

COUNCIL
7th April, 2005

PRESENT – The Mayor; Councillors Baldwin, Bristow, Mrs. Brown, Copeland, Flowers, Foster, Harker, Mrs. Hart, Hartley, Haszeldine, Hughes, Johnson, B. Jones, Mrs. Jones, S.J. Jones, Lawton, Lee, Lewis, Lister, Long, D.A. Lyonette, Maddison, Maybrey, Newall, Nutt, Reynolds, Richmond, Roberts, Ruck, Scott, Mrs. Scott, Stenson, Mrs. Swift, Thistlethwaite, Vasey-Smith, J.C. Vasey, L. Vasey, G.B. Walker, Wallis, Williams and Wilson. (42)

APOLOGIES – Councillors Armstrong, Burt, Dixon, Heaney, Holmes, Hutchinson, J.M. Lyonette, McEwan, F. S. Robson and S. Robson (10)

ABSENT – Councillor Stamford-Bewlay (1)

85. DECLARATIONS OF INTEREST – The Mayor declared a personal and non-prejudicial interest in relation Minute 91(6) below in relation to Firthmoor Community Centre. Councillor Johnson declared a personal and non-prejudicial interest in the relation to Minute 91(b) below in relation to Voluntary Sector Funding. Councillor Haszeldine declared a personal and prejudicial interest in relation to Minute 91(1) below in relation to Hundens Lane and left the meeting during consideration of that item. Councillor Maddison declared a personal and non-prejudicial interest in relation to Minute 91(6) below in relation to the Community Carnival.

86. MINUTES – Submitted – The Minutes (previously circulated) of the meetings of this Council held on 27th January, 21st February and 10th March, 2005.

RESOLVED – That the Minutes be approved as correct records.

87. MR. G. PENNINGTON, DIRECTOR OF EDUCATION – The Mayor reported that Mr. Geoffrey Pennington, Director of Education, had retired on the 31st March, 2005.

RESOLVED – That the thanks of the Council be conveyed to Geoff for his services and he wished a long and happy retirement.

88. MR. G. W. HERBERT – The Mayor reported that Mr. G. W. Herbert, Brigade Manager, County Durham and Darlington Fire and Rescue Service was to retire from the Service with effect from 31st May, 2005.

RESOLVED – That the best wishes of the Council be conveyed to Mr. Herbert for a long and happy retirement.”

89. 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.

90. PRESENTATION – STANDARDS COMMITTEE – Mr. M. Airey, Chair of Standards Committee gave a presentation on the role and work carried out by the Standards Committee in

promoting and ensuring that high ethical standards were adhered to by Members in accordance with the Code of Conduct for Members. He made particular references to Guidance on Lobby Groups/Dual-Hatted Members; the number of complaints against Members which the Standards Board for England had considered, both locally and nationally; the adoption of a Local Investigation Procedure, should any cases be referred down by the Standard Board of England for local investigation and determination; and the availability of information on Standard Committee issues on the Council's web site.

RESOLVED – That the thanks of the Council be extended to Mr. Airey for his informative presentation and his work on behalf of the Standards Committee.

91. 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) Corporate Governance – The Director of Corporate Services and the Head of Policy submitted a report (previously circulated) seeking approval for amendments, which had previously been endorsed by both Cabinet and Resources Scrutiny Committee, to the Local Code of Corporate Governance, which was the system by which the Council directed and controlled its functions and related to the Community it served.

The submitted report outlined the background and content of the Code; and recommended that four new documents, i.e. Treasury Management, Social Inclusion, Equalities, and Information Governance be added to the Code to assist the Council to assess its performance against the principles of good corporate governance. In addition references were also made to two minor amendments recommended by the Council's external auditors to the narrative of the Local Code to expressly reflect the CIPFA/SOLACE guidance.

RESOLVED – That amendments to the Local Code of Corporate Governance, as detailed in the submitted report to Cabinet on 15th February, 2005, be approved with regard to:-

- (a) the inclusion of the four new documents highlighted in paragraph 7; and
- (b) two minor amendments as outlined in paragraph 9 of the submitted report.

REASONS – (a) To ensure that Members are satisfied that the management processes defined in the Local Code are actually being adhered to throughout the organisation; and

(b) To assist the Council in maintaining its current CPA rating for the Auditor Scored Judgements.

(3) Corporate Health and Safety Policy – The Director of Corporate Services submitted a report (previously circulated) requesting the approval of a revised Health and Safety Policy (also

previously circulated) in light of new health and safety guidance and organisational changes within the Council.

The revised policy set out a modern framework for the management of health and safety across all Council Departments, services and schools and had previously been endorsed by both the Joint Consultation Committee and Cabinet.

