

## COUNCIL

25th November, 2004

**PRESENT** – The Mayor; Councillors Armstrong, Baldwin, Bristow, Mrs. Brown, Burt, Copeland, Dixon, Flowers, Harker, Hartley, Heaney, Holmes, Hughes, Mrs. Jones, S.J. Jones, Lawton, Lee, Lewis, Lister, Long, D.A. Lyonette, J.M. Lyonette, Maddison, Maybrey, McEwan, Newall, Nutt, Reynolds, Ruck, A.J. Scott, Stamford-Bewlay, Stenson, Mrs. Swift, Thistlethwaite, Vasey-Smith, J.C. Vasey, L. Vasey, G.B. Walker, Wallis and Williams. (41)

**APOLOGIES** - Councillors Foster, Mrs. Hart, Haszeldine, Hutchinson, Johnson, B. Jones, Richmond, Roberts, F.S. Robson, S. Robson, Mrs. Scott and Wilson.(12)

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

**53. MINUTES** – Submitted – The Minutes (previously circulated) of the meetings of this Council held on 30th September and 2nd November, 2004.

**RESOLVED** – That the Minutes be approved as correct records.

**54. MRS. MARGARET HIND** – The Mayor announced with great sadness the death in service on 23rd November, 2004 of Mrs. Margaret Hind, who was a Senior Home Care worker within the Social Services Department. Mrs. Hind had worked for both Durham County Council and Darlington Borough Council in Home Care since July 1987.

**RESOLVED** - That the deepest sympathy of the Council be conveyed to Mrs. Hind's family for the loss they have sustained.

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

**RESOLVED** – That the Register of Documents which had been sealed since the last meeting of the Council be signed by the Mayor.

**56. CABINET RECOMMENDATIONS AND REPORTS – (1) Overview Reports of Cabinet Members** – The Leader and 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.

Discussion ensued on the content of the reports and Cabinet Members answered questions thereon.

**RESOLVED** – That the reports be received.

**(2) Historic Environment and Design Champions** – The Director of Corporate Services submitted a report (previously circulated) requesting that consideration be given to appointing the Cabinet Member for Regeneration and Planning as this Council's Champion for the Historic

Environment and for Design, whose role would be to ensure that the historic environment was at the heart of the Council agenda.

The submitted report stated that this appointment was in response to the Office of the Deputy Prime Minister's published policy statement on the Historic Environment in 2001 entitled 'A Force for Our Future', in which it was recognised the fundamental role played by local authorities in maintaining and promoting the historic environment and encouraged local authorities to appoint an Historic Environment Champion at Member Level.

**RESOLVED** – That the Cabinet Member for Regeneration and Planning be appointed as this Council's Champion for the Historic Environment and for Design and that his portfolio, as detailed within the Council's Constitution, be amended accordingly.

**REASON** – To ensure that this Council's historic environment is preserved and enhanced, and that good urban design is prompted.

**(3) Faverdale East Business Park** – The Director of Development and Environment submitted a report (previous circulated) requesting approval to complete the introduction of infrastructure and services at Faverdale East Business Park by waiving Contract Procedure Rules in relation to extending contracts. Approval was also requested to extend the marketing agreement with Donaldsons to act for the Council to attract occupiers of the Business Park.

The submitted report outlined the background to the development of the Business Park; the reasons for the request to waive Contract Procedure Rules, which would enable the scheme to proceed with Phase One SO4 construction and environmental landscaping work; and the savings which would accrue from the courses of action proposed.

**RESOLVED** – (a) That approval be given to the expenditure of £645,000, including £40,000 from the Council's Capital Programme, for the Faverdale East Business Park Phase I (SO4 and completion works) scheme.

(b) That the waving of Contract Procedure rules be approved to allow the procurement of Hall Construction Limited and Billingham George Partners to complete all works associated with the construction of SO4.

(c) That the waving of Contract Procedure rules be approved to allow the procurement of Donaldsons, until December 2005, to enable the Phase One marketing of the Faverdale East Business Park.

**REASONS** – (a) To enable the Faverdale East Business Park to proceed with Phase One SO4 construction and environmental landscaping works, therefore expending £645,000 of 2005/06 funding.

(b) To enable the Council to maximise the amount of external funding available to the Borough by saving monies through the procurement of Hall Construction Limited and Billingham George Partners to complete SO4 associated works.

(c) To encourage inward investment by new companies in the Borough.

**(4) School Attendance Policy and Strategy** – The Director of Education submitted a report (previously circulated) requesting approval be given to a new School Attendance Policy and Strategy, which included a response to the new powers available to local authorities to issue penalty notices to parents for the non-attendance of children at school.

The submitted report outlined the provisions contained within the new Policy, which had been developed to address promoting and securing good levels of attendance at school. Particular reference was made to the role of the Educational Welfare Service in issuing penalty notices to parents for the non-attendance of children at school.

**RESOLVED** – (a) That the new Attendance Policy , attached as an appendix to the submitted report, be approved.

(b) That the Education Welfare Service be authorised to issue Penalty Notices within the constraints of the local code, as shown in Appendix 7 of the Attendance Policy and Guidelines.

**REASONS** – (a) To ensure that the Authority has an up to date Attendance Strategy.

(b) To enable new powers of issuing penalty notices to be adopted.

