

COUNCIL

28th November 2013

PRESENT – The Mayor; Councillors Carson, Cossins, Coultas, Crudass, Crumbie, Curry, Dixon, Donoghue, Francis, Galletley, Grundy, Harker, Harman, C. L. B. Hughes, L. Hughes, Hutchinson, Kelley, Knowles, Lawton, Lee, Lister, Long, D. A. Lyonette, J. M. Lyonette, Macnab, McEwan, Newall, Regan, E. A. Richmond, S. Richmond, A. J. Scott, Mrs. H. Scott, Stenson, Swainston, C. Taylor, J. Taylor, Thistlethwaite, J. Vasey, L. Vasey, Wallis, Wright and York. (43)

APOLOGIES – Councillors Baldwin, Cartwright, Copeland, I. Haszeldine, L. Haszeldine, B. Jones, Mrs. D. Jones, Landers, Lewis and Nutt. (10)

27. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Council held on 26th September 2013.

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

28. DECLARATIONS OF INTEREST – Councillor Macnab declared a Non Pecuniary interest in Minute 32 (6) as the Clerk to Whessoe Parish Council.

29. ORDER OF SEALING DOCUMENTS – Presented – The Register showing the documents which had been sealed since the last meeting of Council.

30. ANNOUNCEMENTS – (1) Councillor Hutchinson - The Mayor welcomed Councillor Hutchinson back to the Chamber following her recent period of illness.

(2) Councillor Lewis - The Mayor also advised Members that Councillor Lewis had recently been unwell, however was now recuperating following a stay in hospital.

RESOLVED - That the best wishes of the Council be conveyed to Councillor Lewis for a speedy recovery to good health.

31. QUESTIONS – TO ANSWER QUESTIONS (WHERE NOTICE HAS BEEN GIVEN) FROM – (1) The Public – There were no questions from members of the public.

(2) Members to Cabinet/Chairs – There were no questions from Members, where notice had been given, for the Mayor, Members of the Cabinet, or the Chairs of the Scrutiny Committees.

(3) Police and Crime Commissioner for Durham and Darlington – The Police and Crime Commissioner for Durham and Darlington addressed Members.

32. COUNCIL REPORTS – (1) Senior Management Structures – The Chief Executive submitted a report (previously circulated) seeking Members' approval to changes to the senior management structure of the Council, to ensure a stronger alignment and focus on the proposed financial and business strategy for the medium term.

The submitted report stated that the Council was developing an approach that aimed to create three underlying conditions in Darlington: Strong Communities, Every Public Pound Well Spent, and A Growing Economy, and that plans to bring about these conditions had informed the Medium Term Financial Plan, and were shaping the Corporate Plan.

The submitted report outlined that, with a focus on securing economic growth, the development of alternative models of service delivery, and completing projects to share services, and collaborate, with other public services and Councils, proposed changes to the Senior Management Structure recommended the deletion of the role of Director of Place, and replacing this with a Director of Economic Growth, with other Place functions, housing, environmental services and leisure, moving to a renamed Resources and Neighbourhood Services Group, with additional changes to support the direction of travel set out within the report.

RESOLVED – (a) That the revised senior management structure for the Council, as detailed in Appendix A of the submitted report, be approved.

(b) That the recruitment of a Director of Economic Growth, at Director 2, salary range £97,920 - £115,725, commence.

(c) That the decision on the implementation date of the agreed new structures be delegated to the Chief Executive, in consultation with the Leader of the Council.

REASON – To ensure that the Council has sufficient senior management capacity during a significant period in its transition and adaptation to the fall in resources.

(2) Chief Executive's Appraisal - The Director of Resources submitted a report (previously circulated) requesting that Members endorse the recommendation of the Appraisal Sub-Group in respect of the Chief Executive's Performance Appraisal.

The submitted report stated that the Appraisal Sub-Group (a subsidiary body of the Human Resources Committee) had undertaken an Annual Appraisal with the Chief Executive. It was reported that, in accordance with the process approved by Council in November 2010, the Leader and Deputy Leader of the Council initially met with the Chief Executive to review the Chief Executive's personal assessment and identify objectives for the coming year, and the Appraisal Sub-Group then met on 13 November 2013 to undertake the appraisal. The submitted report concluded with an outline of the recommendation of the Appraisal Sub-Group.

RESOLVED – That Council note that the Chief Executive's Appraisal for 2012/13 has been satisfactorily undertaken by the Appraisal Sub-Group, and that there are no issues which need to be discussed in more detail.

REASON – To enable the appraisal to be confirmed.

