

ITEM NO. 2

COUNCIL 17th July 2008.

PRESENT – The Mayor; Councillors Armstrong, Baldwin, Barker, Burton, G. Cartwright, M. Cartwright, Chapman, Copeland, Coultas, Davies, Dunstone, Francis, Freitag, Galletley, Harker, L. Haszeldine, Hughes, Johnson, B. Jones, Lewis, Lister, Long, D. A. Lyonette, J. M. Lyonette, Maddison, McEwan, Newell, Nicholson, Nutt, Roberts, Ruck, A. J. Scott, Mrs. H. Scott, Stenson, Swainston, Swift, Walker, Wallis and Williams. (40)

APOLOGIES – Councillors Dixon, Hartley, Mrs. D. Jones, Lawton, Lee, Regan, Richmond, Robson, Thistlethwaite, Vasey and York. (11)

ABSENT – Councillors Jenkinson and S. Jones. (2)

22. MINUTES – Submitted – The Minutes (previously circulated) of the meetings of this Council held on 15th May, 22nd May and 6th June 2008.

RESOLVED - That the Minutes be approved as correct records.

23. DECLARATIONS OF INTEREST – Councillors Johnson and Williams each declared a personal and non-prejudicial interest in Minute 27(5) below. Councillor Chapman declared a personal and non-prejudicial interest in Minute 28(4) below.

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

25. ANNOUNCEMENTS – There were no announcements made.

26. 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.

27. COUNCIL REPORTS – (1) Constitution – The Director of Corporate Services submitted a report (previously circulated) on a revised Constitution.

The submitted report outlined a number of changes made to the Constitution during the previous year, which included the revision of the Cabinet Portfolios and Scrutiny Committees, changes to the Scheme of Delegation following the Council restructure,

changes to both the Contract Procedure Rules and the Council Procedure Rules, and the creation of Xentrall (the Darlington Stockton Partnership), with the delegation of powers to Stockton Borough Council. The submitted report confirmed that the changes had previously been approved individually by Council or Cabinet as appropriate, and that a number of cosmetic changes had been made to reduce the overall size of the Constitution. A copy of the revised Constitution was appended to the submitted report.

RESOLVED – That the revised Constitution be approved.

REASON – To ensure that the Council has an up to date and complete record of its decision making processes, which is available to Members and the Public.

(2) The Status of Street Trading in the Borough of Darlington - The Director of Corporate Services submitted a report (previously circulated) requesting that consideration be given to the status of street trading within the Borough of Darlington and proposed modifications to the Council’s current policy.

The submitted report provided information on the existing status of street trading, options for improving Town Centre Street Trading provision, and proposed changes to policy in relation to the determination of applications and criteria for issuing consents.

RESOLVED – (a) That street trading, through the issue of consents, be retained throughout the Borough of Darlington.

(b) That the revised policy and standard conditions, as detailed in Appendix 2 of the submitted report, be approved.

(c) That the approval of uncontested applications and enforcement of the legislation pertaining to street trading be delegated to the Director of Corporate Services.

(d) That all contested applications and potential revocations of existing consents be referred to the Licensing Committee for determination.

REASON – To ensure the most appropriate retail provision is made in relation to street trading for the public of Darlington.

(3) Indemnity for Officers and Members - The Director of Corporate Services submitted a report (previously circulated) to seek approval for an indemnity to be granted to officers and members of the authority.

The submitted report stated that the purpose of the indemnity was to reimburse Officers and Members for any personal financial liability that they might suffer whilst carrying out their role for the Council, and that the indemnity was restricted to ensure that the Officer or Member was acting in good faith. The submitted report stated that the indemnity was covered by the Council’s insurance, except the proposed indemnity for defence of criminal proceedings, and it was proposed that that indemnity was limited without further approval from Council.

RESOLVED – (a) That the indemnity for Officers and Members, as appended to the submitted report, be approved.

(b) That, within the terms of the indemnity policy, the Chief Executive, in consultation with the Leader of the Council, the Director of Corporate Services, and the Borough Solicitor be authorised to endorse the payment of indemnity to any Member or Officer up to a maximum of £50,000, where such indemnity is not covered by insurance, and that any sums in excess of that figure be referred to Council for approval.

(c) That the indemnity provisions recommended in this report be extended to cover Council Officers and external investigating officers and advisers appointed by the Monitoring Officer in relation to the defence of claims for defamation arising from Local Government Act 2000 Part 3 proceedings up to appeal, and that indemnity for sums greater than £50,000 is subject to approval by Council.

REASON – To ensure that Officers and Members of the authority carrying out their duties in good faith, in accordance with the terms of their elected role or employment, will not incur personal loss.

(4) Appointment of Standards Committee Members – The Director of Corporate Services submitted a report (previously circulated) requesting approval of the appointment of two Parish Councillors to the membership of the Standards Committee.

The submitted report outlined this Council's previous decision on 22nd May 2008, to approve an increase in the membership of Parish Council Members from two Parish Council Members to three Parish Council Members, and highlighted that, following recommendations made at a meeting of the Darlington Association of Parish Councils and Parish Meetings on 17th June 2008, Parish Councillor Margaret Beadle and Parish Councillor Derek Dodwell be nominated as Parish Council Representatives to serve on the Standards Committee.

