

COUNCIL
27th November 2008.

PRESENT – The Mayor; Councillors Armstrong, Barker, Burton, G. Cartwright, M. Cartwright, Chapman, Copeland, Coultas, Curry, Davies, Dixon, Dunstone, Francis, Freitag, Galletley, Hartley, L. Haszeldine, Hughes, Jenkinson, Johnson, Lawton, Lewis, Lister, Long, D. A. Lyonette, J. M. Lyonette, Maddison, McEwan, Newall, Nicholson, Nutt, Robson, Ruck, A. J. Scott, Mrs. H. Scott, Swainston, Swift, Thistlethwaite, Walker, Wallis, Williams and York. (43)

APOLOGIES – Baldwin, Harker, B. Jones, Mrs. D. Jones, Lee, Regan, Richmond, Roberts, Stenson and Vasey. (10)

ABSENT – None. (0)

41. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Council held on 2nd October 2008.

RESOLVED - That the Minutes be approved as a correct record.

42. DECLARATIONS OF INTEREST – Councillor Freitag declared a personal and non-prejudicial interest in Minute 46(3) below, as the Chair of MIND.

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

44. ANNOUNCEMENTS – (1) **Election of Councillor Curry** - The Mayor extended a warm welcome to Councillor Curry, who was elected to represent the North Road Ward on 13th November 2008, and who was attending her first Ordinary Meeting of the Council.

(2) **Assistant Chief Executive** – The Mayor paid tribute to the Assistant Chief Executive, who was attending her last Ordinary Meeting of the Council, before undertaking a new role at Durham County Council.

(3) **National Association for Able Children in Education Challenge Award** – The Mayor announced that Heighington Primary School had been awarded the prestigious Challenge Award. This Award was received following an intensive assessment by the National Association for Able Children in Education. The Mayor reported that only 122 other schools in the Country had received the award, and that Heighington Primary School was the first school in Darlington receive the award.

45. QUESTIONS – TO ANSWER QUESTIONS (WHERE NOTICE HAS BEEN GIVEN) FROM – (1) **The Public** – There were five 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 – There were no questions from Members, where notice had been given, for the Mayor, Members of the Cabinet, or the Chairs of the Scrutiny Committees.

(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.

46. COUNCIL REPORTS – (1) Chief Executive - Performance Appraisal – The Director of Corporate Services submitted a report (previously circulated) to invite Members to endorse the recommendation of the Appraisal Sub-Group, in respect of the Chief Executive’s Performance Appraisal.

The submitted report stated that the annual appraisal of the Chief Executive had been undertaken by the Appraisal Sub-Group (a subsidiary body of the Human Resources Committee) on 7th October 2008, and outlined the recommendation of that sub-group.

RESOLVED – That the recommendation of the Appraisal Sub-Group be endorsed.

REASON – To enable the appraisal to be confirmed.

(2) Seizing the Future: Developing a Strategic Direction for the next Five Years – Public Consultation – The Assistant Chief Executive and the Director of Public Health, Darlington Primary Care Trust, submitted a report (previously circulated) on the current review of County Durham and Darlington NHS Foundation Trust’s hospitals and the ‘Seizing the Future’ consultation process.

The submitted report outlined the strategic drivers for the review, which included Lord Darzi’s report on the future of the NHS, “Our NHS, Our Future” (July 2008) and the NHS North East’s strategic vision for transforming health and health care services within North East England, “Our Vision, Our Future, Our North East NHS” (May 2008).

The submitted report outlined the two options proposed and developed for consultation, based on the principle of ‘centralised where necessary, localised where possible’, and highlighted the £30 million investment plan for Darlington Memorial Hospital. The submitted report also identified concerns raised during the consultation process, and summarised the response of the County Durham and Darlington NHS Foundation Trust.

RESOLVED – (a) That the public consultation and public views expressed to date, be noted.

(b) That the role that this Council’s Health and Well Being Scrutiny Committee has played to date in the consultation process, be noted.

(c) That the clinical specialisation issues, and the impact of the European Working Time Directive on the Trust, which make the status quo untenable, be noted.

(d) That the proposed development in both Option A and Option B, including £30 million investment at the Darlington Memorial Hospital, be noted.

(e) That Option B be supported.

REASONS – (a) Both options provide improved services at Darlington Memorial Hospital.

(b) Option B provides a new and important service which would significantly improve the care of patients needing rehabilitation following acute illness.

(c) Option B addresses inequalities in access to services and improve long term health outcomes.

(3) Supporting People Services for Older People with Support Needs and People with Learning Difficulties – The Director of Community Services submitted a report (previously circulated) to waive Contract Procedure Rules to re-contract with existing external providers of Emergency Alarm and On-Site Warden Services for older people with support needs, and thereby allow for the re-modelling and improvement of services through negotiation; and to re-contract with the existing external provider, Keyring, for the provision of housing related support for people with learning disabilities and thereby allow for the re-modelling and improvement of services through negotiation.

