

COUNCIL
20th March 2014

PRESENT – The Mayor; Councillors Baldwin, Carson, Copeland, Coultas, Crichlow, Crudass, Crumbie, Curry, Dixon, Donoghue, Galletley, Harker, Harman, I. Haszeldine, L. Haszeldine, C. L. B. Hughes, L. Hughes, B. Jones, Mrs. D. Jones, Kelley, Knowles, Landers, Long, D. A. Lyonette, J. M. Lyonette, Macnab, McEwan, Nutt, 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. (44)

APOLOGIES – Councillors Cartwright, Cossins, Hutchinson, Lawton, Lee, Lister and Newall. (7)

ABSENT – Councillor Grundy. (1)

53. MINUTES – Submitted – The Minutes (previously circulated) of the meetings of this Council held on 30th January and 27th February 2014.

RESOLVED – That the Minutes be approved as correct records.

54. DECLARATIONS OF INTEREST – Councillor Mrs. H. Scott declared Non Pecuniary interests in Minute 58 (3) as a relative was a board member of Healthwatch Darlington Limited, and in Minute 59 as a director on the board of trustees of Marchbank Free School.

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

56. ANNOUNCEMENTS – (1) Richard Alty, Director of Economic Growth – The Mayor informed Members that Richard Alty, the Director of Economic Growth, was attending his last meeting of the Council, as he was leaving the authority on 22nd April 2014, after working for the authority for 14 years.

RESOLVED - That the thanks of the Council be conveyed to Richard Alty for the work he had undertaken whilst with the Council, and that the best wishes of the Council be conveyed to Mr. Alty for his future endeavours.

57. 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.

58. COUNCIL REPORTS – (1) Hackney Carriage and Private Hire Vehicles Proposed Change to Vehicle Testing Arrangements – The Director of Economic Growth submitted a report (previously circulated) requesting that consideration be given to an amendment to the Council’s current Private Hire and Hackney Carriage Licensing Policy, in order to permanently transfer the testing arrangements for hackney carriages and private hire vehicles to the Council’s in-house testing facilities.

The submitted report provided information in relation to the current interim arrangements for the testing of hackney carriage and private hire vehicles, and outlined proposals to introduce permanent vehicle testing arrangements following 31st March 2014.

RESOLVED – (a) That a variation to the Council’s Private Hire and Hackney Carriage Licensing Policy, to move testing of vehicles to the Council’s in-house testing facilities, be approved.

(b) That revised testing arrangements, as detailed in the submitted report, be introduced.

REASON – To provide a robust testing regime by qualified MOT vehicle examiners directly controlled by the Council.

(2) Minor Update of Conditions Relating to Pavement Café Licences - The Director of Economic Growth submitted a report (previously circulated) requesting that consideration be given a minor update to the Council’s current conditions in respect of the licensing and operation of Pavement Cafes in the borough of Darlington.

The submitted report stated that the Council’s policy in respect of the licensing of pavement cafes in Darlington town centre was designed to enhance the leisure provision for residents of, and visitors to, Darlington, and add to the vibrancy of both the day time and evening economy of the town centre.

The submitted report provided information updating the standard conditions in respect of the licensing of pavement cafes, and highlighted the full consultation that had taken place with existing licence holders. It was also reported that the fees for such licences had been reviewed to provide some equity between smaller and larger establishments.

RESOLVED – (a) That the revised pavement café conditions, as detailed in Appendix 4 of the submitted report, be approved, and that all previous conditions be rescinded.

(b) That the scale of fees, as detailed in paragraph 32 of the submitted report, be noted.

REASON – To provide a consistent, fair approach to the regulation and control of pavement cafes placed on the Council’s public areas, and to enhance the use of public space, aid the local economy and add to the facilities offered to people who visit, live and work in the borough of Darlington.

(3) Healthwatch – The Chief Executive submitted a report (previously circulated) requesting that consideration be given to the assignment of the Local Healthwatch Darlington Contract (Reference T2011/14/PE) to Healthwatch Darlington Limited for the period 1st April 2014 to 31st March 2015.

