

**COUNCIL**  
18th March, 2010

**PRESENT** – The Mayor; Councillors Armstrong, Barker, Burton, G. Cartwright, Chapman, Coultas, Curry, Davies, Dixon, Dunstone, Francis, Freitag, Harker, Hartley, Haszeldine, L. Haszeldine, Hughes, Jenkinson, Johnson, B. Jones, Mrs. D. Jones, Lawton, Lewis, Lister, Long, D. A. Lyonette, J. M. Lyonette, Maddison, McEwan, Newall, Nicholson, Regan, Richmond, A. J. Scott, Mrs. H. Scott, Stenson, Swainston, Swift, Thistlethwaite, Vasey, Walker, Wallis and Williams. (44)

**APOLOGIES** – Councillors Baldwin, M. Cartwright, Copeland, Galletley, Lee, Nutt, Roberts, Robson and York. (9)

**53. MINUTES** – Submitted – The Minutes (previously circulated) of the meeting of this Council held on 28th January 2010.

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

**54. DECLARATIONS OF INTEREST** – Councillor Coultas declared a personal and prejudicial interest in Minute 58(4) below, as the Vice-Chair of First Stop Darlington, and left the meeting during consideration of that item only.

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

**56. ANNOUNCEMENTS** – There were no announcements made at the meeting.

**57. QUESTIONS – TO ANSWER QUESTIONS (WHERE NOTICE HAS BEEN GIVEN) FROM – (1) The Public** – There were three questions from members of the public, where notice had been given, to the Cabinet Member with Portfolio for the Economy.

**(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.

**58. COUNCIL REPORTS – (1) Councillor York** – The Director of Corporate Services submitted a report (previously circulated) requesting that Members gave consideration to an application from Councillor York for an extension to the six-month period of his non-attendance at meetings.

The submitted report stated that under Section 85 of the Local Government Act 1972 if a Member of a Local Authority failed throughout a period of six consecutive months, from the date of his/her last attendance, to attend any meeting of the authority, he/she would cease to be a Member of the Authority, unless the failure was due to some reason approved by the authority before the expiry of that period. It was reported that Councillor York had not attended any Council or Committee meetings since 1<sup>st</sup> October 2009, and would therefore cease to be a Member of the Council on 31<sup>st</sup> March 2010, unless the Council approved the reason for the failure to attend before that date.

The submitted report stated that Councillor York had been ill for a number of months, and that he had asked that the Council gave consideration to an extension under the six-month rule.

**RESOLVED** – That Councillor York’s period of non-attendance at meetings be extended by six months, with a further review at that time.

**REASON** – To ensure compliance with a request from a Member under Section 85 of the Local Government Act 1972.

**(2) Member Involvement in Planning** – The Assistant Chief Executive (Regeneration) submitted a report (previously circulated) requesting that consideration be given to methods which enhanced the involvement of Members in the planning process at the pre-application stage, and reviewed the role of Officer delegation.

The submitted report introduced a number of proposals which increased Member involvement in the pre-application processes and reviewed the scheme of Officer delegation. It was reported that the Economy and Environment Scrutiny Committee had recommended that further delegation powers for Officers be considered following its review of the Development Control Service.

**RESOLVED** – (a) That a system of structured meetings be offered to developers to allow Members and local residents to be included in presentations by developers on major planning applications at pre-application stage.

(b) That the revisions to the delegation scheme, as detailed in Appendix 1 of the submitted report, be approved.

(c) That, before new systems are introduced, appropriate training be provided to all Members.

(d) That the Protocol for Councillors and Officers dealing with planning matters, and the scheme of delegation, be revised to reflect the recommendations outlined at (a) and (b) above.

(e) That, once the new system of delegation is in place, the Planning Applications Sub-Committee be discontinued, with all non-delegated applications being report to the Planning Applications Committee.

**REASONS** – (a) To allow Members to gain an understanding of the issues surrounding development proposals at the earliest stage to help promote effectiveness of process and help to achieve the best planning outcomes.

(b) To allow Members to focus more on larger scale developments.

(c) To help bring Darlington’s development control service in line with Government recommendations on best practice.

**(3) Shopmobility and Ring-a-Ride** – The Assistant Chief Executive (Regeneration) submitted a report (previously circulated) seeking the approval of the Council to waive Contract Procedure Rules to award contracts to Darlington Association on Disability for the provision of the Shopmobility service, and Darlington & District Youth & Community Association for the provision of the Ring a Ride service, from 1st April 2010 until 31st March 2012.

