health and Wellbeing Centre (item 10 on main agenda)	<p>(a) That the progress in the delivery of the Health and Wellbeing Centre is noted.</p> <p>(b) That Members approve the range of internal finishes for the project including, flooring, wall coverings etc.</p> <p>(c) That the action in respect of the Legal Agreement with the Primary Care Trust be noted and endorsed.</p> <p>(d) That the recommended range of key environmental/Mechanical & Electrical technologies be approved.</p>	<p>} As per recommendations</p>
16.	Electronic Committee Management Systems		That investigations into electronic committee management systems be pursued through the Transformation Programme.

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CONFIDENTIAL		
1. *Irrecoverable Items	That the items detailed at Appendix 'A' (green paper) be considered irrecoverable for the reasons stated and be written off.	(a) As per recommendation. (b) That following the failure of the MP, Paul Farrelly, to take up the issue of irrecoverable debts at Government level, the Council petition the Department for Business, Innovation and Skills for legislative changes in areas surrounding business liquidation, administration and insolvency and to seek support from the Local Government Association for policy changes in this area.

***Explanatory Note for Members from the Executive Director (Resources & Support Services):**

The procedures that were followed leading to this decision were the same as have been followed for at least the last 20 years. The Executive Director (Resources and Support Services) personally verified this back in the summer of 2008 when the issue arose then.

Why is the item confidential?

There are a number of reasons:

1. *The matter has always been treated as confidential due to the personal details that the schedule contains, i.e. names and addresses, having consideration for the principles of the Data Protection Act.*
2. *There would be sensitivities in respect of debtors that have deceased. A council has a duty of care and it would be inappropriate to publish such information on an open agenda, which would only add to the grief being experienced by the bereaved family. You can well imagine the potential Sentinel headlines around such cases.*
3. *A further example of sensitivities could be where a debtor was now in permanent residential care with no assets. It would be wrong for that information to be available for all to see.*
4. *It could affect the future recovery processes of businesses that have gone into administration - and therefore still have a chance to recover by being bought out - rather than become bankrupt or go in to liquidation.*

The above are all important reasons by themselves but the most important reason from the Borough Council's perspective is that:-

5. *Our processes and procedures would be there for all to see and give potential defaulters an advantage in respect of when action is taken. There would also be the public relations angle that if defaulters were aware that ultimately their debts may be written off there would be much less incentive for them to pay. Therefore, there is a common belief that future write off amounts would at least double or treble. An already difficult job would be made even more difficult.*

Is this only Newcastle-under-Lyme Borough Council that does things like this - NO.

6. *A report was brought to Cabinet in July 2008 that reviewed our current procedures. That report included comparisons with all the other Staffordshire authorities and all bar one submit similar reports as confidential agenda items. The one exception never takes a report because they keep raising the bar by which the Chief Financial Officer is allowed authority to write off debts. In some authorities, reports are not taken into a Cabinet arena and copied to all members as the responsibility lies with one member - either a portfolio holder or in one case the Deputy Leader. Some authorities don't include a detailed schedule in their reports but rather a summary table giving the reason e.g. deceased; bankrupt etc. There is another authority where only debts of over £10k are taken to members for approval. Therefore, overall, we are far more "open" - in that all elected members see the write off schedule - than many of our neighbouring authorities.*
7. *The majority of procedures that we follow are set out in legislation or various rules and regulations accompanying that legislation. Therefore, central government has overall control.*

Finally:-

8. *The value of the amounts being proposed for write off this year equates to 0.4% of the total amount due for collection in 2009/10. That is a tremendous result especially given the recessionary times that have been prevalent over the last 12 months. In addition, most authorities usually budget for irrecoverable debts of roundabout 2%.*