

## COUNCIL

26th November, 2009

**PRESENT** – The Mayor; Councillors Baldwin, Barker, Burton, G. Cartwright, M. Cartwright, Chapman, Copeland, Coultas, Curry, Dixon, Dunstone, Francis, Freitag, Galletley, Harker, Haszeldine, L. Haszeldine, Hughes, Jenkinson, Johnson, B. Jones, Mrs. D. Jones, Lawton, Lee, Lewis, Long, D. A. Lyonette, J. M. Lyonette, Maddison, McEwan, Regan, Richmond, Roberts, Robson, A. J. Scott, Mrs. H. Scott, Stenson, Swainston, Swift, Thistlethwaite, Vasey, Walker, Wallis and Williams. (44)

**APOLOGIES** – Councillors Armstrong, Davies, Hartley, Lister, Newall, Nicholson, Nutt, Roberts and York. (9)

**30. MINUTES** – Submitted – The Minutes (previously circulated) of the meeting of this Council held on 1st October 2009.

**RESOLVED** – That the Minutes be approved as a correct record.

**31. DECLARATIONS OF INTEREST** – Councillor Johnson declared a personal and prejudicial interest in Minute 35(4) below, as a Trustee of Age Concern Darlington, and left the meeting during consideration of that item only.

**32. ORDER OF SEALING DOCUMENTS** – Presented – The Register showing the documents which had been sealed since the last meeting of Council.

**33. ANNOUNCEMENTS** – There were no announcements made at the meeting.

**34. QUESTIONS – TO ANSWER QUESTIONS (WHERE NOTICE HAS BEEN GIVEN) FROM** – (1) **The Public** – There were four questions from members of the public, where notice had been given, to the Cabinet Member with Portfolio for Sustainable Environment and Climate Change.

(2) **Members to Cabinet / Chairs** – Councillor G. Cartwright asked a question to Councillor Dixon, Cabinet Member with Portfolio for Neighbourhood Services and Community Safety, and Councillor Dixon replied.

Councillor Barker asked a question to Councillor Dixon, Cabinet Member with Portfolio for Neighbourhood Services and Community Safety, and Councillor Dixon replied. Councillor Barker subsequently asked a supplementary question, without notice, and Councillor Dixon replied.

(3) **Members to the Nominated Member of the Police Authority in accordance with Section 20 of the Police Act 1996** – There were no questions to the nominated member of the Police Authority in accordance with Section 20 of the Police Act 1996.

**35. COUNCIL REPORTS** – (1) **Gambling Act 2005 Statement of Principles** – The Director of Corporate Services submitted a report (previously circulated)

detailing the final draft of the Council's revised Gambling Policy document, which was due to be published, in accordance with statutory requirements, in January 2010.

The submitted report outlined the required three-yearly statutory revision of the Council's Gambling Policy, produced in accordance with the Gambling Act 2005. The revised policy was appended to the submitted report.

**RESOLVED** – That the revised policy, as detailed in the submitted report, be approved.

**REASON** – To comply with the statutory requirement placed on the Council to produce and publish a policy in respect of its functions under the Gambling Act 2005.

**(2) Treasury Management** – The Director of Corporate Services submitted a report (previously circulated) on a proposed change to the Terms of Reference of the Audit Committee, in order to ensure that that Committee had a role in the effective examination of the Treasury Management Strategy and Policies.

The submitted report outlined the proposed key changes recommended by the Chartered Institute of Public Finance and Accountancy (CIPFA) to the 'CIPFA Revised Treasury Management Code', which followed the Audit Commission's report 'Risk and Return' and subsequent consultation. The submitted report stated that, as Treasury Management had a narrow focus and was highly technical in nature, regulation was critical, and it was therefore appropriate for inclusion within the remit of the Audit Committee.

**RESOLVED** – That the Terms of Reference of the Audit Committee be amended to include 'to examine and comment on the proposal Treasury Management Policy and Annual Strategies'.

**REASONS** – (a) To comply with the proposed key changes to the CIPFA revised Treasury Management Code.

(b) To enable a more thorough examination of the technical issues surrounding the Treasury Management Policy and Annual Strategies.

**(3) Management Structure for Adult Social Care and Housing** – The Director of Community Services submitted a report (previously circulated) to advise Council of changes to the senior management structure of the Adult Social Care and Housing Divisions of the Community Services Department, to request that Officer Employment Procedure Rules be waived, and to confirm an appointment to the new post of Assistant Director – Adult Social Care and Housing.

The submitted report detailed the work that Assistant Director – Housing had undertaken on a temporary basis to cover the vacant Assistant Director post and stated that, following joint working with NHS Darlington and NHS County Durham, a new structure had been developed which involved a combined Adult Social Care and Housing Service. Approval was required to appoint the Assistant Director – Housing

to the new role of Assistant Director – Adult Social Care and Housing, in order that the revised structure could be implemented.

**RESOLVED** – (a) That the revised senior management structure of the Housing and Adult Social Care Divisions be confirmed.

(b) That the Officer Employment Procedure Rules be waived, and Pauline Mitchell, Assistant Director – Housing, be appointed to the new position of Assistant Director – Adult Social Care and Housing.

**REASONS** – (a) To provide increased senior management capacity in order to progress key aspects of integration and transformation with a view to accelerating efficiency gain.

(b) To provide effective professional leadership to both Adult Social Care and Housing.

