

ITEM NO. 2

COUNCIL 2nd October 2008.

PRESENT – The Mayor; Councillors Barker, Burton, G. Cartwright, M. Cartwright, Chapman, Copeland, Coultas, Davies, Dixon, Dunstone, Francis, Freitag, Galletley, Harker, L. Haszeldine, Hughes, Jenkinson, Johnson, B. Jones, Mrs. D. Jones, Lee, Lewis, Lister, Long, D. A. Lyonette, J. M. Lyonette, Maddison, McEwan, Newall, Nicholson, Nutt, Regan, Richmond, Roberts, Robson, A. J. Scott, Mrs. H. Scott, Stenson, Swift, Vasey, Walker, Wallis, Williams and York. (45)

APOLOGIES – Councillors Armstrong, Baldwin, Hartley, Ruck and Swainston. (5)

ABSENT – Councillors Lawton and Thistlethwaite. (2)

31. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Council held on 17th July 2008.

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

32. DECLARATIONS OF INTEREST – Councillors Johnson, Mrs. Scott, Stenson and Williams each declared a personal and non-prejudicial interest in Minute 37(2) below.

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

34. ANNOUNCEMENTS – (1) Death in Service - The Mayor reported the death in service of Audrey Walker, who died on 16th September 2008, whilst at work in the Dolphin Centre. Audrey was an active 80 year old, who had been employed by this Council for over 25 years, and had remained as a casual ‘Exercise to Music Coach’ for the over 60’s once she reached retirement age. The Mayor paid tribute to the staff at the Dolphin Centre, who reacted swiftly and professionally whilst attempting to resuscitate Mrs. Walker.

(2) Order of the British Empire – The Mayor announced that he had recently accepted, on behalf of the Borough, an Order of the British Empire, which had been granted to William George Lorraine on the 1st January 1920. Mr. Lorraine was a resident and former Mayor of this Borough, who had died in 1934, and his family felt that it was appropriate that the honour should be presented to the Town. The Mayor stated that he had also accepted a key, which had been presented to Mr. Lorraine during his Mayoral Year, when opening the lake in the South Park.

(3) Horticulture Award – The Mayor reported that the entry from this Council had been awarded a Silver Gilt Award in the Northumbria in Bloom Competition, and

expressed his personal congratulations, and that of the Council, to all those that took part in gaining the Award.

35. 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 – Councillor Hughes asked a question to Councillor Dixon, the nominated Member of the Police Authority, in accordance with Section 20 of the Police Act 1996, and Councillor Dixon replied.

36. COUNCIL REPORTS – (1) The Future of the Public Protection Forum – The Director of Corporate Services submitted a report (previously circulated) to consider the future status of the Public Protection Forum.

The submitted report outlined the role of the Public Protection Forum, and highlighted that a recent review of the effectiveness of the Forum had revealed substantial duplication in terms of workload with other Scrutiny and Consultative bodies. It was reported that all 46 members of the Public Protection Forum had been consulted as to its future, and 70 per cent of those that responded were in favour of disbanding the Forum.

RESOLVED – That the Public Protection Forum be discontinued.

REASON – To ensure that the Council uses effective consultation and engagement options.

37. 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) Fairer Charging Guidance for Adult Services in Darlington: Revised Proposals – The Director of Community Services submitted a report (previously circulated) to seek approval for proposed changes to the policy and practice of charging for non-residential adult social care services, following extensive consultation.

The submitted report stated that proposals for changes to the Charging Policy for Adult Social Care Services, included in the Medium Term Financial Plan, were deferred by Cabinet in February 2008, to enable further consultation. The submitted report highlighted the reasons for the required revision to the charging arrangements,

and outlined each proposal, the key factors involved in drafting the proposed changes, and the feedback provided by consultation on each proposal.

RESOLVED – (a) That proposals 1, 3, 4 and 5, as detailed in the submitted report, for implementing changes to the charging policy for non-residential Adult Social Care Services, be approved.

(b) That the charges for Home Care Services, as outlined in Proposal 2 in the submitted report, at a flat rate of £10.61 per hour and phased in over the period 2008/09 to 2011/12, be approved.

(c) That Proposal 6, as detailed in the submitted report, in respect of charges for transport, be not be proceeded with.

(d) That a period of at least three months be allowed for financial assessments to be completed prior to implementation.

REASONS – (a) To ensure that inequalities in the current charging policy for non-residential Adult Social Care Services, are eliminated.

(b) To ensure that extensive consultation with Service Users and Carers and the completion of a Disability Equality Impact Assessment be appropriately considered.

(3) Treasury Management Annual Report and Outturn Prudential Indicators 2007/08 – The Director of Corporate Services submitted a report (previously circulated) on information in relation to the regulation and management of this Council's borrowing, investments and cash-flow. The submitted report also sought approval of the Prudential Indicator results for 2007/08, in accordance with the requirement of the Prudential Code.

The submitted report summarised capital expenditure and financing for 2007/08, overall borrowing need, the treasury position at 31st March 2008, prudential indicators and compliance issues, the economic background for 2007/08, the Treasury Management Strategy agreed for 2007/08, Treasury Management activity during 2007/08, and performance and risk.

RESOLVED – (a) That the outturn 2007/08 Prudential Indicators within the submitted report, and those in Appendix 1, be approved.

(b) That the Treasury Management Annual Report for 2007/08 be noted.

REASONS – (a) 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

(4) 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.

38. 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.

39. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

40. SUPPLEMENTARY ITEM – North Road Ward Casual Vacancy – The Chief Executive and Returning Officer submitted a report (previously circulated) to declare a casual vacancy for a Councillor for the North Road Ward.

The submitted report outlined that Councillor Stephen Jones, who was first elected to the Council as a Member for North Road Ward on 5th May 2003, had last attended a meeting on 2nd April 2008. The submitted report highlighted that this Council had not approved a reason for Councillor Jones' non-attendance, and therefore, in accordance with Section 86 of the Local Government Act 1972, his office was declared vacant with effect from 1st October 2008.

RESOLVED – That the declaration of a casual vacancy for a Member in the North Road Ward be noted.

REASON - To comply with legislative requirements.