

**COUNCIL**  
21st July, 2005

**PRESENT** – The Mayor; Councillors Armstrong, Bristow, Mrs. Brown, Dixon, Francis, Harker, Mrs. Hart, Hartley, Haszeldine, Holmes, Hughes, Hutchinson, Johnson, B. Jones, Mrs. Jones, S. J. Jones, Lawton, Lewis, Lister, D.A. Lyonette, J. Lyonette, McEwan, Reynolds, Richmond, Roberts, Ruck, A. J. Scott, Mrs. Scott, Stenson, Mrs. Swift, Thistlethwaite, Vasey-Smith, J.C. Vasey, L. Vasey, G. B. Walker, Wallis, Williams and Wilson. (39)

**APOLOGIES** – Councillors Baldwin, Copeland, Flowers, Foster, Heaney, Lee, Long, Maddison, Maybrey, Newall, Nutt, F. S. Robson and Stamford-Bewlay. (13)

**24. DECLARATIONS OF INTEREST** – Councillors Dr. Reynolds and G. B. Walker each declared personal and non-prejudicial interests in relation to part of the Children’s Service Portfolio Overview Report (Minute 27 below refers) as Governors of Eastbourne School.

**25. MINUTES** – Submitted – The Minutes (previously circulated) of the meetings of this Council held on 19th and 26th May and 20th June, 2005.

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

**26. ANNOUNCEMENTS** – The Mayor made the following announcements: **(1) Queen’s Birthday Honours and Awards 2005** – The Mayor reported that Mrs. Polly Burns of Darlington, Executive Officer, Data Services Group, Qualifications, Pupil Assessment and Information Division, Department for Education and Skills had received an M.B.E.

**RESOLVED** - That the congratulations of the Members and Officers of this Council be conveyed to Mrs. Burns.

**(2) Mrs. Joyce Standing** – The Mayor referred to Mrs. Joyce Standing’s service of more than 40 years to the Skerne Park Community, which had been marked by a Civic Reception held on 10th June, 2005.

**RESOLVED** – That the congratulations and thanks of the Council be conveyed to Mrs. Standing for her long service to the Skerne Park Community.

**(3) Councillor W. H. R. Burt** – The Mayor referred to the sad death on 26th June, 2005 of Councillor Roderick Burt, who was a Councillor for Hurworth Ward and stated that letters had been sent to Councillor Burt’s wife and family expressing the deepest sympathy of the Council and Officers for the loss they have sustained. As a mark of respect, Members held a short silence for Councillor Burt.

**(4) Councillors Copeland and F.S. Robson** – The Mayor reported that Councillor Veronica Copeland was in hospital and Councillor Frank Robson, her husband, had been discharged from hospital earlier that day.

**RESOLVED** – That the best wishes of the Council be conveyed to Councillors Copeland and Robson for speedy recoveries to good health.

**27. 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.

**28. 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.

(NOTE - Councillor Richmond handed a petition to The Mayor from residents of Eastbourne Ward objecting to the Eastbourne School/Hurworth School proposal, referred to in the Overview of Children's Services Portfolio report.)

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

**(2) Implementing Electronic Government Update** – The Director of Corporate Services submitted a report (previously circulated) giving an update on the implementation of the Electronic Government 2005 (IEG4) Statement and seeking permission to waive Contract Procedure Rules for the web development elements of expenditure.

The submitted report stated that Cabinet had supported proposals for the use of IEG4 Funds; referred to the requirement for all councils to submit an interim update IEG4.5 Statement (appended to the submitted report) on their progress towards meeting the BVPI 157 target and Priority Outcomes by midday on Monday 28th July, 2005 ; and detailed the reasons for waiving this Council's Contract Procedure Rules.

**RESOLVED** – (a) That the content of the report and the associated appendices be noted.

(b) That the IEG 4.5 Statement contained in Appendix B of the submitted report be approved.

(c) That Contract Procedure rules be waived to allow any further website development work identified with regard to achieving the government's priority services to be negotiated with the Council's current website development partner Waterstons.

**REASONS** – (a) It supports the Council's Electronic Government Strategy and IEG statements.

(b) It will allow the Council to deliver the priority services as identified by the Government.

**(3) Administering High Hedges Complaints** – The Director of Development and Environment submitted a report (previously circulated) seeking approval for the level of fees proposed to cover the administration of the recently introduced High Hedges Complaints procedures and delegated authority for officers to determine such complaints.

The submitted report outlined the Law giving local councils the power to deal with complaints about high hedges; the provision for Councils to charge a fee for determining a complaint about

high hedges; and the suggested fee, including concessions for those on low incomes, to cover the costs of providing the High Hedges Complaint service.

**RESOLVED** – (a) That the standard fee for handling a High Hedges Complaint be set at £350 for the current financial year.

