

**COUNCIL**  
15th September, 2005

**PRESENT** – The Mayor; Councillors Armstrong, Baldwin, Mrs. Brown, Copeland, Dixon, Flowers, Foster, Francis, Harker, Mrs. Hart, Haszeldine, Heaney, Holmes, Hughes, Hutchinson, Johnson, B. Jones, Mrs. Jones, S. J. Jones, Lawton, Lewis, Lister, Long, J. Lyonette, Maddison, McEwan, Nutt, Reynolds, Richmond, F. S. Robson, Mrs. Scott, Stenson, Swainston, Mrs. Swift, Thistlethwaite, Vasey-Smith, J.C. Vasey, L. Vasey, G. B. Walker, Wallis, Williams and Wilson. (43)

**APOLOGIES** – Councillors Bristow, Hartley, Lee, D. Lyonette, Maybrey, Newall, Roberts, Ruck, A. J. Scott and Stamford-Bewlay. (10)

**40. DECLARATIONS OF INTEREST** – Councillor Richmond declared a personal and prejudicial interest in Minute 52 below, as a close friend worked for the Primary Care Trust; Councillor Copeland declared a personal and non-prejudicial interest in relation to Minute 51 below, as Chair of Haughton Youth Centre; Councillor Lawton declared a personal and non-prejudicial interest in Minute 44(1) below as a Governor of Longfield School; Councillor Dixon declared a personal and non-prejudicial interest in Minute 52 below as a none Executive Director of the PCT; Councillor Williams declared a personal and non-prejudicial interest in Minute 52 below as a Member of the Strategic Health Authority Board; Councillor McEwan declared a personal and non-prejudicial interest in Minute 41(1) below as his daughter was a pupil at Haughton School; Councillor G. B. Walker declared a personal and non-prejudicial interest in Minute 51 below due to his involvement in Haughton Youth Centre; and Councillors Hughes and Hutchinson each declared personal and non-prejudicial interests in Minute 51 below as members of Skerne Park Community Centre.

**41. MINUTES** – Submitted – The Minutes (previously circulated) of the meeting of this Council held on 21st July, 2005.

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

**42. ANNOUNCEMENTS** – The Mayor made the following announcements: **(1) Councillor M. G. Swainston** – The Mayor announced that Martin G. Swainston was elected to Council to represent the Hurworth Ward on 8th September, 2005 and welcomed him to his first Council meeting.

**(2) Councillors Copeland, Richmond and F. S. Robson** - The Mayor welcomed Councillors Copeland, Richmond and F. S. Robson back to Council following their recent illnesses.

**(3) Mr. P. Wildsmith** – The Mayor thanked Mr. P. Wildsmith, on behalf of the Council, for all his efforts whilst acting as Interim Chief Executive, following the resignation of Mr. B. Keel.

**(4) Northumbrian in Bloom** – The Mayor stated that it was with great pleasure she could announce that Darlington received the Trophy for the Best Small City in the Northumbrian in Bloom Competition and she formally presented the trophy to Mr. G. Scott and Mr. D. Ralphs, two gardeners in the Department of Community Services, who carried out the planting of bowls, erection of hanging baskets and watering of displays in the Town

Centre.

**43. 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.

**44. 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) Development of an Extra Care Scheme at Rosemary Court, Lascelles Park** - The Director of Community Services submitted a report (previously circulated) seeking authority to waive the Council's Contract Procedure Rules and enter into a partnership agreement with Hanover Housing Association for the remodelling and improvement works required to the existing sheltered housing scheme at Rosemary Court.

The submitted report outlined the background to the remodelling of Rosemary Court; the financial implications; and the benefits of carrying out the works in partnership with Hanover Housing Association, which involved it needing to acquire or take a ground lease of the area of land amounting to some 2,662 square metres (0.66 acres).

**RESOLVED** – That Contract Procedure Rules be waived and the Director of Community Services be authorised to enter into an agreement with Hanover Housing Association for the remodelling and improvement works at Rosemary Court.

**REASONS** – (a) To enable the improvements and new building scheme to proceed.

(b) To achieve the disposal.

**(3) Darlington Declaration on Climate Change** – The Director of Development and Environment submitted a report (previously circulated) requesting approval to the Darlington Declaration on Climate Change which was a statement confirming commitment to working to combat climate change.

