

COUNCIL

25th November, 2010

PRESENT – The Mayor; Councillors Baldwin, Barker, Burton, Copeland, Cossins, Coultas, Curry, Dixon, Dunstone, Francis, Galletley, Harker, Hartley, Haszeldine, Hughes, Johnson, B. Jones, Mrs. D. Jones, Lawton, Lee, Lewis, Lister, Long, D. A. Lyonette, J. M. Lyonette, Maddison, McEwan, Newall, Nicholson, Nutt, Regan, Richmond, Robson, A. J. Scott, Mrs. H. Scott, Stenson, Swainston, Swift, Vasey, Walker, Wallis, Williams and York. (44)

APOLOGIES – Councillors Armstrong, G. Cartwright, M. Cartwright, Freitag, L. Haszeldine, Jenkinson, Roberts and Ruck. (8)

ABSENT – Councillor Davies. (1)

31. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Council held on 30th September 2010.

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

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

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

34. ANNOUNCEMENTS – (1) Director of Community Services - The Mayor and Members paid tribute to Cliff Brown, the Director of Community Services, who was attending his last Ordinary Meeting of the Council, before leaving the authority.

RESOLVED – That the thanks of the Council be extended to the Director of Community Services for the work he had undertaken whilst with the Council.

(2) Mayor's Ball – The Mayor thanked staff involved in the arrangements for the Mayor's Ball, and informed Council that the event had raised £4,075, which would be distributed to the Mayor's chosen charities.

35. 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.

36. COUNCIL REPORTS – (1) Darlington 2015 – Organisation Design – The Chief Executive submitted a report (previously circulated) to propose a new organisational design for the Council, developed in response to the requirements of the Business Model and Medium Term Financial Plan (MTFP), and to propose consequent amendments to the scheme of delegation.

The submitted report highlighted that a key programme within ‘Darlington 2015’, the transformation programme to achieve the Council’s new business model, was Organisational Design, and outlined the two key objectives of that strand. The submitted report stated that there would be a significant change to the way in which the Council worked in the forthcoming five years, which included the functions and services provided. An amended copy of the Scheme of Delegation was appended to the submitted report, which reflected the changes required due to the revised Departmental structure.

RESOLVED – (a) That the new organisational design and functional grouping for the Council be approved.

(b) That the structure for 1st and 2nd tier Chief Officers be approved, and take effect from 1st January 2011.

(c) That the slot-ins for those posts detailed as slot-ins in Appendix C of the submitted report be approved.

(d) That the revised Scheme of Delegation, as detailed in Appendix D of the submitted report, take effect from 1st January 2011.

REASONS – (a) To reduce management costs.

(b) To provide a structure equal to the Council’s ambitions in the new Business Model.

(c) To comply with the Council’s Human Resources policies and procedures, and relevant legislation.

(d) To enable Officers to make decisions for the Council within the revised structure.

(2) Standards Committee Independent Members Extension of Terms of Office / Appointment of Committee Member – The Director of Corporate Services submitted a report (previously circulated) to extend the term of office of the current Independent Members of the Standards Committee for a further two years, and to approve the appointment of a Parish Councillor to the membership of the Standards Committee.

The submitted report informed Members that the Government had announced its intention to abolish Standards for England (the Standards Board), the Members Code of Conduct, and the requirement to have Standards Committees. The submitted report advised that the term of office of the current Independent Members on this Council's Standards Committee was due to expire in May 2011, however that new guidance from Standards for England stated that authorities could extend the term of office of existing Independent Members without following an external appointment process, if undertaken before their term of office expired. The report proposed that the term of office of the current Independent Members of the Standards Committee be extended for a further two years.

The submitted report also advised Members of a vacancy for a Parish Council Representative on the Standards Committee, and that Darlington Association of Parish Councils and Parish Meetings had nominated Parish Councillor Michael French, a member of Heighington Parish Council to fill the vacancy.

RESOLVED – (a) That the term of office of the current Independent Members of the Standards Committee be extended for a further two years so that their term of office will expire in May 2013, rather than May 2011.

(b) That Parish Councillor Michael French be appointed to the Standards Committee.

REASON – To ensure that the Standards Committee is able to discharge its role.

(3) Licensing Policy 2011 – The Director of Corporate Services submitted a report (previously circulated) to seek approval for the final draft of the Council's revised Licensing Policy document, which was scheduled to be published on 7th January 2011, in accordance with statutory requirements.

