

COUNCIL
19th March 2015

PRESENT – The Mayor, Councillors Baldwin, Carson, Copeland, Cossins, Coultas, Crumbie, Mrs. Culley, Curry, Dixon, Donoghue, Galletley, Harker, Harman, I. Haszeldine, C. L. B. Hughes, L. Hughes, Johnson, B. Jones, Mrs. D. Jones, Knowles, Landers, Lister, Long, D. A. Lyonette, Macnab, McEwan, Newall, Nutt, E. A. Richmond, S. Richmond, A. J. Scott, Stenson, C. Taylor, J. Taylor, Thistlethwaite, J. Vasey, L. Vasey, Wallis and Wright. (40)

APOLOGIES – Councillors Cartwright, Crichlow, Crudass, L. Haszeldine, Hutchinson, Kelley, Lawton, Regan, Mrs. H. Scott, Swainston and York. (11)

ABSENT – Councillor Grundy. (1)

52. MINUTES – Submitted – The Minutes (previously circulated) of the meetings of this Council held on 29th January 2015 and 26th February 2015.

RESOLVED – That the Minutes be approved as correct records.

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

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

55. ANNOUNCEMENTS – (1) Local Government Chronicle Awards – The Mayor announced that the Good Friends Scheme, a partnership between Age UK Darlington, the Council and the Darlington Partnership, had won the Health and Social Care Award at the Local Government Chronicle Awards. The Mayor reported that the Council's Family Placement Service had also been shortlisted for an award.

56. 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.

57. COUNCIL REPORTS – (1) Adult Social Care Contracts – The Director of Commissioning submitted a report (previously circulated) requesting that Contract Procedure Rule 18 be waived in order that the Council could commission directly with a service care provider to meet the complex support needs of an individual with a learning disability and autism, which would ensure that this individual could be discharged from hospital, in line with national direction, and have their needs met within their local community.

The submitted report stated that the individual concerned had resided in hospital for more than ten years, and that there was no clinical reason that they needed to do so. It was reported that previous attempts had been made to support discharge to the community, however it was stated that these had never been successful due to the complexity of the support needed. The submitted report outlined the lessons learnt from previous discharge attempts, and acknowledged that only a handful of specialist providers nationally would be able to meet the very specific support needs of this individual.

The submitted report stated that the cost of support would be split equally with the Clinical Commissioning Group; that the individual would be subject to Section 117 of the Mental Health Act; and that the individual would be subject to an annual review.

RESOLVED – That Contract Procedure Rule 18 be waived, as detailed in the submitted report, to allow a direct contract award.

REASONS – (a) No other provider is available within Darlington that is currently able to meet the very specific support needs of this individual.

(b) Without agreement the individual referred to in the submitted report would continue to live within hospital inappropriately.

58. 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) Land at Feethams and Houndgate - The Director of Economic Growth submitted a report (previously circulated) to seek approval to purchase a parcel of land situated at the corner of Feethams and Houndgate.

The submitted report stated that it was revealed in November 2014 that the site at the corner of Feethams and Houndgate was to be marketed, and that the Council had made an offer subject to the consideration and approval of Cabinet, but unconditional in terms of planning or ground condition. It was reported that the agent had informed the Council that his client was amenable to disposing of their site to the Council, however in accepting any offer the client would be seeking to recover overage on any uplift in land value should the land be developed within a period of five years.

The submitted report highlighted that by acquiring the site, the Council would strategically control the future development of the Feethams area, ensure that it complemented the Leisure scheme and the Multi Storey Car Park, and lead to the future completion of the Feethams development and planning brief. It was reported that the purchase of the site would enable a temporary extension to the Beaumont Street car park, to provide additional parking spaces during the period prior to the multi storey car park being opened.

RESOLVED – (a) That the purchase of a plot of land situated at the corner of Feethams and Houndgate be agreed, and that the purchase price and terms identified in Part III of the submitted report, be approved.

(b) That the Director of Economic Growth, in consultation with the Efficiency and Resources Portfolio Holder, be authorised to conclude negotiations and complete the purchase.

(c) That the Borough Solicitor be authorised to conclude the purchase accordingly.

REASON – To acquire a parcel of land which adjoins Council owned land will provide the Council with an opportunity to improve the appearance, use it for short stay car parking in the interim, and control the development potential of the site in the future.

(3) A Combined Authority for the Tees Valley - The Chief Executive and Director of Economic Growth submitted a report (previously circulated) to give consideration and endorsement to a Draft Scheme in respect of the creation of a Combined Authority for the Tees Valley, prior to submission to the Secretary of State.

The submitted report stated that at the meeting of Cabinet on 2 December 2014, a report was received in respect of the potential creation of a Combined Authority for the Tees Valley, and it was agreed that a consultation exercise be undertaken and that a further report be received prior the submission of a draft scheme to the Secretary of State.

The submitted report incorporated a recap of the rationale for the establishment of a Combined Authority, how it will support the achievement of economic goals, and the results of the consultation. The submitted report also contained the Draft Scheme, which had been referred to Council for consideration and endorsement prior to the submission to the Secretary of State.

RESOLVED – (a) That the positive nature of the consultation results be noted.

(b) That authority be delegated to the Chief Executive in consultation with the Leader of the Council to make any minor changes which may be required to the draft scheme through the negotiation process the Department for Communities and Local Government, and to submit the scheme to the Secretary of State for consideration and endorsement.

(c) That it be noted that further reports may be forthcoming to Committee as required following DCLG processes.

REASON – To ensure that Darlington Borough Council and the Tees Valley maximise the opportunity to develop the economy and positively shape and secure a more prosperous economic future.

(4) Change to Contract Procedure Rules - The Assistant Chief Executive submitted a report (previously circulated) to update and amend the Contract Procedure Rules (CPR) to ensure that they help to support wider objectives, good practice, the delivery of budget reductions and legal compliance.

The submitted report stated that the existing CPR had not been reviewed since July 2010, and outlined a number of reasons why a review of the rules was required.

RESOLVED – (a) That the revised Contract Procedure Rules, as appended at Appendix 1 of the submitted report, which aim to:

- i. Incorporate the Social Value Act;
- ii. Give effect to the regulations which introduce the European Directive into UK law;
- iii. Give effect to co-production and support to the not for profit sector;
- iv. Support procurement with local businesses and Small and Medium-sized Enterprises (SMEs);
- v. Introduce rules in relation to agreeing the Price Quality / Split;
- vi. Introduce rules in relation to setting the Contract Term;
- vii. Formalise the Procurement Board and its role;
- viii. Change the levels at which one quote and three quotes must be obtained, and at which tendering must be carried out;
- ix. Amend the rules in relation to waivers;
- x. Amend the rules in relation to Strategic Procurement Decisions; be approved.

(b) That other changes to the Constitution and Rules which are consequential to the decisions approved above, be agreed.

REASONS – (a) To give effect to new legislation.

(b) To support efficiencies and reduce administration.

(c) To support economic growth and building stronger communities through supporting local SMEs, and the not-for-profit-sector.

59. 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.

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