

COUNCIL
10th May 2012

PRESENT – The Mayor; Councillors Baldwin, Cartwright, Copeland, Cossins, Coultas, Crudass, Curry, Dixon, Donoghue, Francis, Galletley, Grundy, Harker, Harman, Haszeldine, L. Haszeldine, C. L. B. Hughes, L. Hughes, Hutchinson, Johnson, B. Jones, Mrs. D. Jones, Kelley, Landers, Lawton, Lee, Lewis, Long, D. A. Lyonette, J. M. Lyonette, Macnab, Maddison, McEwan, Newall, Regan, E. A. Richmond, S. Richmond, A. J. Scott, Mrs. H. Scott, Stenson, Swainston, Thistlethwaite, J. Vasey, Wallis, Wright and York. (47)

APOLOGIES – Councillors Carson, Knowles, Lister, Nutt, C. Taylor and J. Taylor. (6)

63. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Council held on 22nd March 2012.

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

64. DECLARATIONS OF INTEREST – Councillor Mrs. H. Scott declared a personal and non-prejudicial interest in Minute 69 below, as a School Governor at the Education Village.

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

66. ANNOUNCEMENTS – **(1) By-Election Results** – The Chief Executive welcomed Councillors Cartwright and Swainston, who were elected to represent the Harrowgate Hill and Hurworth Wards respectively on 12th April 2012.

(2) Alasdair MacConachie – The Mayor read a statement submitted by Alasdair MacConachie thanking Members and Officers for the award of the Freedom of the Borough that had recently been conferred upon him.

67. 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 – Councillor B. Jones asked a question to Councillor Dixon, the nominated Member of the Police Authority, in accordance with Section 20 of the Police Act 1996, and Councillor Dixon replied.

68. COUNCIL REPORTS – **(1) Annual Report of the Standards Committee** – The Director of Resources submitted a report (previously circulated) to present to Members the Annual Report of the Standards Committee. The Mayor introduced the Vice-Chair of the Standards Committee, who provided an overview of the work undertaken by the Standards Committee throughout 2011.

The submitted report summarised the work of the Standards Committee in 2011, and highlighted areas for improvement, outlined the Committee's programme of work for 2012, and provided details of particular issues and developments anticipated in 2012.

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.

(2) Localism Act – Governance Arrangements – The Director of Resources submitted a report (previously circulated) to request that consideration be given the Council's response to some elements of the Localism Act 2011, that related to the Council's Constitutional arrangements.

The submitted report stated that the Localism Act received Royal Assent in November 2011, and that a large number of the provisions within the Act in relation to the Council's governance arrangements were now in force. It was reported that the Act allowed Councils to implement the Committee System, a system that was in place in Darlington until the implementation of the Local Government Act 2000, which allowed the introduction of Executive Arrangements, and the Leader and Cabinet model, in Darlington. The submitted report outlined the steps that would be required before the Council would be able to return to a Committee System, and the potential impact of the boundary review in 2013.

The submitted report also highlighted that the Localism Act 2011 repealed the requirement for Councils to have a Petition Scheme, and host an e-Petitions facility. A revised Petition Scheme was appended to the submitted report for Members' consideration.

RESOLVED – (a) That the Council does not take any steps to move towards a Committee System.

(b) That the amended Petition Scheme, as appended to the submitted report, be approved.

REASONS – (a) To enable the Council to make a decision with the benefit of the outcome of the boundary review.

(b) To enable the Council to carry out all necessary steps before making a decision to move to a Committee System.

(c) To introduce a simpler petition scheme in the light of the changed statutory position.

(3) Changes to Member Standards occasioned by the Localism Act 2011 - The Director of Resources submitted a report (previously circulated) on the impact of the Localism Act 2011 on local government standards, and to ask Members to approve changes that needed to be made locally to comply with the legislation.

The submitted report stated that the Localism Act 2011 introduced significant changes to local government standards, and consequently the Council was required to make changes to the

Council's own procedures for dealing with complaints against Members. It was reported that the required changes included the adoption of a new Code of Conduct for Members, the duty to promote high standards of Member conduct on a local basis, an appointment to the new statutory position of 'independent person', and a revision to the procedure for handling complaints against Members.