RESOLVED – That, with the deletion of “Members shall” in the first line of paragraph 5.3 of the revised Policy and the insertion of “Officers shall give clear guidance to Members to”, the revised Health and Safety Policy, as detailed in the report to Joint Consultative Committee held on 18th January, 2005, be approved.

REASONS – (a) The changes to the current Policy are required to reflect changes within the Council and within the approach taken to the management of health and safety within all Council departments, services and schools.

(b) The revised Policy sets out a modern framework for successful health and safety management, which takes account of best practice in the field of health and safety.

(4) Use of Sprinklers in New School Buildings – The Director of Corporate Services submitted a report (previously circulated) suggesting the adoption, as policy, the inclusion of Sprinkler Systems in the future building of new schools within the Borough.

The submitted report stated that although there was no statutory requirement to install sprinklers in new Local Authority or Voluntary Aided school buildings, they were strongly recommended by the County Durham and Darlington Fire and Rescue Services and the Council’s Insurers. References were made to the benefits of sprinklers in schools; the financial implications of the cost of their installation in new buildings, which included potential savings on insurance premiums if sprinklers were fitted.

RESOLVED – (a) That the installation of sprinkler systems within the design of new Local Authority school buildings be adopted as policy.

(b) That the installation of sprinkler systems with the design of Voluntary Aided Schools be encouraged.

(c) That consideration be given to the inclusion of sprinkler systems in the design of other new Council buildings as appropriate.

(d) That the annual savings achieved from lower insurance premiums in buildings fitted with sprinkler systems be used to contribute towards the financing of Prudential Borrowing for sprinkler systems in new buildings.

REASONS – (a) The installation of sprinkler systems is strongly supported by the County Durham and Darlington Fire and Rescue Authority and the Council’s Insurer and will demonstrate this Authority’s commitment to a pro-active approach to fire safety within schools.

(b) In the event of a fire within those schools that are fitted with a sprinkler system, it will reduce financial loss and disruption to the School.

(5) Developer Contributions – The Director of Development and Environment submitted a report (previously circulated) requesting approval be given to the Cabinet’s recommendation that he be given delegated powers, in consultation with the relevant Cabinet Portfolio Holder, to the release of future capital funding from developers and other organisations for specified works under £50,000, to be carried out as a result of future planning decisions by the Council’s Planning Applications Committee.

The submitted report stated that there was an increasing number of developer contributions for works which were required in order to grant planning permission, not just for transport investment, but for play areas, open spaces and other things, and for Cabinet to consider the release of every capital contribution would be too time-consuming.

RESOLVED – That the release of future funding from developers and other organisations for specified works under £50,000, to be carried out as a result of future planning decisions by the Council’s Planning Committee, be delegated to the Director of Development and Environment, in consultation with the relevant Cabinet Portfolio holder.

REASON – The delegation of authority to release future allocations is deemed to be the most effective use of this money to support the planning decisions and recognises the purpose for which they have been collected.

(6) Review of Voluntary and Community Sector Funding – The Director of Community Services submitted a report (previously circulated) on proposals for the provision of future funding to the Voluntary and Community Sector and also changes to this Council’s Constitution to enable them to implemented.

The submitted report outlined the background and remit of the review of current funding arrangements to the Voluntary and Community Sector; the number and types of such grants and payments for services made during 2003/04; the criteria and approval process for the various types of grants and payments for services; and various options to rationalise and improve the future management these funding arrangements during 2005/06.

RESOLVED – (a) That the grants in Table 4, of the submitted report, be amalgamated to create a ‘Community ‘Grant’ and that applications be subject to existing criteria and receivable throughout the year.

(b) That decisions on applications for the Community Grant be delegated to the Cabinet Member with the Resource Management Portfolio from 1st June, 2005, and it be recommended to the Annual Council Meeting that the Constitution changes highlighted at paragraphs 36 to 42, of the submitted report, be approved, and the Council’s Constitution be amended accordingly.

(c) That, subject to an annual review against agreed objectives, the grants for strategic funding be awarded for three years.

(d) That all grants to community and voluntary sector organisations will be administered in accordance with the proposed application and Service Level Agreement arrangements.

(e) That where Council representatives are appointed to Community and Voluntary Sector Organisations by the Council, they will be expected to use their best endeavours to ensure that the application and Service Level Agreement terms are complied with.

(f) That with the exception of the Community Grant, all grant applications will be administered as part of the annual budget review timetable.

REASON – To enable the outcomes of the review of Voluntary and Community Sector Funding to be implemented.

(7) Darlington Local Development Framework: Statement of Community Involvement Planning – The Director of Development and Environment submitted a report (previously circulated) seeking agreement to the submission of the Local Development Framework Statement of Community Involvement in Planning (SCI) to Government for independent inspections.

