

## COUNCIL

26th January, 2006

**PRESENT** - The Mayor; Councillors Armstrong, Baldwin, Bristow, Copeland, Dixon, Flowers, Foster, Francis, Harker, Mrs. Hart, Hartley, Haszeldine, Heaney, Holmes, Hughes, Johnson, B. Jones, Mrs. D. Jones, S. J. Jones, Lawton, Lee, Lewis, Long, D.A. Lyonette, J.M. Lyonette, Maddison, Maybrey, McEwan, Newall, Reynolds, Richmond, Roberts, F.S. Robson, Ruck, A. J. Scott, Mrs. Scott, Stenson, Swainston, Mrs. Swift, Thistlethwaite, Vasey-Smith, J.C. Vasey, L. Vasey, G.B. Walker, Wallis, Williams and Wilson. (48)

**APOLOGIES** – Councillors Mrs. Brown, Hutchinson, Lister and Nutt. (4)

**71. DECLARATIONS OF INTEREST** – The Mayor and Councillors Francis, J. Lyonette and F.S. Robson each declared prejudicial interests in Minute 83 below and left the meeting during consideration of that item; the Mayor, Councillors Armstrong, Flowers, Mrs. Hart, Mrs. D. Jones, Hartley, Lawton, Lewis, Long, D. Lyonette, Maybrey, Newall Richmond, Roberts, F.S. Robson, Ruck, Mrs. Scott, Stenson and Walker each declared personal and non-prejudicial interests in Minute 75(5) below in relation to the Concessionary Fare Scheme; Councillor Walker declared personal and non-prejudicial interests in Minutes 75(1) and (5) below in relation to Redhall Community Centre, Eastbourne School and Haughton Youth Centre; Councillor L. Vasey declared a personal and non-prejudicial interest in Minute 75(1) below in relation to the Queen Elizabeth Sixth Form College; Councillor Johnston declared a personal and non-prejudicial interest in Minute 75(1) below in relation to lease of accommodation at Church Row as Deputy Chairman of the Council of Voluntary Service; Councillor Copeland declared personal and non-prejudicial interests in Minutes 75(1) and 76 below in relation to the Academy proposals as Chair of Governors at Eastbourne School, the Youth Service and Haughton Youth Centre; Councillor Hughes declared a personal and non-prejudicial interest in Minute 75(1) below in relation to St. Augustine's School; Councillor Dr. Reynolds declared a personal and non-prejudicial interest in Minute 75(1) and 76 as a Governor at Eastbourne School; and Councillors Baldwin declared a personal and non-prejudicial interest in relation to Minute 80 below as a close relative is employed by the Council; and Councillor Thistlethwaite declared personal and non-prejudicial interests in Minute 80 below as two close relatives are employed by the Council.

**72. MINUTES** – Submitted – The Minutes (previously circulated) of the meeting of this Council held on 17th November, 2005.

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

**73. ANNOUNCEMENTS** – The Mayor made the following announcements - **(1) Councillor Stamford-Bewlay** – The Mayor referred to the sad death on 29th December, 2005 of Councillor Phillip Stamford-Bewlay, who was a Councillor for College Ward, and stated that letters had been sent to his family expressing the deepest sympathy of the Council and Officers for the loss they had sustained. As a mark of respect, Members held a short silence for Councillor Stamford-Bewlay.

**(2) Councillors Hutchinson and Mrs. Brown; and Alderman Skinner** – The Mayor reported that Councillors Hutchinson and Mrs. Brown had been in hospital and were now recuperating; and that Alderman Jim Skinner was in hospital.

**RESOLVED** – That the best wishes of the Council be conveyed to Councillors Hutchinson, Mrs. Brown and Alderman Skinner for speedy returns to good health.

**(3) New Years Honours List** - The Mayor reported that Mr. Alan Charlton was awarded a MBE for services to the community of Darlington and Mr. Alistair Arkley received a CBE for services to regeneration in the North-East in the Queen’s New Years Honours List.

**RESOLVED** – That the congratulations of the Members and Officers of the Council be conveyed to Mr. Chartlon and Mr. Arkley on their awards.

**74. 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.

**75. 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) Questions** – In accordance with notice duly given, Councillor Swainston asked eleven questions of the relevant Cabinet Members (Councillors McEwan, D. Lyonette and Williams respectively) and received responses to his questions.