(b) That those complainants who are currently unemployed or, receive either housing benefit or Council tax benefit, be eligible to a concessionary fee of £200 for the current financial year.

(c) That the fee levels be reviewed after 12 months of operation when more information is available on the actual costs incurred and the demands made on the service.

(d) That the Scheme of Delegation to officers, included in the Council’s Constitution, be revised in respect of planning matters to grant the Director of Development and Environment, or his/her nominated officer, delegated powers to decide High Hedges Complaints under Part 8 of the Anti-social Behaviour Act 2003.

(e) That High Hedge Complaints involving Council-owned land be decided by the Council’s Planning Applications Committee.

**REASONS** – (a) To cover the costs of administering and processing High Hedge Complaints.

(b) To assist people on low incomes to pay for the High Hedge Complaint service.

(c) To identify the true costs of the complaint service and suggest a revised fee scheme.

(d) To establish an efficient and fair decision making process.

(e) To ensure a fair and transparent decision making process.

**(4) Energy Policy** – The Director of Development and Environment submitted a report (previously circulated) requesting approval of an Energy Policy, the aim of which was to document the Council’s commitment to reduce its energy consumption through energy efficiencies and to protect finite resources and help combat climate change through investment in renewable energy from sustainable sources.

The submitted report outlined the background to development of the Policy and referred to the Government’s Energy White Paper, published in 2003, in which it envisaged the role of local authorities being pivotal in delivering carbon dioxide reduction targets.

**RESOLVED** – That the Energy Policy, appended to the submitted report, be approved.

**REASONS** – (a) To demonstrate the Council’s commitment to be energy efficient and to combating climate change by acknowledging a need to act and adapting self imposed targets to achieve measurable results.

(b) To give, strength, direction and support to energy management within the Authority through Council Policy.

**(5) Cabinet Urgent Decisions** – The Corporate Management Team submitted a report (previously circulated) detailing decisions taken by the 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 one decision taken by Cabinet as a matter of urgency and to which the procedure for call-in could not be applied.

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

**REASON** - To comply with the Council's Constitution.

**29. 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 contents of the reports and the Scrutiny Chairs answered questions thereon.

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

**30. STATEMENT ON INTERNAL CONTROL** – The Director of Corporate Services submitted a report (previously circulated) requesting approval of the Council's Statement on Internal Control.

The submitted report stated that Regulation 4 of the Accounts and Audit Regulations 2003 required local authorities to publish, each year, a Statement on Internal Control (SIC), which formed part of the overall Statement of Accounts and must be signed by the Leader of the Council and Chief Executive.

**RESOLVED** – That the draft Statement of Internal Control, appended to the submitted report, be approved.

**REASON** – The recommendation is supported, as it comprises part of the Council's corporate governance arrangements.

**31. STATEMENT OF ACCOUNTS 2004/05** – The Director of Corporate Services submitted a report (previously circulated) requesting approval of the Council's Statement of Accounts 2004/05 and to the establishment of a specific Private Finance Initiative Reserve (PFI) of £1.0 million.

The submitted report outlined the requirement in the Accounts and Audit Regulations 2003 for local authorities to approve their 2004/05 Statement of Accounts by 31st July, 2005; and the reasons for the establishment a PFI reserve.

**RESOLVED** – (a) That the establishment of a Public Finance Reserve of £1.0 million be approved.

(b) That the draft Statement of Accounts for 2004/05 be approved.

**REASONS** – (a) To meet statutory requirements for formal approval by Council of the draft Statement of Accounts.

(b) To establish reserves in the interests of sound financial management and in compliance with legal requirements.

**32. PROPOSED ESTABLISHMENT OF A PLANNING FORUM** – The Director of Development and Environment submitted a report (previously circulated) seeking agreement to the establishment of a Planning Forum and also detailing proposed terms of reference.

The submitted report outlined the background to the establishment of a Planning Forum, which would enable stakeholder and public involvement in the preparation of a series of new development planning policy documents, to replace the existing Borough of Darlington Local Plan.

**RESOLVED** – That the establishment of a Council consultation forum for development planning, according to the terms of reference detailed in the Appendix to the submitted report, be approved.

**REASONS** – (a) To inform the preparation of the new Local Development Framework.

(b) To implement a commitment set out in the Council’s revised draft statement of Community Involvement in Planning.

**33. DARLINGTON’S SECOND LOCAL TRANSPORT PLAN** – The Director of Development and Environment submitted a report (previously circulated) seeking the approval of the Provisional Second Darlington Local Transport Plan which covered the period April 2006 to March 2011.

The submitted report outlined the background to the development of Plan, which set out how transport investment and other actions would be implemented from 2006/07 to 2010/11 to contribute to the long-term vision for Darlington, to sub-regional and regional objectives and to the national shared priorities.