(3) Town Hall – Proposed Recommissioning of Southern Passenger Lifts - The Director of Resources submitted a report (previously circulated) requesting that Members give consideration to waiving Contract Procedure Rules under Rule 18.

The submitted report stated that Otis Limited had previously facilitated the decommissioning of these lifts at a time when the retention of the Town Hall was uncertain, and there was a concern of the value in spending money on keeping the lifts operational. It was noted that the current operational lifts at the northern end of the Town Hall had been refurbished by Otis Limited, and were serviced by them.

As the Department for Education (DfE) development had determined the retention of the Town Hall, the submitted report highlighted that there was now a pressing need to bring the two southern passenger lifts back into service, and it was proposed that, given the previous experience and current involvement of Otis Limited, a direct award be made to this company to carry out the refurbishment work. As Contract Procedure Rules would ordinarily require the Council to tender for this work, it was proposed that Contract Procedure Rules be waived under Rule 18, in order to allow the work to be awarded to Otis Limited directly.

RESOLVED – That Contract Procedure Rules be waived to enable a direct award to be made to Otis Limited to carry out refurbishment of the non-operational Town Hall lifts.

REASON – To ensure that the Council can gain the benefits of dealing with a single company that has the technical and operational experience of the particular issues that relate to the refurbishment of the non operational Town Hall lifts.

(4) A67 Carlbury Banks Landslip - The Director of Place and the Director of Resources submitted a report (previously circulated) seeking approval to allocate funding to undertake repairs to the A67 Carlbury Banks Landslip. It was reported that the decision was subject to Cabinet confirming the decision taken under delegated authority to submit the application to the Department for Transport Pinch Point Fund, and it being successful.

The submitted report highlighted that the Council had been managing a landslip on the A67 since February 2013, had commissioned a detailed investigation and feasibility work to develop an understanding of the problem and potential solutions, and stated that this study had been completed in September 2013. Members were advised that the feasibility work had identified a worse situation than anticipated, with a 387m section of the bankside classed as unstable. The submitted report outlined a range of options, with the preferred option involving the installation of a grid of long anchors to stabilise the embankment at a cost of £3, 919, 617. It was noted that interventions to date had incurred costs of £275k, for which no provision had previously been made in the Medium Term Financial Plan (MTFP).

It was reported that on 27 September 2013, the Secretary of State had announced that a further £80m was being made available for two further tranches (tranches 3 and 4) of the Department for Transport Local Pinch Point Fund, and that £55m remained available, as part tranche 4, on a competitive basis. The submitted report stated that, under the Scheme of Delegation to Officers, the authorised officer may submit bids for funding to the relevant body where the deadline occurs prior to the next meeting of

Cabinet.

RESOLVED – (a) That capital funding of £275k to cover the costs incurred in responding to this event be approved.

(b) That, subject to Cabinet agreeing to progress the scheme and the application to the Department for Transport Pinch Point Fund being successful, a capital allocation of £878k for the match funding contribution to the A67 Carlbury Banks Land Slip project, be approved.

REASON – To secure funding to stabilise the embankment and restore transport certainty along the A67.

(5) Feethams Developments Multi-Storey Car Park (MSCP) - The Director of Place submitted a report (previously circulated) to provide an update on the proposal to develop a Multi Storey Car Park (MSCP) accessed from Beaumont Street, to inform Members of the options being developed for providing sufficient temporary parking to meet demand, during the period of construction of the MSCP and of the new cinema and leisure complex, and to seek approval for the release of an additional £1,5m to cover the construction cost of the MSCP, and the cost of contingency measures to manage the shortage of parking at Feethams during the build phase to minimise any potential impact on the town centre economy.

The submitted report stated that the development of the offices to be occupied by the Department for Education (DfE), and of plans to develop a cinema and leisure complex on the former bus depot site, meant that 430 public parking spaces would be lost from existing car parks in the Feethams area, and that to minimise land take for parking the construction of a MSCP on the site of the Beaumont Street (North) car park had been identified as the preferred option.

The submitted report advised Members of a previous decision to allocate £6M to fund the construction of the MSCP, however stated that following site investigations and the development of a more detailed cost plan, the total build price of the MSCP had been estimated at £7M, which included design and construction costs, the extension of the MSCP to include the back lane immediately east of Beaumont Street North car park, and the option of including a Shopmobility unit within the car park. It was also highlighted that the costs associated with the potential loss of parking income, and the implementation of parking contingency measures to minimise disruption to town centre parking during construction works on the Feethams developments were estimated at up to £500k.

RESOLVED – (a) That the additional allocation of £1.0M for the construction of the MSCP, bringing the total allocation to £7M, be approved.