The submitted report highlighted that the Standards Committee had been involved in drafting the proposals to Council.

RESOLVED – (a) That the revised Code of Conduct for Members, as appended to the submitted report, be adopted by this Council with effect from 1st July 2012.

(b) That the Council retain a Standards Committee that is charged with the promotion of high standards of conduct by Members.

(c) That the membership of the Standards Committee comprise of two Independent Members, five Borough Council Members and three Parish Council Members, with effect from 1st July 2012.

(d) That Joanne Kidd be appointed to the post of 'Independent Person' with effect from 1st July 2012.

(e) That the Procedure for Handling Complaints against Members, as appended to the submitted report, be adopted by this Council with effect from 1 July 2012.

REASONS – (a) To enable the Authority to comply with the Localism Act 2011.

(b) To enable the Authority to have an effective system of internal control to promote the good conduct of members in the Darlington area and to deal with complaints made against members.

(c) To help build and improve public trust in the organisation.

(4) Procurement of 3 Block Placement in an Independent Children's Residential Home –

The Director of People submitted a report (previously circulated) to request that Contract Procedure Rules be waived under Rule 17 to allow Officers to award a 3 block residential children's placement contract with St. Cuthbert's Care.

The submitted report stated that residential provision for three of the Council's Looked After Children with St. Cuthbert's Care was due to end on 26th July 2012. The submitted report outlined that a Tees Valley Procurement Tendering Exercise was being undertaken to procure provision of spot and block purchasing of mainstream and specialist residential provision, and residential school provision, however stated that this process would not be complete until the end of October 2012.

The submitted report therefore sought the waiving of Contract Procedure Rules to allow for the direct award of a contract to St. Cuthbert's Care for the provision of a three block placement from 27th July 2012 to 26th July 2013, when the contact could then be moved to the new Tees Valley Framework arrangements.

RESOLVED – That Contract Procedure Rules be waived under Rule 17 to allow for the award of the contract to St. Cuthbert's Care.

REASONS – (a) In order to enable young people who are resident to continue their placement.

(b) To enable procurement of specialist provision at the best ‘value for money’ rate.

69. 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) Community Safety Plan 2012-2015 – The Director of People submitted a report (previously circulated) which proposed a Community Safety Plan for Darlington as part of the Council’s policy framework.

The submitted report stated that the draft Community Safety Plan 2012-15 was built around five priorities, had been developed in partnership with key stakeholders, and complemented by public engagement work. The submitted report highlighted that the draft Community Safety Plan 2012-15 had been considered by Cabinet at its meeting on Tuesday, 1st May 2012.

RESOLVED – That the Community Safety Plan for Darlington be agreed and published.

REASONS – (a) The Community Safety Plan requires Council’s support as it is part of the Council’s policy framework.

(b) The Plan is based on robust evidence and places Darlington in a stronger position as we prepare for the election of a Police Commissioner in November 2012.

(3) Darlington Local Planning Policy Framework – The Director of Place submitted a report (previously circulated) to seek agreement that planning policy contained in national planning policy statements and guidance notes (PPSs and PPGs) continue to be used as good practice to support decision making on planning applications where the statutory development plan and the Government’s new National Planning Policy Framework (NPPF) are silent or provide insufficient detail on the planning matter at issue. A list of all the PPSs and PPGs, whose content could be drawn on for this purpose, was appended to the submitted report.

RESOLVED – (a) That the national planning policy statements and guidance notes (PPSs and PPGs, as listed in the appendix to the submitted report) in force before the National Policy Framework was issued, continue to be used as good practice to support making decisions on planning applications, where the statutory development plan and the Government’s new National Planning Framework (NPPF) are silent or provide insufficient detail on the planning matter at issue.

(b) That a report be presented to Cabinet in Autumn 2012 indicating which elements of the PPSs and PPGs are useful and relevant, and which local planning policy documents the provisions could be accommodated within.

REASON – To maintain, as an interim measure, a comprehensive local planning policy framework to support consistent decision making on planning applications.

(4) 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.

70. 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.

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