

COUNCIL
4th October, 2007

PRESENT – The Mayor; Councillors Armstrong, Barker, Burton, Chapman, Copeland, Coultas, Davies, Dixon, Dunstone, Francis, Freitag, Galletley, Harker, I. Haszeldine, L. Haszeldine, Hughes, Jenkinson, Johnson, B. Jones, Mrs. Jones, S. Jones, Lee, Lewis, Lister, D.A. Lyonette, J.M. Lyonette, Maddison, McEwan, Newall, Nicholson, Nutt, Regan, Richmond, Roberts, Robson, Ruck, Mrs. Scott, Thistlethwaite, Vasey, Walker, Wallis, Williams and York. (44)

APOLOGIES – Councillors Baldwin, G. Cartwright, M. Cartwright, Hartley, Lawton, Long, A. J. Scott, Stenson and Swainston. (9)

32. DECLARATIONS OF INTEREST – Councillor Freitag declared a personal and non-prejudicial interest in Minute 36(1) below, in relation to the Neighbourhood Services and Community Safety Portfolio Overview Report, and in Minute 37 below, in relation to the Resources Scrutiny Committee Overview Report.

33. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Council held on 19th July 2007.

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

34. ANNOUNCEMENTS – (1) Deaths in Service – The Mayor reported the deaths in service of Ms. A. Halpin, who died on 24th September 2007, and Mr. R. Thompson, who died on 28th September 2007. Ms. Halpin was employed by this Council as an Advisory and Support teacher in charge of the Home and Hospital Teaching Service. Mr. Thompson was employed by this Council as a caretaker at Central House.

RESOLVED – That the deepest sympathy of the Council be conveyed to the families of Ms. Halpin and Mr. Thompson for the sad loss that they have sustained.

(2) Councillor Nicholson – The Mayor announced that Councillor Nicholson had given birth to a daughter on 9th August 2007.

RESOLVED – That the congratulations of the Council be extended to Councillor Nicholson on the birth of her daughter.

(3) Northumbria in Bloom 2007 – The Mayor announced that Darlington Borough Council's Community Services employees had been presented with a silver gilt award in the Best Small City category at Northumbria in Bloom 2007.

RESOLVED – That the congratulations of the Council be conveyed to all those involved in gaining this award.

35. ORDER OF SEALING DOCUMENTS – Presented – The Register showing the documents, which had 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.

36. 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 Cabinet Members answered questions thereon.

RESOLVED – That the reports be received.

(2) Cabinet Urgent Decisions - The Corporate Management Team submitted a report (previously circulated) detailing five decisions taken by the Cabinet as a matter of urgency and to which the procedure for call-in could not be applied.

The submitted report outlined the procedure to be followed if decisions were taken under the Urgency Rule.

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

REASON - To comply with the Council's Constitution.

37. 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.

RESOLVED – That the reports be received.

38. REORGANISATION OF COUNCIL MANAGEMENT STRUCTURES – The Chief Executive submitted a report (previously circulated) to present proposals to revise the organisational structure of Darlington Borough Council and to advise Council of the outcome of consultation on the proposals.

The submitted report outlined the case for change, the proposed transfer of functions, other changes to functions and services, and the outcome of consultation. Members also received information on the newly created role of Assistant Chief Executive (Regeneration).

RESOLVED – (a) That the implementation of the Departmental restructuring arrangements as detailed in paragraphs 20 and 21 of the submitted report be approved.

(b) That the appointments procedure for the Chief Officers, to allow the current Assistant Director Development and Regeneration to be appointed to the post of Assistant Chief Executive (Regeneration), subject to any objection by Cabinet Members, be approved.

REASONS – (a) To enable the Council to be able to respond effectively to changing demands and priorities.

(b) To enable the Council to organise its business as efficiently and in as streamlined a way as possible.

