

COUNCIL
24th November 2011

PRESENT – The Mayor; Councillors Baldwin, Carson, Copeland, Cossins, Coultas, Crudass, Curry, Dixon, Donoghue, Francis, Galletley, Grundy, Harker, Harman, Haszeldine, L. Haszeldine, C. L. B. Hughes, L. Hughes, Johnson, B. Jones, Kelley, Knowles, Landers, Lawton, Lee, Lewis, Lister, Long, D. A. Lyonette, J. M. Lyonette, Macnab, Maddison, McEwan, Newall, Regan, E. A. Richmond, S. Richmond, A. J. Scott, Mrs. H. Scott, Stenson, C. Taylor, J. Taylor, Thistlethwaite, J. Vasey, Wallis and Wright. (47)

APOLOGIES – Councillors Hutchinson, Mrs. D. Jones, Nutt, Swainston and York. (5)

ABSENT – Councillor Burton. (1)

29. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Council held on 29th September 2011.

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

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

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

32. ANNOUNCEMENT – Lord Bishop of Durham Ceremony - The Mayor reminded Members about the Welcoming Ceremony for the new Lord Bishop of Durham, which would take place the following day on Croft Bridge over the River Tees, and the Presentation of an Address of Welcome which was taking place afterwards in Central Hall at the Dolphin Centre. The Mayor invited Members to attend both events.

33. 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 from Members, where notice had been given, to the nominated Member of the Police Authority, in accordance with Section 20 of the Police Act 1996.

34. COUNCIL REPORTS – (1) Chief Officer Pay Review - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Resources (previously circulated) requesting that the recommendation of the Human Resources Panel, in respect of the Chief Officers' Pay Review, be endorsed.

The submitted report highlighted that the Council had determined on 30th September 2010 that an independent review of remuneration for Chief Officers be undertaken upon completion of the review of the senior management structure, and that that independent review had subsequently been undertaken by the Hay Group, whose report had been considered by the Human Resource Panel on 7th November 2011. A copy of the Chief Officer Job Evaluation and Salary Review Report produced by the Hay Group was appended to the submitted report.

RESOLVED – (a) That the existing grading structure remain unchanged.

(b) That the new posts, following the Council-wide re-structure be allocated to the existing grading structure, as highlighted in the independent report.

REASON – To enable the pay review to be confirmed.

(2) Chief Executive – Performance Appraisal – The Director of Resources submitted a report requesting that the recommendation of the Appraisal Sub-Group in respect of the Chief Executive’s Performance Appraisal be endorsed.

The submitted report stated that the Appraisal Sub-Group (a subsidiary body of the Human Resources Committee) had undertaken an Annual Appraisal with the Chief Executive. It was reported that, in accordance with the revised process reported to Council in November 2010, the Leader and Deputy Leader of the Council initially met with the Chief Executive to review the Chief Executive’s personal assessment and identify objectives for the coming year, and the Appraisal Sub-Group then met on 11th November 2011 to undertake the appraisal. The submitted report concluded with an outline of the recommendation of the Appraisal Sub-Group.

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

REASON – To enable the appraisal to be confirmed.

(3) Members’ Allowances – The Director of Resources submitted a report (previously circulated) requesting that consideration be given to the recommendations of the Independent Panel appointed by the Council in relation to the adoption of a new Scheme of Members’ Allowances.

The submitted report highlighted that on 26th May 2011 the Council had requested that its Independent Remuneration Panel review its Members’ Allowances, to comply with legislation, and the Mayoral Allowances. A copy of the report of the Independent Remuneration Panel, and a copy of the proposed Members’ Allowances Scheme, were appended to the submitted report accordingly.

RESOLVED – (a) That the recommendations of the Members Independent Panel, with allowances being index linked to the annual percentage salary for Darlington Borough Council staff as opposed to local government staff as proposed in the submitted report, be approved and implemented with effect from 1st April 2012.

(b) That the new Members’ Allowances Scheme, as appended at Appendix 2 of the submitted report, be approved.

(c) That the preparation of a report on the implications of the Localism Bill on the role of Members following its implementation be approved.

REASON – To implement the recommendations of the Independent Panel appointed by the Council to adopt a new Members’ Allowances Scheme with effect from 1st April 2012.

(4) Parliamentary Constituency Review – The Chief Executive submitted a report (previously circulated) to seek Members views on the Parliamentary Constituencies Review and put forward any comments as part of the consultation on the proposals.

The submitted report stated that the independent Boundary Commission for England (BCE) had published initial proposals for new Parliamentary constituency boundaries in England, and launched a consultation on those proposals. The report highlighted that the number of constituencies in England was being reduced from 533 to 502, and outlined how the proposals would impact on the North East and, in particular, Darlington. The submitted report invited Members to provide a response to the proposals as part of the consultation exercise.

RESOLVED – That any response to the Parliamentary Constituency consultation should support the proposals as currently drafted whereby the proposals related to Darlington.

REASONS – (a) To ensure appropriate democratic representation in Parliament for the residents of the Borough of Darlington.

(b) To improve the conduct of parliamentary elections for the Borough.

(5) Anti Bribery Policy and Procedures – The Director of Resources submitted a report (previously circulated) to present a draft Anti Bribery Policy and Procedures, and consequential changes to the Employees Code of Conduct, for approval.

