

COUNCIL
23rd March, 2006

PRESENT – The Mayor; Councillors Armstrong, Baldwin, Bristow, Copeland, Dixon, Flowers, Francis, Galletley, Harker, Hartley, Haszeldine, Heaney, Holmes, Hughes, Johnson, B. Jones, Mrs. Jones, S. Jones, Lawton, Lee, Lewis, Lister, Long, D. Lyonette, J. Lyonette, Maybrey, McEwan, Newall, Nutt, Reynolds, Richmond, Roberts, F.S. Robson, Ruck, A. J. Scott, Mrs. Scott, Stenson, Swainston, Mrs. Swift, Thistlethwaite, Vasey-Smith, J. Vasey, L. Vasey, Walker, Williams and Wilson. (47)

APOLOGIES – Councillors Mrs. Brown, Foster, Mrs. Hart, Hutchinson, Maddison and Wallis. (6)

91. DECLARATIONS OF INTEREST – Councillors Baldwin, Francis, Galletley, Harker, Hartley, Heaney, Hughes, Lister, McEwan and A. J. Scott each declared personal and prejudicial interests in Minute 99 below in relation to Pensions for Councillors and left the meeting during consideration of that item. Councillor Copeland declared a personal and non-prejudicial interest in Minute 96 below in respect of the Transformation of Secondary Education in Darlington as Chair of Governors at Eastbourne School. Councillor Francis declared a personal and non-prejudicial interest in relation to Minute 95(1) in respect of funding for Maidendale House, Firthmoor. Councillor Heaney declared a personal and non-prejudicial interest in Minutes 97 and 98 below in relation to Private Sector Housing Renewal and the Housing Act 2004 – Delegated Duties respectively. Councillors Lewis and Stenson each declared personal and non-prejudicial interests in Minute 95(4) below in relation to the Darlington Second Local Transport Plan. Councillors Long, D. Lyonette, Richmond, and Ruck each declared personal and non-prejudicial interests in Minute 95(1) in relation to Concessionary Fares. Councillor McEwan declared a personal and non-prejudicial interest in relation to Minute 95(1) below in relation to the Education Village. Councillors Reynolds and Walker each declared personal and non-prejudicial interests in Minute 96 below in relation to Transformation of Secondary Education in Darlington as Governors at Eastbourne School.

92. MINUTES – Submitted – The Minutes (previously circulated) of the meetings of this Council held 26th January, 22nd February and 9th March, 2006.

RESOLVED – That the Minutes be approved as correct records.

93. ANNOUNCEMENTS – The Mayor made the following announcements - **(1) Former Councillor John G. Cousins** - The Mayor referred to the sad death on the 14th February of Ex-Councillor John G. Cousins who served on Council from 1983 to 1987.

RESOLVED – That the deepest sympathy of the Council be conveyed to the family of Former Councillor Cousins for the sad loss they have sustained.

(2) Deaths in Service – The Mayor reported the deaths in service of Ms. Carri Redpath and Mrs. Susan Coates on 28th February and 6th March, 2006 respectively. Ms. Redpath was employed by the Council from December 2004 as an Administrative Support Officer at the Centre of Teaching Learning in Children's Services Department. Mrs. Coates was employed as a teacher at Mowden Junior School from 1999.

RESOLVED – That the deepest sympathy of the Council be conveyed to the families of Ms. Redpath and Mrs. Coates for the sad losses they have sustained.

(3) Mr. Peter Kearsley, Borough Solicitor - The Mayor reported that Peter Kearsley, the Borough Solicitor, would be retiring on the 28th April, 2006.

RESOLVED – That the thanks of the Council be extended to Peter Kearsley for all his hard work and he be wished long and happy retirement.

(4) Sustainable Communities Award – The Mayor announced with pleasure that the West Park Project that led to the creation of Darlington's first new parkland in over a century which had won the national Sustainable Communities Award. This partnership project involving the Council, the developer Bussey and Armstrong and County Durham and Darlington Priority Services NHS Trust began in 2002 and would bring 700 new homes, a new primary school, mental health hospital, shops and a doctors' surgery to the Faverdale area over a ten-year period.