39. OPERATIONAL TRANSPORT REVIEW – The Director of Community Services and the Director of Children’s Services submitted a report (previously circulated) to provide Members with details of the Phase 1 Operational Transport Review and to seek agreement to implement the outcome of the review, and waive the Council’s contract procedure rules to enable a partnership to be entered into with a suitably qualified and experienced company.

The submitted report outlined the process adopted to conduct the review of operational transport in June 2007, and the scope of the review. The outcomes of the review were reported, as was the procurement of a partner to deliver the outcome, the composition of a Strategic Board and the financial implications.

RESOLVED – (a) That the Council suspend Contract Procedure Rule 4 and the requirement to invite further tenders and enter into a partnership.

(b) That the additional budget to cover the deficit of £97,100 in 2007/08 be approved.

(c) That the projected savings to the Medium Term Financial Plan by 2011/12 of £1,036,000 be noted.

REASONS – (a) To provide a fit for purpose operational Transport Unit for Darlington Borough Council.

(b) To deliver ongoing financial improvements.

40. NORTH EAST CHARTER FOR ELECTED MEMBER DEVELOPMENT – The Director of Corporate Services submitted a report (previously circulated) to advise Members of the North East Charter for Elected Member Development and to recommend the Council make a commitment to the Charter.

The submitted report detailed the revised and re-launched North East Charter for Elected Member development, developed in partnership by the North East Regional Employers Organisation (NEREO) and the Improvement and Development Agency (IDeA). The report stated that the Charter would recognise investment in Member development, encourage and acknowledge good practice and innovation, and promote debate in relation to the development and training needs of Members.

The submitted report outlined the five key stages required in working toward the North East Charter, the implementation of a Member Training Group and the financial implications of committing to the Charter.

RESOLVED – (a) That the Council makes a commitment to the North East Charter for Elected Member Development.

(b) That an external body e.g. NEREO be appointed to undertake Members’ Performance Development Reviews in 2007.

(NOTE: The Leaders of all Political Groups and the Independent Member formally signed the Charter at this meeting.)

REASON - To demonstrate the Council’s commitment to the vital role Elected Members have in local governance.

41. SCHEME OF DELEGATION – The Borough Solicitor submitted a report (previously circulated) to seek approval for a revised scheme of delegation to reflect the changes brought about by this Council's restructure and to highlight a new formal list of proper officer delegations.

The submitted report outlined the proposed re-distribution of functions, currently undertaken by the Department for Development and Environment, and the need for an amendment to the scheme of delegation for that to take place. The report also highlighted changes made to generally improve the scheme of delegation and to reflect delegations not formally recorded within the current scheme.

RESOLVED – (a) That the revised Scheme of Delegation, Article 12 and the new List of Proper Officers to reflect the changes brought about by the restructure of the Council be approved.

(b) That Council refer the report to Cabinet for approval of the scheme of delegation, so far as it relates to functions that rest with Cabinet.

REASON - To enable officers to carry out functions following the implementation of the restructure.

42. REPRESENTATION ON OTHER BODIES 2007/08 – The Director of Corporate Services submitted a report (previously circulated) to request that Members consider changes to this Council's representation on other bodies for the 2007/08 Municipal Year, following the changes made to the Cabinet Portfolios and this Council's Scrutiny Committees (Minute C24(5)(a)/Jul/07 and C24(5)(b)/Jul/07).

RESOLVED – That the following proposed appointments to other bodies for the remainder of the 2007/08 Municipal Year be approved:-

Name of Body or Organisation	Existing Appointments	Proposed Appointments
Association of North East Councils	Leader of the Council (Councillor Williams) Cabinet Member with Regeneration and Planning Portfolio (Councillor D. A. Lyonette) and Councillor Haszeldine (representing the five Tees Valley Authorities)	Leader of the Council (Councillor Williams), Cabinet Member with Transport Portfolio (Councillor D. A. Lyonette) and Councillor Haszeldine and Councillor Mrs. Scott (representing the five Tees Valley Authorities)
Association of North East Council's - Executive Committee	Cabinet Member with Regeneration and Planning Portfolio (Councillor D. A. Lyonette)	Cabinet Member with Economy Portfolio (Councillor Williams)
Combined Fire Authority	Cabinet Member with Consumer and Environmental Services Portfolio (Councillor Copeland), Vice-Chair of Public Protection and Community Partnerships Scrutiny Committee (Councillor Lister), Member of Public Protection and	Cabinet Member with Sustainable Environment and Climate Change Portfolio (Councillor Copeland), Member of Neighbour Services Scrutiny Committee (Councillor Maddison) (Councillors

