

COUNCIL
21st July 2011

PRESENT – The Mayor; Councillors Baldwin, Carson, Copeland, Cossins, Coultas, Crudass, Curry, Dixon, Francis, Galletley, Grundy, Harker, Harman, C. L. B. Hughes, L. Hughes, Hutchinson, B. Jones, Kelley, Landers, Lawton, Lee, Lister, Long, D. A. Lyonette, J. M. Lyonette, Macnab, Maddison, McEwan, Newall, Nutt, Regan, E. A. Richmond, S. Richmond, A. J. Scott, Stenson, Swainston, C. Taylor, J. Taylor, Thistlethwaite, J. Vasey, Wallis and Wright. (43)

APOLOGIES – Councillors Donoghue, Haszeldine, L. Haszeldine, Johnson, Mrs. D. Jones, Knowles, Lewis, Mrs. H. Scott and York. (9)

ABSENT – Councillor Burton. (1)

12. MINUTES – Submitted – The Minutes (previously circulated) of the meetings of this Council held on 21st April, 19th May and 26th May 2011.

RESOLVED – That the Minutes be approved as correct records.

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

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

15. ANNOUNCEMENTS – **(1) Queen’s Birthday Honours List** - The Mayor announced that Councillor Bill Dixon, had been admitted as a Member of the British Empire for services to Local Government in Darlington and County Durham, and for his work with the Darlington Crime and Reduction Partnership, Darlington Drug and Alcohol Action Team, and the Darlington Youth Offending Service.

Doctor Susan Mary Waterworth, a General Medical Practitioner at Blacketts Medical Practice and Police Forensic Examiner, had also been admitted as a Member of the British Empire in recognition of her work in helping victims of sexual assault through their ordeals, and assisting police in prosecuting offenders.

In addition, Mr. Philip Boyle, a former Physics teacher at Hummersknott School and Language College, had been admitted as a Member of the British Empire for services to education.

RESOLVED - That the congratulations of the Council be extended to Councillor Dixon and conveyed to the two individuals who received awards.

(2) Councillor Lewis and Councillor I. Haszeldine - The Mayor conveyed the best wishes of the Council to Councillor Lewis, who was recuperating at home following

an operation, and Councillor I. Haszeline, who was recuperating in hospital following an operation.

(3) Death of Former Councillor Frank Robson – The Mayor advised Members of the death of Former Mayor, Mayor’s Escort and Councillor, Frank Robson, who passed away on Thursday, 14th July 2011. The Mayor referred to Frank’s years of service, and roles on the Council.

(4) Death in Service – The Mayor reported the death in service of Margaret Clemence, who died on Sunday, 10th July 2011. Mrs. Clemence was employed by this Council as a Scheme Manager at Dinsdale Court, Middleton St. George, for more than 30 years.

As a mark of respect, Members held a short silence for Former Mayor, Mayor’s Escort and Councillor, Frank Robson, and Margaret Clemence.

RESOLVED - That the deepest sympathy of the Council be conveyed to the families of Former Councillor Frank Robson and Margeret Clemence for the sad loss that they have sustained.

16. 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.

17. COUNCIL REPORTS – (1) Agreement with Hartlepool for Assistant Director, Human Resources –The Director of Resources submitted a report (previously circulated) requesting that consideration be given to entering into an agreement with Hartlepool Borough Council for the provision of an Assistant Director (Human Resources) with effect from 1st November 2011.

The submitted report highlighted that the agreed Senior Management structure incorporated the post of Assistant Director – Human Resources at the grade of Assistant Director 1, and stated that the current post-holder was due to retire in November 2011. The submitted report proposed that an Assistant Director – Human Resources be appointed and shared with Hartlepool Borough Council on a 50/50 basis, which would save the Council approximately £50,000 per annum.

RESOLVED – (a) That the role of Assistant Director – Human Resources, undertaken by Joanne Machers on a shared basis with Hartlepool, operating under an agreement between Hartlepool and Darlington Councils, be agreed.

(b) That the finalisation of the terms of the contract be delegated to the Director of Resources, in consultation with the Cabinet Member with Portfolio for Efficiency and Resources.

(c) That Contract Procedure Rules be waived to enable the agreement to be entered into.

REASONS – (a) To enable the Council to make savings by working in partnership to fill a key role.

(b) To enable the final agreement to be completed.

(2) Skills4me European Social Fund (ESF) Contracts – The Director of People submitted a report (previously circulated) requesting that Contract Procedure Rules be waived under exemption 18 to enable Officers to extend the contracts of existing delivery partners for the continued delivery of the Skills4me (ESF) programme, aimed at engaging vulnerable young people in education and training.

The submitted report stated that over the previous three years the Council had ran a successful programme to support and engage vulnerable young people in education and training entitled Skills4me, which utilised funding from the European Social Fund. The submitted report highlighted that the Council had secured a further three years ESF funding which totalled £717,620, of which approximately two thirds would be delivered by external partners.

The submitted report also stated that the bid for funding had been made based on the experience of the existing delivery partnership, however indicated the need to employ an Open and Competitive Tendering (OCT) process, in accordance with the Council’s Contract Procedure Rules. The submitted report stated that the Skills Funding Agency had subsequently indicated that they would withdraw the offer of funding as the Agency feared that the change in the proposal, and the potential change in partners and sub-contractors, would leave the Agency open to legal challenge in terms of the evaluation of this Council’s proposal.

