

COUNCIL

31st January 2013

PRESENT – The Mayor; Councillors Carson, Copeland, Cossins, Coultas, Crudass, Curry, Dixon, Donoghue, Francis, Galletley, Grundy, Harker, Harman, I. Haszeldine, L. Haszeldine, C. L. B. Hughes, L. Hughes, Hutchinson, Johnson, B. Jones, Mrs. D. Jones, Kelley, Landers, Lawton, Lee, Lewis, Lister, Long, D. A. Lyonette, Macnab, McEwan, Nutt, E. A. Richmond, S. Richmond, A. J. Scott, Mrs. H. Scott, C. Taylor, J. Taylor, Thistlethwaite, J. Vasey, Wallis, Wright and York. (44)

APOLOGIES – Councillors Cartwright, Knowles, J. M. Lyonette, Newall, Regan, Stenson, Swainston and L. Vasey. (8)

44. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Council held on 29th November 2012.

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

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

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

47. ANNOUNCEMENTS – (1) New Year Honours - The Mayor reported that Mrs. Enid Scaife had been admitted as a Member of the British Empire for services to the community in Sadberge.

The Mayor also reported that Mr. David Grant Downie, Head of Sports Medicine at the Manchester City Academy, and a resident of Darlington, had been admitted as a Member of the British Empire for services to Physiotherapy in Sport, and to Young People.

Members were informed that Mrs. Michelle Thompson had been awarded the British Empire Medal for services to charity and the community in Darlington.

The Mayor also advised Members that Colonel Nick Millen, who had been in charge of the military base at Catterick Garrison for the previous seven years, and who had worked closely with the Darlington Partnership, has been admitted as an Officer of the British Empire, after helping the base forge stronger links with the wider community.

The Leader informed Members that the Darlington Sunday People's Market had been named Britain's favourite market at the annual National Association of British Market Authorities (NABMA) Market of the Year competition.

RESOLVED - That the congratulations of the Council be conveyed to those who received awards.

48. 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) Police and Crime Commissioner for Durham and Darlington – The Police and Crime Commissioner for Durham and Darlington addressed Members, and responded to questions.

49. COUNCIL REPORTS – (1) Council Tax Calculation of Tax Base 2013/14 - The Director of Resources submitted a report (previously circulated) requesting that consideration be given to determining the Council's Tax Base for 2013/14, in accordance with Section 33 of the Local Government Finance Act 1992 and the Local Authorities (Calculation of Council Tax Base) Regulations 2012.

RESOLVED – (a) That the calculation of the Council tax base for the year 2013/14 be approved.

(b) That the tax base for the Council and the individual tax base for the parishes, as set out in Appendix 1 of the submitted report, be approved.

REASON – To comply with statutory requirements enabling the Council Tax for 2013/14 to be set by Council in March 2013.

(2) Business Rates Income – Calculation of Baseline 2013/14 – The Director of Resources submitted a report (previously circulated) requesting that consideration be given to approving the Council's estimated Business Rate Income for 2013/14.

The submitted report stated that, with effect from 2013/14, and in accordance with the Local Government Finance Act 2012, the Council was required to have committee approval by 31st January for the NNDR1 form, which estimated the business rates income for the coming financial year. The NNDR1 form was appended to the submitted report.

RESOLVED – (a) That the calculation of the Council's Business Rate Income for the year 2013/14 be approved.

(b) That the NNDR1 form, as set out in Appendix 1 of the submitted report, be approved.

REASON – To comply with statutory requirements enabling the Business Rate Income for 2013/14 to be approved by Council by 31st January 2013.

(3) Darlington Public Health Contracts Transition - The Director of People submitted a report (previously circulated) requesting that Contract Procedure Rule 18 be waived for a small number of contracts under the exceptional circumstances created by the implementation of the Health and Social Care Act 2012.

The Health and Social Care Act had significant implications for the Council, including the transfer of commissioning responsibilities for a range of public health services from the Primary Care Trust to the Council from 1st April 2013.

The implementation timescales for the Health and Social Care Act did not allow sufficient time to undertake robust procurement across the range of service areas between the allocation of the public health grant to local authorities, confirmed in January 2013, and the commencement of public health commissioning responsibilities in local authorities.

The submitted report also stated that additional guidance had been issued by the Department of Health that local authorities should not take action, particularly in the initial year of transition, which would destabilise providers of public health services and pose a risk to the delivery of services.

The submitted report outlined the proposed review and re-procurement timescales for key public health services which required Council approval. It was reported that the public health allocation had been confirmed for 2013/14 and 2014/15, and that the allocation was sufficient to meet all transferring responsibilities.

RESOLVED – That Contract Procedure Rule 18 be waived under the exceptional circumstances created by the implementation of the Health and Social Care Act for the contracts detailed in the submitted report.

REASONS – (a) To ensure that the Council is compliant with the Health and Social Care Act 2012 in terms of the transfer of public health responsibilities.

