

COUNCIL
26th March, 2009

PRESENT – The Mayor; Councillors Armstrong, Baldwin, Barker, Burton, G. Cartwright, Chapman, Copeland, Coultas, Curry, Davies, Dixon, Dunstone, Francis, Freitag, Galletley, Harker, Hartley, Hughes, Jenkinson, Johnson, B. Jones, Mrs. D. Jones, Lawton, Lee, Lewis, Lister, D. A. Lyonette, J. M. Lyonette, Maddison, McEwan, Newall, Nicholson, Nutt, Regan, Richmond, Roberts, Robson, Ruck, A. J. Scott, Mrs. H. Scott, Stenson, Swift, Vasey, Walker, Wallis, Williams and York. (48)

APOLOGIES – Councillors M. Cartwright, L. Haszeldine, Long, Swainston and Thistlethwaite. (5)

ABSENT – None. (0)

61. MINUTES – Submitted – The Minutes (previously circulated) of the meetings of this Council held on 29th January and 26th February 2009.

RESOLVED – That the Minutes be approved as correct records.

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

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

64. ANNOUNCEMENTS – (1) Councillors York, M. Cartwright and Long – The Mayor extended a welcome to Councillor York, who was returning to Council following his recent illness, and also conveyed the best wishes of the Council to Councillors M. Cartwright and Long, who were both recovering at home following periods of ill health.

65. 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 – Councillor Barker asked a question to Councillor Williams, the Leader of the Council, and Councillor Williams replied. Councillor Barker subsequently asked a supplementary question, without notice, and Councillor Williams responded.

(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.

66. COUNCIL REPORTS – (1) Councillor Call for Action – The Director of Corporate Services submitted a report (previously circulated) to seek approval for the procedure for receiving and dealing with a Councillor Call for Action.

The submitted report highlighted the introduction of the power for Scrutiny Committees to consider issues raised by individual members of the public through their local Councillors, with

a view that the initiative be introduced from 1st April 2009. The initiative enabled a member of the public to make a request to their local Councillor, so that the Councillor may then ask for discussions at Scrutiny Committees on issues where local problems have arisen and where other methods of resolution have been exhausted. A Procedure for dealing with a Councillor Call for Action, and proposed amendments to the Constitution, were appended to the submitted report.

RESOLVED – (a) That the procedure for dealing with a Councillor Call for Action be approved.

(b) That the Constitution be amended, when the legislation comes into force, to give effect to the procedure accordingly.

REASONS - (a) To ensure compliance with new legislation.

(b) To enhance opportunities for members of the public to raise issues with the Council.

(2) Annual Report of the Standards Committee – The Borough Solicitor submitted a report (previously circulated) summarising the Annual Report of the Standards Committee (also previously circulated) to Members of the Council.

The submitted report stated that the Annual Report reflected on the first year of Local Assessment, and other work conducted by the Standards Committee. The Annual Report of the Standards Committee was appended to the submitted report.

Mr. M. Hill, an Independent Member of the Standards Committee, attended the meeting, and spoke to the submitted report.

RESOLVED - That the Annual Report of the Standards Committee be noted, and that the Members of the Standards Committee be thanked for the work undertaken this year.

REASONS – (a) To enable the Authority to receive information about the work of the Standards Committee.

(b) To enable the Standards Committee to advise the Council about how to improve public trust in the organisation.

(c) To advise Members about the work of the Committee since the implementation of Local Assessment.

(3) Cabinet Portfolios – The Director of Corporate Services submitted a report (previously circulated) to consider an amendment to the Cabinet Portfolios, in light of a discussion by Cabinet at its meeting on 3rd March 2009.

The submitted report outlined the discussion by Cabinet in relation to the efficiency agenda; on the expansion of the existing Resources Portfolio; the key role of all Cabinet Members in the efficiency agenda; and on the need to increase the visibility of efficiency in the reporting process.

RESOLVED – (a) That the existing Resources Portfolio be expanded to become the Efficiency and Resources Portfolio.

