

**COUNCIL**  
4th December 2014

**PRESENT** – The Mayor; Councillors Baldwin, Cossins, Coultas, Crichlow, Crudass, Crumbie, Mrs. Culley, Curry, Dixon, Donoghue, Galletley, Grundy, Harker, Harman, I. Haszeldine, L. Hughes, Johnson, B. Jones, Knowles, Landers, Lister, Long, J. M. Lyonette, Macnab, McEwan, Newall, Nutt, Regan, E. A. Richmond, S. Richmond, A. J. Scott, Mrs. H. Scott, Stenson, Swainston, J. Taylor, Thistlethwaite, J. Vasey, L. Vasey, Wallis, Wright and York. (42)

**APOLOGIES** – Councillors Carson, Cartwright, Copeland, L. Haszeldine, Hutchinson, Mrs. D. Jones, Kelley, Lawton, D. A. Lyonette and C. Taylor. (10)

**ABSENT** – Councillor C. L. B. Hughes. (1)

**27. MINUTES** – Submitted – The Minutes (previously circulated) of the meeting of this Council held on 25<sup>th</sup> September 2014.

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

**28. DECLARATIONS OF INTEREST** – Councillor Lister declared a pecuniary interest in Minute 33(2) below, and left the meeting for the duration of the item thereon.

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

**30. ANNOUNCEMENTS** – There were no announcements made at the meeting.

**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, and answered questions thereon.

**32. COUNCIL REPORTS – (1) Partnering with the Darlington Clinical Commissioning Group** – The Chief Officers Executive submitted a report (previously circulated) to update Council on the partnering with Darlington Clinical

Commissioning Group (DCCG), and to seek approval on a Memorandum of Understanding.

The submitted report stated that the Council had been working more closely with the DCCG since local authorities took on additional public health responsibilities from April 2013. It was reported that a Proof of Concept review had been undertaken to explore the scope for improved health outcomes and efficiency savings from a greater integration of functions between the Council and DCCG, with better outcomes for people coming from the single approach to planning and commissioning of services.

The submitted report highlighted that both organisations would continue as separate sovereign bodies with their own governance, however it was anticipated that savings could be realised from shared management, commissioning and support services. The submitted report stated that at its meeting on 1 July 2014, the Cabinet agreed to partner with DCCG, and the proposed Memorandum of Understanding set out the principles for partnership working to improve the commissioning and delivery of Health and Social care services.

**RESOLVED** – That the Memorandum of Understanding, embodying the terms set out in the submitted report, to ensure clear principles are agreed and set out for both organisations, be approved.

**REASONS** – (a) To ensure partnership has clear principles and understanding to be able to successfully work together.

(b) To enable the Council and Darlington Clinical Commissioning Group to better maximise the benefits and effectiveness in commissioning of care and services for local people by working together.

(c) To secure the integration of the commissioning of care and services for local people through improved ways of working.

**(2) Chief Executive's Appraisal** – The Director of Neighbourhood Services and Resources submitted a report (previously circulated) to endorse the recommendation of the Appraisal Sub-Group in respect of the Chief Executive's Performance Appraisal.

The submitted report stated that the Leader and Deputy Leader had met with the Chief Executive to review the Chief Executive's personal assessment and identify objectives for the forthcoming year, and that the Appraisal Sub-Group had subsequently met on 13 November 2014, to undertake the appraisal. The recommendation of the Appraisal Sub-Group was outlined in the submitted report.

**RESOLVED** – That the recommendation of the Appraisal Sub-Group be endorsed.

**REASON** – To enable the appraisal to be confirmed.

**(3) Request for an Extension of Non-Attendance** – The Director of Neighbourhood Services and Resources submitted a report (previously circulated) to request that consideration be given to an extension to the six-month period of the non-attendance of Councillor Hutchinson at meetings due to ill health.

The submitted report outlined that Section 85 of the Local Government Act 1972 states that if a Member of a Local Authority fails throughout a period of six consecutive months from the date of his or her last attendance to attend any meeting of the authority, he or she shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a Member of that authority.

It was reported that Councillor Hutchinson had not attended any Council or Committee meetings since 9 June 2014, and consequently would cease to be a Member of the Council on 8 December 2014, unless the Council approves the reason for the failure to attend before that date.

**RESOLVED** – That the request be agreed, and that Councillor Hutchinson’s failure to attend by reason of illness be approved until the reason no longer applies.

