

**COUNCIL**  
29th January 2015

**PRESENT** – The Mayor; Councillors Baldwin, Carson, Copeland, Cossins, Coultas, Crichlow, Crudass, Crumbie, Mrs. Culley, Curry, Dixon, Galletley, Harker, Harman, L. Haszeldine, C. L. B. Hughes, L. Hughes, Johnson, B. Jones, Mrs. D. Jones, Kelley, Lawton, Lister, Long, D. A. Lyonette, Macnab, McEwan, Newall, Nutt, Regan, E. A. Richmond, S. Richmond, A. J. Scott, Stenson, C. Taylor, J. Vasey, L. Vasey, Wallis and York. (40)

**APOLOGIES** – Councillors Donoghue, Grundy, I. Haszeldine, Hutchinson, Knowles, Landers, Mrs. H. Scott, Swainston, J. Taylor, Thistlethwaite and Wright. (11)

**ABSENT** – Councillor Cartwright. (1)

**36. MINUTES** – Submitted – The Minutes (previously circulated) of the meeting of this Council held on 4<sup>th</sup> December 2014.

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

**37. DECLARATIONS OF INTEREST** – Councillor Macnab declared non-pecuniary interests in Minute 41(1) and 41(2) below, as the Clerk to Whessoe Parish Council, and also in Minute 42(1) and 43, as a trustee of the Citizens Advice Bureau.

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

**39. ANNOUNCEMENTS – (1) Councillor J. M. Lyonette** - The Mayor reported on the death of Councillor Joe Lyonette, who had sadly passed away on 31st December 2014, and referred to Councillor Lyonette's years of service, and roles on the Council.

**(2) Former Mayoress and Councillor Sue Walker** - The Mayor also reported on the death of Former Mayoress and Councillor Sue Walker, who had sadly passed away on 7th January 2015, and referred to Former Mayoress and Councillor Walker's role on the Council.

As a mark of respect, Members held a short silence for Councillor J. M. Lyonette and Former Mayoress and Councillor Mrs. Walker.

**(3) New Year Honours** - The Mayor reported that Ms. Maura Regan, Principal of Carmel College and Chief Executive of Carmel Education Trust, had been admitted as a member of the Order of the British Empire for services to education.

The Mayor also reported that Mr. Subhash Chander Chaudhary, a Mammalian Cell Culture Venture Leader at Fujifilm Diosynth Biotechnologies, and a resident of Darlington, had been admitted as a Member of the British Empire for services to biotechnology manufacture.

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

**40. 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.

**41. COUNCIL REPORTS – (1) Community Governance Review** – The Assistant Chief Executive submitted a report (previously circulated) to seek approval for the proposed areas in which Community Governance Reviews (CGRs) would be carried out.

The submitted report stated that the Local Government Boundary Commission for England (LGBCE) had conducted a review of the ward boundaries in the Borough, and that this review had prompted the duty of the Council to consider whether to hold CGRs to review the boundaries of the parishes within the Borough.

Pursuant to Minute 23(2)/Sept/14, where the Council had endorsed a consultation exercise with Parish Councils to enable them to indicate their preference as to whether each parish should be subject to a CGR, the consultation itself commenced on 28th October 2014, and a letter was sent to all Parish Councils setting out the initial proposed areas for a review, and the process to be followed in those areas.

The submitted report outlined the recommendations following consultation, stating the proposed Terms of Reference in each case. It was reported that there had been some misunderstanding in relation to the conduct of elections and the cost to parish councils, and the submitted report clarified that the Council had agreed to protect Parish Councils from the cost of elections which arise solely as a consequence of a CGR.

**RESOLVED** – (a) That Community Governance Reviews be conducted in relevant areas in 2015/16.

(b) That the list of areas to be the subject of a Community Governance Review be approved.

(c) That the timing and process for the conduct of Community Governance Reviews be agreed.

**REASON** – To ensure that the Council complies with its duties under the Local Government and Public Involvement in Health Act 2007.

**(2) Council Tax Calculation of Tax Base 2015/16** – The Director of Neighbourhood Services and Resources submitted a report (previously circulated) to determine the Council's tax base for 2015/16.

The submitted report stated that, in accordance with Section 33 of the Local Government Finance Act 1992 and the Local Authorities (Calculation of Council Tax Base) Regulations 2012, the Council had to decide its tax base by 31 January in the year preceding that for which the tax base applies.

**RESOLVED** – (a) That the report for the calculation of the Council's tax base for the year 2015/16 be approved.

(b) That the tax base for the Council and the individual tax base for the parishes, as set out in Appendix 1 of the submitted report, be approved.

**REASON** – To comply with statutory requirements, enabling the Council Tax for 2015/16 to be set by Council in February 2015.

**(3) Review of Street Trading Policy** – The Director of Economic Growth submitted a report (previously circulated) to approve the Council's revised Policy and Conditions in respect of the licensing of street trading in the Borough of Darlington.