94. 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.

95. 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 seven questions of the relevant Cabinet Members (Councillors McEwan, and Williams respectively) and received responses to his questions.

(3) Delegated Authority to the Borough Solicitor For Issuing 'Certificates of Opinion' – The Director of Corporate Services submitted a report (previously circulated) seeking agreement to the Borough Solicitor having delegated authority for issuing 'certificates of opinion' on behalf of the Council.

The submitted report referred to a report considered by Cabinet on 7th February, 2006 in relation to 'Politically Restricted Posts and outlined the need for the Council to have an officer with delegated authority for issuing a 'certificate of opinion' for consideration to the Independent Adjudicator (based in the Office of the Deputy Prime Minister), as to whether or not the duties of a post fell within the criteria for political sensitivity.

RESOLVED – That the Borough Solicitor, as Monitoring Officer, be given delegated authority for issuing 'certificates of opinion' on behalf of the Council.

REASON – Currently the Council does not have an officer with delegated authority for issuing a ‘certificate of opinion’ on behalf of the Authority as to whether or not the duties of the post fall within the criteria for political sensitivity. As arrangements currently stand, such a decision would need to be taken to Council each time an exemption is requested. Recent advice from the Independent Adjudicator at the Office of the Deputy Prime Minister suggested that this responsibility could lie with the Monitoring Officer.

(4) Darlington’s Second Local Transport Plan – The Director of Development and Environment submitted a report (previously circulated) requesting approval of Darlington’s Second Local Transport Plan, which covered transport investment from 2006 until 2011.

The submitted report stated that a provisional Transport Plan had previously been approved by Council in July 2006 and submitted to the Department for Transport for approval. The Final Plan appended to the submitted report incorporated the Department of Transport’s suggested improvements to that Plan and stated that informal advice indicated that the Department had every expectation that the final document would be of a quality to attract reward funding.

RESOLVED – That the Second Local Transport Plan be approved.

REASON – To enable the submission of the Second Local Transport Plan by 31st March, 2006, giving guidance to the Council’s intentions for transport spending and actions between 2006/07 to 2010/11.

(5) Cabinet Urgent Decisions – The Corporate Management Team submitted a report (previously circulated) detailing two decisions taken by the Cabinet as a matter of urgency and to which the procedure for call-in could not be applied. One of those decisions had also been taken under the Special Urgency Rule.

The submitted report outlined the procedures, as detailed in the Council’s Constitution, to be followed if decisions were taken under the Urgency Rule and the Special Urgency Rule.

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

REASON - To comply with the Council’s Constitution.

96. 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.

97. PRIVATE SECTOR HOUSING RENEWAL – The Director of Community Services submitted a report (previously circulated) on proposed changes to the Private Sector Housing Renewal Strategy and accompanying issues.

The submitted report outlined the changes to local authorities’ funding for private sector housing investment from April 2006, which meant it was likely that less funding would be available for home improvement work, including moving from the provision of grants to loans and working

more proactively with landlords. References were also made to the key regulatory changes under the Housing Act 2004 which involved tougher regulation of privately rented properties including the implementation of mandatory licensing for Houses in Multiple Occupation and the replacement of the current 'Fitness Standard' with a new Housing Health and Safety Rating System. Reference was also made to the resultant significant increase in the workload of the Housing Renewal Team due to this regulation.

RESOLVED – That in order to progress, approval be given to the following changes:

- (a) the new financial assistance packages, as detailed in Appendix 2 of the submitted report;
- (b) empty property assistance be discontinued;
- (c) a new contract, reflecting the changes highlighted in the submitted report, be drawn up with Three Rivers Housing Association for the continuation of the delivery of The Care and Repair Service for a further 2 years from April, 2006;
- (d) the Licensing Period of Houses in Multiple Occupation licences be set at 5 years;
- (e) the fee payable for an Housing in Multiple Occupation licence be set at £300, discounted to £250 for Accredited Landlords, subject to review for 2007/08;
- (f) the Temporary Housing Renewal Officer post be made permanent to deal with the Mandatory Licensing Scheme; and
- (g) a temporary post for 18.5 hours be created from April 2006 to deal with additional workload of the Housing Health and Safety Rating System.