**(3) Darlington Eastern Transport Corridor – State of Readiness Funding** - The Director of Development and Environment submitted a report (previously circulated) requesting approval to the formal release of funding to enable the Darlington Eastern Transport Corridor (DETC) to be completed to the required state of readiness, as detailed in the report (also previously circulated) which had been considered by Cabinet on 29th November 2005.

The submitted report referred to the delay in a Government decision on the funding of the DETC which meant that the anticipated start in Spring of 2006 would not be achieved. It was reported, however, that despite the delay, it was still necessary to complete the scheme to the required state of readiness although the start of construction on site would need to be reprogrammed accordingly.

**RESOLVED** – That funding be formally released to enable the design for the Darlington Eastern Transport Corridor to be completed to the required state of readiness.

**REASON** – To enable the formal release of funding as the amount required to be released exceeds Cabinet’s delegated limits.

**(4) 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 maximum borrowing levels (the Authorised Limit and the Operational Boundary), the key indicators remain unchanged; the Council's return on investments had been satisfactory for the first six months of the current financial year; and, based on the first six months of 2005/06, the Council's borrowing and investments were forecast to produce a saving of £0.385m on the 2005/06 approved budget.

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

(b) That the Treasury Management half-yearly review 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 requirements of the Local Government Act 2003.

**(5) Cabinet Urgent Decisions** – The Corporate Management Team submitted a report (previously circulated) detailing two 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.

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

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

**76. 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.

**77. COUNCIL TAX – CALCULATION OF TAX BASE 2006/07** – The Director of Corporate Services submitted a report (previously circulated) requesting that consideration be given to determining the Council's Tax Base for 2006/07 in accordance with Section 33 of the Local Government Finance Act 1992 and the Local Authorities (Calculation of Council Tax Base) Regulations 1992.

**RESOLVED** – (a) That the report of the Director of Corporate Services for the calculation of the Council's tax base for the year 2006/07 be approved.

(b) That in accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 1992, the amount calculated by Darlington Borough Council as its council tax base for the year 2006/07 shall be 33,111.36 and the individual tax bases for the following parishes for 2006/07 shall be as follows:

<b>Parish</b>	<b>Tax Base</b>
Archdeacon Newton	152.32
Bishopton	166.22
Heighington	923.07
High Coniscliffe	93.54
Hurworth	1209.04
Low Coniscliffe and Merrybent	223.31
Low Dinsdale	210.01
Middleton St. George	1378.14
Neasham	157.08
Piercebridge	59.08
Sadberge	284.88
Walworth	40.21
Whessoe	560.53

**REASON** – To comply with statutory requirements.

**78. DUAL DIAGNOSIS STRATEGY** – The Director of Community Services submitted a report (previously circulated) seeking ratification of the County Durham, Darlington and Easington Dual Diagnosis Strategy to enable its implementation in Darlington.

The submitted outlined the background the development and purpose of the Strategy, which was in response to the National Service Framework for Mental Health (1999) in which the Department of Health highlighted the need to develop a dual diagnosis strategy to meet standards relating to mental health promotion, care of those with severe mental illness and preventing suicide. It was reported that the Strategy set out the agenda for ensuring that people with dual diagnosis had access to effective services that responded to their complex and changing needs across age ranges and services.

**RESOLVED** – That the implementation of the County Durham, Darlington and Easington Dual Diagnosis Strategy be ratified.

**REASONS** – (a) The Dual Diagnosis Strategy has been developed on a wide partnership basis with a significant level of local consultation.

(b) Ratification and implementation of the Strategy will assist the Council to meet the requirements of the National Service Framework Mental and associated health and social care frameworks.

**79. SERVICE LEVEL AGREEMENTS – (1) Adult Services** – The Director of Community Services submitted a report (previously circulated) requesting delegated powers be given to the him to negotiate the renewal of existing Service Level Agreement's (SLAs) with current Independent and Voluntary Sector Providers of adult social care and requesting that the Council's Contracts Procedure Rules be waived accordingly.

The submitted report detailed the existing Service Level Agreements (SLA's) involved; and the benefits of continuing with the current arrangements.

**RESOLVED** – That the Director of Community Services be given delegated powers to negotiate suitable Service Level Agreements with existing suppliers of the services, detailed in the submitted report, and that the Council's Contract Procedure Rules be waived accordingly.

**REASONS** – (a) All of the organisations are committed to the principles of partnership working and are developing services to ensure positive outcomes for service users.

(b) There are significant benefits arising from relationships developed between provider organisations and service users as a result of the continuity of services.

(c) Some of the organisations make significant financial contributions to the service.

(d) A number of these services have been part of the Best Value reviews and considered to be appropriate services.

