

COUNCIL
29th November 2012

PRESENT – The Mayor; Councillors Carson, Cartwright, Copeland, Cossins, Coultas, Crudass, Curry, Dixon, Donoghue, Francis, Galletley, Grundy, Harker, Harman, I. Haszeldine, L. Haszeldine, C. L. B. Hughes, L. Hughes, Johnson, B. Jones, Kelley, Knowles, Landers, Lawton, Lee, Lewis, Lister, Long, D. A. Lyonette, Macnab, McEwan, Newall, Regan, E. A. Richmond, S. Richmond, A. J. Scott, Mrs. H. Scott, Stenson, C. Taylor, J. Taylor, Thistlethwaite, L. Vasey, Wallis, Wright and York. (46)

APOLOGIES – Councillors Hutchinson, Mrs. D. Jones, J. M. Lyonette, Maddison, Nutt, Swainston and J. Vasey. (7)

30. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Council held on 27th September 2012.

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

31. DECLARATIONS OF INTEREST – Councillor Newall declared a personal and non-prejudicial interest in Minutes 38 below, as a registered patient at the Darlington Darzi GP Practice.

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

33. ANNOUNCEMENT – 50th Year of Jamaican Independence – The Mayor advised Members that the Council had received a letter from the Office of the Jamaican High Commissioner thanking the Council for taking the time to raise the Jamaican flag on 6th August 2012 to mark the 50th year of Jamaican independence.

34. 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.

35. PRESENTATION – FURTHER ELECTORAL REVIEW – Representatives from the Local Government Boundary Commission for England provided a presentation to Members on the Further Electoral Review, and answered questions thereon.

36. COUNCIL REPORTS – (1) Chief Executive's Appraisal - The Director of Resources submitted a report (previously circulated) requesting that the recommendation of the Appraisal Sub-Group in respect of the Chief Executive's Performance Appraisal be endorsed.

The submitted report stated that the Appraisal Sub-Group (a subsidiary body of the Human Resources Committee) had undertaken an Annual Appraisal with the Chief Executive. It was reported that, in accordance with the revised process reported to Council in November 2010, the Leader and Deputy Leader of the Council initially met with the Chief Executive to review the Chief Executive's personal assessment and identify objectives for the coming year, and the Appraisal Sub-Group then met on 6th November 2012 to undertake the appraisal. The submitted report concluded with an outline of the recommendation of the Appraisal Sub-Group.

RESOLVED – That the recommendation of the Appraisal Sub-Group be endorsed.

REASON – To enable the appraisal to be confirmed.

(2) Gambling Act 2005 Statement of Principles – The Director of Place submitted a report (previously circulated) requesting that the final draft of the Council's revised Gambling Policy document, due for publication in accordance with statutory requirements in January 2013, be approved.

The submitted report provided information in relation to the three yearly statutory revision of the Council's Gambling Policy produced in accordance with the Gambling Act 2005. The submitted report stated that the policy had been subjected to extensive consultation and had remained unchanged since it had last been approved on 26th November 2009, with the exception of one paragraph of advice on applications for variations.

RESOLVED – That the revised policy, as detailed in Appendix 1 of the submitted report, be approved.

REASON – To comply with the statutory requirement placed on the Council to produce and publish a policy in respect of its functions under the Gambling Act 2005.

(3) Provision of Flood Risk Management Services - The Director of Place submitted a report (previously circulated) to request that Contract Procedure Rules be waived in order that the Council could enter into a service contract with Stockton on Tees Borough Council for the provision of flood risk management services.

The submitted report identified several pieces of legislation, which included the Flood and Water Management Act 2010, which provided the Council with a number of new powers and duties, however the report highlighted that the Council was not resourced to deliver these new duties, some of which were deemed onerous and / or required specific skill sets.

