

COUNCIL
27th September 2012

PRESENT – The Mayor; Councillors Carson, Cossins, Coultas, Curry, Dixon, Francis, Galletley, Grundy, Harker, I. Haszeldine, L. Haszeldine, C. L. B. Hughes, L. Hughes, Johnson, Mrs. D. Jones, Kelley, Knowles, Lewis, Lister, Long, D. A. Lyonette, Macnab, Maddison, McEwan, Nutt, Newall, Regan, A. J. Scott, Mrs. H. Scott, Stenson, Swainston, C. Taylor, J. Taylor, Thistlethwaite, L. Vasey, Wallis, Wright and York. (39)

APOLOGIES – Councillors Cartwright, Copeland, Crudass, Donoghue, Harman, Hutchinson, B. Jones, Landers, Lawton, Lee, J. M. Lyonette, E. A. Richmond, S. Richmond and J. Vasey. (14)

21. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Council held on 19th July 2012.

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

22. DECLARATIONS OF INTEREST – Councillor Newall declared a personal and non-prejudicial interest in Minutes 28 below, as a registered patient at the Darlington Darzi GP Practice.

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

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

25. 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.

26. COUNCIL REPORTS – (1) Chief Officer's Grading Appeals – The Director of Resources submitted a report (previously circulated) which recommended a response, in line with the Chief Officer's Appeals Procedure, to a formal appeal received on a grading decision.

The submitted report stated that eight Chief Officer roles were affected by the Senior Management restructure in May 2012, with the Hay Group, being the Council's advisors on evaluating Chief Officer roles, undertaking an assessment on these posts and

advising that there was a grading impact on two of the posts and no grading impact on the remaining six posts.

The submitted report stated that, following the implementation exercise, the Assistant Director - Housing and Building Services submitted an Appeal against the recommended grading, and arrangements were made to assess the appeal in line with the Chief Officers Appeals Procedure.

RESOLVED – That the grading of the Assistant Director - Housing and Building Services post moves from AD2 to AD1.

REASON – To comply with the Council’s HR policies and procedures, and relevant legislation.

(2) Adult Social Care Contracts – The Director of People submitted a report (previously circulated) to request that Contract Procedure Rules be waived under Rule 18 in order to renew the Home Equipment Loan Service (HELS) Contract.

The submitted report sought permission to waive Contract Procedure Rules under Rule 18 and renew the contract with the NHS County Durham and Darlington Foundation Trust (CDDFT) for the Home Equipment Loan Service (HELS), to enable the current contract to be renewed for a further year. The submitted report stated that the lead contract for this service was held by the Primary Care Trust (PCT) and was due to transfer to the Clinical Commissioning Group (CCG) on 1st April 2013, with an end date of 31st March 2014. It was highlighted that Durham County Council’s contract would also end at this time, and so would allow for a joint review and maintain the added value of a jointly commissioned equipment service.

RESOLVED – That Contract Procedure Rules be waived to allow the renewal of the contract for the provision of HELS for one further year to ensure continuity of service jointly with the CCG and Durham County Council.

REASONS – (a) To enable continued delivery of services whilst work can be undertaken to review current contract arrangements with partners and to align the contract end date with that of the CCG as lead partner.

(b) To continue with current contract arrangements to allow for a planned and co-ordinated approach involving users and carers in the commissioning process and any possible changes to the way services are delivered in the future.

(3) Provision of Traffic Signal Service - The Director of Place submitted a report (previously circulated) to request that Contract Procedure Rules be waived, and enter into a service contract ‘partnership’ with Middlesbrough Borough Council for the provision of Traffic Signal services.

The submitted report stated that the maintenance and improvement of equipment at traffic signal controlled junctions and pedestrian crossings had previously been provided under contract by Newcastle City Council. The submitted report outlined that a partnership agreement had recently been developed between Middlesbrough Borough Council and Newcastle City Council that provided a regional traffic signals service, and that these recently formed regional service arrangements had resulted in a review of

the previous arrangement and given rise to consideration of whether it was more efficient and effective to enter into a partnership with Middlesbrough Borough Council.

