

COUNCIL
27th January, 2011

PRESENT – The Mayor; Councillors Armstrong, Baldwin, Barker, Burton, G. Cartwright, M. Cartwright, Copeland, Cossins, Coultas, Curry, Dixon, Dunstone, Francis, Galletley, Harker, Hartley, Haszeldine, L. Haszeldine, Hughes, Jenkinson, Johnson, Lawton, Lee, Lewis, Long, D. A. Lyonette, J. M. Lyonette, Maddison, McEwan, Newall, Richmond, Roberts, Ruck, A. J. Scott, Mrs. H. Scott, Stenson, Swainston, Swift, Vasey, Walker, Wallis, Williams and York. (44)

APOLOGIES – Councillors Davies, Freitag, B. Jones, Mrs. D. Jones, Lister, Nicholson, Nutt, Regan and Robson. (9)

41. MINUTES – Submitted – The Minutes (previously circulated) of both of the meetings of this Council held on 25th November 2010.

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

42. DECLARATIONS OF INTEREST – Councillors J. M. Lyonette and Newall each declared personal and prejudicial interests in Minutes 46(2) and 46(3) below, as Board Members of Family Help, and left the meeting during consideration of those items only.

Councillors Hartley and Maddison both declared a personal and prejudicial interest in Minute 46(4) below, as Board Members of YMCA Tees Valley, and left the meeting during consideration of that item only.

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

44. ANNOUNCEMENTS – There were no announcements made at the meeting.

45. QUESTIONS – TO ANSWER QUESTIONS (WHERE NOTICE HAS BEEN GIVEN) FROM – (1) The Public – There was one question from a member 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 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.

46. COUNCIL REPORTS – (1) Council Tax Calculation of Taxbase 2011/2012 –

The Director of Resources submitted a report (previously circulated) requesting that consideration be given to determining the Council's Tax Base for 2011/12, in accordance with Section 33 of the Local Government Finance Act 1992 and the Local Authorities (Calculation of Council Tax Base) Regulations 1992.

RESOLVED – (a) That the report of the Director of Resources for the calculation of the Council's tax base for the year 2011/12 be approved.

(b) That, in accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 1992, the amount calculated by Darlington Borough Council as its council tax base for the year 2011/12 shall be 34,792.75 and that the individual tax bases for the following parishes for 2011/12 shall be: -

Parish	Tax Base
Archdeacon Newton	375.42
Bishopton	170.44
Heighington	920.07
High Coniscliffe	107.28
Hurworth	1,301.29
Low Coniscliffe and Merrybent	286.71
Low Dinsdale	291.75
Middleton St. George	1,418.16
Neasham	158.77
Piercebridge	66.27
Sadberge	306.69
Walworth	39.74
Whessoe	566.06

REASON – To comply with statutory requirements, enabling the Council Tax for 2011-12 to be set by Council in March 2011.

(2) Supporting People Service for Victims of Domestic Abuse – The Director of People submitted a report (previously circulated) to request that Contract Procedure Rules be waived to allow Officers to re-contract with the existing contractor, Family Help, for the provision of Housing Related Support in the refuge, for victims of domestic abuse.

The submitted report stated that a strategic review of services for victims of domestic abuse had been undertaken by the Supporting People Team, and highlighted the extensive consultation which had taken place with service providers, clients, voluntary organisations working with clients, and statutory agencies. The submitted report also stated that Family Help, a local Third Sector organisation, had delivered this essential and discrete accommodation based provision for many years in the Borough, offered value for money and was of a high standard. The submitted report suggested that there would be no financial gain in contracting this service through a tendering process, and that Supporting People was only one of a number of funding streams financing the project.

RESOLVED – That the strategic findings of the review be accepted, and that Contract Procedure Rules be waived, to allow the Supporting People Team to improve and re-model services through negotiation with the existing external support provider and re-contract with them, for a contract period of three years, with an annual contract price of £93,662 for the continued provision of Housing Related Support.

REASONS – (a) To obtain good quality, value for money services for victims of Domestic Abuse.

(b) To reflect the outcome of consultation to remodel the services through negotiation.

(c) As this is a specialist secure service that does not benefit from normal procurement, providing value for money and quality of services are maintained.

(3) Supporting People Contracts – The Director of People submitted a report (previously circulated) seeking the approval of the Council to waive Contract Procedure Rules, under Exemption Clause 15, for a period of six months in order to undertake appropriate procurement processes which will deliver value for money, and provide sufficient time to ensure the process is robust.

The submitted report stated that the Supporting People Team were unable to proceed with the original timescales for re-tendering, as outlined within the strategic review of Supporting People services for People with Physical or Sensory Impairment, Victims of Domestic Abuse, and People with Drug or Alcohol Misuse Problems, due to indications that there may be reductions to the Council’s budget as part of the Comprehensive Spending Review.

RESOLVED – That Contract Procedure Rules be waived under Exemption Clause 15, to allow the contracts detailed in paragraph 9 of the submitted report to be extended by six months to enable a new service model to be developed.

REASONS – (a) To enable the continued delivery of services to vulnerable people and allow Officers to complete the redesign of Supporting People Services.

(b) To procure future services which provide value for money.