The submitted report outlined the background to the development of the Darlington Declaration on Climate Change, which was a precursor to the development of a Climate Change Strategy for Darlington by the Darlington Local Strategic Partnership.

**RESOLVED** – That the Council endorse and support the Darlington Declaration on Climate Change.

**REASONS** – (a) To demonstrate the Council's commitment to combating climate change.

(b) To support the Darlington Local Strategic Partnerships in the lead it has taken on climate change.

**(4) Conservation Area Character Appraisals** – The Director of Development and Environment submitted a report (previously circulated) seeking delegated authority for the Director of Development and Environment to approve future Conservation Area Character Appraisals for consultation purposes.

The submitted report outlined the background to Conservation Area Character Appraisals under Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and stated that the Appraisals were an important tool in the preservation, enhancement and management of Conservation Areas.

**RESOLVED** – That the Scheme of Delegation to Officers, included in the Council's Constitution, be revised in respect of planning matters to grant the Director of Development and Environment, or his/her nominated Officer, delegated powers to approve future Conservation Area Character Appraisals for consultation purposes.

**REASON** – To enable the Director of Development and Environment to exercise his discretion as to whether future Conservation Area Character Appraisals warrant Cabinet approval prior to consultation.

**(5) Market Regulations** – The Director of Development and Environment submitted a report (previously circulated) requesting approval of revised Market Regulations, which provided the rules by which traders operate on Darlington's outdoor markets. .

The submitted report outlined the main changes to the Open Market, Car Boot Sales, Farmers Market and Continental Markets Regulations and amended regulations were appended thereto.

**RESOLVED** – That the revised Market Regulations, as detailed in the submitted report, be approved.

**REASON** – The proposed revised Market Regulations will provide improved and effective control of Darlington's outdoor markets.

**(6) Cabinet Urgent Decisions** – There were no urgent decisions to report.

**45. SCRUTINY COMMITTEES 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.

Discussion ensued on the contents of the reports and the Scrutiny Chairs answered questions thereon.

Consideration was also requested regarding inviting Darlington's Chief Superintendent of Police to a future Council meeting to discuss anti-social behaviour and the withdrawal of the support unit.

**RESOLVED** – (a) That the reports be received.

(b) That the congratulations of the Lifelong Learning Scrutiny Committee to Carmel RC Technology College and the Queen Elizabeth Sixth Form College on their results in the recent GCSE's be endorsed by Council.

(c) That a cordial invitation be extended to Chief Superintendent R. Trounson to a future Council meeting to discuss the problem of anti-social behaviour in the Borough.

**46. THE DARLINGTON PUPIL REFERRAL UNIT AND EDUCATION OTHER THAN AT SCHOOL SERVICE – RELOCATION AND REFURBISHMENT OF BUILDINGS** – The Director of Children's Services submitted a report (previously circulated) on proposals for the Rise Carr Primary School site to be refurbished to allow for the relocation of the Pupil Referral Unit (PRU) and Education Other Than at School (EOTAS) Service.

The submitted report outlined the problems with the current arrangements for the delivery of the PRU and EOTAS services; the benefits of the proposal to relocate to Rise Carr Primary School site; and the opportunity for parts of the refurbished building to be made available for community use. Reference was also made the financial implications of the proposals.

**RESOLVED** – (a) That the relocation of the Pupil Referral Unit to the old Rise Carr site be approved.

(b) That capital funding of up to £2 million be released.

**REASONS** – (a) To be able to deliver a quality Pupil Referral Unit and Education Other Than At School Service from one site.

(b) To add value to the community and provide some resources 'on the doorstep' which currently are unavailable.

**47. REVIEW OF CONDITIONS AND POLICIES RELATING TO HACKNEY CARRIAGES, PRIVATE HIRE VEHICLES AND THEIR DRIVERS AND OPERATORS** – The Director of Development and Environment submitted a report (previously circulated) requesting approval to revisions to the Policies and Conditions relating to the licensing of Hackney Carriages and Private Hire Vehicles, their drivers and operators and the confirmation of all remaining Policies and Conditions.

The submitted report stated that a review had been carried out of the current policies, licence conditions and byelaws for the control of hackney carriages and private hire vehicles and their drivers and operators and, following consultation, a revised set of policies and conditions were appended to the submitted report. These proposed conditions and policies were intended to provide for a higher level of safety and comfort for the travelling public and also provide clarity for the Taxi Trade. Details of objections received to the proposals and Officers comments were also appended to the submitted report.

