

COUNCIL

17th November, 2005

PRESENT - The Mayor; Councillors Armstrong, Bristow, Mrs. Brown, Copeland, Dixon, Flowers, Foster, Harker, Mrs. Hart, Hartley, Haszeldine, Heaney, Holmes, Hughes, Johnson, B. Jones, Mrs. Jones, S.J. Jones, Lawton, Lewis, Lister, Long, D.A. Lyonette, J.M. Lyonette, Maddison, Maybrey, McEwan, Newall, Nutt, Reynolds, Richmond, F.S. Robson, Ruck, Scott, Mrs. Scott, Stenson, Swainston, Mrs. Swift, Thistlethwaite, Vasey-Smith, J.C. Vasey, L. Vasey, G.B. Walker, Wallis and Williams.

(46)

APOLOGIES - Councillors Baldwin, Hutchinson, Lee, Reynolds, Roberts, Stamford-Bewlay and Wilson.

(7)

55. DECLARATIONS OF INTEREST – Councillor Haszeldine declared a personal and non-prejudicial interest in Minute 59(1) below in relation paragraph (c) on the Regeneration and Planning Portfolio report; Councillor Copeland declared a personal and non-prejudicial interest in Minute 59(1) below in relation to the Children’s Services Portfolio report as Chair of Governors at Eastbourne School and Chair of Houghton Youth Centre; Councillors D. A. and J. M. Lyonette each declared personal and non-prejudicial interests in Minute 59(1) below in relation to the Children’s Services Portfolio report as a grandparent and parent respectively at to a child Carmel School; Councillor G.B. Walker declared a personal and non-prejudicial interest in Minute 59(1) below in relation to the Children’s Services Portfolio as a Governor at Eastbourne Comprehensive and Redhall Primary Schools, and the Education Village; Councillor Dixon declared a personal and non-prejudicial interest in Minute 59(1) below in relation to the Children’s Services Portfolio report as a parent of a child at Hummersknott School; Councillor Armstrong declared a personal and non-prejudicial interest in Minute 59(1) below in relation in relation to the Children’s Services Portfolio report as a grandparent of a child at Hummersknott School; and in relation to Minute 62 below the Mayor; and Councillors Armstrong, Bristow, Mrs. Brown, Copeland, Dixon, Flowers, Foster, Francis, Harker, Mrs. Hart, Hartley, Haszeldine, Heaney, Holmes, Hughes, Johnson, B. Jones, Mrs. D. Jones, S. Jones, Lawton, Lewis, Long, D. Lyonette, J. Lyonette, Maybrey, McEwan, Newall, Nutt, Richmond, F.S. Robson, , Ruck, A. Scott, Mrs. H. Scott, Stenson, Swainston, Mrs. Swift, Thistlethwaite, Vasey-Smith, J. Vasey, L. Vasey, G.B. Walker, Wallis and Williams each declared personal and non-prejudicial interests.

56. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Council held on 15th September, 2005.

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

57. ANNOUNCEMENTS – The Mayor made the following announcements - **(1) The Victorian County History (Darlington Volume)** – The Mayor stated the Victorian County History (Darlington Volume) was formally launched on 17th September, 2005 at Darlington Queen Elizabeth Sixth Form College and was now in the Crown Street Library. She also referred to the various thank you letters that the Council had received for the support it had given the project.

(2) Councillor Baldwin - The Mayor reported that Councillor Baldwin was recuperating at home after an operation.

RESOLVED – That the best wishes of the Council be conveyed to Councillor Baldwin for a speedy return to good health.

(3) Mr. David Storey – The Mayor stated that it was regret that she had to announce the death in service on 16th November, 2005, at the age of 62, of David Storey, School Crossing Patrol Warden on Cockerton Green School Crossing Site.

RESOLVED - That the deepest sympathy of the Members and Officers of the Council be conveyed to David's family for the loss they have sustained.

58. 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.

59. 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) Questions – In accordance with notice duly given, Councillor Swainston asked twelve questions of the relevant Cabinet Members (Councillors McEwan and D. Lyonette respectively) and received responses to his questions.

(3) Capital Strategy and Asset Management Plan - The Director of Development and Environment and Director of Corporate Services submitted a report (previously circulated) requesting the approval of the Council's Capital Strategy and 2005/06 Asset Management Plan (AMP).

