

COUNCIL
28th September, 2006

PRESENT – The Mayor; Councillors Armstrong, Baldwin, Mrs. Brown, Dixon, Flowers, Francis, Galletley, Harker, Hartley, Haszeldine, Holmes, Hughes, B. Jones, Mrs. Jones, S. Jones, Lawton, Lee, Lewis, Long, D. A. Lyonette, J. M. Lyonette, Maddison, Maybrey, McEwan, Newell, Nutt, Dr. Reynolds, Richmond, Roberts, 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, Williams and Wilson. (46)

APOLOGIES – Councillors Bristow, Copeland, Foster, Mrs. Hart, Heaney, Hutchinson and Johnson. (7)

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

40. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Council held on 20th July 2006.

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

41. ANNOUNCEMENTS – The Mayor made the following announcements:

(1) Death of Former Councillor Norman Collinson – The Mayor referred to the sad death of former Councillor Norman Collinson, who passed away on 1st September 2006, and stated that a letter had been sent to Mr. Collinson's family expressing the deepest sympathy of the Council for the loss they have sustained.

(2) Retirement of Reverend Christopher Wardale – The Mayor reported that the Reverend Christopher Wardale would be retiring at the end of September from Holy Trinity Church in Darlington.

RESOLVED – That a letter conveying the gratitude of Members and Officers of this Council be sent to Reverend Wardale for all the support he has provided to the Council during his administration at Holy Trinity Church.

42. 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.

43. 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 five questions of Councillor Dixon, and three questions of Councillor Lyonette, and received responses to his questions.

(3) Discretionary Housing Payment Policy – The Director of Community Services submitted a report (previously circulated) seeking approval of the recently revised Discretionary Housing Payment Policy in Housing Benefit.

The submitted report informed Members of the circumstances under which Housing and Council Tax Benefit were payable, the options open to claimants where there was a shortfall in rent, and reasons why claimants may be unable to meet that shortfall. The report stated that the Discretionary Housing Payments Scheme allowed the Local Authority to ‘top up’ payments of Housing and Council Tax Benefit in certain circumstances, however, as this scheme was strictly cash limited, the Local Authority must use its discretion to target those areas where it considered residents were in the most need.

The report stated that in order to ensure a consistent and transparent approach, the Benefits Section has produced a Discretionary Housing Payment Policy (also previously circulated) that been produced in line with national best practice, the requirements of the Department for Works and Pensions and the Council’s Homelessness Strategy.

RESOLVED – That the Discretionary Housing Payment Policy be approved.

REASONS – (a) To enable the administration of Discretionary Housing Payments to be maintained in accordance with financial procedural rules.

(b) To enhance the Council’s ability to alleviate hardship amongst residents.

(4) Waste Management – The Director of Development and Environment submitted a report (previously circulated) to seek Members’ approval for a course of action for developing the Council’s waste management service to achieve an affordable solution to increasing costs of waste treatment and disposal, and to improve the Council’s position within the national performance framework for waste management.

The submitted report highlighted Darlington’s current approach to waste management and the reasons for the need of a change of approach. The report stated that the existing waste disposal contract was due to expire in the next few years, outlined the requirements of the future contract or contracts, summarised research conducted to date and recommended a procurement strategy.

RESOLVED – That the procurement process for the disposal and treatment of municipal waste, as described in the submitted report, be approved.

REASON - To enable the Council to secure waste management services.

(5) Children and Young People’s Plan – The Director of Children’s Services submitted a report (previously circulated) seeking approval of the contents of Darlington’s Children and Young People’s Plan.

The submitted report stated that the Children Act 2004 require all Local Authorities to produce a Children and Young People's Plan and, although by virtue of its 'Excellent' status, Darlington was technically exempt from that requirement, a Children and Young People's Plan (also previously circulated) had been developed. The report highlighted that the Children and Young People's Plan brought together key partners to produce a single, strategic, overarching plan for all local services for children and young people in Darlington.

The submitted report also outlined the development of the plan, the statutory guidance adhered to, the key themes shared with the Local Area Agreement and the consultation undertaken.

RESOLVED – That the Children and Young People's Plan be approved.

REASON - To comply with statutory requirements and to provide a strategic context for the development of Children's Services in Darlington.

(6) 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.

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.

44. 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.

45. PEDESTRIAN HEART - BUDGET – The Chief Executive and the Director of Development and Environment submitted a report (previously circulated) to seek approval for further funding for the Pedestrian Heart scheme, including a contingency provision to cover future risks.

The submitted report informed Member's of the three factors contributing to the increased costs of the scheme - the contractual arrangements for the main works and for project management, the complexity of the scheme, and the discovery of the gas main. The report also highlighted the current legal position and stated that the management of the scheme has been significantly strengthened with a new firm to manage the contract. The Chief Executive also gave further assurance by reporting that a comprehensive review of how capital projects are managed, from inception to delivery, had been instigated.

The following amendment to the recommendations detailed in the submitted report was moved by Councillor Richmond, seconded by Councillor Mrs. Scott, and lost.

“Delete resolutions (a) and (b) and insert the following:-

- (a) That a further report be prepared outlining proposals as to how the Pedestrian Heart Scheme can be re-programmed/re-designed to reduce the final cost.
- (b) That the report in (a) above be considered at a Special Meeting of the Council to be held not later than 12th October 2006.”

NOTE – During debate, Councillor Lawton gave notice of his intention to move a further amendment. The Mayor advised Councillor Lawton that she would require the further amendment in writing in accordance with Council Procedure Rules. As the further amendment was not submitted in writing to the Borough Solicitor, it was subsequently ruled out of order by the Mayor.

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

RESOLVED – (a) That £586,000 be approved and released to fund the anticipated increase in the final out-turn cost of the Pedestrian Heart project.

(b) That £750,000 be approved and released as a contingency against future risks of the Pedestrian Heart project.

(c) That the Resources Scrutiny Committee be asked to review the project to date, and to give oversight to a review of future capital project management.

REASONS – (a) To ensure sufficient funding is in place to cover the anticipated out-turn cost of the project and provide a prudent level of contingency for future risks of the project.

(b) To ensure that best practice is adopted in the management of the Council’s capital projects.

46. REPRESENTATION ON OTHER BODIES 2006/07 – The Director of Corporate Services submitted a report (previously circulated) to consider the appointment of Members to the North East Strategic Partnership for Asylum and Refugee Support (NESPARS) and North East Contracting Consortium for Asylum Support (NECCAS).

The submitted report outlined the background to the appointments and reasons for nominations.

RESOLVED – That the nominations, as detailed in the submitted report, be appointed to these two Consortiums for the remainder of the Municipal Year 2006/07.

REASON - To ensure that this Council is represented on these two Consortiums.

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

48. 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.