

COUNCIL

23rd November, 2006

PRESENT – The Mayor; Councillors Armstrong, Copeland, Dixon, Flowers, Foster, Francis, Galletley, Harker, Hartley, Haszeldine, Heaney, Holmes, Hughes, Johnson, B. Jones, Mrs. Jones, S. Jones, Lawton, Lee, Lewis, Long, D. A. Lyonette, J. M. Lyonette, Maddison, Maybrey, McEwan, Newell, Nutt, Dr. Reynolds, Richmond, F. S. Robson, S. Robson, Ruck, A. J. Scott, Mrs. Scott, Stenson, Swainston, Mrs. Swift, Thistlethwaite, J. C. Vasey, L. Vasey, Vasey-Smith, Walker, Wallis and Williams. (46)

APOLOGIES – Councillors Baldwin, Bristow, Mrs. Brown, Mrs. Hart, Hutchinson, Roberts and Wilson. (7)

49. DECLARATIONS OF INTEREST – Councillors Dixon, Hughes and Long each declared personal and non-prejudicial interests in Minute 53(1) below, in relation to the Highways and Transport Portfolio Report. Councillor McEwan declared a personal and non-prejudicial interest in Minute 53(1) below, in relation to the Children’s Services Portfolio Report, as a School Governor at Eastbourne School. Councillor Williams declared a personal and non-prejudicial interest in Minute 53(1) below, in relation to the Adult Services Portfolio Report. Councillor Richmond declared a personal and non-prejudicial interest in Minute 53(1) below, in relation to the Adult Services Portfolio Report.

50. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Council held on 28th September 2006.

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

51. MAYOR’S BALL – The Mayor reported on the success of the Mayor’s Charity Ball, which was held on the 20th October 2006. The Mayor stated that the Ball had raised over £2,500 for her chosen charities and expressed her gratitude to all those staff involved in arranging the event, and to Members for their support.

52. 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.

53. 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) Gambling Act 2005 Statement of Principles – The Director of Development and Environment submitted a report (previously circulated) requesting approval of the draft of the Council’s Statement of Principles in relation to the Gambling Act 2005, which was due to be published, in accordance with statutory requirements, by 3rd January 2007. A proposed delegation to the Director of Development and Environment in relation to the setting of fees for licences and permits was also detailed in the submitted report.

The submitted report outlined the three licensing objectives contained within the Gambling Act 2005 and detailed the role of the Gambling Commission. The report also summarised the licensing responsibilities to be undertaken by the Council, the results of the consultation exercise conducted and the delegation of powers.

RESOLVED – (a) That the draft policy document “Gambling Act 2005 – Statement of Principles” be approved, for publication no later than 3rd January 2007.

(b) That powers be delegated to the Director of Development and Environment in relation to the setting of fees for licences and permits, in respect of the Gambling Act 2005.

REASONS – (a) The Council is required to produce and publish a policy in accordance with the legislative requirements of the Gambling Act 2005.

(b) The draft policy meets the legislative requirements and has full regard to the Gambling Commissions’s Guidance to local authorities.

(3) Asset Management Plan and Capital Strategy 2006/07 – The Director of Development and Environment and the Director of Corporate Services submitted a report (previously circulated) requesting consideration of the proposed Capital Strategy and proposed Asset Management Plan (AMP).

The report stated that in accordance with Asset Management Best Practice, and to continue to satisfy the assessment criteria required under the Comprehensive Performance Assessment, a draft copy of both the Capital Strategy and the Asset Management Plan for 2006 had been produced. The report highlighted that it was appropriate that the production of the plans/strategies tie in with the Council’s service planning round and budget setting processes.

RESOLVED – That the Capital Strategy 2006/07 and Asset Management Plan 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.

(4) Darlington Railway Centre and Museum Loans Policy – The Director of Development and Environment submitted a report (previously circulated) to update the Policy governing the loan of items to and from the Museum.

The submitted report stated that the Darlington Railway Centre and Museum held items of historical significance on loan from museums, other organisations and private individuals, and equally items from the Museum’s own collections were routinely loaned out to museums, other organisations and, on occasions, private individuals. The report highlighted that it was a

requirement of the museum's government-accredited status that a formal Policy was in place to cover those arrangements.

RESOLVED – That the Darlington Railway Centre and Museum Loans Policy, be approved.

REASONS – (a) A Loans Policy is necessary to comply with accreditation requirements.

(b) The Policy covers all necessary issues, complies with sector Best Practice, and delegates authority and responsibility to qualified professionals whilst reserving contentious or financially significant matters to the Director and/or Cabinet.

(5) 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 decisions taken by Cabinet be noted.

REASON - To comply with the Council's Constitution.

54. SCRUTINY COMMITTEES OVERVIEW REPORTS – The five Scrutiny Committee Chairs each submitted 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.

55. PROPOSED DEVELOPMENT AT FEETHAMS – The Director of Development and Environment submitted a report (previously circulated) on the development proposals put forward by Tesco for land at Feethams, including the Town Hall; to report the outcome of public consultation; the views regarding the market; and to set out options on how the Council might proceed.

The submitted report summarised a number of previous proposals received to develop the land at Feethams, the planning policy requirements previously established for the site, the main elements of the proposed Tesco development and the results of the consultation exercise conducted. The report also provided an assessment of the benefits and risks of the proposed Tesco development.

Councillor Williams, Leader of the Council, spoke to the report, submitted his recommendations, which were seconded by Councillor Dixon, and discussion ensued thereon.