(4) Play and Young Carers Commissions – The Director of People submitted a report (previously circulated) seeking the approval of the Council to waive Contract Procedure Rules under exemption 17, to enable officers to contract with Groundwork North East for the delivery of the Play Commission, and to contract with the YMCA Tees Valley for the Young Carers commission.

The submitted report outlined the nature of the contracts previously commissioned with Groundwork North East, to deliver play sessions within the 11 most disadvantaged wards in Darlington, and with YMCA Tees Valley, to deliver a service to 98 young carers within the Borough. The submitted report outlined a number of complications experienced in the initial tendering process, which included issues in relation to the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) and the

identification of suitable providers. The submitted report recommended that that there was no benefit in re-tendering either contract at this stage.

RESOLVED – That Contract Procedure Rules be waived to allow Officers to contract with Groundwork North East and YMCA Tees Valley until 31st March 2013.

REASONS – (a) There is a lack of suitable providers in the marketplace and there were complications encountered during the previous tender process.

(b) Groundwork has improved the quality of provision, using collective policies and procedures, implementing a comprehensive training programme for all staff and developing an inclusive approach to service delivery.

(c) Groundwork has worked extremely effectively with a wide range of partner agencies and organisations across Darlington to ensure that play is embedded in local communities.

(d) The funding has been reduced for the Young Carers commission, and it has been anticipated that this reduction of funding, plus the TUPE complications, will diminish the likelihood of other providers wishing to tender for this work.

47. 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) Mid Year Prudential Indicators and Treasury Management Monitoring Report – The Director of Resources submitted a report (previously circulated) on the revised Prudential Indicators, and to provide a half-yearly review of this Council's Treasury Management borrowing and investment activities.

The submitted report stated that the Prudential Indicators were examined by the Audit Committee on 17th December 2010, and it was agreed at that meeting that the updated Prudential Indicators be referred to Council, via Cabinet, for approval. It was also reported that the Audit Committee was satisfied with the Council's borrowing and investment activities and the reported Prudential Indicators.

The submitted report stated that the Prudential Indicators were set in three statutory annual reports to Council, and that the submitted report followed the Council's approval in February 2010 of the 2010/11 Prudential Indicators and Treasury Management Strategy. The submitted report stated that the key objectives of the three annual reports were to ensure that governance of the large amounts of public money under the Council's Treasury Management activities complied with legislation and met the high standards set out in the codes of practice, to ensure that borrowing was affordable, and to report performance of the key activities of borrowing and investments.

The submitted report also outlined revisions to the Prudential Indicators which related to lower capital expenditure in 2010/11, as a consequence of reduced government grants, and lower expected borrowing during 2010/11 due to increased reliance on internal borrowing.

RESOLVED – (a) That the Treasury Management half yearly review is noted.

(b) That the updated prudential indicators, as detailed within Tables 2 to 17 of the submitted report, be approved.

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.

(d) To enable further improvements to be made in the Council's Treasury Management Function.

(3) Darlington Local Development Framework: Local Development Scheme 2011-14 and Adoption of Development Plan Documents – The Director of Place submitted a report (previously circulated) which outlined the contents of the Local Development Scheme (LDS) 2011-2014 and sought agreement to the recommendations proposed regarding the LDS. A copy of the LDS was appended to the submitted report.

The submitted report also provided an update on progress on preparing the Core Strategy, and sought agreement that the Core Strategy be adopted upon receipt of the binding Inspector's report.

RESOLVED – (a) That the updated Local Development Scheme for the period 2011-2014, appended to the submitted report, be agreed and formally submitted to the Government Office for the North-East.

(b) That the revised LDS take effect upon receipt by the Council of confirmation that the Secretary of State does not intend to give a direction to the Council under Section 15(4) of the Planning and Compulsory Purchase Act 2004.

(c) That the Director of Place (or his nominated Officers) be authorised to propose changes to the Core Strategy DPD, the Tees Valley Minerals and Waste Core Strategy and the Tees Valley Minerals and Waste Policies and Sites Development Plan Documents during their respective Examinations, where these changes do not alter the original intent of the strategy and policies of the DPDs.

(d) That the Core Strategy, the Tees Valley Minerals and Waste Core Strategy and the Tees Valley Minerals and Waste Policies and Sites Development Plan Documents, as amended by the respective Inspectors Reports, be adopted on receipt of those reports, subject to the Assistant Director - Resources not finding that any of the Inspectors' decisions could be subject to legal challenge by the Council.

REASONS – (a) The Council is required to submit an updated Local Development Scheme to the Government, taking account of the Town and Country Planning (Local Development) (Amendment) Regulations 2008.

(b) To ensure that the Council can respond in a timely way to requests from the Inspector(s) for suggested changes to the development plan documents during their Examination.

(c) To ensure that the Council can adopt and use its Core Strategy and the minerals and waste DPD for development management and other purposes as soon as possible.

(4) 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 procedures to be followed if decisions were taken under the Urgency Rule and the Special Urgency Rule.

RESOLVED – That the urgent decisions taken by Cabinet be noted.

REASON – To comply with the Council’s Constitution.

48. 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.

49. MEMBERSHIP CHANGES – Consideration was given to membership changes of the Committees, Subsidiary Bodies and Other Bodies for the remainder of the Municipal Year 2010/11.

RESOLVED - That Councillor Walker be replaced on the Rights of Way Panel by Councillor Long.