RESOLVED – That the appointment of Parish Councillor Margaret Beadle and Parish Councillor Derek Dodwell to the Standards Committee be approved.

REASON – To enable the Standards Committee to discharge the initial assessment and review functions that it has taken on as a result of the implementation of the Local Government and Public Involvement in Health Act 2007.

(5) Contracts Report – The Director of Community Services, and the Assistant Chief Executive, submitted a report (previously circulated) requesting that Contract Procedure Rules be waived to extend a number of contracts within the Adult Social Services area and Supporting People Services to allow Officers to collaborate to deliver better services to users, and to allow Officers to use the Negotiated Procedure to purchase software to upgrade Council systems.

The submitted report stated that Contract Procedure Rules required all procurements to be designated strategic and non-strategic for the purpose of delegating contract award decisions, and that the criteria for deciding whether a contract was strategic or not was based on value and risk. The report also highlighted that the Contract Procedure Rules required that a procurement strategy be produced for all procurement designated as strategic.

The submitted report outlined that in order to meet the requirements to produce the procurement strategy, the Contract Procedure Rules that required tenders to be carried out for contracts over the value of £75,000, needed to be waived, so that existing contracts could be extended for six months. The submitted report also stated that software required was a proprietary product and that the only route to obtain the required software was the Negotiated Route, which was not permitted by the Contract Procedure Rules and therefore the Contract Procedure Rules needed to be waived.

The submitted report highlighted that the Warden Control System required replacement, as the existing system was beyond economic repair, and that the combined cost for replacement exceeded £75,000. To remain compatible with existing systems, the report stated that specialist providers would be required and that the Contract Procedure Rules would need to be waived to proceed with a procurement exercise with three identified providers.

RESOLVED – (a) That Contract Procedure Rules be waived, as detailed in the submitted report, to allow contracts to be extended for Adult Social Care.

(b) That Contract Procedure Rules be waived to allow the use of the Negotiated Procedure for the procurement of ICT System upgrades.

REASONS – (a) To enable the continued delivery of services to users to allow officers to review the way services are provided.

(b) To allow Officers to purchase proprietary software products to enable upgrades to Council systems.

(c) To enable procurement from specialist providers.

(6) Representation on Other Bodies 2008/09 – Combined Fire Authority and North East Fire and Rescue Regional Management Board – The Director of Corporate Services submitted a report (previously circulated) requesting that consideration be given to this Council’s representation on the Combined Fire Authority and the North East Fire and Rescue Regional Management Board for the Municipal Year 2008/09.

RESOLVED – That the proposed changes to the representation on the Combined Fire Authority and the North East Fire and Rescue Regional Management Board, as detailed in the submitted report, for the Municipal Year 2008/09, be approved.

REASON – To reflect the political balance of the constituent authorities.

28. 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) Children and Young People’s Plan – The Director of Children’s Services submitted a report (previously circulated) to seek adoption of the Children and Young People’s Plan (CYPP) 2008-2011.

The submitted report stated that the CYPP was an important element of the reform programme Every Child Matters, and had been a powerful force in helping drive forward better local integration of services for children and in developing Children’s Trust partnership arrangements.

The report stated that the CYPP had a key role in the delivery of the new Sustainable Community Strategy vision: One Darlington: Perfectly Placed, and the new Local Area Agreement. A copy of the Children and Young People’s Plan 2008-2011 was appended to the submitted report.

The submitted report also outlined the extensive consultation that had been conducted throughout the preparation of the Plan.

RESOLVED – That the Children and Young People’s Plan 2008-2011 be adopted.

REASON – To comply with the statutory requirements of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

(3) Early Years and Childcare Strategy – The Director of Children’s Services submitted a report (previously circulated) to seek approval of the Early Years and Childcare Strategy.

The submitted report outlined the analysis of the Childcare Sufficiency Audit, which identified gaps in the Early Years Foundation Stage, including after school clubs, breakfast clubs, holiday play schemes and homework clubs. The submitted report stated that the Early Years and Childcare Strategy would address the issues and identified three main strands of activity, which were Service Delivery, Quality Improvement and Standards, and Children and Families Voice, and outlined the comprehensive consultation that had been completed. A copy of the Early Years and Childcare Strategy was appended to the submitted report.

RESOLVED – That the Early Years and Childcare Strategy be adopted.

REASON – To improve the support for working parents and those who are seeking employment or training.

(4) Development of a New University Centre in Darlington – The Assistant Chief Executive (Regeneration) submitted a report (previously circulated) requesting that

consideration be given to funding support for the proposed University of Teesside development at Central Park.

The submitted report outlined the proposed development of a separate University Centre in Darlington, the sources of funding, the potential shortfall in the funding package and the financial contribution and commitment that may be required of this Council.

RESOLVED – (a) That the allocation of £500,000 towards the University development be supported.

(b) That such funds be agreed should they be necessary.

REASON – To support the securing of the University development, which is an important step in achieving wider educational skills, prosperity and market positioning for Darlington, in line with the two priorities, and Prosperous and Aspiring themes, in One Darlington: Perfectly Placed.

(5) 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.

29. 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.

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

RESOLVED – That Councillors Lewis, D. A. Lyonette and Walker be appointed to the Rights of Way Panel for the Municipal Year 2008/09.