The submitted report highlighted that the Policy had been revised to better facilitate the use of the Market Square, and in response to Government proposals following its consultation on the relevant legislation.

**RESOLVED** – That the revised Street Trading Policy and conditions, as detailed in Appendix 1 of the submitted report, be approved, and that all previous conditions be rescinded.

**REASONS** – (a) To provide a consistent, fair approach to the regulation and control of street trading in public areas.

(b) To enhance the use of the Market Square for community events.

(c) To aid the local economy and add to the facilities offered to people who visit, live and work in the Borough of Darlington.

**(4) Young People's Sexual Health Outreach Service** – The Director of Commissioning submitted a report (previously circulated) requesting that Contract

Procedure Rules be waived under Rule 18, to issue the direct award in respect of the contract for young people's sexual health outreach service.

The submitted report stated that the Council decision taken on 31 January 2013 (Minute 49(3)/Jan/13) enabled a review of the sexual health services, and that the findings of this review allowed a full procurement process for specialist sexual health and community contraceptive services to be undertaken. It was reported that the third component of services to be commissioned was, in part, a pilot programme for targeted outreach for young people, which delivered a sexual health outreach clinic from Darlington College and the Dolphin Centre (pilot component). The submitted report advised that the pilot period was due to end on 31 March 2015, and therefore a decision on future procurement needed to be agreed.

**RESOLVED** – That Contract Procedure Rules be waived in accordance with Rule 18, and that approval be granted to issue a direct award of a contract for 12 months, with the option for Council to extend for a further two times 12 month period, for young people's sexual health outreach services.

**REASONS** – (a) Provision of sexual health and contraception services are prescribed duties of the Council following the implementation of the Health and Social Care Act 2012.

(b) Young people are a high risk target group and services should be in place, in locations and at times, to specifically respond to their needs.

(c) The procurement of wider sexual health services September – December 2014 demonstrated a limited market for the provision of this type of service within Darlington.

**(5) Contact Centre Telephony** – The Assistant Chief Executive submitted a report (previously circulated) requesting that Contract Procedure Rules be waived under Rule 18.

The submitted report stated that the current Contact Centre telephony system could not be expanded to meet identified need, and that support for the current system was due to end in March 2015. It was stated that the Council would like to purchase the MacFarlane Contact Centre telephony system, as this system was used by Stockton Borough Council in their contact centre and integrated successfully with the Lagan Customer Relationship Management (CRM) system, and that Darlington Borough Council would benefit from the expertise and support that currently existed within Xentrall.

The submitted report stated that a detailed analysis had been undertaken to ensure that the proposed system would meet the operational needs of the centre, with the particular requirement that the telephony system could comply with future security requirements in relation to the recording of credit card details for taking payments. It

was reported that a realistic assessment of the cost had been made, and that a price had been negotiated.

**RESOLVED** – That Contract Procedure Rules be waived to enable a direct award to be made to MacFarlane Telesystems Ltd. to implement their Contact Centre telephony system.

**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 implementation of a contact centre telephony system that integrates with the Lagan Customer Relationship Management (CRM) system.

**42. 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) Mid Year Prudential Indicators and Treasury Management Monitoring Report 2014/15** - The Director of Neighbourhood Services and Resources submitted a report (previously circulated) on the revised Treasury Management Strategy, Prudential Indicators, and to provide a half-yearly review of this Council's borrowing and investment activities.

The submitted report stated that the Prudential Indicators were examined by the Audit Committee on 19th December 2014, and it was agreed at that meeting that the updated Prudential Indicators and revised Operational Boundary and Authorised Limit for borrowing be referred to Council, via Cabinet, for approval. It was also reported that the Audit Committee was satisfied with the Council's borrowing and investment activities, the reported Prudential Indicators, the revised borrowing limits, and the revised Counterparty criteria.

The Prudential Indicators were set in three statutory annual reports to Council, and the submitted report followed the Council's approval in February 2014 of the 2014/15 Prudential Indicators and Treasury Management Strategy. The key objectives of the three annual reports were to ensure that governance of the large amounts of public money under the Council's Treasury Management activities complied with legislation and met the high standards set out in the codes of practice, to ensure that borrowing was affordable, and to report performance of the key activities of borrowing and investments.

The submitted report also outlined revisions to the Prudential Indicators, which related to higher capital expenditure in 2014/15 due to a number of new schemes being realised throughout the year, with the bulk of new spend for Housing schemes. It was reported that both the Operation Boundary had reduced from £150M to

£148M, while the Authorised Limit had reduced slightly in line with the Capital Financing Requirement to £183.637M.

**RESOLVED** – (a) That the revised Prudential Indicators and limits within the report in Tables 1 to 6, 8 and 14 to 17, be approved.

(b) That the changes to the Counterparty Criteria, as outlined in paragraph 34 for the submitted report, be approved.

(c) That the reduction in the Treasury Management Budget (Financing Costs) of £0.478M, shown in Table 11, be noted.

**REASONS** – (a) In order 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 Local Government Act 2003.

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

**(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.

**43. 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.

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