Name of Organisation	Body or	Existing Appointments	Proposed Appointments
		Community Partnerships Scrutiny Committee (Councillor Maddison) (Councillors Jenkinson, J. Lyonette and Newall as respective named substitutes from the Public Protection and Community Partnerships Scrutiny Committee) and Councillor Mrs. Jones (Councillor Lee as named substitute from the Public Protection and Community Partnerships Scrutiny Committee)	Jenkinson and Newall as named substitutes from the Neighbourhood Services Scrutiny Committee) and Councillors Mrs. Jones and B. Jones (Councillors Lee and York as respective named substitutes) from the Neighbourhood Services Scrutiny Committee

Combined Fire Authority :-

Appeals Committee		Councillor Lister	Member of the Neighbourhood Services Scrutiny Committee (Councillor Maddison)
Human Resources Committee		Member of Public Protection and Community Partnerships Scrutiny Committee (Councillor Maddison) and Councillor Mrs. Jones	Member of the Neighbourhood Services Scrutiny Committee (Councillor Maddison)
Standards Committee		Vice-Chair of Public Protection and Community Partnerships Scrutiny Committee (Councillor Lister)	Cabinet Member with Sustainable Environment and Climate Change Portfolio (Councillor Copeland)
Performance Committee		Cabinet Member with Consumer and Environmental Services Portfolio (Councillor Copeland)	Cabinet Member with Sustainable Environment and Climate Change Portfolio (Councillor Copeland) and Councillor Mrs. Jones
Audit and Finance Committee		Vice-Chair of Public Protection and Community Partnerships Scrutiny Committee (Councillor Lister)	Member of the Neighbourhood Services Scrutiny Committee (Councillor Maddison)
Local Government Association		Cabinet Member with Consumer and Environmental Services Portfolio (Councillor Copeland) (Vice-Chair of Public Protection and Community Partnerships Scrutiny Committee (Councillor Lister) as named substitute)	Cabinet Member with Sustainable Environment and Climate Change Portfolio (Councillor Copeland) (Councillor Maddison as named substitute from the Neighbourhood Services Scrutiny Committee)
Joint Consultative Forum		New Forum	Cabinet Member with Sustainable Environment and Climate Change Portfolio (Councillor Copeland)
North East Fire and Rescue		Cabinet Member with Consumer	Cabinet Member with

Name of Body or Organisation	Existing Appointments	Proposed Appointments
Regional Management Board	and Environmental Services Portfolio (Councillor Copeland) (Vice-Chair of the Public Protection and Community Partnerships Scrutiny Committee as named substitute (Councillor Lister)) (Council's representatives on the Combined Fire Authority)	Sustainable Environment and Climate Change Portfolio (Councillor Copeland) (Councillor Maddison as named substitute) and Councillor Mrs. Jones (Councillor Lee as named substitute) (Council's representatives on Combined Fire Authority)
Standing Advisory Council on Religious Education (SACRE)	Cabinet Member with Children's Services Portfolio (Councillor McEwan), Chair of Lifelong Learning Scrutiny Committee (Councillor Hughes) and Councillor Davies	Cabinet Member with Children and Young People Portfolio (Councillor McEwan), Chair of Children and Young People Scrutiny Committee (Councillor Hughes) and Councillor Davies

REASON - To ensure that the Appointments to Other Bodies are updated following the changes to Cabinet Portfolios and Scrutiny Committees.

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

44. POLICE AUTHORITY QUESTIONS – 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.