RESOLVED – That the assignment of the Local Healthwatch Darlington contract (Reference T2011/14/PE) to Healthwatch Darlington Limited social enterprise, for the period 1st April 2014 to 31st March 2015, with the potential to extend for a further two periods of 12 months, be approved.

REASONS – (a) Healthwatch Darlington Limited is a social enterprise and would be independent and able to continue to provide services as the contract was originally tendered.

(b) All necessary legal and financial arrangements are in place to the satisfaction of the Council, and Cares Federation were also in agreement with the assignment.

(4) Member Standards Review - The Chief Executive submitted a report (previously circulated) to give consideration to changes to the Code of Conduct, the way that Member complaints are dealt with, and a number of other changes.

The submitted report stated that a replacement Code of Conduct was adopted by the Council in July 2012, and that changes made to the complaints handling process (to comply with the Localism Act 2011), were intended to be reviewed after a period of operating under those arrangements. The submitted report highlighted that a review had been undertaken, and outlined a number of proposals for change. It was reported that the Standards Committee had considered the proposals and supported them, and that Parish Councils had been consulted in relation to Parish Council complaints handling.

RESOLVED – (a) That the new Code of Conduct, as set out in Appendix 1 of the submitted report, be adopted, and take effect from 1st May 2014.

(b) That the Standards Committee be discontinued with effect from 30th April 2014.

(c) That the Member Standards Hearing Committee, with the function of hearing complaints against Members that are referred to it by the Monitoring Officer, be constituted with effect from 1st May 2014, and that said Committee has a membership of five Members and three co-opted members (serving Parish Council members), with a quorum of three.

(d) That, in the first instance, the existing Borough Council Members of the Standards Committee be appointed to the Member Standards Hearing Committee, and that the three existing Parish Council members be appointed as co-opted members to hear Parish Council complaints.

(e) That 'Arrangements for Dealing with Complaints Against Members', as set out in Appendix 2 of the submitted report, be adopted with effect from 1st May 2014.

(f) That the Audit Committee be given additional responsibility for ethical values as part of its remit, and that a review of Member conduct is reported to Council annually.

(g) That Mike Airey, Independent Chair of the Standards Committee, and Frances Hayes, Vice Chair of the Standards Committee, be thanked for their work and long service.

(h) That the Assistant Director (Chief Executive) make any further consequential changes or amendments to the Constitution relating to Member standards, and the role of the Audit Committee, that are not specifically addressed in the submitted report.

REASONS – (a) To enable the Council to comply with the Localism Act 2011.

(b) To enable the Council to have an effective and efficient system of internal control to promote the good conduct of members in the Darlington area and to deal with complaints made against Members.

59. 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) Sport and Physical Activity Strategy – The Director of Economic Growth submitted a report (previously circulated) seeking Members' endorsement of the Darlington Sport and Physical Activity Strategy 2014-2019.

The submitted report stated that the current strategy expired in 2011, and therefore required updating. It was reported that the new Strategy was deliberately succinct, reflected on past achievements and identified the challenges and opportunities ahead, which were made more difficult by the economic climate and the pressure on public sector finances. The submitted report outlined the Council's fifteen year ambitions, and five year outcomes, and was supported by an action plan that identified twelve priority actions to be implemented over the following two years. The submitted report highlighted three ambitions, and the consultation which had subsequently taken place thereon.

RESOLVED – That the Darlington Sport and Physical Activity Strategy 2014-2019, be adopted, and that the strategy be agree as part of the Policy Framework.

REASONS – (a) A revised Sport and Physical Activity Strategy is required to replace the existing Strategy which expired in 2011.

(b) The revised Strategy reflects the recent changes in the national and local government finances, including the need to maximise the contribution from the voluntary and community sectors.

(c) The Strategy provides a clear set of objectives and actions to enable more Darlington residents to be more active, more often.

60. 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.

61. MEMBERSHIP CHANGES – Consideration was given to membership changes of the Committees, Subsidiary Bodies and Other Bodies for the remainder of the Municipal Year 2013/14.

RESOLVED – That Councillor Donoghue be appointed to the Conservative vacancy on the Place Scrutiny Committee, and that Councillor York be appointed to the Conservative vacancy on the Member Standards Hearing Committee.