**RESOLVED** – (a) That the objections and Officer comments in Appendices G and H, of the submitted report, be noted.

- (b) That the proposals for new and/or amended conditions and policies, as detailed in Appendices A to D and F of the submitted report, be approved.
- (c) That the introduction of additional conditions and policies to enable the licensing of limousines, as detailed in Appendix E of the submitted report, be approved.
- (d) That the issue of a new front plate to all current licensed vehicles, at no direct cost to the Trade, be approved.
- (e) That the retention of the current conditions and policies, detailed in Appendices A to F of the submitted report, in plain language format be confirmed.
- (f) That the retention of all remaining policies and conditions pertaining to applications for driver, vehicle and operator licences, which are not the subject of this report, be confirmed.
- (g) To date the introduction of the phasing in period for the current trade commencing with licences due for renewal from 1st October 2005 to 30th September, 2006 for new applicants be approved with immediate effect.

**REASONS** – (a) New conditions cannot be applied to current licences therefore they need to be attached at renewal of licence.

(b) The proposed conditions and policies provide for a higher level of safety and comfort for the travelling public and also provide clarity for the Taxi Trade.

**48. ANTI-FRAUD AND CORRUPTION ARRANGEMENTS** - The Director of Corporate Services submitted a report (previously circulated) requesting approval to proposed changes in the arrangements for the prevention and detection of fraud and corruption.

The submitted outlined the current anti-fraud and corruption arrangements; and referred to the increased importance of the Council's anti-fraud and corruption measures, in view of the increased focus nationally on the anti-fraud and corruption arrangements in local authorities and the public's entitlement to expect the Council to maintain the highest standards of probity and the protection of the public purse. Approval was requested of drafts of the Anti-Fraud and Corruption Policy Statement, Anti-Fraud and Corruption Strategy, Proceeds for Crime Act (Anti-Money Laundering) Policy and Housing Benefit/Council Tax Benefit Anti-Fraud Policy, which were appended to the submitted report.

**RESOLVED** - (a) That the deletion of the current Fraud and Corruption Strategy Statement that is annexed to the Financial Procedure Rules, be authorised.

(b) That the replacement of the Fraud and Corruption Strategy Statement with the Anti-Fraud and Corruption Policy Strategy, at Appendices A and B of the submitted report, be authorised.

(c) That authorisation be given to consequential amendments to the Council's Financial Procedure Rules that arise from the deletion of the Fraud and Corruption Strategy Statement and its replacement by the Anti-Fraud and Corruption Policy and Strategy.

(d) The Proceeds of Crime Act (Anti-Money Laundering) Policy, at Appendix C of the submitted report, which includes the appointment of the Chief Internal Auditor as the Council's Money Laundering Report Officer, with the three Audit Managers as deputies, be approved.

(e) That the Housing Benefit/Council Tax Anti-Fraud Policy, Strategy and Sanctions Policy at Appendices D, E and F be approved.

**REASONS** – (a) To help meet requirements of the CPA 2005 Use of Resources Methodology.

(b) To enhance corporate governance arrangements.

**49. COUNCILLOR STAMFORD-BEWLAY** – The Director of Corporate Services submitted a report (previously circulated) on an application from Councillor Stamford-Bewlay for an extension to the six-month period of his non-attendance at meetings.

The submitted report stated that Councillor Stamford-Bewlay had not attended any Council or Committee meetings since 25th April, 2005, consequently under Section 85 of the Local Government Act 1972, he would cease to be a Member of the Council on 24th October, 2005, unless Council approved the reason for failure to attend before that date.

**RESOLVED** – (a) That Councillor Stamford-Bewlay's request to extend his period of non-attendance at be agreed for a period of six months' with a further review at that time.

(b) That the best wishes of the Council be conveyed to Councillor Stamford- Bewlay for a speedy recovery to good health.

**50. USE OF PROCUREMENT CONSORTIA CONTRACTS** – The Directors of Children's Services and Corporate Services submitted a report (previously circulated) seeking permission to waive Contract Procedure Rules with regards to the purchase of furniture for the new Skerne Park site and for the purchase of photocopies for all Council buildings.