(b) That an additional allocation of £500k for contingency measures to manage the loss of income and shortage of parking during the build phase, be approved.

REASONS – (a) Based on evidence on demand for parking in the Feethams area, and projected increases in demand associated with new development, the construction of a MSCP alone would best meet the requirement to maximise the number of parking spaces in the new MSCP.

(b) To enable the MSCP design and construction to advance in line with the required timetable without the need for further Council resolutions.

(c) To enable work to progress on implementing parking contingency measures, so as to minimise any potential impact of changes to the car parks at Feethams on the Town Centre Economy.

(6) Proposed Amendments to Officer Scheme of Delegation Planning Matters -

The Director Place of submitted a report (previously circulated) requesting that Members give consideration to a number of amendments to the existing Scheme of Officer Delegation for Planning Matters to provide effective service delivery and efficiency.

The submitted report stated that the existing Scheme of Officer Delegation had worked well since it was introduced in 2010, and that no complains had been received, however it was noted that there were circumstances where it had become necessary to report an application to the Planning Applications Committee where it was not considered to be the most effective use of Committee time.

RESOLVED – (a) That the Scheme of Delegation be amended so that Parish Council representations be afforded the same status as householder representations in terms of the Chair and Vice-Chair deciding whether a planning application should be reported to Committee.

(b) That the Scheme of Delegation be amended so that all decisions on prior approval applications are taken by officers in order to ensure that statutory time limits are complied with and the risk of developments being able to proceed by default is avoided.

(c) That the Scheme of Delegation be amended so that where Members request a planning application is brought to the Planning Applications Committee a planning reason is given for this in writing and the decision on this rests with the Chair or Vice-Chair of Planning Committee.

REASON – To improve efficiency and customer service.

33. CABINET REPORTS – (1) Overview Reports of Cabinet Members – The 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. Cabinet Members answered questions on their portfolios.

(2) Council Tax Support – Scheme Approval – The Director of Resources submitted a report (previously circulated) requesting that consideration be given to the Council Tax Support (CTS) Scheme for 2014/2015.

The submitted report stated that the Council had previously approved the local CTS Scheme for 2013/2014, following a public consultation exercise and an options appraisal as to how the local scheme could operate, and the local Scheme had become operational on 1 April 2013. It was reported that the Council are required to set a CTS Scheme each year, that the report recommended no significant changes to the Scheme

for 2014/2015, and that the CTS Scheme for 2014/2015 had been considered and endorsed, by Cabinet at its meeting held on 5 November 2013.

RESOLVED – That the Council Tax Support (CTS) Scheme for 2014/2015, as appended to the submitted report at Appendix 1, be approved.

REASONS – (a) The Council is required to publish a local Council Tax Support Scheme for 2014/2015 by 31 January 2014.

(b) The Council Tax Support Scheme for 2013/2014 was implemented successfully without any major challenges.

(c) The financial position of the Council has not improved and therefore the continued application of a reduced entitlement for working aged people is still appropriate.

(3) Cabinet Urgent Decisions – The Chief Officer Executive submitted a report (previously circulated) detailing one decision taken by Cabinet as a matter of urgency and to which the procedure for call-in could not be applied.

The submitted report outlined the procedures to be followed if a decision was taken under the Urgency Rule and the Special Urgency Rule.

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

REASON – To comply with the Council's Constitution.

34. SCRUTINY REPORTS – 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.

35. NOTICE OF MOTION – HS2 - The following Motion was moved by Councillor Mrs. H. Scott, and seconded by Councillor Coultas:

(a) That this Council support the proposal for HS2 in order that Darlington can benefit from the employment generated by local businesses winning contracts in the rail industry supply sector and, in the longer term, improved communication links with the South.

(b) That we implore our MP Jenny Chapman to support this project in the House in the interest of employers and future employees who can benefit from the project.

The following amendment to the Motion was moved by Councillor Dixon, and seconded by Councillor Crumbie:

(1) That all after 'Council' in the first line of (a) be deleted and the following be inserted:-

'retains an open mind on the possible future benefits of HS2.'

(2) That the following be inserted as (b):-

(b) 'That the Council notes the need to upgrade Bank Top Railway Station as part of a sustained investment in the east coast main line including an upgrade of the rolling stock in order that Darlington can benefit from the employment generated by local businesses winning contracts in the rail industry supply sector and, in the longer term, improved communication links with the south.'

(3) That 'this project in the House' be deleted, and 'the refurbishment of Bank Top Railway Station' be inserted in (b) on the Summons and it be re-lettered as resolution (c).

Amendment Carried.

The Amendment then became the Substantive Motion and was put to the meeting and carried.

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