

COUNCIL
30th September, 2010

PRESENT – The Mayor; Councillors Baldwin, Barker, Burton, G. Cartwright, M. Cartwright, Copeland, Cossins, Coultas, Curry, Davies, Dixon, Dunstone, Francis, Freitag, Galletley, Harker, Hartley, Haszeldine, L. Haszeldine, Hughes, Jenkinson, Johnson, B. Jones, Lee, Lewis, Lister, Long, D. A. Lyonette, J. M. Lyonette, Maddison, McEwan, Newall, Nicholson, Nutt, Regan, Robson, Ruck, A. J. Scott, Mrs. H. Scott, Stenson, Swainston, Swift, Vasey, Walker, Wallis, Williams and York. (48)

APOLOGIES – Councillors Armstrong, Mrs. D. Jones, Lawton and Roberts. (4)

ABSENT – Councillor Richmond (1)

20. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Council held on 22nd July 2010.

RESOLVED – That the Minutes be approved as correct records.

21. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

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

23. ANNOUNCEMENTS – (1) **Councillor York** - The Mayor extended a welcome to Councillor York, who was returning to Council following his recent illness.

(2) **Northumbria in Bloom Competition** – The Mayor reported that the Council had been awarded a trophy in the ‘Best Small City’ category, and a Gold Medal in the ‘Best Park in Cities’ category, in the Northumbria in Bloom Competition. The Mayor congratulated all those that participated in gaining the Awards. The Mayor also congratulated E. D. Walker Homes, who received a Gold Medal in the ‘Best Kept Grounds of a Care Home’ category.

(3) **Freedom of the Borough Parade and Ceremony** – The Mayor expressed his gratitude to the people of Darlington for their support of the Freedom of the Borough Parade and Ceremony, which took place on Wednesday, 8th September 2010. The Mayor also thanked all those who participated in the organisation of the event.

(4) **Mayor’s Ball Commemorative Calendars** – The Mayor announced that Mayor’s Ball Commemorative Calendars were available, with all proceeds being donated to The Mayor’s chosen charities.

24. 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 – Councillor Dunstone asked a question to Councillor Williams, Cabinet Member with Portfolio for the Economy, and Councillor Williams replied.

(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.

25. COUNCIL REPORTS – (1) Adult Social Care Contracts – The Director of Community Services submitted a report (previously circulated) seeking the approval of the Council to waive Contract Procedure Rule 14, and to renew the contracts with three specialist providers to enable social care arrangements to be maintained until personalisation was fully embedded into those service areas.

The submitted report also sought the approval of Council to waive Contract Procedure Rule 15 and renew the contract with the Home Equipment Loan Service (HELS) to enable the current social care arrangements to be maintained whilst the service was jointly reviewed, and options for future provision were developed with the Primary Care Trust and regional social care commissioners.

RESOLVED – (a) That Contract Procedure Rules be waived, as detailed in the submitted report, to allow contracts to be renewed for specialist Adult Social Care Services.

(b) That a four year contract with Earlston House be entered into, for services, due to the specialist nature of the project, which will continue as long as the service meets assessed needs with termination on three months notice.

(c) That four year contracts are entered into for services at Innovations and Broadacres to allow continuity of care for named service users provided the service meets assessed needs, and that each individual agreement to be terminated with two weeks notice.

(d) That the Home Equipment Loan Service be renewed for one year plus an option for a one year extension to allow the full extent of options to be reviewed, outcome of the regional programme and subsequent procurement process to take place.

REASONS – (a) Due to the very specialist needs of the service users accessing these services, it was felt that it would be detrimental to their wellbeing to end these long term specialist placements.

(b) To enable continued delivery of specialist services for Adults with complex needs.

(c) To promote continuity of service delivery for adults with a learning disability who find change distressing.

(d) To continue with person centred approaches for adults with such complex needs whose needs cannot be met by in-house provision and framework providers.

(e) To enable continued delivery of services to Adults who reside at Rockcliffe Court, Hurworth.

(f) To promote independent living for individuals and their carers.

(g) To ensure continuity of maintenance contracts.

(h) To cover the transition period of Home Loans going through a partnership arrangement and develop a service that supports the new pathways, for example, early interventions, assistive technology and reablement.

(i) To maintain positive current performance indicators and budget position.

(j) To ensure that out of hours provision is maintained.

(2) Harrowgate Hill Primary School: Construction of New Classrooms – The Director of Children’s Services submitted a report (previously circulated) seeking the approval of the Council to waive Contract Procedure Rules under Rule 18 to allow officers to use Structherm to procure specific elements of the construction of the new classrooms at Harrowgate Hill Primary School.

The submitted report outlined that Harrowgate Hill Primary School opened in 2005 as a Private Finance Initiative (PFI) school with Kajima Darlington Schools Limited., as the principal PFI contractor, and stated that under the Primary Capital Programme the school was selected by Cabinet to receive £900,000 to allow it to expand by half a form of entry.