The submitted report outlined the background to the SCI which set out when and how the public and other stakeholders could get involved in shaping the Council’s new Local Development Framework; the outcome of consultation thereon; and requested agreement to the Council’s response to comments received on the draft SCI, as detailed in Appendices 1 and 2.

RESOLVED - (a) That the submission of the Local Development Framework Statement of Community Involvement in Planning (SCI), as detailed in the submitted report, to Government for independent inspection, be agreed.

(b) That the Council’s response to comments received on the draft SCI, as set out in Appendices 1 and 2 of the submitted report, be agreed.

(c) That the Director of Development and Environment be given delegated powers, in consultation with the Cabinet Member for Regeneration and Planning Portfolio, to agree the Council’s response to representations on the submitted SCI, including making changes to it, where necessary, prior to its Independent Examination.

REASONS – (a) An adopted SCI is required under Government regulations.

(b) The SCI will provide clarity to all about the community engagement that will take place in the production of the Local Development Framework, and in considering new proposals for new development.

(c) The Council’s prompt response to representations made on the submitted SCI is required by the Planning Inspectorate.

(8) Supporting People Five-Year Strategy – The Director of Community Services submitted a report (previously circulated) requesting the approval of the Five-Year Supporting People Strategy.

The submitted report outlined the background to the Supporting People programme which, offered vulnerable people the opportunity to improve the quality of their life by providing a stable environment, which enabled greater independence. References were made to the

requirement to produce a Five-Year Strategy, in accordance with the Office of Deputy Prime Minister by March 2005; and its aims and key priorities.

RESOLVED – That the Five-Year Support People Strategy be agreed.

REASON – To achieve the aim of the Strategy to provide opportunities for vulnerable people to receive the housing related support they need to live independently in the community.

(9) New Memorandum of Association with the North East Community Forest – The Director of Development and Environment submitted a report (previously circulated) requesting approval to the ratification of the new Memorandum of Association of the North East Community Forest and to becoming a founder member thereof. Consideration was also requested to the nomination of an elected Member to be a Director of the North East Community Forest and for the Director of Development and Environment to be authorised to sign the necessary documentation.

The submitted report outlined the need to re-word the current Memorandum of Association to include the North East Community Forest as a new strategic partner and stated that its aim was to promote the benefit and well being of the inhabitants by facilitating the creation of high quality well wooded natural environment which would improve the quality of life.

RESOLVED - (a) That the new Memorandum of Agreement of the North East Community Forest be approved.

(b) That the Council become a founder member of the North East Community Forests Limited.

(c) That Councillor D. Lyonette be nominated as a Director of North East Community Forest.

(d) That the Director of Development and Environment, or his nominated representative, be authorised to sign the necessary documentation (subject to such minor amendments as may be agreed).

REASON – By agreeing to the new Memorandum of Agreement and by becoming members of the new North East Community Forests, the Council helps establish community forests in the Darlington Borough.

(10) Capital Programme 2005/05 – 2006/07 – Release of Funds - The Director of Corporate Services submitted a report (previously circulated) requesting that delegated powers be given to the Director of Development and Environment, in consultation with the Cabinet Member with the Regeneration and Planning Portfolio, for the approval of provision of grants for building works to properties in conservation areas.

The submitted report stated that the Northgate Building Improvement Scheme, which was in the Capital Programme 2005/06 – 2006/07, would involve the provision of grants for building works to properties in the Northgate Conservation Area and suggested that the Director of Development and Environment, who would administer the scheme, should have delegated powers for the approval of the provision of grants.

RESOLVED – That the Director of Development and Environment, in consultation with the Cabinet Member with the Regeneration and Planning Portfolio, be granted delegated powers for the approval of the provision of grants for building works to properties in Conservation Areas and this be included in the Council’s Constitution.

REASON – To allow the Northgate Building Improvement Scheme to commence.

(11) 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 the nine decisions taken by Cabinet as a matter of urgency and to which the procedure for call-in could not be applied.

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

REASON - To comply with the Council’s Constitution.

92. 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.

93. PROPOSED CHANGES TO LICENSING COMMITTEE AND THE SCHEME OF DELEGATION – The Director of Development and Environment submitted a report (previously circulated) requesting that consideration be given to the establishment of a Licensing Act 2003 Committee; an amendment to the current Licensing Committee; an increase in the number of Members on the Committee; and a change to the current scheme of delegation thereon.

