

COUNCIL
27th May, 2004

PRESENT – The Mayor; Councillors Armstrong, Baldwin, Mrs. Brown, Burt, Copeland, Dixon, Flowers, Harker, Mrs. Hart, Haszeldine, Heaney, Holmes, Hughes, Hutchinson, Johnson, B. Jones, Mrs. Jones, Lee, Lister, Long, D.A. Lyonette, J.M. Lyonette, Maddison, Maybrey, McEwan, Nutt, Reynolds, Richmond, Roberts, S. Robson, Ruck, Scott, Mrs. Scott, Stamford-Bewlay, Mrs. Swift, Thistlethwaite, Vasey-Smith, J.C. Vasey, L. Vasey, Mrs. Walker, Wallis, Williams and Wilson. (44)

APOLOGIES – Councillors Bristow, Foster, Hartley, S. J. Jones, Lewis, Newall, F. S. Robson, Stenson and G. B. Walker. (9)

11. DECLARATION OF INTERESTS – No declarations of interest were reported at the meeting.

12. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Council held on 25th March, 2004.

RESOLVED - That subject to the deletion of ‘and left the Chamber during this item’ from the seventh line of the preamble to Minute 87 under the heading ‘Declarations of Interest’, the Minutes be approved as a correct record.

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

RESOLVED – That the Register of Documents which had been sealed since the last meeting of the Council be signed by the Mayor.

14. CABINET RECOMMENDATIONS AND 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.

Discussion ensued on the content of the reports and the Cabinet Members answered questions thereon.

RESOLVED – That the reports be received.

(2) Corporate Equalities Plan and Review Document – The Chief Executive submitted a report (previously circulated) requesting that consideration be given to the new Corporate Equalities Plan and Review Document (also previously circulated).

The submitted report stated that there was a five stage process in obtaining the Quality Standard for Local Government; the attainment of that standard constituted the attainment of the target performance for BVPI 2A; and that the plan was the final stage in the Council securing level 2 of the quality standard.

RESOLVED - (a) That the Corporate Equalities Plan Review and Plan 2003/04, as appended to the submitted report, be endorsed.

(b) That the development of subsequent Corporate Equalities Plan and Review Documents as the most effective mechanism for reporting and planning for improvements in performance against the Equality Standard for Local Government, be approved.

REASON – Level 2 of the Equality Standard for Local Government cannot be attained without Member approval of the Corporate Equalities Plan and Review Document.

(3) Darlington Community Safety Partnership – Delegation of Powers – The Director of Social Services submitted a report (previously circulated) requesting that consideration be given to the delegation of existing and any adopted Local Authority enforcement powers to officers of the Darlington Community Safety Partnership in order to address crime, substance misuse, anti-social behaviour and to improve responses to complaints from the public. A draft protocol for the Community Safety Accreditation Scheme was appended to the submitted report.

The submitted report stated that the Police Reform Act 2000 (Section 40) enabled Chief Constables to accredit individuals and organisations to exercise certain limited policing powers; the Anti-Social Behaviour Act 2003 extended the range of those powers; some of those powers were the responsibility of this Council; and that the powers given under accreditation would be mainly carried out by the Uniformed Warden service.

Particular references were made to the powers available to an Accredited person and to a number of performance measures that the Partnership intended to introduce. The accreditation would initially be for a twelve month period and would be reviewed every two years thereafter.

RESOLVED - (a) That the report be noted.

(b) That officers of Darlington Community Safety Partnership, including Uniformed Wardens, Youth Offending Officers, Early Interventions Team Workers and Managers who may have cause to exercise accredited powers in collaboration with Durham Constabulary, be authorised to undertake those powers, as detailed in the submitted report.

REASON - (a) Accreditation improves the level of joint working with Durham Constabulary to tackle crime and anti-social behaviour.

(b) Accredited powers will enhance the objectives and outcomes of Darlington Borough Council be enabling Community Safety Partnership staff to fully address problems in communities and support specific Council initiatives such as littering.

(3) Cosmetic Piercing and Skin-Colouring Businesses – Regulation – The Director of Development and Environment submitted a report (previously circulated) advising of changes in legislation relating to cosmetic piercing and requesting that consideration be given to the making of byelaws to effectively regulate activities relating to skin piercing and semi-permanent skin-colouring. Copies of the draft byelaws recommended by the Department of Health were appended to the submitted report.

The submitted report outlined the background to the introduction of the byelaws and stated that it would be an offence to carry out a cosmetic piercing and skin-colouring business without being registered with the Council once the byelaws had come into force.