**REASON** – To ensure compliance with a request under Section 85 of the Local Government Act 1972.

**(4) Polling Districts, Polling Places and Polling Stations Review 2014** – The Chief Executive submitted a report (previously circulated) to advise on the outcome of a recent review of Polling Districts, Polling Places and Polling Stations for the Darlington and Sedgefield Parliamentary Constituencies.

The submitted report stated that the Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006, as amended by the Electoral Registration and Administration Act 2013, placed a duty on all local authorities in England and Wales to undertake a complete review of all Polling Districts and Polling Places in its area within a 16 month period, commencing from 1 October 2013 to 31 January 2015. The submitted report advised that it was appropriate to wait until the completion of a Further Electoral Review (FER) (Minute 23(1)/Sept/14) before commencing a review of Polling Districts and Polling Places, in order that consideration could be given to both the existing wards, and the proposed warding arrangements.

Pursuant to Minute 14(2)/Jul/14, where the Council had endorsed the structure and timetable for the review, the review itself commenced on 1 September 2014, and the submitted report outlined the outcome of the review.

**RESOLVED** – (a) That it be noted that no changes are proposed to the existing Polling Districts, Polling Places and Polling Stations ahead of the Local Elections in May 2015.

(b) That the recommendations of the Acting Returning Officers for the Darlington and Sedgefield Parliamentary Constituencies, in relation to Polling Districts and Polling Places for the new warding arrangements, scheduled to come into effect at the Local Elections in May 2015, be approved, and that Officers are requested to implement the recommendations accordingly.

(c) That the publication of the proposals for Polling Places be authorised.

**REASON** – To comply with the requirements of the Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006, as amended by the Electoral Registration and Administration Act 2013.

**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 Neighbourhood Services and Resources submitted a report (previously circulated) to approve the Council Tax Support (CTS) scheme for 2015/2016.

The submitted report stated that on 28 November 2013 the Council approved the local CTS scheme for 2014/2015, and that the scheme became operational on 1 April 2014. The submitted report highlighted that Councils were required to set a CTS scheme each year, and in doing so consider whether any changes should be made to the existing scheme, and where changes were made, Members should give consideration to what transitional protection, if any, should be applied to anyone affected by those changes.

The submitted report set out the impacts of the local CTS scheme in the first year of operation, and recommended no significant changes in the scheme for 2015/2016.

**RESOLVED** – That the Council Tax Support Scheme for 2015/2016 be approved.

**REASONS** – (a) The Council is required to publish a local CTS Scheme for 2015/2016 by 31 January 2015.

(b) The CTS Schemes for 2013/2014 and 2014/2015 have both been 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) Transforming Rehabilitation: A Strategy For Reform** - The Director of Commissioning submitted a report (previously circulated) to update Members on the position in respect of the local bid to deliver offender management services via Achieving Real Change in the Community CIC Limited (ARCC), a Community Interest Company.

The submitted report referred to previous reports received on the Government's Transforming Rehabilitation programme, which outlined the Government's intention to abolish the system of 35 local Probation Trusts across England and Wales, and replace them with a single National Probation Service (NPS), and 21 Community Rehabilitation Companies (CRCs) to deal with offenders assessed as a 'medium' or 'low' risk. The submitted report advised that bids to run CRCs were invited, and that the Council had supported the development of a consortium of partners, forming a Community Interest Company (CIC), 'Achieving Real Change for Communities' (ARCC).

The submitted report informed Members that on 29 October 2014, the Ministry of Justice (MoJ) notified ARCC that it had been selected as the preferred bidder for the Durham Tees Valley contract, however stipulated that the selection was conditional on all outstanding issues being resolved. It was anticipated that contracts would be signed in December 2014, with the new arrangements in place from 1 February 2015. The submitted report outlined the financial and legal implications of the Council's participation in the partnership.

**RESOLVED** – (a) That the action taken to date be endorsed.

(b) That the recommendations of the meeting of the Cabinet, held on 2 December 2014, be noted.

(c) That the validation of the financial sustainability of the tender prior to the signing of the contract be delegated to the Director of Neighbourhood Services and Resources.

(d) That, subject to validation of the financial assumptions in the submitted report, a guarantee against reserves of £2.45m to £3.53m, be agreed.

(e) That the release of £1m of reserves, to enable a £1m loan to ARCC (which will be subject to a commercial interest rate), be agreed.

**REASONS** – (a) To put in place approvals for required actions to progress the bid to tender.

(b) To enable the Council to further participate in due diligence activities to ensure risk is clearly understood and minimised.

**(4) 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. MEMBERSHIP CHANGES** – There were no membership changes reported at the meeting.