The submitted report outlined the background and purpose of the Capital Strategy and AMP (also previously circulated), which were in line with the approach adopted in 2004/05 and stated that it was considered appropriate that the production of the plans/strategies tie in with the Council's service planning round and budget setting process. The documents had previously be considered by Resources Scrutiny Committee and Cabinet and they had each recommended to Council their approval.

RESOLVED – That Capital Strategy and Asset Management Plan, appended to the submitted report, be approved.

REASON – To provide the Council with a Capital Strategy and Asset Management Plan to follow when capital investment and asset management decisions are made.

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

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

REASON - To comply with the Council’s Constitution.

60. 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.

RESOLVED – That the reports be received.

61. DARLINGTON LOCAL DEVELOPMENT FRAMEWORK: STATEMENT OF COMMUNITY INVOLVEMENT IN PLANNING – The Director of Development and Environment submitted a report (previously circulated) requesting that, in order to meet the requirements of the Town and Country Planning (Local Development) (England) Regulations 2004, the Council adopt the Statement of Community Involvement that was submitted for independent inspection, as the Council’s Statement of Involvement in Planning (SCI).

The submitted report outlined the background to the SCI, which set out when and how the public and other stakeholders could get involved in shaping the Council’s new Local Development Framework; the outcome of consultation on the draft SCI; and the comments of an independent inspection thereon.

RESOLVED – That, in order to meet the requirements of the Town and Country Planning (Local Development) (England) Regulations 2004, the version of the Statement of Community Involvement that was submitted for independent inspection be adopted as this Council’s Statement of Community Involvement in Planning.

REASON – Adoption of a Statement of Community Involvement is required by Government regulations as part of the new arrangements for Councils producing Local Development Frameworks.

62. REVIEW OF CORPORATE CHARGING POLICY – LEISURE AND ARTS PILOT – The Director of Community Services submitted a report (previously circulated) on the outcome of a review of the Leisure and Arts charging policy, which had emerged from the aims detailed in both the Community Strategy and “All Together Now: A Social Inclusion Strategy for Darlington”.

The submitted report outlined the background to the review; the Council’s current discretionary charging policy for a number of Council services, including Leisure and Arts Services; and the issues considered in determining the proposed pilot concessionary scheme for Leisure and Arts Services.

RESOLVED – That the proposed concessionary scheme for Leisure and Arts Services be adopted.

REASON – To give greater focus to using pricing to achieve corporate objectives and the revised Charging Policy provides a tool for the furtherance of the Council’s ambitions for social inclusion.

63. SINGLE ASSESSMENT PROCESS LOCAL PARTNERSHIP POLICY DOCUMENT 2005 - The Director of Community Services submitted a report (previously circulated requesting approval of a new Single Assessment Process Local Partnership Policy Document 2005 (also previously circulated), to comply with Government legislation outlined in the National Service Framework for Older People 2001 and Health Service Circular HSC 2002/001, Local Authority Circular LAC (2002)1.

The submitted report stated the Single Assessment Process was successfully launched in Darlington in April 2005, and recognised that many people had health and social care needs and that agencies needed to work together so that the assessment and care planning are person centred, effective and coordinated. The Policy was intended for use by all health and social care staff employed by Darlington PCT and Darlington Borough Council, including Primary Health Care Teams, Adult Services Community Assessment Teams, the Discharge Management Team based in Darlington Memorial Hospital and acute trust staff engaged in the assessment, care planning delivery, monitoring and reviewing of services.

RESOLVED – That the implementation of this Policy be agreed.

REASON – To comply with Government legislation outlined in the National Service Framework for Older People 2001 and Health Service Circular HSC 2002/001, Local Authority Circulate LAC (2002)1.

64. REPRESENTATION ON OTHER BODIES 2005/06 – NORTH EAST FIRE AND RESCUE REGIONAL MANAGEMENT BOARD - The Director of Corporate Services submitted a report (previously circulated) requesting that the appointment of Councillor Harker as this Council’s representative on the North East Fire and Rescue Regional Management Board be confirmed for the remainder of the Municipal Year 2005/06.

The submitted report stated that the Council’s nomination to sit on the Board was requested in advance of the North East Fire and Rescue Regional Management Board’s first meeting, therefore, with the approval of the Leader, Councillor’s Harker’s name had been forwarded together Councillor Lister’s as his named substitute.

