

COUNCIL

29th November, 2007

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

APOLOGIES – Councillors G. Cartwright, M. Cartwright, Newell, Nutt, Richmond, Roberts, Swainston and Vasey. (8)

ABSENT – Councillor Freitag. (1)

46. DECLARATIONS OF INTEREST – Councillors Dixon and Thistlethwaite both declared personal and prejudicial interests in Minute 59 below, and left the meeting during consideration of that item, and took no part in the discussion or voting thereon.

47. MINUTES – Submitted – The Minutes (previously circulated) of the meetings of this Council held on 4th and 9th October 2007.

RESOLVED – That the Minutes be approved as correct records.

48. ANNOUNCEMENTS – (1) White Ribbon Campaign - The Mayor reported that the Darlington Domestic Abuse Forum, with the support of statutory and voluntary agencies, had brought the White Ribbon Campaign to Darlington on 25th November 2007.

49. 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.

50. 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) DARLINGTON AND STOCKTON PARTNERSHIP – The Director of Corporate Services submitted a report (previously circulated) to seek approval for the required amendments to the Medium Term Financial Plan (MTFP) as a consequence of Cabinet’s approval of the Darlington and Stockton Partnership.

The submitted report outlined background information regarding the formation of the proposed partnership, an executive summary of the detailed business case, the key benefits and structure of the proposed partnership, and the financial implications and efficiency savings.

RESOLVED – That the amendments to the Council’s Medium Term Financial Plan (MTFP), as detailed in the submitted report, be approved.

REASONS - (a) To seek Council approval for changes to the Medium Term Financial Plan.

(b) To enable the Darlington and Stockton Partnership to be established.

(c) To enable this Council to deliver financial efficiencies

(3) CAPITAL STRATEGY AND ASSET MANAGEMENT PLAN 2007 – The Director of Corporate Services submitted a report (previously circulated) to seek approval for this Council’s Capital Strategy and Asset Management Plan (AMP).

The submitted report outlined the development of the Capital Strategy and Asset Management Plan 2007.

RESOLVED – That the Capital Strategy and Asset Management Plan, as 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.

51. 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.

52. REVIEW OF POLLING DISTRICTS AND POLLING PLACES – The Director of Corporate Services submitted a report (previously circulated) to inform Members of the outcome of a recent review of Polling Districts and Polling Places for the Darlington and Sedgefield Parliamentary Constituencies.

The submitted report outlined the process of the review, the consultation that had taken place and the representations received.

RESOLVED – (a) That no changes be made to the Polling Districts and that the Electoral Register be published on 1st December 2007 in its current format.

(b) That the recommendations of the Acting Returning Officers for the Darlington and Sedgefield Parliamentary Constituencies in relation to polling places, and that the request that officers implement the recommendations, be endorsed.

(c) That the publication of the proposals for polling places be authorised.

REASON - To ensure that the Council meets the requirements of the Polling District and Polling Places (Parliamentary Elections) Regulations 2006.

53. CHIEF EXECUTIVE – PERFORMANCE APPRAISAL - The Director of Corporate Services submitted a report (previously circulated) to inform Members of the recommendation of the Appraisal Sub-Group in respect of the Chief Executive's Performance Appraisal.

The submitted report detailed the composition of the Appraisal Sub-Group and the recommendation of this Group.

RESOLVED – That the recommendation of the Appraisal Sub-Group, as detailed in paragraph 3 of the submitted report, be endorsed.

REASON – To enable the appraisal to be confirmed.

54. MEMBERS' ALLOWANCES – REVIEW - The Director of Corporate Services submitted a report (previously circulated) to enable Members to give consideration to a review of the Members' Allowances Scheme and the appointment of an additional member to serve on the Council's Independent Members' Allowances Panel.

The submitted report highlighted that it was now four years since this Council's Independent Members' Allowances Panel last reviewed the full Members' Allowances Scheme and that Council's should not rely on an index figure for a period longer than four years before seeking a further recommendation from its Independent Members' Allowances Panel on an application of an index. The submitted report further stated that it was therefore now necessary to reconvene the Panel to review the application of the index, and recommend that Alastair Arkley be appointed to serve on the Panel.