**RESOLVED** – That the draft of the Provisional Second Local Transport Plan and Transport Strategy for Darlington be approved.

**REASONS** – (a) To meet Government’s request to prepare a Provisional Second Local Transport Plan by 29th July, 2005.

(b) To provide a Plan to guide the Council’s transport spending and actions between 2006/07 and 2010/11.

**34. REPORT OF OMBUDSMAN ON COMPLAINTS REGARDING A PLANNING MATTER AND A LICENSING MATTER** – The Director of Development and Environment submitted a report (previously circulated) requesting that consideration be given to action to be taken in response to a report from the Local Ombudsman on complaints number 03/C11999 and 03/C1337 against the Council in relation to planning and licensing matters related to the Darlington Football Club premises.

The submitted report outlined the nature of the complaints; and the findings of the Ombudsman; and the suggested remedies to correct the injustice arising from the maladministration highlighted in the Ombudsman's report.

**RESOLVED** – (a) That the report of the Ombudsman be accepted and appropriate action be taken to remedy the injustice, as outlined in the submitted report.

(b) That the procedural changes, which have already been effected to deal with matters arising from the complaint on licensing, be noted.

(c) That the action currently being taken, as detailed in paragraph 13 of the submitted report, and in particular the steps to strengthen dialogue with the public locally on the impact of activities at the Stadium, be agreed.

**REASON** – The findings of the Ombudsman should be accepted in the absence of any fundamental flaw in the report and appropriate action should be taken to remedy any injustice.

**35. ARRANGEMENTS FOR THE FUTURE OF ADULT SOCIAL SERVICES AND THE DIRECTOR OF ADULT SOCIAL SERVICES** – The Acting Chief Executive submitted a report (previously circulated) outlining proposals for the location of the responsibilities of the role of Director of Adult Social Services and the location of services for adults and older people in Darlington Borough Council.

The submitted report outlined the contents of a Department of Health documents entitled “Best Practice Guidance on the Role of the Director of Adult Social Services and “Independence Wellbeing and Choice” in relation to the provision and management of adult social services; the role and responsibilities and timetable for the appointment of a Director of Adult Service; the discretion to combine the Director of Social Services function with additional functions; various options in respect of the structural change for the future provision and management of Adult Services; and the outcome of consultation with staff, the Primary Care Trust and Trade Unions on the preferred option.

**RESOLVED** – (a) That the statutory and operational responsibilities of the Director of Adult Social Services be located with the post of Director of Community Services.

(b) That amendments to the scheme of delegation, to transfer the powers delegated to the Director of Adult Social Services (except those in connection with Children's Services) to the Director of Community Services, be agreed.

(c) That the staff and services of the current Adult Social Services be located within the Community Services Department.

**REASONS** - (a) To comply with current draft Guidance on the Role of Director of Adult Social Services as set out in the Consultation paper ‘Best Practice Guidance on the Role of the Director of Adult Social Services’.

(b) To work alongside the Government's vision for the future of adult social services, as set out in the Green Paper ‘Independence, Wellbeing and Choice’.

**36. CORPORATE RISK MANAGEMENT – RESPONSIBILITY** – The Director of Corporate Services submitted a report (previously circulated) detailing proposals to include the

Corporate Risk Management into Cabinet's collective responsibilities and under the Resource Management Portfolio and also the to appoint a Cabinet Member as this Council's Corporate Risk Management Champion, to comply with the Comprehensive Performance Assessment (CPA) 2005 Use of Resources methodology.

**RESOLVED** – (a) That the inclusion of Corporate Risk Management into Cabinet's collective responsibilities and into the Resource Management Portfolio be approved.

(b) That the Cabinet member with Resource Management Portfolio be this Council's Member Champion for Corporate Risk Management.

**REASON** – To help meet the requirements of the Comprehensive Performance Assessment 2005 Use of Resources methodology.

**37. CABINET'S DELEGATED POWERS – ADDITIONAL CAPITAL EXPENDITURE –**

The Director of Corporate Services submitted a report (previously circulated) requesting approval to the increase of Cabinet's delegated powers to approve additional capital expenditure from £250,000 to £500,000 for the financial year 2005/06, in order that urgent capital schemes could progress promptly. A schedule of the schemes where additional capital expenditure had already been approved by Cabinet, amounting to £246,000, was appended to the submitted report.

**RESOLVED** – That the maximum limit of additional capital expenditure that can be approved by Cabinet without reference to Council be increased from £25,000 to £500,00 for the financial year 2005/06.

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

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

**39. 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 Fifteenth day of September )  
two thousand and five in the presence of :- )

Mayor

Borough Solicitor