

ITEM NO. 2 (a)

COUNCIL
29th January 2009

PRESENT – The Mayor; Councillors Armstrong, Baldwin, Barker, Burton, G. Cartwright, M. Cartwright, Chapman, Copeland, Coultas, Curry, Davies, Dixon, Dunstone, Francis, Galletley, Harker, L. Haszeldine, Hughes, Johnson, B. Jones, Mrs. D. Jones, Lawton, Lee, Lewis, Lister, Long, D. A. Lyonette, J. M. Lyonette, Maddison, McEwan, Newall, Nicholson, Nutt, Regan, Richmond, Roberts, Robson, Ruck, A. J. Scott, Mrs. H. Scott, Swainston, Swift, Thistlethwaite, Walker, Wallis and Williams. (47)

APOLOGIES – Freitag, Hartley, Jenkinson, Stenson, Vasey and York. (6)

ABSENT – None. (0)

50. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Council held on 27th November 2008.

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

51. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

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

53. ANNOUNCEMENTS – (1) New Year’s Honours List - The Mayor reported that Sarah Robinson, Principal and Chief Executive of Darlington College, had been admitted as a member of the Order of the British Empire, in Her Majesty the Queen’s New Year’s Honours List. It was also reported that John Graham, a former teacher at Hurworth Primary School, had been admitted as a Member of the British Empire for his services to Education, Tony Thornton, the Salvation Army Centre Manager, had been admitted as a Member of the British Empire for services to Homeless People in Darlington, and that Dr The Reverend John Elliston had been admitted as a Member of the British Empire for voluntary service to Vulnerable and Homeless People in Darlington.

RESOLVED - That the congratulations of the Council be conveyed to those who received awards.

(2) Death in Service – The Mayor reported the death in service of Mr. P. Tyler, who died on Monday, 5th January 2009. Mr. Tyler was employed by this Council as an Educational Psychologist.

(3) Welcome back to Councillor Baldwin – The Mayor extended a welcome to Councillor Baldwin who was returning to Council following his recent illness. The

Mayor also conveyed the best wishes of the Council to Councillors Hartley and York, who were both recovering at home following periods of ill health.

(4) Christmas Lights – The Mayor reported that he had been pleased to receive a letter from a resident of Holmfirth, West Yorkshire, who had visited Darlington over the Christmas period and written to the Mayor to congratulate the Council on the Christmas Lights.

53. QUESTIONS – TO ANSWER QUESTIONS (WHERE NOTICE HAS BEEN GIVEN) FROM – (1) The Public – There were no questions from members of the Public.

(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.

54. COUNCIL REPORTS – (1) Council Tax Calculation of Tax Base 2009/10 – The Director of Corporate Services submitted a report (previously circulated) requesting that consideration be given to determining the Council's Tax Base for 2009/10 in accordance with Section 33 of the Local Government Finance Act 1992 and the Local Authorities (Calculation of Council Tax Base) Regulations 1992.

RESOLVED – (a) That the report of the Director of Corporate Services for the calculation of the Council's tax base for the year 2009/10, be approved.

(b) That, in accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 1992, the amount calculated by Darlington Borough Council as its council tax base for the year 2009/10 shall be 34,433.73 and that the individual tax bases for the following parishes for 2009/10 shall be: -

Parish	Tax Base
Archdeacon Newton	334.13
Bishopton	166.82
Heighington	920.04
High Coniscliffe	110.95
Hurworth	1,213.57
Low Coniscliffe and Merrybent	275.19
Low Dinsdale	281.34
Middleton St. George	1,406.69
Neasham	160.27
Piercebridge	61.63
Sadberge	293.45
Walworth	39.90
Whessoe	566.25

REASON – To comply with statutory requirements.

(2) Report of Ombudsman on Complaint regarding a Planning Matter – The Director of Corporate Services and the Assistant Chief Executive – Regeneration submitted a report (previously circulated) to give consideration to action to be taken by this Council in response to a report from the Local Ombudsman on complaint numbers 03/C11999 and 03/C1337, against the Council in relation to a planning matter.