(b) That the key role of all Cabinet Members in the efficiency agenda be incorporated into each Portfolio.

(c) That a standard paragraph on the impact on the organisations efficiency, in relation to each decision proposed, be included in every report.

REASON – To provide political leadership and focus for the efficiency agenda.

(4) Sustainable Communities Act – The Chief Executive submitted a report (previously circulated) on the key aspects of the Sustainable Communities Act and to seek views on accepting the first invitation issued by the Secretary of State to ‘opt in’.

The submitted report outlined a new process whereby local communities and local authorities could drive Central Government policy and action on reversing community decline and the promotion of local sustainability. The submitted report highlighted four categories in which the new process aims to make Government do more to help promote sustainable communities. The submitted report continued to outline the two key criteria for proposals from Councils, the role of the Local Government Association, and the implications of the new process for Darlington. A timetable for future activity was included in the submitted report.

RESOLVED – (a) That the contents of the report in summarising aspects of the Act, be noted.

(b) That Officers be authorised to ‘opt in’ to the first invitation issued by the Secretary of State.

(c) That the high-level process outlined in paragraph 21 of the submitted report be agreed, with a view to submitting proposals to the Local Government Association by 31st July 2009.

REASONS – (a) To enable the Council to help fulfil its role in facilitating the sustainability of the local community.

(b) To assist the Council in fulfilling its contribution to deliver ‘One Darlington: Perfectly Placed’.

(e) Procedure for Handling Complaints Against Members – The Borough Solicitor submitted a report (previously circulated) on a revised procedure for handling complaints against Members.

The submitted report outlined the transfer of responsibility for the local assessment of complaints to local Standards Committees from the Standards Board for England, with effect from 8th May 2008. The submitted report highlighted that this Council had approved a procedure for handling complaints in May 2008, however since that was agreed new guidance has been issued and members of the Standards Committee now had experience of handling complaints against Members. A review of the procedure was undertaken by the Standards Committee, and the revised procedure was considered and approved by the Standards Committee, at its meeting on 16th March 2009. The revised procedure was appended to the submitted report.

RESOLVED – (a) That the revised Procedure for Handling Complaints Against Members, be approved.

(b) That the Procedure for Handling Complaints Against Members be added to the Council's Standards Committee page of the website, so that it is accessible to everyone.

REASONS – (a) To improve the procedure for dealing with complaints against members and make it easier to follow that procedure.

(b) To ensure the procedure is accessible to the public and members.

67. 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) Community Safety Plan Refresh – The Chief Executive submitted a report (previously circulated) to consult and seek Members' endorsement of the Borough's refreshed Community Safety Plan 2008-11.

The submitted report highlighted that in March 2008 this Council endorsed the Crime and Disorder Reduction Partnerships (CDRP) Community Safety Plan 2008-11, and that in line with legislative requirements, the CDRP was required to refresh and update the three year plan on an annual basis. The submitted report stated that the priorities identified in the original plan remain the same as those identified in the refresh, and that the actions identified within the refreshed Delivery Plans continued to mirror those included within the Borough's second Local Area Agreement and Sustainable Community Strategy, 'One Darlington: Perfectly Placed'.

RESOLVED – (a) That the refreshed Community Safety Plan be endorsed.

(b) That, in line with the Council's Policy Framework, the Plan be agreed.

REASONS – (a) Community Safety remains a priority for the Borough.

(b) The strategy outlines how the Crime and Disorder Reduction Partnership will continue to make Darlington even safer.

(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.

68. 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.

69. NOTICE OF MOTION FOR WHICH THE REQUIRED NOTICE HAS BEEN RECEIVED – The following Motion, for which the required Notice had been received, was moved by Councillor Galletley, seconded by Councillor Barker, and lost.

‘That, with effect from the commencement of the Mayoral year 2009-10, the Constitution of the Council be amended so that the Mayor may no longer be permitted to hold a post of paid additional responsibility during his or her year of office’.

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