**(2) Children' Services** – The Director of Children's Services submitted a report (previously circulated) requesting delegated powers be given to her to negotiate the renewal of existing Service Level Agreement's (SLAs) with current Independent Providers of children's social care and requesting that the Council's Contracts Procedure Rules be waived accordingly.

The submitted report detailed the existing Service Level Agreements (SLA's) involved; and the benefits of continuing with the current arrangements.

**RESOLVED** – That the Director of Children's Services be given delegated powers to negotiate suitable Service Level Agreements with existing suppliers of the services, detailed in the submitted report, and the Council's Contract Procedure Rules be waived accordingly.

**REASONS** – (a) All of the organisations are committed to the principles of partnership working and are developing services to ensure positive outcomes for service users.

(b) There are significant benefits arising from relationships developed between provider organisations and service users as a result of the continuity of services.

**(NOTE** – The order of business on the Council Summons was varied in accordance with Council Procedure Rule No. 28 to enable Item 11 on the Summons, Funding Provision for Works in Default – Feethams to be taken at the end of the meeting.)

**80. SINGLE STATUS NEGOTIATIONS** – The Director of Corporate Services submitted a report (previously circulated) detailing progress made with job evaluation and Single Status negotiations and a methodology for approving the final agreement with Trade Unions.

The submitted report outlined the need for the Council to implement a Single Status Agreement, as part of the National Agreement and to reduce the risk of future pay claims; the key elements, timetable, implications in both financial and employee relations terms and framework of delegation for the implementation of the Agreement; and emerging issues from job evaluation/single status work.

**RESOLVED** – (a) That the Director of Corporate Services, in consultation with the Chief Executive and Leader of the Council be given delegated powers to implement the Single Status Agreement within the following framework:

- (i) The implementation cost of the Agreement should be contained within the resources of the existing Medium Term Financial Plan (MTFP) or as revised as part of the 2006/07 (MTFP) review.
- (ii) That the Agreement should minimise the negative impact on employee relations.
- (iii) That the Agreement will only be implemented when an equal Pay audit has been undertaken that demonstrates the agreement is 'equality proof'.
- (iv) That the approach to terms and conditions will be to rationalise and simplify them.
- (v) That the Agreement is approved by the Trade Unions for implementation.
- (vi) That the Agreement is backdated to 1st July, 2005 for all employees whose remuneration is increased.
- (vii) That a Pay Protection Scheme is implemented.
- (viii) That an appeals process for employees and management be included.

(b) That the Director of Corporate Services submit a further report should implementation not be possible within the framework at (a) above.

**REASONS** – (a) To enable the Council to implement the Single Status Agreement.

(b) To enable Council to further consider the issue should it not be possible to implement the Agreement within the agreed framework.

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

**82. 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.

(NOTE – In accordance with Council Procedure Rule No. 4(a), Councillor Haszeldine was elected to the Chair for the following item only.)

**83. FUNDING PROVISION FOR WORKS IN DEFAULT – FEETHAMS** – The Director of Development and Environment submitted a report (previously circulated) requesting approval to the allocation of sufficient Council funds to undertake demolition works, either in default or by agreement, at the derelict Feethams Football Stadium to ensure the site was made as safe as was reasonably practicable.

The submitted report outlined the current derelict state of Feethams Football Stadium; the problems encountered by the Owners of the Stadium to keep the site secure and prevent unauthorised access to the remaining buildings; the results of monitoring of the Site by Council staff, which indicated there was very little scope to ensure the safety of the site and building.

References were also made to discussions with the owners of the site regarding its demolition as a way forward and to suggested arrangements for this to be progressed.

**RESOLVED** – (a) That funding of up to £200,000 be authorised to enable the works in default, if they prove necessary, to be undertaken.

(b) That delegated powers be granted to the Director of Development and Environment to either enter into agreement to undertake the works or to under the works in default.

**REASONS** – (a) To ensure that at the earliest opportunity the site is made as safe as is reasonably possible.

(b) To ensure the works are undertaken at the earliest opportunity if the owner is unable to do them.

(**NOTE** – Prior to consideration of the above item The Mayor and Councillors Francis, J. Lyonette and F. S. Robson left the meeting, having previously declared an interest at Minute 71 above, and took no part in the discussion or voting thereon.)

THE COMMON SEAL of THE )  
COUNCIL OF THE BOROUGH )  
OF DARLINGTON was hereunto affixed )  
this Twenty third day of March )  
two thousand and six in the presence of :- )

Mayor

Borough Solicitor