RESOLVED – (a) That a review of the Council's Members' Allowances Scheme be undertaken by the Council's Independent Remuneration Panel.

(b) That Alastair Arkley be appointed to the Members' Allowances Panel.

(c) That the Terms of Reference for the Panel, as appended to the submitted report, for the review of Members' Allowances be approved.

(d) That the Director of Corporate Services advise the Panel that the Council wish to limit the expenditure on the Members' Allowances Scheme to the current budget plus inflation.

REASON - To ensure that this Council reviews its Members' Allowances Scheme to meet legislative requirements.

55. CABINET'S DELEGATED POWERS – ADDITIONAL REVENUE AND CAPITAL EXPENDITURE - The Director of Corporate Services submitted a report (previously circulated) requesting approval to increase Cabinet's delegation to approve additional expenditure for Capital and Revenue from £250,000 to £500,000 for 2007/08 and future years.

RESOLVED – That Cabinet's maximum limit for delegation for additional revenue funds and additional capital expenditure be increased from £250,000 to £500,000, in both cases, for

2007/08 and future years.

REASON – To ensure that delegation limits are kept in context with the size of overall budgets.

56. EMPLOYEE CODE OF CONDUCT - The Director of Corporate Services submitted a report (previously circulated) to seek approval of a revised Employee Code of Conduct.

The submitted report highlighted that a review of the Employee Code of Conduct had not been conducted since 2002, due to the anticipated introduction of a national model Code of Conduct for Employees, which was due to follow the model code for Members, introduced in 2001. The report stated that, as there has been no statement regarding the national draft model code for employees, it was now appropriate that this Council review its own Employee Code of Conduct.

The submitted report outlined proposed changes, with a revised Employee Code of Conduct appended for Members' information.

RESOLVED – That the revised Employee Code of Conduct, for inclusion within part 5 of the Council's Constitution, be approved.

REASONS – (a) To ensure probity in this Council's decision making.

(b) To provide appropriate advice and support to this Council's employees.

57. LICENSING POLICY 2008 – The Director of Corporate Services submitted a report (previously circulated) on the final draft of the Council's revised Licensing Policy document, which was due to be published, in accordance with statutory requirements, on 7th January 2008.

The submitted report stated that the Licensing Act 2003, which transferred liquor licensing from the Magistrates to Local Authorities, required all Local Authorities to prepare, consult on and publish a Licensing Policy. The initial policy document was approved by Council on 6th January 2005, and published on 7th January 2005. This Policy was a "living document" which must be statutorily reviewed at least every 3 years. The submitted report outlined the consultation process, with a revised Licensing Policy appended for Members' information.

RESOLVED – That the final draft of the Licensing Policy, for publication on 7th January 2008, be approved.

REASON – To ensure that this Council fulfil the legislative requirements of the Licensing Act 2003.

58. LOCAL MOTION TRAVEL BEHAVIOUR RESEARCH – The Assistant Chief Executive (Regeneration) submitted a report (previously circulated) providing details of household travel research undertaken as part of the monitoring programme for Local Motion, and to seek agreement to the waiving of the Council's Contracts Procedure Rules to enable the 2008 programme of travel research to be completed using an identical methodology to that used for the baseline travel research in 2004.

The submitted report outlined the work already conducted in relation to the Sustainable Travel Demonstration Town Project, the original appointment of Sustrans / Socialdata, the experience of Socialdata in relation to mobility behaviour and the outcome of the consultation.

RESOLVED – (a) That this Council delegate power to the Assistant Chief Executive (Regeneration) to negotiate a contract with Sustrans / Socialdata to carry out the 2008 programme of travel research as detailed in the submitted report.

(b) That this Council's Contract Procedure Rules be waived accordingly.

REASONS – (a) To reduce, to a minimum, any variations between the method employed for the 2004 and 2008 travel surveys.

