

COUNCIL

31st January 2008.

PRESENT – The Mayor; Councillors Armstrong, Baldwin, Barker, Burton, G. Cartwright, M. Cartwright, Chapman, Davies, Dixon, Dunstone, Francis, Freitag, Galletley, Harker, Hartley, I. Haszeldine, L. Haszeldine, Hughes, Jenkinson, Johnson, B. Jones, Mrs. Jones, Lawton, Lewis, Lister, Long, D. A. Lyonette, J. M. Lyonette, McEwan, Newell, Nicholson, Nutt, Regan, Richmond, Roberts, Robson, Ruck, A. J. Scott, Mrs. Scott, Stenson, Swainston, Thistlethwaite, Vasey, Walker, Williams and York. (47)

APOLOGIES – Councillors Copeland, Coultas, S. Jones, Lee, Maddison and Wallis. (6)

ABSENT – None.

63. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

64. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Council held on 29th November 2007.

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

65. ANNOUNCEMENTS – (1) News Year Honours List - The Mayor reported that Councillor Williams, Mrs. N. Town, Mr. P. Bielby and Mr. T. Keogan, had each been admitted as a Member of the Most Excellent Order of the British Empire, in Her Majesty the Queen's New Year's Honours List.

RESOLVED - That the congratulations of the Council be conveyed to those who received awards.

(2) Death in Service – The Mayor reported the death in service of Mrs. I. Hinton, who died on Saturday 5th January 2008. Mrs. Hinton was employed by this Council as a Streetworks Support Officer.

(3) Death of Alderman Jim Skinner - The Mayor referred to the death of Alderman Jim Skinner, on Tuesday, 15th January 2008. As a mark of respect, Members held a short silence for Alderman Skinner, and a number of Members paid tributes to him.

66. 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.

67. 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) Prudential Indicators Update and Treasury Management Half-Year Review – The Director of Corporate Services submitted a report (previously circulated) on the updated Prudential Indicators and to provide a half-yearly review of this Council’s Treasury Management borrowing and investment activities.

The submitted report highlighted that the prudential indicators had been updated to take account of the Council’s borrowing position. It was reported that the maximum borrowing levels (the Authorised Limit and the Operational Boundary) and the key indicators had been reduced to reflect the new profile of the Capital Programme.

The submitted report stated that the Council’s return on investments had been reasonable, exceeding one of the targets set of matching external comparators for the first six months of the current financial year. Based on the first six months of 2007/08, the Council’s borrowing and investments were forecast to achieve an improvement of £0.938m on the 2007/08 approved budget.

RESOLVED – (a) That the revised prudential indicators and limits within the submitted report, in Tables 1 to 11, be approved.

(b) That the Treasury Management half-yearly review be noted.

(c) That the new counterparty monetary limits in Table 14 of the submitted report be agreed.

REASONS – (a) To comply with the Prudential Code for Capital Finance in Local Authorities.

(b) To inform Members of the performance of the Treasury Management function.

(c) To comply with the requirements for the Local Government Act 2003.

(d) To enable further improvements to be made in this Council’s Treasury Management function.

(3) Cabinet Urgent Decisions - The Corporate Management Team submitted a report (previously circulated) detailing one decision 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 decision taken by Cabinet be noted.

REASON - To comply with the Council’s Constitution.

68. 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.

69. COUNCIL TAX CALCULATION OF TAX BASE 2008/09 – The Director of Corporate Services submitted a report (previously circulated) requesting that consideration be given to determining the Council’s Tax Base for 2008/09 in accordance with Section 33 of the Local Government Finance Act 1992 and the Local Authorities (Calculation of Council Tax Base) Regulations 1992.

RESOLVED – (a) That the calculation of this Council’s tax base for the year 2008/09 be approved.

(b) That, in accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 992, the amount calculated by Darlington Borough Council as its council tax base for the year 2008/09 shall be 34,013.56 and that the individual tax bases for the following parishes for 2008/09 shall be:-

Parish	Tax Base
Archdeacon Newton	307.64
Bishopton	170.23
Heighington	923.13
High Coniscliffe	100.04
Hurworth	1,202.62
Low Coniscliffe and Merrybent	242.41
Low Dinsdale	284.94
Middleton St. George	1,397.34
Neasham	155.56
Piercebridge	63.15
Sadberge	286.43
Walworth	40.35
Whessoe	560.56

REASON – To comply with statutory requirements.