The submitted report highlighted that Middlesbrough Borough Council provided a traffic signals service to Stockton, Hartlepool and Redcar and Cleveland councils, and listed the benefits of entering into a similar shared service agreement.

RESOLVED – (a) That Contract Procedure Rules be waived, and that the development of a service contract ‘partnership’ arrangement with Middlesbrough Borough Council for the provision of Traffic Signal Services be approved.

(b) That powers are delegated to Middlesbrough Borough Council under the Local Government Act to carry out functions to the maintenance and management of Traffic Signal Services.

(c) That the Director of Resources be authorised to terminate the contract with Newcastle City Council and enter into a service contract with Middlesbrough Borough Council.

REASON – To ensure the efficient and continued operation of statutory duties to manage and maintain traffic signals and enable the necessary contractual arrangements to be put in place.

(4) Further Electoral Review – The Chief Executive submitted a report (previously circulated) to provide an overview of the process for conducting a Further Electoral Review (FER) in Darlington.

The submitted report stated that a letter had been sent to all Members in May which explained that the Local Government Boundary Commission (LGBCE) had decided to carry out a FER in Darlington, and that this FER would commence in March 2013. The submitted report explained that Darlington had been selected for a FER because at least one ward, Faverdale, had an electoral variance of more than 30 per cent from the average number of electors per councillor.

The submitted report stated that, in light of previous experience, the LGBCE had decided to begin the review early, and that the preliminary stage of the review had begun with a meeting between officers from the LGBCE and the Council.

RESOLVED – (a) That the process for conducting a Further Electoral Review be noted.

(b) That a Special Meeting of the Council be called on Thursday, 20th December 2012 to consider the draft submission on Council size.

REASONS – (a) To inform Members at an early stage about the process.

(b) To raise public awareness about the forthcoming review.

27. 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 Scheme 2012-15 – The Director of Place submitted a report (previously circulated) requesting that consideration be given to a Local Development Scheme (LDS) for 2012-2015.

The submitted report outlined details of the local development documents that the Council will prepare over the next three years. The submitted report stated that the requirement to prepare a LDS was reinstated in the Localism Act 2011, however it was noted that there was no longer a need to formally submit the Scheme to the Government.

The submitted report stated that the LDS would replace the existing LDS for 2011-14, and that since the previous LDS had been prepared the Council had adopted three development plan documents (DPDs) and a revised Design of New Development Supplementary Planning Document (SPD), which provided the Council with a complete and up to date local planning policy framework than most local authorities. It was highlighted that this LDS gave the highest priority to preparing the Making and Growing Places DPD due to its fundamental role in facilitating the delivery of housing and employment opportunities within the Borough. It was also reported that high priority would be given to finalising the draft Planning Obligation SPD, which would help the Council obtain contributions from developers toward the costs of mitigating the impact of new development on local infrastructure, and would provide the starting point for work to underpin the introduction of the Community Infrastructure Levy in 2014.

The submitted report also stated that the LDS committed some resources to supporting neighbourhood planning, as the Council was required to perform this role for any Parish Council or neighbourhood forum that wished to prepare a neighbourhood plan.

RESOLVED – That the updated Local Development Scheme for the period 2012-15 be agreed.

REASON – The Council is required to have an up to date Local Development Scheme (Planning and Compulsory Purchase Act 2004, as amended by Section 111, Localism Act 2011).

(3) Cabinet Urgent Decisions – The Corporate Management Team submitted a report (previously circulated) detailing a decision 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 a decision was taken under the Urgency Rule and the Special Urgency Rule.

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

REASON – To comply with the Council's Constitution.

28. SCRUTINY REPORTS – OVERVIEW REPORTS – The five Scrutiny Committee Chairs each submitted a report (previously circulated) on the main areas of work undertaken by their relevant Scrutiny Committee during the last cycle of Committee meetings.

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