(b) To ensure safe transfer of contractual responsibilities and manage the capacity requirements associated with review and re-procurement across the range of public health services.

(c) To ensure sufficient time to undertake robust reviews and development of commissioning intentions so that efficient service models are commissioned which are evidence based and affordable.

(d) To ensure sufficient time for robust procurement to be undertaken including lead in time for providers to set up services and for the management of TUPE implications.

50. 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) Mid Year Prudential Indicators and Treasury Management Monitoring Report – The Director of Resources submitted a report (previously circulated) on the revised Treasury Management Strategy, Prudential Indicators, and to provide a half-yearly review of this Council's borrowing and investment activities.

The submitted report stated that the Prudential Indicators were examined by the Audit Committee on 14th December 2012, and it was agreed at that meeting that the updated

Prudential Indicators be referred to Council, via Cabinet, for approval. It was also reported that the Audit Committee was satisfied with the Council's borrowing and investment activities, the reported Prudential Indicators, and the revised Annual Investment Strategy.

The Prudential Indicators were set in three statutory annual reports to Council, and the submitted report followed the Council's approval in March 2012 of the 2012/13 Prudential Indicators and Treasury Management Strategy. The key objectives of the three annual reports were to ensure that governance of the large amounts of public money under the Council's Treasury Management activities complied with legislation and met the high standards set out in the codes of practice, to ensure that borrowing was affordable, and to report performance of the key activities of borrowing and investments.

The submitted report also outlined revisions to the Prudential Indicators and the Annual Investment Strategy, which related to higher capital expenditure in 2012/13 due to increased capital expenditure slippage from 2011/12. It was reported that both the Operation Boundary and the Authorised Limit on borrowing remained unchanged, and that the counterparty limit for investments to Banks 2 (UK part nationalised) be increased to £5.000M and the time period to a maximum of 2 years.

RESOLVED – (a) That the revised prudential indicators and limits, as detailed in tables 1 to 6, 8, and 14 to 17 of the submitted report, be approved.

(b) That the changes to the Council's Annual Investment Strategy, as detailed in paragraphs 32 to 35 of the submitted report, be agreed

- (i) To increase the counterparty limit for Banks 2 (UK part-nationalised) from £3.000M per bank to £5.000M per bank.
- (ii) To increase the maximum investment period for Banks 2 (UK part-nationalised) from 1 year to 2 years.

(c) That the reduction in the Treasury Management Budget (Financing Costs) of £30,000, shown in Table 11 of the submitted report, be noted.

REASONS – (a) In order to comply with the Prudential Code for Capital Finance in Local Authorities.

(b) To inform Members of the performance of the Treasury Management function.

(c) To comply with the Local Government Act 2003.

(d) To enable further improvements to be made in the Council's Treasury Management function.

(3) Darlington Planning Obligations Supplementary Planning Document – The Director of Place submitted a report (previously circulated) requesting that consideration

be given to adopting the Darlington Planning Obligations Supplementary Planning Document (Planning Obligations SPD) as Council policy, and that the proposed transitional arrangements contained within the submitted report be agreed.

The Planning Obligations SPD set out a new consistent and transparent approach to efficiently and effectively secure planning obligations from new development. The Planning Obligations SPD would take account of local land values Borough-wide and other costs associated with development, so that the impact of new development was mitigated whilst ensuring that landowners and developers could still secure competitive returns from the delivered development. It was highlighted that the Planning Obligations SPD set out when planning obligations would be sought, how they would be calculated and delivered, and the likely costs involved to ensure the type and mix of obligations secured met the need of those occupying the new development, or were affected by it.

The submitted report outlined the consultation that had been conducted, and gave consideration to the key issues raised.

RESOLVED – (a) That the contents of the Planning Obligations Supplementary Planning Document be approved.

(b) That the Planning Obligations Supplementary Planning Document be adopted as Council policy.

(c) That the transitional arrangements to accommodate developers already in pre-application discussions with the Council, as detailed in paragraph 37 of the submitted report, be approved.

REASONS – (a) To help deliver the Local Plan.

(b) To help deliver new and improved infrastructure in the Borough.

(c) To fulfil the regulatory requirements of Supplementary Planning Document preparation.

51. 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.

52. 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 Councillor J. Vasey be replaced on the Children and Young People Scrutiny Committee by Councillor L. Vasey.

(b) That Councillor L. Vasey be replaced on the Efficiency and Resources Scrutiny Committee by Councillor J. Vasey.

(c) That Councillor S. Richmond be appointed to the vacancy of Vice-Chair on the Adults and Housing Scrutiny Committee.

(d) That Councillors L. Vasey, Cossins, S. Richmond, Galletley, Lee and Curry be the named substitutes for Councillors C. L. B. Hughes, Hutchinson, Knowles, Mrs. H. Scott, Crudass and Kelley respectively, on the Corporate Parenting Panel.