

COUNCIL
27th January, 2005

PRESENT – The Deputy Mayor, (in the Chair); Councillors Armstrong, Baldwin, Bristow, Burt, Copeland, Dixon, Flowers, Harker, Mrs. Hart, Haszeldine, Heaney, Hughes, Hutchinson, Johnson, B. Jones, Mrs. Jones, S.J. Jones, Lawton, Lee, Lewis, Lister, Long, D.A. Lyonette, J.M. Lyonette, Maybrey, McEwan, Nutt, Richmond, F.S. Robson, Ruck, Scott, Mrs. Scott, Stenson, Mrs. Swift, Thistlethwaite, Vasey-Smith, J.C. Vasey, L. Vasey, G.B. Walker, Wallis and Williams. (42)

APOLOGIES – The Mayor; Councillors Mrs. Brown, Foster, Hartley, Holmes, Maddison, Roberts, Stamford-Bewlay and Wilson. (9)

ABSENT – Councillors Newall and Dr. Reynolds. (2)

65. DECLARATIONS OF INTEREST – Councillors Armstrong, Johnson and Haszeldine each declared personal and prejudicial interests in Minute 75 below and left the room during consideration of this item. Councillor McEwan declared a personal and non-prejudicial interest at Minute 70(1) below in relation to items (c) and (d) of his Overview report of Children’s Services Portfolio.

66. MINUTES – Submitted – The Minutes (previously circulated) of the meetings of this Council held on 25th November, 2004 and 6th January, 2005.

RESOLVED – That the Minutes be approved as correct records.

67. NEW YEARS HONOURS LIST – The Deputy Mayor reported that Mr. Richard Charles Cooke, the Regional Inland Revenue Director (Darlington) received a C.B.E. and that Mrs. Mildred Howell a Maths Teacher at Hurworth School Maths and Computing College received an M.B.E. in the Queen’s New Years Honours List.

RESOLVED – That the congratulations of the Members and Officers of this Council be conveyed to Mr. Cooke and Mrs. Howell on their awards.

68. MR. B. KEEL, CHIEF EXECUTIVE – The Deputy Mayor reported that the Chief Executive, Mr. Barry Keel was leaving the Authority after eight years service at the end of February, 2005 to take up a new appointment as Chief Executive at Plymouth City Council.

RESOLVED – That the thanks of this Council be extended to Barry Keel for the service he has given to Darlington and he be wished success for the future.

69. 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 Deputy Mayor.

70. 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) Restrictive Physical Intervention Policy – The Director of Education submitted a report (previously circulated) requesting that consideration be given to the approval of a new Restrictive Physical Intervention Policy and Guidance, which was intended to provide staff in schools with clear policy and practice guidance on the use of restrictive physical interventions with pupils, so that staff and pupils were fully protected.

The submitted report outlined how the new Policy had been developed; the key principles underpinning the use of restrictive physical intervention; the administrative arrangements for recording and reporting of incidents; and proposals for the Policy to be included as part of the revised Child Protection Handbook for Schools.

RESOLVED – That the Restrictive Physical Intervention Policy and Guidance be approved.

REASON – To ensure that staff in schools have a framework for dealing with rare instances where physical restraint is needed.

(3) Disabled Facilities Grant – The Director of Social Services and the Director of Community Services submitted a report (previously circulated) on the demand for Disabled Facilities Grants (DFG's) and for adaptations to Council dwellings, and requesting that consideration be given to allocating additional resources to ease the budget situation and to continue to meet current demand.

The submitted report outlined the background and demand for DFG's which had consistently outstripped the budget over recent years; the budget position as at 30th July, 2004; the projected demand for DFG's in forthcoming years, which indicated that there was little prospect of a reduction in demand; comparison with other Tees Valley Authorities, which indicated that they were reporting similar demands on their DFG budget; a wide range of improvements to the service and procedures in attempt to reduce pressure on the DFG budget; and the legal position regarding the award of DFGs.

RESOLVED – That the provision of a capital allocation of £200,000 in 2004/05 to clear the backlog be approved and a decision on future funding be undertaken as part of the 2005/06 Capital Programme considerations.

REASONS – (a) This is a growing area of demand for the Council which has effectively been 'hidden' because of historic Occupational Therapy waiting lists. Now the waiting list is cleared the demand has been quantified.

(b) The demand will continue to grow as strategies for helping more people remain independent at home are realised.

(4) Local Neighbourhood Renewal Strategy – The Director of Community Services submitted a report (previously circulated) requesting approval of a Local Neighbourhood Renewal Strategy for Darlington, the overall vision of which was to reduce deprivation in the eleven most disadvantaged wards within the Borough and improve the life chances of those residents living within those areas.

The submitted report outlined how the Strategy had been developed; how the eleven most disadvantaged wards in Darlington had been identified; the principles underpinning the Strategy and Action Plan; and the outcome of consultation thereon. Although the development of the Strategy had been co-ordinated by the Council the Darlington Partnership were responsible for it and, as such, it was an extension of the Community Strategy.

RESOLVED – That the Local Neighbourhood Renewal Strategy be approved.