REASONS – (a) To ensure key regulatory changes are implemented in respect of private sector housing.

(b) To deliver sustained improvements in private sector housing conditions.

98. HOUSING ACT 2004 – DELEGATED DUTIES – The Director of Community Services submitted a report (previously circulated) requesting approval to amend delegated powers with respect to the Director of Community Services.

The submitted report outlined the delegated powers required which related to regulatory and enforcement functions in private sector housing under the provisions contained in the new Housing Act 2004 and also to a limited number of provisions in the Housing Act 1985 which were required to maximise new powers within the Housing Act 2004.

RESOLVED – (a) That the delegated powers, as detailed in Appendix 1 of the submitted report, be deleted from 6th July, 2006.

(b) That the delegated powers, as detailed in Appendix 2 of the submitted report be given to the Director of Community Services and identified authorised officers from 6th April, 2006.

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

99. PENSIONS FOR COUNCILLORS – The Director of Corporate Services submitted a report (previously circulated) requesting that consideration be given to amending the Statement of Policy for the Council in respect of the Local Government Pension Scheme relating to Members of the Council.

The submitted report outlined the current pension arrangements for Council Members and the suggested amendments thereto.

RESOLVED – (a) That the Council will only exercise its discretion to grant the early payment of pensions in relation to early retirement of a Member of the Council (between the age of 50 and 65 years), where there is no cost to the Council.

(b) That a policy of no Members enhancements to pensions be agreed.

REASONS – (a) To ensure the Council has a policy for Members’ pensions.

(b) To include the Council’s policy in relation to Member pensions in the Council’s Statement of Policy under the Local Government Pension Scheme.

(c) To ensure that the Council’s policy is clear and transparent to Members and the public.

(d) To agree to a Policy which is fair and equitable to Members and minimises the financial impact on the Council.

NOTE – Prior to consideration of the above item Councillors Baldwin, Francis, Galletley, Harker, Hartley, Heaney, Hughes, Lister, McEwan and A. J. Scott left the meeting, having previously declared an interest at Minute 91 above, and took no part in the discussion or voting thereon.)

100. AUDIT COMMITTEE - The Director of Corporate Services submitted a report (previously circulated) on the establishment of an Audit Committee from the 2006/07 financial year onwards.

The submitted report outlined the background to the development of Audit Committees; the Chartered Institute of Public Finance and Accountancy’s (CIPFA’s) Guidance on the establishment of Audit Committees including suggested core functions; the Committee’s proposed terms of reference; and the composition of its membership.

RESOLVED – (a) That the establishment of an Audit Committee from the start of the 2006/07 Municipal Year, comprising two Labour Group and one Conservative Group Members and an officer from another Local Authority as a co-opted non-voting member be approved.

(b) That the Members of the Audit Committee be restricted to one Cabinet and one Scrutiny Member and that the Chair of the Committee not be a member of Cabinet.

(c) That the Audit Committee’s terms of reference, as detailed in Appendix 1 of the submitted report, be approved.

(d) That the intention to follow existing reporting arrangements for matters relating to the 2005/06 financial year be noted.

REASON – To enhance the Council’s corporate governance arrangements.

101. STANDARDS OF CONDUCT IN ENGLISH LOCAL GOVERNMENT: THE FUTURE – The Director of Corporate Services submitted report (previously circulated) requesting that consideration be given to a Discussion Paper issued by the Office of the Deputy Prime Minister in December, 2005 regarding the Government’s vision for a future comprehensive conduct regime for local authority Members and employees.

The submitted report stated that the Standards Committee at its meeting held on 1st March, 2006 had considered the contents of the Discussion Paper and made several recommendations thereon and referred those to Council for consideration.

RESOLVED – That the following views of the Standards Committee be forwarded to the Office of the Deputy Prime Minister as this Council’s response to the Discussion Paper entitled “Standards of Conduct in English Local Government: The Future”.