(b) To contribute to the 2008 survey, which is important not just to Darlington, but also to the Department for Transport and transport planning, and other policy makers throughout the United Kingdom.

59. POLICY ON EARLY RETIREMENT AND RELATED AREAS, AND ASSOCIATED IMPLICATIONS ON PROTECTION PAYMENTS – The Director of Corporate Services submitted a report (previously circulated) to seek approval for a revised policy on Early Retirement and Related Areas for this Council, and approval of related revisions to this Council's Management of Change Policy in terms of a scheme for salary grade protection for employees who were downgraded as a result of restructuring.

The submitted report outlined the reasons for the revisions, the right to request flexible retirement from the age of 50, the right to work beyond the normal retirement age, the Discretionary Compensation Regulations (DCR) 2006, and the nature of protection payments.

RESOLVED – (a) That the draft revised Early Retirement Policy, as appended to the submitted report, be approved.

(b) That the Human Resource Advisory Circulars on the right to request flexible retirement from the age of fifty and to work beyond the normal retirement age, as appended to the submitted report, be noted.

(c) That the continued use of discretion to use an employee's actual weeks pay in calculating redundancy and efficiency payments, in line with current practice, be agreed.

(d) That application of the discretion for efficiency of the service terminations on a case-by-case basis up to a maximum of 104 weeks pay, be agreed.

(e) That application of the discretion for enhanced redundancy payments using the statutory redundancy matrix with a multiplier of 2.2, be agreed.

(f) That any enhanced payment awarded for either redundancy or efficiency of the service terminations (over and above the statutory payment in redundancy cases) can be used to purchase additional membership of the LGPS under regulation 52, if employees feel this is more beneficial to their individual circumstances, be agreed.

(g) That further consultation with schools on the application of the revised DCR for all non-teaching staff and that further assessment be made of discretions within the Teachers Pension Scheme for application to teaching staff, be agreed.

(h) That the implementation of a 3-year salary grade protection scheme for employees who are downgraded as a result of restructuring comprising 1 year at full salary protection, 1 year at 50% of the difference between the old and new salary and 1 year at 25% of the difference between the old and new salary, be agreed.

REASONS – (a) To enable revision and widening of this Council’s Early Retirement Policy to take account of changes to the LGPS and DCR following age legislation, and to incorporate minor changes introduced since the policy was last published.

(b) To ensure that the draft policy it is non-discriminatory in terms of age legislation and that it is sufficiently flexible to allow the Council to facilitate future organisational change.

(c) A protection scheme for employees whose grade is reduced as a result of restructuring will help this Council to manage future organisational change.

60. FOOD SAFETY ENFORCEMENT PLAN 2007/08 – The Director of Corporate Services submitted a report (previously circulated) to seek approval of the Food Safety Enforcement Plan, as appended to the submitted report.

The submitted report outlined this Council’s requirement to prepare and publish an annual Food Safety Enforcement Plan, in accordance with The Framework Agreement on Local Authority Food Law Enforcement, published by the Food Standards Agency in February 2001 (as amended in July 2004).

RESOLVED – That the Food Safety Enforcement Plan 2007/08 be approved.

REASON – To meet the requirements of the Food Safety Act 1990.

61. MEMBERSHIP CHANGES – Consideration was given to membership changes of the Committees, Subsidiary Bodies and Other Bodies for the Municipal Year 2007/08.

RESOLVED – (a) That Councillor D. A. Lyonette be deleted from the membership of the Darlington Environmental Forum, and that Councillor Chapman be his replacement.

(b) That Councillor Wallis be deleted from the membership of the Darlington Planning Forum, and that Councillor Williams be his replacement.

(c) That Councillor Wallis be deleted from the membership of the Darlington Transport Forum, and that Councillor D. A. Lyonette be his replacement.

(d) That Councillor Lyonette be deleted from the membership of the Town Centre Forum, and that Councillor Chapman be his replacement.

(e) That Councillor Mrs. Heather Scott be deleted from the membership of the North East Fire and Rescue Regional Management Board.

62. 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.