70. INTERIM REPORT – REPORT OF THE CORPORATE GOVERNANCE WORKING GROUP – The Corporate Governance Working Group submitted a report (previously circulated) to seek approval of its interim report, and initial recommendations.

The submitted report outlined the work that had already been conducted in relation to improving community engagement in the decision making process, the increased engagement with schools to promote local democracy and the democratic process, the proposals for updating this Council’s website, the proposed amendments to the Planning Applications process, podcasting and webcasting, and changes to the Agenda.

RESOLVED – (a) That the changes to the Agenda, and other proposals, to support engagement in Council decision making outlined within the submitted report be approved.

(b) That the creation of the Planning Applications Sub-Committee, and the changes to the Constitution including the Terms of Reference of the Committee set out in Appendices 4 and 5 of the submitted report, be approved.

(c) That the amendment to the Planning Protocol, to allow up to three speakers on behalf of the applicant / objector for five minutes, be approved.

(d) That the new Members of the Planning Applications Sub-Committee, and substitutes to the sub-committee, be approved.

(e) That Councillors Baldwin, M. Cartwright, Lee, D. A. Lyonette and Regan be appointed to the Planning Applications Sub-Committee.

REASONS – (a) To enable greater participation in Council meetings and greater public engagement.

(b) To ensure that the decision making process for Planning Applications is open and inclusive.

71. CORPORATE GOVERNANCE – The Director of Corporate Services submitted a report (previously circulated) to seek approval of a revised Local Code of Corporate Governance.

The submitted report highlighted the importance of Corporate Governance, the existing governance arrangements and reasons for the revision of the Local Code of Corporate Governance.

NOTE: Prior to consideration of this item, the recommendation outlined in paragraph 26 (b) of the submitted report was withdrawn by the Director of Corporate Services.

RESOLVED – That the revised draft Local Code of Corporate Governance as detailed at Appendix A of the submitted report, for inclusion within part 5 of this Council's Constitution, be approved.

REASON – To ensure that this Council's Local Code of Corporate Governance reflects the latest guidance.

72. EDUCATION APPEALS PANEL – APPOINTMENT OF MEMBERS – The Director of Corporate Services submitted a report (previously circulated) requesting that the Borough Solicitor be given delegated powers to formally appoint Panel Members to serve on Education Appeals Panels.

The submitted report outlined the existing arrangements in place to formally establish constitute panels to which parents could appeal against decisions to refuse admissions to preferred schools, the suggestion included in the Schools Admissions Appeals Code, which came into force on the 17th January 2008, that Panel Members should be formally appointed by the Admissions Authority, and that the membership should be reviewed every three years. Advice taken by the Council from an expert in Admissions Appeals suggested that the appointment of Panel members could be delegated to an Officer of the Council who was independent of the Children's Services Department.

RESOLVED – That delegated power be given to the Borough Solicitor to formally appoint Education Appeal Panel members, in accordance with the provisions of the Education

(Admissions Appeals Arrangements) (England) Regulations 2002, as amended, such appointments to last for a period of three years and then membership be re-assessed and re-appointments made as appropriate.

REASON – To comply with legislation and the School Admissions Appeals Code.

73. CORPORATE PARENTING PANEL – FULFILLING CORPORATE PARENTING RESPONSIBILITIES – The Director of Children’s Services submitted a report (previously circulated) to seek approval for changes to the membership of the Corporate Parenting Panel, and the introduction of mandatory training for Members on Corporate Parenting responsibilities.

The submitted report outlined the outcome of the recent review of the Corporate Parenting and Child Protection Panel, and the responsibilities of this Council in relation to ‘looked after’ children.

RESOLVED – (a) That the increase in Councillor representation on the Corporate Parenting Panel be approved.

(b) That mandatory training on the Corporate Parenting responsibilities for all Councillors, be approved.

REASON – To support the review of current procedures.

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

75. 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.