The submitted report provided information in relation to the revision of the Council's Licensing Policy, which needed to be reviewed at least every three years and had last been reviewed in 2007. Members were informed that the draft policy appended to the submitted report was almost identical to the previous policy with the exception of the inclusion of several new statutory requirements. The submitted report advised that the draft policy had been considered by the Licensing Committee and had received its approval.

RESOLVED – That the final draft of the Licensing Policy be approved for publication on 7th January 2011.

REASON – To comply with the legislative requirements of the Licensing Act 2003 and ensure that the Licensing Policy is up to date and fit for purpose.

(4) Chief Executive's Appraisal – The Director of Corporate Services submitted a report (previously circulated) to endorse the recommendation of the Appraisal Sub-Group in respect of the Chief Executive's Performance Appraisal.

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 the Appraisal Sub-Group had met on two occasions, considered two options in relation to the Annual Appraisal process, reviewed the self-assessment, and agreed the Chief Executive's objectives for 2010/11. 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.

(5) Harrowgate Hill Primary Capital Programme Project – The Director of Children's Services submitted a report (previously circulated) to seek approval for the Council to enter into a Deed of Variation to alter the terms of the original Public Finance Initiative (PFI) Project Agreement for Harrowgate Hill Primary School.

The submitted report stated that this Council had entered into a PFI agreement with Kajima Darlington Schools Limited for the provision of new school facilities at the Education Village and Harrowgate Hill Primary School in 2004, and that the contractual arrangements had been specified under a national framework called a 'Project Agreement', which governed how the PFI contract operated on a day-to-day basis. Members were informed that the expansion of Harrowgate Hill Primary School as part of the Primary Capital Programme fell outside of the of the usual contractual variations that could be managed within the terms of the 'Project Agreement' and therefore approval was required by Council to agree the necessary changes.

The submitted report detailed that a competitive procurement exercise for the additional services required to facilitate the physical expansion would be inappropriate as it would be impracticable to have an alternative supplier interfacing with the existing supplier.

RESOLVED – (a) That the Council enter into a Deed of Variation for the expansion of Harrowgate Hill Primary School.

(b) That Contract Procedure Rules be waived under Rule 18 to allow the procurement from Kajima Darlington Schools Limited to proceed without a formal tendering exercise.

REASONS – (a) To ensure sufficient places are available for new pupils entering the school in September 2011.

(b) The Deed of Variation must be agreed prior to construction work being able to commence on site.

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) 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.

38. 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.

39. NOTICE OF MOTION – The following Motion was moved by Councillor Williams, and seconded by Councillor McEwan:

- (a) This Council understands that the public spending deficit accrued by the previous Labour Government in rescuing the UK banking industry and thereby people’s personal finances needs to be addressed in a sensible and prudent fashion.
- (b) This Council therefore resolves to write to the Secretary of State for Communities and Local Government to advise that:-
 - i. the scale of the spending cuts to local government will cause irreparable damage to valued and needed services in Darlington;
 - ii. the speed of the anticipated cuts leaves insufficient time to put in place alternative delivery arrangements and jeopardises economic growth; and
 - iii. the Government should recognise the scale of deprivation and reliance on public sector jobs in the North East economy in deciding where cuts should fall.

The following amendment to the Motion was moved by Councillor Mrs. Scott and seconded by Councillor Johnson:

‘To delete all after ‘Government’ in the second line of paragraph (a) and insert ‘needs to be addressed in a sensible, prudent and urgent fashion.’; and that paragraph (b), as printed, be deleted and be replaced with ‘(b) That the controlling Labour Group be condemned for lack of prudent financial management over the past years which has exacerbated the problem for the citizens of Darlington.’

Amendment Lost.

The Motion was thereupon put to the meeting and carried.

NOTE – A vote on the Motion was taken by a call of names of the Members present and there appeared:-

For the Motion –

The Mayor; Councillors Baldwin, Burton, Copeland, Cossins, Dixon, Francis, Harker, Hartley, Haszeldine, Hughes, Lister, Long, D. A. Lyonette, J. M. Lyonette, Maddison, McEwan, Newall, Nutt, Regan, Robson, A. J. Scott, Swift, Vasey, Walker, Wallis and Williams. (27)

Against the Motion –

Councillors Barker, Coultas, Curry, Dunstone, Galletley, Johnson, B. Jones, Mrs. D. Jones, Lawton, Lee, Lewis, Nicholson, Richmond, Mrs. H. Scott, Stenson, Swainston and York. (17)

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