RESOLVED – That the appointment of Councillor Harker to the North East Fire and Rescue Regional Management Board for the remainder of this Municipal year 2005/06 and the appointment of Councillor Lister as his named substitute, be confirmed.

REASON – To ensure that this Council is represented on the Board.

65. PERIODIC ELECTORAL REVIEW – CONSULTATION PAPER FROM ELECTORAL COMMISSION - The Director of Corporate Services submitted a report (previously circulated) requesting that consideration be given to a suggested response to Consultation Paper entitled ‘Periodic Electoral Reviews’ (PER) by the Electoral Commission comments on which were required by 25th November, 2005.

The submitted report stated that the Commission was examining all aspects of its policies and processes guiding Electoral Reviews and wished to take stock of lessons learnt from undertaking the recent PER Programme and, if necessary, consider the need for any changes to legislation. Appended to the submitted report were the key consultation questions with suggested responses.

RESOLVED – That the comments on the key consultation questions, as set out in the Appendix to the submitted report, be endorsed.

REASON – To provide a Council response to the consultation paper.

66. IMPLEMENTING ELECTRONIC GOVERNMENT UPDATE – The Director of Corporate Services submitted a report (previously circulate) requesting that consideration be given to the Implementing Electronic Government 2006 (IEG5) statement prior to its submission to the Office of the Deputy Prime Minister.

The submitted report outlined the background to the requirement for all councils to submit an IEG5 on the progress towards meeting the Best Value Performance Indicator 157 target and Priority Outcomes by 19th December, 2005 and the progress made towards achieving the requirements. Reference was also made to the fact that although, the pro forma for the IEG5 had not been finalised, it was not expected to deviate significantly from the format used for the IEG4.5 Statement, appended to the submitted report.

RESOLVED – (a) That the IEG5 Statement based on the Content of Appendix A be approved.

(b) That the Director of Corporate Services and the Council’s Officer e-champion be authorised to make any necessary changes to the statement to reflect any change in format of the IEG5 proforma and include any additional information that will strengthen the Council’s IEG5 statement ahead of its submission to the Office of the Deputy Prime Minister.

REASONS – (a) It supports the Council’s Electronic Government Strategy and IEG Statements.

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

67. USE OF ALTERNATIVE MEANS TO PROCURE GOODS AND SERVICES – The Director of Corporate Services submitted a report (previously circulated) seeking permission to amend the Council’s Contract Procedure Rules to meet the changing procurement environment. It was proposed that Purchasing Consortia; Office of Government Commerce Framework (OGC) contracts; e.Auctions; contracts negotiated by other local authorities; and contracts negotiated jointly with other local authorities, be utilised when considering the most cost effective way to purchase goods and services. Approval was also sought to pilot the use of an electronic tendering system.

The submitted report outlined the reasons for the request to amend Contract Procedure Rules and the benefits to be gained from the alternative means to procure goods and services.

RESOLVED – (a) That Contract Procedure Rules be amended to reflect:

- (i) that they do not apply to procurement through Purchasing Consortia, OGC; and contracts arranged through other local authorities; and

(ii) the use of e.Auctions.

(b) The pilot of the e.tendering system be agreed and delegated powers be granted to the Tendering Panel to waive relevant aspects of the Contract Procedure Rules as considered appropriate.

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

(b) To assist in meeting the requirements of the National Procurement Strategy and the Implementing Electronic Government directive to implement an e.Procurement solution.

(c) To aid the implementation of the Corporate Procurement Strategy and to allow for much more efficient processes which will save considerable time and effort for both officers and suppliers.

(d) To assist in realising both cashable and non-cashable savings to achieve our efficiency targets.

68. DELEGATED POWERS – HOUSING RENEWAL - The Director of Community Services submitted a report (previously circulated) seeking approval for delegated powers to be given to the Director of Community Services, in addition to the Director of Development and Environment.

The submitted report stated that it was necessary for both Directors to have the delegated authority to carry out certain mandatory enforcement functions, following the transfer of the private housing regulatory role from the Department of Development and Environment to the Department of Community Services. References were made to the necessary enforcement powers involved.

RESOLVED – That the delegated powers, detailed in the paragraph 2 of the submitted report, be given to the Director of Community Services in addition to being delegated to the Director of Development and Environment.

REASON – To enable the Department of Community Services to carry out its mandatory enforcement functions in private sector housing.

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

70. 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.