The submitted report outlined the objectives of the National Procurement Strategy for Local Government in relation to councils and other public bodies' purchasing; and the financial benefits of using the North East Purchasing and Yorkshire Purchasing Organisations' approved suppliers for the purchase of this furniture and photocopiers.

**RESOLVED** – That Contract Procedure Rules be waived to allow appropriate Officers to:

(a) conduct a mini tender between the twelve North East Purchasing Organisation 's approved suppliers in order to appoint a preferred candidate for the purchase of furniture for Skerne Park project; and

(b) conduct a mini tender between the four Yorkshire Purchasing Organisation's approved contractors to appoint a supplier for the purchase of various photocopying machines.

**REASONS** – (a) To assist in meeting the requirements of the National Procurement Strategy to purchase through consortia to achieve economies of scale.

- (b) To ensure we meet the timescales for delivery of the Skerne Park project.
- (c) It is a much more efficient process and will save considerable time and effort for both Officers and suppliers.

**51. TRANSFORMING YOUTH WORK – RESOURCING EXCELLENT YOUTH SERVICES** – The Director of Community Services submitted a report (previously circulated) on the key findings from the recent OFSTED Inspection of the Youth Services, which had highlighted areas of weakness in meeting the Government’s specification for an ‘Excellent Youth Services’ from the Department of Education and Skills guidance document ‘Transforming Youth Work – Developing Youth Services for Young People’.

The submitted report stated that the OFSTED inspection in February 2005 of the Youth Service had found it to be inadequate with weaknesses outweighing strengths. In response to this Inspection an Action Plan had been developed, (also previously circulated), which was subject to ongoing discussion with Government Office North East (GONE). Once approved the Action Plan would be translated into the 2005/06 Service Plan for the Youth Service and in accordance with the corporate service planning framework be presented to and monitored by the Lifelong Learning Scrutiny Committee. References were also made to the Government’s standards for local authority youth services; and the financial implications of the proposed improvements to the Youth Services.

**RESOLVED** – (a) That the draft Action Plan be approved subject to final negotiations with Government Office North East.

- (b) That the additional budget requirement for the Youth Service of £340,000 in a full year (£90,000 for the current financial year) be approved.

**REASONS** – (a) The service performance against Best Value Performance Indicators will form a significant part of the CPA service block scores and the Youth Services forms part of the Children’s Services block, which is a Level 1 service.

- (b) Unless appropriate resources are in place, we will fail to achieve the full breath of services improvements that the Government expects to be achieved by 2005.

**52. PRIMARY CARE TRUSTS** – The Chief Executive submitted a report (previously circulated) proposing that the Council should make representations to the County Durham and Tees Valley/Northumberland Tyne and Wear NHS Strategic Health Authority (SHA) about the configuration of Primary Care Trusts (PCT) in the region, and referred specifically to the need to retain a Darlington PCT that shared its boundaries with the Borough Council.

The submitted report outlined the background to the proposals which were contained in a Department of Health document entitled ‘Commissioning a Patient Led NHS’ (also previously circulated), which indicated that the current ten PCT’s within the County Durham and Tees Valley/Northumberland Tyne and Wear Strategic Health Authority area may be reduced. References were made to the effective working links between the Council and the Darlington PCT which were delivering improved health services, based on good local knowledge and a clear focus on local health needs.

**RESOLVED** – That the submission of written representations to the County Durham and Tees Valley/Northumberland Tyne and Wear Strategic Health Authority to retain a Darlington Primary Care Trust, coterminous with the Borough Council boundaries be approved.

**REASON** – The recommendation is supported by clear evidence of positive outcomes for Darlington arising from the opportunities for joint working presented by the current shared local authority and PCT boundaries.

(**NOTE** – Prior to consideration of the above item Councillor Richmond left the meeting, having previously declared an interest at Minute 40 above, and took no part in the discussion or voting thereon.)

**53. MEMBERSHIP CHANGES** – Consideration was given to membership changes of the Committees, Subsidiary Bodies and Other Bodies for the Municipal Year 2005/06.

**RESOLVED** – (a) That Councillor Williams be deleted from the Membership of Planning Applications Committee and Councillor Wallis be his replacement.

(b) That Councillor Armstrong be appointed to the vacancy on School Organisation Committee.

(c) That Councillor Swainston be appointed to the vacancy on Resources Scrutiny Committee.

**54. 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.