The submitted report summarised the current provision of housing related support to vulnerable older people and the key findings from a strategic review of the support services conducted in 2007/08, and highlighted the need to waive Contract Procedure Rules in order to allow negotiation with existing contractors in order to remodel services in line with the outcomes of the review.

The submitted report also outlined a review of Learning Disability Services and the determination to improve service quality and value for money. The submitted report highlighted that the service provided by Keyring did not fit into the designated support model and therefore Contract Procedure Rules needed to be waived so that the contract for this unique service could be re-negotiated in line with other services being tendered.

RESOLVED – (a) That Contract Procedure Rules be waived, as detailed in the submitted report, to allow contracts to be negotiated with existing providers of services for older people with support needs.

(b) That Contract Procedure Rules be waived, as detailed in the submitted report, to allow a contract to be negotiated with Keyring for Learning Disability Service.

REASONS – (a) To ensure service users and the Council receive good quality, value for money services for older people with support needs.

(b) To ensure service users and the Council are receive good quality, value for money services for the service users receiving support from the Keyring network.

(4) Replacement Costing System – The Director of Community Services submitted a report (previously circulated) to waive Contract Procedure Rules to use the Negotiated Procedure to purchase proprietary software to upgrade the costing system in Community Services.

The submitted report outlined the requirement to upgrade the ContractorPlus Costing System used in Community Services, the need for a decision on a replacement to be made at the beginning of December 2008, and identified three potential options for a replacement system. The submitted report stated that the identified options differed in value and cost, and it was requested that Council waive the Contract Procedure Rules to allow Officers to use the Negotiated Procedure should the system replacement cost exceed the EU Directives Threshold for advertising in the Official Journal of the European Communities (OJEU).

RESOLVED – That Contract Procedure Rules be waived to allow the use of the Negotiated Procedure for the procurement of an ICT System upgrade.

REASON – To allow Officers to purchase proprietary software to enable the upgrade of the Community Service's Costing system.

(5) Darlington Stockton Partnership Data Centre – The Director of Corporate Services submitted a report (previously circulated) to waive Contract Procedure Rules to negotiate with three companies to design and construct a new Data Centre in Darlington Town Hall.

The submitted report outlined the risks associated with the on-going problems at the current facilities, and detailed the potential for severe disruption to ICT Services to Members, Officers and the Public. The submitted report summarised that an initial budget had been set for the required structural construction work and specialist computer system refitting, however, following a procurement exercise, and the subsequent receipt of three tenders, it became apparent that changes to the specification criteria and budget were required.

The submitted report highlighted the subsequent cessation of the tendering process, and stated that alternative procurement solutions had been considered. Based on time and cost constraints, and the associated risks, it was recommended that the Council offered an Invitation to Negotiate for a contract to design and build the new Data Centre. The submitted report stated that as this was a new procurement process, and not covered in the Contract Procedure Rules, it was necessary to waive Contract Procedure Rules in order to progress with this approach.

RESOLVED – That Contract Procedure Rules be waived to allow Officers to use the proposed procurement route for the design and build of the new Data Centre, as detailed in the submitted report, to meet the urgent nature of the requirement.

REASONS – (a) To enable procurement from specialist providers.

(b) To enable Officers to move quickly to a solution for the construction and refit of the Data Centre to ensure continuity of service delivery.

47. 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) Review of the Treasury Management Investment Strategy – The Director of Corporate Services submitted a report (previously circulated) on the recent review of the Treasury Management Investment Strategy in light of the global economic situation, aimed at reducing further loss of investments in the current worldwide financial / banking crisis.

The submitted report highlighted a review of existing practice to ensure that Members were comfortable with the balance between risk and yield, in light of the economic situation, and recommended changes to existing practice where appropriate. The submitted report stated that the recommendations presented had been endorsed by Cabinet at its meeting on 4th November 2008.

RESOLVED – (a) That the steps already taken by Officers to reduce the risks to capital sums invested and safeguard the revenue budget, be noted.

(b) That the further procedures, outlined in paragraph 19 of the submitted report, be included in the schedules to the Treasury Management Procedures.

(c) That three money market funds be added to the counterparty list, with an investment level of £5m.

(d) That the counterparty list for the debt management office be unlimited.

(e) That the counterparty list be restricted to UK banks and building societies.

(f) That Nationalised Institutions, such as Northern Rock, be added to the counterparty list with a maximum limit for investments of 3 months and a maximum amount of £3m.

REASONS – (a) To reduce the risks to the Capital sums invested in Financial Institutions.

(b) To comply with the requirements of the Local Government Act 2003.

(3) Cabinet Urgent Decisions – The Corporate Management Team submitted a report (previously circulated) detailing two decisions taken by the 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 decision taken by Cabinet be noted.

REASON - To comply with the Council's Constitution.

48. 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.

49. MEMBERSHIP CHANGES – Consideration was given to membership changes of the Committees, Subsidiary Bodies and Other Bodies for the Municipal Year 2008/09.

RESOLVED – That Councillor Curry be appointed to the Planning Applications Committee and the Human Resource Committee for the remainder of the Municipal Year 2008/09.