The submitted report stated that, under the terms of the Private Finance Initiative contract with Kajima Darlington Schools Limited., the Council was obliged to use the same construction types, methods and practices as the original PFI-built school building, and that this required the Council to vary its usual procurement procedures.

RESOLVED – That Contract Procedure Rules be waived to allow for the procurement from Structherm UK Limited.

REASON – To enable the project to continue, and the school to expand as Cabinet’s previous directions regarding the Primary Capital Programme.

(3) The Licensing of Sexual Entertainment Venues in the Borough of Darlington – The Director of Corporate Services submitted a report (previously circulated) to adopt new legislative powers in respect of the licensing of Sexual Entertainment Venues (SEVs), and approve proposed procedures for licensing such applications.

The submitted report stated that there had been no provision to attach conditions to entertainment such as lap dancing, pole dancing and striptease, and such activity had remained largely unregulated, however highlighted that the introduction of new legislation permitted Councils to control the provision of such entertainment through the issue of a SEV Licence, and that conditions, such as the proximity of the performer to the audience, the type of entertainment permissible, and restrictions on advertising, could be placed on the SEV.

The submitted report stated that Councils also had the option of adopting a licensing policy in respect of such licences, which may include the restriction on the number of licences issued, considerations in relation to locality, and other relevant issues, however highlighted that each application should be dealt with on an individual basis. The submitted report informed Members that current approach in relation to the licensing of sex shops occurred on an individual basis, and that this had proven a successful. It was therefore recommended that the licensing of SEV's adopted the same approach.

RESOLVED – (a) That, in relation to the regulation of sexual entertainment, the Council adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by Section 27 of the Policing and Crime Act 2009, as authorised by Section 2 of The 1982 Act in accordance with the procedures set out in Appendix 1 to this report, and that such adoption to take effect from 1st January 2011.

(b) That each application should be decided on its own merits rather than within the framework of a licensing policy.

(c) That the guidance and set of standard conditions, detailed in Appendix 2 of the submitted report, be approved.

(d) That the fees, detailed in paragraphs 33 and 34 of the submitted report, be approved.

(e) That the functions relating to the licensing of Sexual Entertainment Venues be delegated to the Council's Licensing Committee on the basis that each application be decided on its own merits, and that the Council's Constitution be amended to reflect this change.

REASON – To ensure that proper controls are put in place to regulate the provision of sexual entertainment in the Borough of Darlington.

26. 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) Cabinet Urgent Decisions – The Corporate Management Team submitted a report (previously circulated) detailing three 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.

27. 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.

28. NOTICE OF MOTION FOR WHICH THE REQUIRED NOTICE HAS BEEN RECEIVED – The following Motion, for which the required Notice had been received, was moved by Councillor Swainston, and seconded by Councillor Freitag:

- (a) That a thorough and independent review of Darlington Borough Council’s management structures within all departments takes place immediately.
- (b) That the remit of the review be:
 - (i) To explore ways of reducing management over-staffing in departments, creating leaner, flatter structures more suitable for service delivery in the 21st century;
 - (ii) The exploration of the amalgamation of managerial roles and reductions in higher grade staffing at the town hall;
 - (iii) The possibility of a 10 per cent pay cut on the town halls directors, assistant directors and chief executive; and
 - (iv) To actively explore closer working relationships with neighbouring authorities, to explore senior management sharing with neighbouring authorities; and to encourage and foster the removal of separate bureaucracies within the region to achieve cost savings.
- (c) That all “additional responsibility payments” for all Councillors be removed until such time as the council’s financial situation improves and we are outside these austere times.
- (d) That a savings review panel be established comprising of all three parties to explore savings versus frontline impacts, ensuring the Council tax payers of the Borough receive value for money during times of austerity (this could be done via the present Resources Scrutiny Committee or widened to include local businesses and charities).

The following amendment to the Motion was moved by Councillor Williams and seconded by Councillor McEwan:

‘That paragraphs (a), (b), (c) and (d) of the motion be deleted and replaced with the following:

That the Council notes the work previously endorsed and led by Cabinet and CMT and due to report within the next three months, namely:

- (a) A review of senior management intended to remove a further £1m or 20%+ from the top three management tiers (this against a backdrop where Darlington has the second lowest cost of senior managers in the North East);
- (b) On completion of the new structure an independent review of remuneration for Chief Officers;
- (c) Programmes building on existing initiatives such as Xentrall and developing further collaboration and shared services with other Councils and public service bodies;
- (d) A comprehensive review of all options to reduce costs, in consultation with Trade Unions and taking account of the recommendations of the Independent Member Allowance Panel.
- (e) That the Council note that as part of extensive engagement on the MTFP the Leader and the Cabinet Member for Efficiency and Resources has shared, and will continue to share, early thinking on budget options with Opposition party leaders willing to work with them.’

Amendment Carried.

The Motion, as amended, was thereupon put to the meeting and carried.

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