The submitted report stated that the Council was required to consider any report from the Ombudsman in which maladministration causing injustice had been found in response to a complaint made to the Ombudsman. The submitted report outlined the complaints made against the Council, and the conclusions of the Ombudsman. A copy of the Ombudsman's report was appended to the submitted report.

RESOLVED – (a) That the report of the Ombudsman be accepted, and that appropriate action be taken to remedy the injustice as follows:

- (i) make a payment of £500 to the complainants in recognition of the time and trouble in pursuing their complaint; and
- (ii) ensure that all staff involved in dealing with the development control decisions are properly trained in the law and its own policies and procedures relating to listed buildings.

(b) That the strengthening of the planning function, and the review of practices that had already been implemented to deal with matters arising from this complaint, be noted.

REASON – The findings of the Ombudsman should be accepted in the absence of any fundamental flaw in the report and appropriate action should be taken to remedy any injustice.

(3) Darlington Safeguarding – Position Statement – The Director of Children's Services submitted a report (previously circulated) which provided Members with information in relation to Darlington's Child Protection system.

The submitted report outlined the policy, procedure and practice of the Child Protection system, and identified the monitoring and quality assurance processes, including the Local Safeguarding Board.

RESOLVED – (a) That the contents of the report be noted.

(b) That the provision of regular updates and briefing sessions for Members be approved.

REASONS – (a) The protection of children within Darlington is a key statutory responsibility of the Council.

(b) Members need information and understanding of the child protection processes and performance of services to ensure these responsibilities are fulfilled.

(4) Supported Bus Service Contracts Extension – The Assistant Chief Executive – Regeneration submitted a report (previously circulated) to waive Contract Procedure Rules to allow a limited extension of the current short term Supported Bus Service contracts which would cease on 4th April 2009.

The submitted report provided an overview of the supported bus service contracts, which were introduced on 20th July 2008. The submitted report stated that the supported bus service contracts were approved to meet travel need which Arriva did not meet commercially, and outlined the evidence collection process and consultation arrangements that were implemented as part of the decision making process for the introduction of longer term contracts from 2009.

The submitted report requested permission to waive Contract Procedure Rules, to extend contracts in place by one month, to allow greater time for analysis and discussion, in relation to the evidence collected about travel needs that could be met by supported bus services.

RESOLVED – That the current contracts for Supported Bus Services be extended from 4th April 2009 until 2nd May 2009.

REASONS – (a) To enable appropriate analysis of the evidence collected to be carried out for the new contracts.

(b) To ensure that the proposed solutions to identify travel needs are the most beneficial for local people.

(c) To ensure that there is continuous provision of Supported Bus Services until the new contracts come into effect on 3rd May 2009.

55. 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) Prudential Indicators Update and Treasury Management Half Year Review – The Director of Corporate Services submitted a report (previously circulated) on the revised Prudential Indicators and to provide a half-yearly review of this Council's Treasury Management borrowing and investment activities.

The submitted stated that the prudential indicators had been updated to take account of the Council's borrowing position, and that the key borrowing indicator (the

Operational Boundary) had been increased to reflect the new profile of the Capital Programme. It was reported that the Council's return on investments had been good, and had exceeded both of the targets set of matching external comparators for the first six months of the financial year. The submitted report stated that, based on the first six months of 2008/09, the Council's borrowing and investments was forecast to achieve an improvement of £0.091m on the 2008/09 approved budget.

RESOLVED – (a) That the revised prudential indicators and limits within the submitted report in Tables 1 to 11 be approved.

(b) That the Treasury Management half-yearly review be noted.

REASONS – (a) In order to comply with the Prudential Code for Capital Finance in Local Authorities.

(b) To inform Members of the performance of the Treasury Management function.

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

(d) To enable further improvements to be made in the Council's Treasury Management function.

(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 decisions taken by Cabinet be noted.

REASON - To comply with the Council's Constitution.

56. 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.

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