The submitted report outlined that discussions had taken place within the Tees Valley to identify opportunities to share resources, or identify lead authorities to reduce the burden on individual authorities and maintain capacity and resilience. It was reported that discussions demonstrated an appetite for Stockton-on-Tees and Darlington Borough Councils to work together, with Stockton-on-Tees Borough Council providing the service on behalf of both authorities. The submitted report highlighted the benefits of such an arrangement.

RESOLVED – (a) That Contract Procedure Rules be waived, and that the development of a service contract arrangement with Stockton on Tees Borough Council for the delivery of flood risk management services be approved.

(b) That the Director of Place be authorised to negotiate and enter into a service contact with Stockton on Tees Borough Council to deliver flood risk management services on behalf of Darlington Borough Council.

REASON – To ensure the efficient and effective delivery of statutory duties and powers relating to flood risk management.

(4) Councillor J. Lyonette – The Director of Resources submitted a report (previously circulated) requesting that Members give consideration to an extension to the six-month period of Councillor J. Lyonette’s non-attendance at meetings due to ill health, and to consider the appointment of a Vice-Chair for the Licensing Committee for the remainder of the Municipal Year.

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 J. M. Lyonette had not attended any Council or Committee meetings since 19th July 2012, and would therefore cease to be a Member of the Council on 18th January 2013, unless the Council approved the reason for the failure to attend before that date.

The submitted report stated that Councillor Lyonette had been ill for a number of months, and requested that Council gave consideration to an extension under the six-month rule. The submitted report also invited Council to consider the appointment of a replacement Vice-Chair for the Licensing Committee for the remainder of the Municipal Year.

RESOLVED – (a) That Councillor J. M. Lyonette’s period of non-attendance at meetings be extended by six months, with a further review at that time.

(b) That Councillor L. Vasey be appointed Vice Chair of the General Licensing Committee for the remainder of the Municipal Year.

REASONS – (a) To ensure compliance with a request under Section 85 of the Local Government Act 1972.

(b) To enable the Vice Chair to support the Chair at Licensing Committee.

(5) Public Health Transition – Member Training – The Director of Resources submitted a report (previously circulated) requesting that Members give consideration to a recommendation from the Standards Committee that mandatory training on public health responsibilities be introduced for all Members.

The submitted report stated that the Standards Committee, at its meeting on 22nd October 2012, agreed to recommend to Council that training in relation to the public health transition and the future role and responsibilities of local authorities should be mandatory for all Members on a one-off basis, in advance of April 2013. It was highlighted that it was necessary in order to ensure Members had an understanding of the new responsibilities and the implications of these, and to ensure that the Authority was prepared for its new responsibilities.

RESOLVED – That mandatory training on public health responsibilities be introduced for all Members on a one-off basis in advance of April 2013 in preparation for public health transition.

REASON – To ensure that all Members are aware of the responsibilities of local authorities in relation to public health in advance of the transition.

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) Health and Well Being Strategy – The Director of People submitted a report (previously circulated) requesting that Members gave consideration to the draft Darlington Health and Well Being Strategy.

RESOLVED – (a) That the draft Health and Well Being Strategy be approved and adopted.

(b) That the Health and Well Being Strategy be included as part of the Council's Policy Framework.

REASONS – (a) To discharge the statutory duty through the Health and Well Being Board to prepare and adopt a Health and Well Being Strategy.

(b) To ensure that the role of the Strategy as an overarching strategy which governs other documents is recognised through its inclusion in the Policy Framework.

38. 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.

39. NOTICE OF MOTION – Legal Loan Sharking - The Motion submitted with Notice by Councillor Knowles was withdrawn at the meeting.

40. MEMBERSHIP CHANGES – Consideration was given to membership changes of the Committees, Subsidiary Bodies and Other Bodies for the remainder of the Municipal Year 2012/13.

RESOLVED – (a) That Councillors L. Hughes, Landers and Mrs. H. Scott be appointed as substitute Members of the Police and Crime Panel.

(b) That Councillor Kelley be appointed to the vacancy on the Corporate Parenting Panel.