The submitted report outlined the provisions contained in the Licensing Act 2003 and suggested proposals which would enable the Council to comply with this Act, which involved the establishment of a Licensing Committee with a dual role to deal with matters in the remit of the 2003 Act and also matters which were not covered by this Act. References were also made to increasing the membership of the Committee and giving additional delegated powers to officers to effectively manage the Committee’s likely increased workload; and revised reporting arrangements in relation non-contentious issues.

RESOLVED - (a) That the establishment of a Licensing Committee with a dual role, as detailed in paragraph 5 of the submitted report, be approved.

(b) That the Membership of the Licensing Committee be increased to 13 Members (eight Labour Members, four Conservative Members and one Liberal Democrat Member) and Councillors Lee and Newall be appointed to the two additional places.

(c) That the amendments to the Officer Scheme of Delegation, as detailed in paragraph 12 of the submitted report, be approved.

(d) That the proposed changes to the reporting arrangement to Licensing Committee, as detailed in paragraph 10 of the submitted report, be approved.

REASON - To ensure that the Council can fulfil its obligation in relation to Licensing matters.

94. MEDICAL CERTIFICATE – PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS – The Director of Development and Environment submitted a report (previously circulated) detailing proposed changes in Licensing Policy with regard to the frequency of production of medical certificates relating to the medical fitness of private hire and hackney carriage vehicle drivers.

RESOLVED – (a) That drivers of hackney carriages and private hire vehicles provide evidence, of their medical fitness to drive to the standard of a Group II licence holder as prescribed by the DVLA Drivers Medical Group; and this evidence shall be provided at intervals of time specified by the Council, relating to the age or medical condition of the applicant, however where there is a relevant medical condition the frequency for presenting medical evidence will be decided by the Director of Development and Environment.

(b) That in all other cases where there is no known relevant medical condition medical evidence will be required as follows :-

- (i) aged up to 45 years – required before grant of licence;
- (ii) aged 45 years up to 67 years – required for grant or renewal of a licence at 5 year intervals; and
- (iii) age 65 years or more – required before grant or renewal of a licence and then at 12 monthly intervals.

(c) That evidence of medical fitness that is acceptable to the Council shall be :-

- (i) presentation of the Council’s medical form, completed by a Registered Medical Practitioner, certifying that the applicant satisfies the standard of a Group II licence holder as prescribed by the DVLA Drivers Medical Group and is physically and mentally fit to be the driver of a hackney carriage/private hire vehicle; and
- (ii) presentation of a Heavy Goods Vehicle licence issued by the DVLA.

(d) That the applicant be allowed to choose the Doctor (Registered Medical Practitioner) and be required to pay the fee and Officers recommend that the driver’s GP completes the certificate since he/she has the knowledge of medical history and is in a position to offer support should there be any problems.

(e) That the change in Policy to take immediate effect.

REASONS - (a) To follow the guidelines set out by the DVLA on driver safety.

(b) There will be savings in administration.

(c) There will be a significant financial benefit to applicants.

(d) The change in the Policy will bring the Council in line with medical certificates relating to Heavy Goods Vehicle Drivers.

95. ADOPTION OF A REVISED POLICY TO DEAL WITH UNAUTHORISED ENCAMPMENTS – The Director of Development and Environment submitted a report on the adoption of a revised policy to deal with unauthorised encampments.

The submitted report outlined the current provision of caravan sites for travellers in the Borough; the extent of unauthorised encampments in the Borough during 2004 and their associated problems; the key objectives in dealing with unauthorised encampments; relevant legislation; and suggested amendments to the current policy.

RESOLVED – That the revised policy to deal with unauthorised encampments be approved.

REASONS – The Policy will:

(a) enable the management of unauthorised encampments in an efficient and effective way within the legal framework.

(b) enhance the Council's decision-making process providing transparency and directly involving those with an interest; and

(c) reflect the human rights of both the settled and travelling communities and is compliant with race relations legislation.

96. POLLING PLACES FOR PARLIAMENTARY ELECTION – The Director of Corporate Services submitted a report (previously circulated) requesting approval to the arrangements for polling places for the next Parliamentary Election as detailed in Appendix 1.

The submitted report outlined the need to reconsider the previous location of all polling places within the Borough, in the light of Ward boundary changes, their location in terms of the electorate and also accessibility for the disabled. All Political Groups and the Darlington Association on Disability had been consulted and were in agreement with the suggested locations.

RESOLVED – That the polling places, as detailed in the Appendix to the submitted report, be approved.

REASON – To enable polling places to be reserved for the next Parliamentary Election.

97. MEMBERSHIP CHANGES – Consideration we given to the membership changes of the Committees, Subsidiary Bodies and Other Bodies for the Municipal Year 2004/05.

RESOLVED – That Councillor Stenson be appointed to Licensing Committee to replace Councillor B. Jones.

98. 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.