**(5) Prudential Indicators Update and Treasury Management Half-Year Review** – The Director of Corporate Services submitted a report (previously circulated) giving an update of the Prudential Indicators and half yearly review of the Council’s Treasury Management borrowing and investment activities and requesting approval of revised prudential indicators.

The submitted report stated that the prudential indicators had been updated to take account of the Council’s borrowing position; the main indicators for operation and authorised limits remained unchanged; the Council’s return on investments had been satisfactory for the first six months of the current financial year; and the Council’s borrowing and investments would produce a saving of £0.938m on the 2004/05 approved budget.

**RESOLVED** – (a) That the revised prudential indicators and limits detailed in the submitted report in Tables 1 to 10 be approved.

(b) That the Treasury Management half-yearly review be noted.

**REASON** – In order to comply with the Prudential Code for Capital Finance in Local Authorities.

**(6) Cabinet Urgent Decisions** – The Corporate Management Team submitted a report (previously circulated) detailing decisions 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 procedure to be followed if decisions were taken under the Urgency Rule and the five decisions taken under that rule since the last ordinary meeting of the Council held on 30th September, 2004.

**RESOLVED** – That the urgent decisions taken by Cabinet be noted.

**REASONS** – To comply with the Council’s Constitution.

**57. SCRUTINY COMMITTEES – OVERVIEW REPORTS** – The five Scrutiny Committee Chairs each gave a report (previously circulated) on the main areas of work undertaken by their relevant Scrutiny Committee during the last cycle of Committee meetings.

Discussion ensued on the content of the reports and the Scrutiny Chairs answered questions thereon.

**RESOLVED** – That the reports be received.

**58. CABINET DELEGATED POWERS – ADDITIONAL CAPITAL EXPENDITURE** – The Director of Corporate Services submitted a report (previously circulated) requesting approval to increasing the maximum limit of additional capital expenditure that could be approved by Cabinet without reference to Council from £250,000 to £500,000 for the financial year 2004/05.

The submitted report outlined the limits contained in the Council’s Constitution, Part 3 Responsibility for Functions, in relation to Cabinets powers to approve capital schemes and the need to amend those limits in order that urgent capital schemes could progress swiftly.

**RESOLVED** – That approval be given to increasing the maximum limit of additional capital expenditure that can be approved by Cabinet without references to Council from £250,000 to £500,000 for the financial year 2004/05.

**REASON** – In order that urgent capital schemes can progress swiftly.

**59. FREEDOM OF INFORMATION IMPLEMENTATION** – The Director of Corporate Services submitted a report (previously circulated) outlining progress made towards full implementation of the Freedom of Information Act 2000, which was a wider group of policies to modernise government and ensure that decision-making was more open and accountable.

The submitted report outlined the provisions contained with the Freedom of Information Act, which had to be complied with by 1st January, 2005 and the procedures, policies and training which the Council had established to comply with this Act.

**RESOLVED** – (a) That the draft Freedom of Information and Information and Records Management Policies, be approved.

(b) That delegated power be granted to the Director of Corporate Services to set fee levels for Freedom of Information requests, in accordance with Government guidance, and this information be incorporated within the Council’s Freedom of Information documentation.

(c) That the arrangements for staff training and publicity and development of the Freedom of Information Procedure Manual be noted.

**REASON** – The recommendations are supported to assist Council compliance with the requirements of the Freedom of Information Act 2000.

**60. IMPLEMENTING ELECTRONIC GOVERNMENT** – The Director of Corporate Services submitted a report (previously circulated) requesting approval of a draft Implementing Electronic Government 2004 Statement, more commonly referred to as IEG4, and seeking authority for the Director of Corporate Services to make any necessary changes ahead of its submission to the Office of the Deputy Prime Minister by 20th December, 2004.

The submitted report outlined the requirement for the Council to submit an IEG4 submission which, if successful, could result in the Council qualifying for the £150,000 capital grant. References were also made to the grants awarded to the Council as a result of previous IEG submissions.

**RESOLVED** – (a) That the IEG4 statement be approved.

(b) That the Director of Corporate Services and the Council’s Officer e-champion be authorised to make any necessary changes to the statement to reflect any further guidance which may be issued and include any additional information that will strengthen the Council’s IEG4 statement ahead of its submission to the Office of the Deputy Prime Minister.

**REASON** – The recommendations are supported to allow the Council to meet the requirement of submitting an IEG4 statement on schedule and qualify for the £150,000 capital grant.

**61. MEMBERSHIP CHANGES** – Consideration was given to the membership changes of Committees, Subsidiary Bodies and Other Bodies for the Municipal year 2004/05.

**RESOLVED** – That Councillor Maddison be appointed to Resources Scrutiny Committee to replace Councillor Thistlethwaite.

**62. POLICE AUTHORITY QUESTIONS** –. There were no questions to the nominated member of the Police Authority in accordance with Section 20 of the Police Act 1996.

THE COMMON SEAL of THE )  
COUNCIL OF THE BOROUGH )  
OF DARLINGTON was hereunto affixed )  
this Twenty seventh day of January )  
two thousand and five in the presence of :- )

Mayor

Borough Solicitor