- (a) That the overall content of the Discussion Paper is accepted.
- (b) That the role of the Monitoring Officer and Standards Committee locally as the promoters and champions of high standards within local authorities is endorsed.
- (c) That the Government be encouraged to legislate in respect of those matters which need primary legislation as soon as possible.

REASON – To enable a formal response to be submitted on the Discussion Paper.

102. IMPLEMENTING ELECTRONIC GOVERNMENT UPDATE – The Director of Corporate Services submitted a report (previously circulated) giving a preview of the Implementing Electronic Government 2006 (IEG6) statement ahead of its submission to the Office of the Deputy Prime Minister.

The submitted report outlined the requirement since 2001 for Councils to prepare an IEG statement each year to measure their progress towards meeting the Best Value Performance Indicator 157 target and Priority Service Outcomes and stated that grants totalling £900,000 had been awarded to all councils who submitted suitable statements over this period and the Council had received this award. Reference was made to the fact that this particular IEG return marked the end of the IEG programme and would be used as a key reference document in the audit process for assessing how related grant funding has been used. This Council, as with the other “Excellent” CPA authorities, had been requested to continue to comply with requests for IEG data in order to assist in benchmarking national progress, to demonstrate their commitment to e-government an appropriate use of IEG capital grant.

RESOLVED – (a) That the Implementing Electronic Government 2006 Statement, based on the content of Appendix A of the submitted report, be approved.

- (b) That the Director of Corporate Services, who is also the Council’s Officer e-champion be allowed to make any necessary changes to the Statement to include any additional information that will strengthen the Council’s Implementing Electronic Government 2006 statement ahead of its submission to the Office of the Deputy Prime Minister.

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

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

103. ATTAINMENT OF LEVEL 3 OF THE EQUALITY STANDARD FOR LOCAL GOVERNMENT – The Assistant Chief Executive submitted a report (previously circulated) summarising the Council’s attainment of Level 3 of the Equality Standard for Local Government and seeking endorsement of its equalities performance.

The submitted report outlined the background to the Equality Standard for Local Government, which was a system for continuous improvement through equality management; and what was required to attain level 3. References were made to the outcome of an external challenge which found that the Council’s attainment of level 3 was conditional upon making a formal response to thirteen recommendations and details of the actions to address these were given.

RESOLVED – (a) That, further to Cabinet’s endorsement of the second Corporate Equalities Review and Plan, the contents of the submitted report as evidence of attainment of Level 3 of the Equality Standard for Local Government be endorsed.

(b) That the revision of the timetable for the attainment of Level 4 be endorsed.

REASONS – (a) Level 3 of the Equality Standard for Local Government cannot be attained without Council approval of the evidence provided.

(b) A sustainable claim for level 4 cannot be made until the Council’s attainment at level 3 has been consolidated.

105. PEDESTRIAN HEART GAS MAIN DIVERSION – The Director of Development and Environment submitted a report (previously circulated) explaining the circumstances in which an unexpectedly shallow gas main was found during the course of the Pedestrian Heart works and seeking approval to the release of the funding necessary to enable the scheme to progress.

The submitted report outlined the investigation work/surveys carried out during the planning period of the Pedestrian Heart Scheme which had failed to accurately assess the depth of the gas pipe; and the recommended works to divert the gas main to enable the Pedestrian Heart Scheme to progress in accordance with the approved scheme, together with the estimated cost of the diversion works.

RESOLVED – (a) That the chronological lighting from the current programme of work for the pedestrian heart be omitted, thus releasing funding of £140,000 towards the gas main costs.

(b) That additional funding up a maximum of £640,000 for the diversion of the gas main and consequential reprogramming be approved.

(c) That this issue to be referred to Scrutiny for a full investigation, specifically how the position of the gas pipe failed to be detected during the preliminary checks and surveys.

REASON – To enable that the construction of the Pedestrian Heart scheme to proceed in accordance with the scheme that has been designed and approved.

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

RESOLVED – That Councillor Galletley be appointed to the vacancy on Lifelong Learning Scrutiny Committee.

107. 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.