REASON – To provide a five year strategic framework to reduce the spiral of decline in Darlington’s priority wards and to develop the capacity of those communities.

(5) 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 25th November, 2004.

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

REASONS – To comply with the Council’s Constitution.

71. 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.

72. DELIVERY OF SOCIAL INCLUSION STRATEGY FOR DARLINGTON – The Chief Executive submitted a report (previously circulated) requesting that consideration be given to the adoption of the Social Inclusion Strategy for Darlington, the aim of which was to improve the life chances of those who were experiencing and those who were at risk of experiencing, discrimination and disadvantage.

The submitted report outlined the background to the development of the Strategy which originated from the extensive consultation undertaken for the development of the Community Strategy; its seven main sections; and the outcome of consultations on its development and content. It was also reported that Darlington Partnership was the agency responsible, with support from Darlington Borough Council, for the delivery of the Strategy.

RESOLVED – (a) That the contents of the draft Social Inclusion Strategy be noted.

(b) That the Darlington Partnership be endorsed as the agency responsible, with support from this Council, for the delivery of the Strategy.

REASON – (a) It is important to make Council aware of the corporate approach to social inclusion.

(b) Social inclusion is a collaborative agenda best delivered by Darlington Partnership.

73. CIVIC AMENITY SITE IMPROVEMENT – The Director of Development and Environment submitted a report (previously circulated) requesting approval to the waiving of the Council’s Contracts Procedure Rules to enable the existing waste disposal contractor to be appointed to design, manage and deliver the project to improve the Civic Amenity Site.

The submitted report outlined the background to the project to improve the Civic Amenity Site; detailed three options to progress the project; and the advantages of appointing the existing waste disposal contractor to deliver the project.

RESOLVED - That Contract Procedure Rules be waived to permit the Civic Amenity Site improvement project to be delivered in accordance with option three, as detailed in the submitted report.

REASON – To ensure the timely completion of the project within the budget.

74. DELEGATION OF POWERS TO THE DIRECTOR OF COMMUNITY SERVICES - The Director of Community Services submitted a report (previously circulated) seeking delegation of powers, in respect of the Supporting People Service.

The submitted report stated that a review of the Supporting People Service had highlighted a number of omissions from the Director of Community Services’ delegated powers; and suggested the five powers required to address the issue.

RESOLVED – That, the additions to the Director of Community Services’ delegated powers, as detailed in the submitted report, be approved.

REASON – To approve the delegation of powers to Officers.

75. SERVICE LEVEL AGREEMENTS – The Director of Social Services submitted a report (previously circulated) seeking authority to the renewal of Service Level Agreements (SLAs) with Independent Sector Providers and to waiving of the Contracts Procedure Rules, to enable current social care arrangements to be maintained.

The submitted report outlined the providers of the services subject to (SLAs), together with the reasons for their suggested renewal.

RESOLVED – That the Director of Social Services be given delegated powers to negotiate suitable Service Level Agreements with existing suppliers of the services, as 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.

76. COUNCIL TAX – CALCULATION OF TAX BASE 2005/06 –The Director of Corporate Services submitted a report previous circulated requesting that consideration be given to determining the Council's Tax Base for 2005/06 in accordance with Section 33 of the Local Government Finance Act 1992 and the Local Authorities (Calculations of Council Tax Base) Regulations 1992.

RESOLVED - (a) That the report of the Director of Corporate Services for the calculations of the Council's tax base for the year 2005/06 be approved.

(b) That, pursuant to the report of the Director of Corporate Services and 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 2005/06 shall be 32,681.6 and that the individual tax bases for the following parishes for 2005/06 shall be as follows :-

Parish	Tax Base
Archdeacon Newton	151.2
Bishopton	161.8
Heighington	904.7
High Coniscliffe	95.3
Hurworth	1220.6
Low Coniscliffe and Merrybent	229.7
Low Dinsdale	214.6
Middleton St. George	1298.9
Neasham	157.9
Piercebridge	56.1
Sadberge	285.2
Walworth	39.7
Whessoe	556.1

REASON – To comply with statutory requirements.

77. APPOINTMENT OF INTERIM CHIEF EXECUTIVE – The Chief Executive submitted a report (previously circulated) seeking approval for the appointment of Paul Wildsmith, Director of Corporate Services, as interim Chief Executive from 1st March, 2005.

The submitted report stated the interim appointment was required as the current Chief Executive was leaving the Authority to take up an appointment at Plymouth City Council. References was made to recruitment process and likely timetable for the appointment of a new Chief Executive; and proposals to pay a honorarium for the role of interim Chief Executive.

RESOLVED – (a) That Paul Wildsmith be appointed as Interim Chief Executive with effect from 1st March, 2005.

(b) That the Head of Human Resource Management, in consultation with the Leader, agree an honorarium payment for the role of Interim Chief Executive.

REASON – To appoint an Interim Chief Executive.

NOTE: - During consideration of the above item Paul Wildsmith left the meeting and took no part in the discussions thereon.

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

79. 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 Seventh day of April)
two thousand and five in the presence of :-)

Mayor

Borough Solicitor