**(4) Adult Social Care Contracts** – The Director of Community Services submitted a report (previously circulated) to waive Contract Procedure Rules under Exemption Clause 15 of the Contract Procedure Rules to renew a number of contracts within the Adult Social Services area. A review of existing service areas would be reviewed in line with current national and local policy development, and appropriate procurement processes would be undertaken to deliver value for money and services which were in line with national and local policy changes.

The submitted report outlined a number of recent national and local strategies that impacted on the provision of Adult Social Care, and stated that due to the changing landscape in Adult Social Care it had not been appropriate to undertake procurement exercises in relation to some contracts, which required a much more flexible and person centred approach, and provided real outcomes for people.

**RESOLVED** – That Contract Procedure Rules be waived under Exemption Clause 15, to allow for the Adult Social Care contracts, outlined in paragraph 16 of the submitted report, to be renewed.

**REASON** – To enable the continued delivery of services to vulnerable people and allow Officers to review the way in which adult social care services are provided, and procure future services in line with national and local change drivers.

**(5) Mayor’s Shop and Charitable Fund** – The Director of Corporate Services submitted a report (previously circulated) on the future of the Mayor’s fund and charity shop.

The submitted report summarised the recent review conducted in relation to the future of the Mayor’s fund and charity shop, and highlighted the legal issues with regard to the management of the shop and the need for urgent electrical work at the premises.

The legal position in relation to the registration of the Mayor's Charitable Fund with the Charities Commission, was highlighted and the submitted report detailed the financial and operational arrangements in place.

References were also made to data protection, disability discrimination and equality and employment, health and safety, the sale of goods and trading standards, the use of donations, insurance and liability, and governance of the shop. The submitted report detailed a number of options in relation to the use of the property, the financial support available and Officer support from the Council.

**RESOLVED** – (a) That 2A Duke Street be advertised for rent on a commercial basis.

(b) That the Mayor's Charitable Fund Management Committee be supported to establish itself as a registered charity.

(c) That ongoing support is provided to the registered charity fund raising activities through the Mayoral Support Officer and a budget of £5,000 is made available to the Committee, subject to compliance with legal requirements, to support fund raising activities.

**REASONS** – (a) To make efficient and safe use of the Council's physical resources.

(b) To ensure compliance with legislative requirements.

**(6) Fora** – The Assistant Chief Executive (Regeneration) submitted a report (previously circulated) that reviewed the purpose of the Council's consultative fora, and gave consideration to alternative ways of conducting the functions of some of the fora.

The submitted report stated that the consultative fora were established before Scrutiny Committees existed and prior to the existence of the Local Strategic Partnership (LSP) and more structured partnership working. It was reported that the Public Protection Forum had recently been disbanded, and the submitted report summarised how each of the remaining fora had evolved.

Reference was made to the wide range of consultation and engagement activity that the Council was now involved with, and it was highlighted that there was duplication in issues considered by some fora, the LSP themed groups and the Scrutiny Committees.

The following amendment to the recommendations detailed in the submitted report was moved by Councillor G. Cartwright, and seconded by Councillor Stenson:-

'That recommendation 3 be deleted and the following be substituted :-

That the Officers be requested to undertake a consultation exercise with all Members of the Council, members of the Environmental Forum, Town Centre Forum and the Transport Forum and the general public on the proposed disbandment of this Council's consultative Fora.'

**NOTE** – A vote on the above amendment was taken by a call of names of the Members present and there appeared:-

**For the Amendment –**

Councillors Barker, G. Cartwright, M. Cartwright, Coultas, Curry, Dunstone, Freitag, Galletley, Johnson, B. Jones, Mrs. D. Jones, Lawton, Lee, Lewis, Richmond, Mrs. H. Scott, Stenson and Swainston. (18)

**Against the Amendment –**

Councillors Baldwin, Burton, Chapman, Copeland, Dixon, Francis, Harker, Haszeldine, L. Haszeldine, Hughes, Jenkinson, Long, D. A. Lyonette, J. M. Lyonette, Maddison, McEwan, Robson, A. J. Scott, Swift, Thistlethwaite, Vasey, Walker, Wallis and Williams. (24)

**Abstention –**

The Mayor. (1)

The amendment was Lost.

The original motion moved by Councillor Williams was thereupon put to the meeting.

**RESOLVED** – That the Environment Forum, Town Centre Forum and Transport Forum be disbanded.

**REASONS** – (a) To focus engagement in ways that it can be most effective.

(b) For efficiency.

**36. CABINET REPORTS – (1) Overview Reports of Cabinet Members** – The Leader and Cabinet Members each gave a report (previously circulated) on the main areas of work undertaken under their relevant portfolio during the previous cycle of meetings.

Cabinet Members answered questions on their portfolios.

**(2) Cabinet Urgent Decisions** – The Corporate Management Team submitted a report (previously circulated) detailing three decisions taken by Cabinet as a matter of urgency and to which the procedure for call-in could not be applied.

The submitted report outlined the procedure to be followed if decisions were taken under the Urgency Rule.

**RESOLVED** – That the urgent decisions taken by Cabinet be noted.

**REASON** – To comply with the Council’s Constitution.

**37. SCRUTINY REPORTS – Overview Reports** – The five Scrutiny Committee Chairs each gave a report (previously circulated) on the main areas of work

undertaken by their relevant Scrutiny Committee during the last cycle of Committee meetings.

**38. MEMBERSHIP CHANGES** – There were no membership changes reported at the meeting.