The submitted report summarised the arrangements in place for the provision of the Shopmobility Service, provided by Darlington Association on Disability (DAD), and the Ring a Ride Service, provided by Darlington and District Youth and Community Association (DDYCA). The submitted report outlined the Council’s move toward a new business model, which changed the way in which the Council related to Third Sector organisations, and stated that, as a result of this change and the timescales involved in the service review, it was not possible to follow normal procurement procedures for these contracts.

**RESOLVED** – (a) That a contract be awarded to Darlington Association on Disability for the provision of the Shopmobility service from 1st April 2010 until 31st March 2012.

(b) That a contract be awarded to Darlington Youth and Community Association for the provision of the Ring a Ride service from 1st April 2010 until 31st March 2012, subject to a forthcoming decision concerning the review of the function.

(c) That the Assistant Chief Executive (Regeneration), in consultation with the Cabinet Member with the Transport Portfolio, be authorised to make the necessary arrangements.

**REASONS** – (a) To continue to provide the existing Shopmobility and Ring a Ride services whilst the wider review of the Council’s support to voluntary organisations takes place and whilst the findings of the review of the Ring a Ride service are considered.

(b) To allow for contractual negotiations to be concluded.

**(4) Supporting People Evaluation of the Key Point of Access** – The Director of Community Services submitted a report (previously circulated) seeking the approval of the Council to waive Contract Procedure Rules to allow First Stop Darlington to continue working in partnership with Darlington Borough Council’s Housing Options Team to provide the service known as the Key Point of Access (KPA).

The submitted report outlined the objectives of the Key Point of Access, and summarised the outcomes of a comprehensive review of the service. The submitted report suggested that the role of the service would increase from 1<sup>st</sup> April 2010, as it would become the only referral agent for all housing related support services for people who were homeless, or at risk of homelessness.

**RESOLVED** – That the findings of the review are accepted and that Contract Procedure Rules be waived to enable the Supporting People Team to contract with First Stop Darlington for the provision of the Key Point of Access.

**REASONS** - (a) The review highlighted the positive outcomes the Key Point of Access has already achieved, with particular focus on the two locations allowing clients choice and the capacity to encapsulate a wider range of clients.

(b) Partnership working with the Third Sector is pivotal to the success of this project.

**(5) Annual Report of the Standards Committee** – The Borough Solicitor submitted a report (previously circulated) to present to Members the Annual Report of the Standards Committee. In introducing the report, the Borough Solicitor introduced the Chair of the Standards Committee, who provided a brief overview of the work undertaken by the Standards Committee throughout 2009.

The submitted report summarised the work of the Standards Committee in 2009, and highlighted areas for improvement and outlined the Committee's programme of work for 2010.

**RESOLVED** – (a) That the Annual Report of the Standards Committee be received and noted.

(b) 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.

**59. 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) Darlington Local Development Framework: Revised Statement of Community Involvement** – The Assistant Chief Executive (Regeneration) submitted a report (previously circulated) to allow Members to consider the comments made in response to the draft revised Statement of Community Involvement (SCI), as

recommended by Cabinet on 2<sup>nd</sup> March 2010. The submitted report also requested that the recommended responses to the comments on the draft SCI be endorsed, and that the revised SCI be adopted as Council policy.

The submitted report stated that the Council had to prepare a SCI in accordance with Section 18 of the Planning and Compulsory Purchase Act 2004, and that the SCI outlined the Council's Policy for community and stakeholder involvement in the preparation of the Local Development Framework (LDF) and in the development control process. The submitted report detailed the consultation process, and a schedule of comments received and officers recommended responses to these comments was appended to the submitted report. It was reported that the recommended responses to the comments received on the draft revised SCI, and the adoption of the SCI as Council policy, had been endorsed by Cabinet at its meeting on 2<sup>nd</sup> March 2010.

**RESOLVED** – (a) That the suggested responses to comments made during consultations, as detailed in Appendix 1 of the submitted report, be agreed.

(b) That the Statement of Community Involvement, as detailed in Appendix 2 of the submitted report, be adopted as Council policy.

**REASONS** - (a) To fulfil the statutory requirement to have an up to date Statement of Community Involvement in place.

(b) To provide clarity to all about the community engagement that will take place in the production of the Local Development Framework, in the lead up to the submission of planning applications and in the determination of planning applications.

**(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 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.

**60. 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.

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