The submitted report stated that the Bribery Act 2010 came into force on 1st July 2011, highlighted that the Act was designed to simplify the law to enable the courts to deal matters more effectively, and introduced the new offence of failing to prevent bribery, which applied to the Council as an organisation. The submitted report defined bribery, outlined the offences and penalties created under the Act, and detailed the Council response to it through the proposed introduction of an Anti Bribery Policy and Procedures, and amendments to the Employees Code of Conduct.

RESOLVED – That the Anti Bribery Policy and Procedures, and the consequential amendments to the Employees Code of Conduct, as detailed in the submitted report, be approved.

REASON – To enhance the anti fraud and corruption arrangements that compromise part of the Council’s corporate governance framework.

(6) Review of Polling Districts and Polling Places – The Director of Resources submitted a report (previously circulated) on the outcome of a recent review of Polling Districts and Polling Places for the Darlington and Sedgfield Parliamentary constituencies.

The submitted report stated that Section 16 of the Electoral Administration Act 2006 introduced changes to the Representation of the Peoples Act 1983, which required the Council to conduct a review of Parliamentary Polling Districts and Polling Places on a four-yearly cycle. The submitted report outlined the process of the consultation and review undertaken, and highlighted the responses received.

RESOLVED – (a) That it be noted that no changes are proposed to Polling Districts, and that the Electoral Register be published on 1st December 2011 in its current format.

(b) That the recommendations of the Acting Returning Officers for the Darlington and Sedgfield Parliamentary Constituencies in relation to Polling Places be endorsed, and that Officers implement the recommendations.

(c) That the publication of the proposals for Polling Places be authorised.

REASON – To ensure that the Council meets the requirements of the Polling District and Polling Places (Parliamentary Elections) Regulations 2006.

(7) The Implications of the Equality Act 2010 on Licensed Hackney Carriages and Private Hire Vehicles, and their Drivers – The Director of Place submitted a report (previously circulated) on new powers for Local Authorities under the Equality Act 2010 in respect of the licensing of hackney carriages and private hire vehicles and their drivers.

The submitted report stated that the Equality Act 2010 made specific provision for Councils to create designated lists of wheelchair accessible vehicles which are, or will be, licensed as hackney carriages and private hire vehicles. The submitted report highlighted the implication of creating such a list would be that a legal duty would be placed on drivers of such vehicles to offer the disabled traveller the assistance they need to ensure that the journey is safe and comfortable. The submitted report outlined the current position, and the proposed process by which drivers could apply for an exemption from the new duty.

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

(b) That the introduction of a designated list of wheelchair accessible vehicles, covering both hackney carriages and private hire vehicles, be approved.

(c) That all current wheelchair accessible vehicles licensed by this Council be included in the designated list of vehicles.

(d) That applications for exemption from the requirement to assist passengers, as detailed in paragraphs 21 to 25 of the submitted report, be delegated to the Licensing Committee.

(e) That the addition of suitable wheelchair accessible vehicle types to the designated list be delegated to the Licensing Manager.

REASON – To meet the requirements of the Equality Act 2010 and thus ensure that wheelchair users may travel with dignity and in comfort.

35. 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) Central Park Enterprise Zone – Simplified Planning – The Director of Place submitted a report (previously circulated) to advise Members of the preparatory process followed towards the adoption of a Local Development Order and its relationship with the Enterprise Zone, and to

seek approval to delegate authority to the Planning Applications Committee to 'make' the Central Park Enterprise Zone Local Development Order (LDO).

The submitted report stated that the Tees Valley Enterprise Zone had been announced as part of the 2011 Budget, with its format agreed between the Government and Tees Valley Unlimited in August 2011. The submitted report highlighted that 12 sites had been chosen throughout the Tees Valley, with developers on these sites benefitting from financial incentives, simplified planning rules and high speed broadband, and that Central Park had been identified as Darlington's contribution towards the Tees Valley Enterprise Zone. The submitted report outlined that a Local Development Order (LDO) is a grant of planning permission for a specified type and scale of development, subject to conditions where appropriate, and identified the types of development that were no longer subject to a planning application.

RESOLVED – That authority be delegated to the Planning Applications Committee to 'make' the Central Park Enterprise Zone Local Development Order.

REASONS – (a) To meet deadlines imposed upon the Tees Valley planning authorities for the preparation and adoption of the simplified planning rules.

(b) In order for the LDO to be placed upon Part III of the Planning Register in order for it to come into being.

(3) Cabinet Urgent Decisions – The Corporate Management Team submitted a report (previously circulated) detailing two 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 procedures to be followed if decisions were taken under the Urgency Rule and the Special Urgency Rule.

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

REASON – To comply with the Council's Constitution.

36. 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.

37. MEMBERSHIP CHANGES – Consideration was given to membership changes of the Committees, Subsidiary Bodies and Other Bodies for the remainder of the Municipal Year 2011/12.

RESOLVED - That Councillor Coultas be replaced on the Place Scrutiny Committee by Councillor Grundy, and that Councillor Donoghue be replaced on the Adults and Housing Scrutiny Committee by Councillor B. Jones.