RESOLVED – (a) That the affixing of the Common Seal to the byelaws be authorised.

(b) That the necessary procedures be carried out and an application be made to the Secretary of State for confirmation of those byelaws relating to semi-permanent skin piercing and cosmetic piercing.

(c) That the byelaws come into force on 1st August, 2004, subject to confirmation by the Secretary of State, or immediately on receipt of such confirmation if received after that date.

REASON – To enable to the Council to implement the changes in legislation and formally propose the adoption of byelaws to regulate the activities of businesses carrying on skin piercing activities defined in the Local Government Act 1982 and 2003.

(4) Capital Programme 2004/05 – Implementing Electronic Government – The Director of Corporate Services submitted a report (previously circulated) requesting that consideration be given to the waiving of the Contract Procedure Rules in respect of any further development work identified with regard to achieving the Government’s priority services as identified in the Implementing Electronic Government statements. A copy of the report considered by Cabinet at its meeting held on 27th April, 2004 was appended to the submitted report.

RESOLVED – That the Contract Procedure Rules be waived to allow any further website development work identified with regard to achieving the Government’s priority services to be negotiated with the Council’s current website development partner Waterstons.

REASONS – (a) It supports the Councils Electronic Government Strategy and IEG Statements.

(b) It will allow the Council to deliver the priority services as identified by the Government.

(5) Cabinet Urgent Decision – The Corporate Management Team submitted a report (previously circulated) reporting an urgent decision made by Cabinet to which the procedure for call-in could not be applied.

RESOLVED – That the urgent decision taken by Cabinet be noted.

REASON – To comply with the Council’s Constitution.

15. SCRUTINY COMMITTEE REPORTS – (1) Overview of 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. Discussion ensued on the content of the reports and the Scrutiny Chairs answered questions thereon.

RESOLVED – That the reports be received.

(2) Annual Reports 2003/04 – The five Scrutiny Committee Chairs each gave a report (previously circulated) on the main areas of work undertaken by their relevant Scrutiny Committees during the 2003/04 Municipal Year. Discussion ensued on the content of the reports and the Scrutiny Chairs answered questions thereon.

RESOLVED – That the reports be received.

16. SUPPORTED ACCOMMODATION FOR TEENAGE PARENTS – CONTRACT – The Director of Community Services submitted a report (previously circulated) providing details of the new Supporting People Service for Teenage Parents, provided by Tees Valley Housing Association, and seeking approval for a contract for this service to be awarded.

Particular reference was made to the Council's work to implement Darlington's Community Strategy and Housing Strategy, which supported bids by Registered Social Landlords to provide purpose built specialised accommodation to meet specific needs.

RESOLVED – (a) That the proposed service charge for 2004/05 of £97,669, for the provision of supported accommodation for teenage parents, be approved.

(b) That paragraph 3(1(a(i))) of the Council's Contract Procedure Rules be waived with respect to the contract for Supported Accommodation for Teenage Parents.

REASONS – (a) This service is being developed as part of Darlington Borough Council's Teenage Parent Strategy and is considered to be an appropriate service.

(b) The level service and charges have been subject to negotiations and are considered to be cost effective.

(c) To enable a contract to be entered into for the provision of supported accommodation for teenage parents.

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

18. POLICE AUTHORITY QUESTIONS – There were no questions to the nominated member of the Police Authority in accordance with Section 20 of the Police Act 1996.

19. EXCLUSION OF THE PUBLIC - RESOLVED - That, pursuant to Sections 100A(4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 1 of Part I of Schedule 12A to the Act.

20. EQUAL PAY NEGOTIATION (EXCLUSION PARAGRAPH NO. 1) – The Director of Corporate Services submitted a report (previously circulated) updating the Council on progress being made with negotiations with Trade Unions on resolving potential equal pay claims.

The submitted report outlined the background to the issue; the legal issues to Darlington; the proposed settlements; and the financial implications.

An amendment to recommendation (b) detailed in the submitted report was moved seconded and lost.

RESOLVED – (a) That a provision of up to £4million to cover the cost of the settlement be agreed.

(b) That the Director of Corporate Services be given delegated powers to finalise the settlement.

REASONS – (a) To enable the Council to make a settlement offer to employees.

(b) To allow detailed implementation of the offer to progress.

THE COMMON SEAL of THE)
COUNCIL OF THE BOROUGH)
OF DARLINGTON was hereunto affixed)
this day of)
two thousand and three in the presence of :-)

Mayor

Borough Solicitor