The following amendment to the recommendations submitted by Councillor Williams, Leader of the Council, was subsequently moved by Councillor Lawton, seconded by Councillor Swainston, and lost.

“Delete resolution (e) and insert the following:-

(e) That an open and public debate be conducted, without prejudice or preconception, about appropriate alternative developments for the site”

The original motion moved by Councillor Williams was thereupon put to the meeting.

RESOLVED – (a) That the development offer by Tesco for the Council’s land be rejected.

(b) That any subsequent offers for a large supermarket or superstore on Council land in Darlington Town Centre be not approved.

(c) That the current position with regard to the options for the future of the market be noted.

(d) That the Town Centre Board, with invited interested parties, undertake work to develop the vision for the market and options for redeveloping the Feethams site.

(e) That appropriate consultation be undertaken during the development of the vision and options for redevelopment.

NOTE – Councillor Ruck left the meeting during consideration of Minute 55 above, and took no part in the discussion or voting thereon.

56. RELOCATION OF DARLINGTON’S PUPIL REFERRAL UNIT AND EDUCATION OTHER THAN AT SCHOOL SERVICES TO THE FORMER RISE CARR PRIMARY SCHOOL – The Director of Children’s Services submitted a report (previously circulated) on the progress on the development of an integrated Pupil Referral Centre (PRU) through the refurbishment of the former Rise Carr Primary School, to gain agreement to the allocation of an additional £400,000 from Children’s Services’ capital allocation to support increased costs associated with the project, and to gain agreement for the change in facilities from the provision of a Multi-Use-Games Area (MUGA) to a large multi-purpose hall.

The submitted report provided background information on the initial feasibility study into the refurbishment of the former Rise Carr Primary School building to provide accommodation for relocating the Pupil Referral Unit and the Education Other Than At School (EOTAS) services. The report outlined the request for an additional ‘play space’ to be included in the scheme, the reasons for the proposed change of facilities from the provision of a MUGA to a large multi-purpose hall and key contributing factors resulting in the increased project costs. The report requested that funding be transferred from Devolved Formula Capital funding to the project.

RESOLVED – (a) That the proposed design change and the resulting cost increases are supported.

(b) That the additional costs be met from Children’s Services Devolved Formula Capital allocation.

REASON – Without additional funding the scheme would have to be further reviewed resulting in significant delay and a lower specification solution, which would not best meet the needs of the Authority’s most vulnerable and challenging pupils, and would not meet the aspirations and wishes of the local community.

57. MEMBERSHIP OF COMMITTEES – The Director of Corporate Services submitted a report (previously circulated) to amend the membership of Committees for the Municipal Year 2006/2007 as approved at the Annual Council Meeting following the resignation of Councillor Wilson from the Labour Group.

The report summarised the political composition of the Council in relation to ‘Counting Committees’ and outlined the proposed structure following Councillor Wilson’s resignation.

RESOLVED – That the revised membership of Committees for the Municipal Year 2006/2007 be approved.

REASON - To ensure the political make-up of the Council is reflected in the Council’s ‘Counting Committees’.

58. STANDARDS COMMITTEE CHANGES – The Director of Corporate Services submitted a report (previously circulated) to seek changes to the make up of the Standards Committee, the Standards Committee Appointments Panel, and to appoint a new Parish Member to the Standards Committee.

The submitted report outlined the current make up of the membership of the Standards Committee, the reasons for the requested increase in membership of both the Standards Committee and the Standards Committee Appointments Panel, and the nomination of Mrs. V. Whitby as a Parish Council Representative.

RESOLVED – (a) That the number of Independent Members on the Council’s Standards Committee be increased to three.

(b) That the number of Parish Council Representatives on the Council’s Standards Committee be increased to two.

(c) That the candidate selected by the Darlington Association of Parish Councils and Parish Meetings, Mrs. V. Whitby, be appointed as a Parish Council Representative on this Council’s Standards Committee, following the increase in representatives detailed at (b) above.

(d) That the Borough Solicitor and Monitoring Officer be authorised to advertise and make arrangements to appoint all three Independent Members of the Standards Committee.

(e) That the Standards Committee Appointments Panel be increased to four Members, with the Chair of the Standards Committee being appointed as the fourth Member.

(f) That the Borough Solicitor be authorised to make any amendments to the Constitution necessary to give effect to the changes outlined in (a) to (e) above.

REASONS – (a) In order to ensure that the Committee will be of sufficient membership to ensure that it remains quorate when the new responsibilities for the handling of complaints against Members come into force.

(b) To avoid additional costs in advertising in the appointment of the other two Independent Members of the Committee.

(c) To ensure that the Standards Committee has an input into the appointment of Members of its Committee.

(d) To ensure that the Constitution is updated accordingly.

59. SCHEME OF DELEGATION TO OFFICERS – The Director of Development and Environment submitted a report (previously circulated) requesting a number of changes to the Scheme of Delegation to Officers.

The report outlined a number of proposed amendments and additions to the Scheme of Delegation of the Director of Development and Environment, relating to Estates and Property Management.

RESOLVED – That the proposed amendments to the Scheme of Delegation to Officers be approved.

REASON – To allow the Scheme of Delegation to Officers to be amended.

60. MEMBERSHIP CHANGES – Consideration was given to membership changes of the Committees, Subsidiary Bodies and Other Bodies for the Municipal Year 2006/07.

RESOLVED – That Councillor Hutchinson be deleted from the membership of the Resources Scrutiny Committee, and that Councillor A. J. Scott be his replacement.

61. 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.