RESOLVED – That Contract Procedure Rules be waived under exemption 18 to allow the re-contracting of the Skills4me programme through existing providers.

REASONS – (a) To ensure that the Council is in a position to access an offer of funding from the Skills Funding Agency, which would potentially be withdrawn if the Council pursued an Open and Competitive Tender process.

(b) To ensure the continuation of the successful delivery of an education and training programme in light of the limited amount of local training providers.

(3) Review of Polling Districts, Polling Places and Polling Stations – The Director of Resources submitted a report (previously circulated) requesting that consideration be given to the process of a review of Polling Districts and Polling Places, to comply with the requirements of the Electoral Administration Act 2006.

The submitted report stated that the Electoral Administration Act placed a duty on all local authorities to review Polling Districts and Polling Places every four years. The submitted report outlined the proposed content and structure of the review, the timescales involved, and a suggested programme of consultation.

RESOLVED – That the structure of the review of Polling Districts, Polling Places and Polling Stations, the timescales involved, and the suggested programme of consultation, be endorsed.

REASON – To comply with the requirements of the Electoral Administration Act 2006.

18. 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) Treasury Management Annual Report and Outturn Prudential Indicators 2010/11 – The Director of Resources submitted a report (previously circulated) which provided information in relation to the regulation and management of the Council’s borrowing, investments and cash-flow. The submitted report also sought approval of the Prudential Indicators results for 2010/2011, in accordance with the Prudential Code.

The submitted report outlined the exceptional circumstances with regard to treasury management for 2010/2011, and the implications that these circumstances had had on the Council. It was reported that the stabilisation of the economy, coupled with increased counterparty credit risk presented the Council with continued issues not normally expected. The submitted report stated that the Council had complied with its legislative and regulatory requirements, and that the need for borrowing was only increased for capital purposes.

The submitted report stated that at 31st March 2011, the Council’s external debt was £80.860m, with no increase from the previous year, with an average interest rate of 3.22%, reduced from 3.44% in 2009/2010. It was reported that investments totalled £19.390m, in comparison to £15.290m at 31st March 2010, earning interest of 0.97% on short term investments, and 1.79% on long term investments.

RESOLVED – (a) That the outturn 2010/11 Prudential Indicators within the submitted report, and those in Appendix 1 of the submitted report, be noted.

(b) That the Treasury Management Annual Report for 2010/11 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.

(3) Use of Supplementary Planning Documents for Development Management

Purposes – The Director of Place submitted a report (previously circulated) requesting that the use of specific supplementary planning documents by the Council for development management purposes be continued.

The submitted report stated that several policies contained within the Borough of Darlington Local Plan had been superseded by more up to date policies in the Local Development Framework (LDF) Core Strategy, however highlighted that much contained within the planning documents remained relevant to the current consideration of planning applications, and the material in the supplementary documents was generally at a more detailed level than that established in Core Strategy policies.

It was reported that all supplementary documents had included local and stakeholder consultation as part of their preparation, and continued to remain relevant in current national and local planning policy context. The submitted report outlined that the Council had to agree that the existing supplementary planning policy documents could continue to be used for development management purposes, until such time as more up to date LDF documents are adopted to replace them.

RESOLVED – That the Design of New Development SPD 2010, the Affordable Housing SPD April 2007, the Open Space Strategy 2007, the Commuted Sums from New Housing Developments for the Enhancement of Existing Equipped Play Areas 2001, and the Tees Valley Design Guide (Highways Standards) undated, supplementary planning documents continue to be used for development management purposes, until such time as more up to date Local Development Framework documents are adopted to replace them, or that they become obsolete.

REASONS – (a) To support the effective implementation of the policies of the development plan for Darlington.

(b) To maintain a comprehensive planning policy framework during the preparation of development plan documents to support the adopted Core Strategy.

(4) Darlington Local Development Framework: Design of New Development

Supplementary Planning Document – The Director of Place submitted a report (previously circulated) to request that the revised Darlington Local Development Framework (LDF) Design of New Development Supplementary Planning Document (Design SPD) be adopted as Council policy, and that the transitional arrangements proposed, where developers were already engaged with the Council as part of pre-application negotiations, be agreed.

The submitted report highlighted that the existing Design SPD had been adopted by Council on 16th July 2009, and provided further detail and clarification on several Local Plan policies, national legislation and planning guidance. The submitted report stated that, to provide consistency with national legislation and planning guidance issued since 2009, limited consequential changes had been made to the Design SPD so that it may continue

to provide guidance until it is superseded by the LDF Making Places / Accommodating Growth Development Plan. It was highlighted that the existing Design SPD had been subject to extensive formal and informal stakeholder and community consultations, and that the Design SPD had been positively received and publicly endorsed at a local, sub regional and regional level by a range of stakeholders.

RESOLVED – (a) That the contents of the Local Development Framework Design of New Development Supplementary Planning Document be agreed.

(b) That the Design of New Development Supplementary Planning Document be adopted as Council policy.

(c) That the transitional arrangements be agreed.

REASONS – (a) To continue to progress towards fulfilling the statutory requirements to have an up to date Local Development Framework in place.

(b) To fulfil the regulatory requirements of Local Development Framework document preparation.

19. 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 Lister be replaced on the General Licensing Committee and the Licensing Act 2003 Committee by The Mayor, and that The Mayor be replaced on the Neighbourhood Services Scrutiny Committee by Councillor Lister.