

COUNCIL
1st March, 2007

PRESENT – The Mayor; Councillors Armstrong, Baldwin, Bristow, Mrs. Brown, Copeland, Dixon, Flowers, Foster, Francis, Galletley, Harker, Mrs. Hart, Hartley, Haszeldine, Heaney, Holmes, Hughes, Johnson, B. Jones, Mrs. Jones, S. Jones, Lawton, Lee, Lewis, Long, D. A. Lyonette, J. M. Lyonette, Maddison, Maybrey, McEwan, Newell, Nutt, Dr. Reynolds, Richmond, Roberts, Ruck, A. J. Scott, Mrs. Scott, Stenson, Swainston, Mrs. Swift, J. C. Vasey, L. Vasey, Vasey-Smith, Walker, Wallis, Williams and Wilson. (49)

APOLOGIES – Councillors Hutchinson, F. S. Robson, S. Robson and Thistlethwaite. (4)

76. DECLARATIONS OF INTEREST – Councillor McEwan declared a personal and non-prejudicial interest in Minute 80(1) below, in relation to the Children’s Services Portfolio Report. Councillors Richmond and Wallis each declared personal and non-prejudicial interests in Minute 80(1) below, in relation to the Community and Public Protection Portfolio Report. Councillors Dixon, Hughes, Long and Newall each declared personal and non-prejudicial interests in Minute 80(1) below, in relation to the Highways and Transport Portfolio Report. Councillors Bristow, Copeland, Haszeldine, Johnson, Nutt, Richmond and Mrs. Swift each declared personal and non-prejudicial interests in Minute 81 below, in relation to the Overview of Social Affairs and Health Scrutiny Committee Report. Councillor Heaney declared a personal and non-prejudicial interest in Minute 84 below.

77. MINUTES – Submitted – The Minutes (previously circulated) of the meetings of this Council held on 18th January 2007 and 13th February 2007.

RESOLVED – That the Minutes be approved as correct records.

78. ANNOUNCEMENT – Director of Children’s Services - The Mayor extended a warm welcome to Murray Rose, the Director of Children’s Services, who attended a meeting of this Council for the first time.

79. 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.

80. 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) CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 FIXED PENALTY NOTICES – The Director of Community Services submitted a report (previously circulated) to request an amendment to this Council’s Scheme of Delegation, to enable him to implement changes within the Clean Neighbourhoods and Environment Act 2005.

It was reported that the Clean Neighbourhoods and Environment Act 2005 extended the use of Fixed Penalty Notices, as a way of dealing with these environmental offences, in particular low-level crime. The submitted report also outlined the new structure of the Uniformed Warden Service and highlighted that the Council's Abandoned Vehicles Officer and Dog Wardens had transferred to a new team.

Discussion ensued on the enforcement of the Clean Neighbourhoods and Environment Act 2005; the use of Community Wardens; the reduction of police numbers, and the removal of graffiti from private property.

RESOLVED – That this Council amend the Scheme of Delegation to provide the Director of Community Services, and the Assistant Director – Environmental Services, delegated powers to appoint officers or agents with the relevant qualifications to enforce the provisions of and institute proceedings with regard to the following:

- (a) Environmental Protection Act 1990
- (b) Refuse Disposal (Amenity Act) 1978
- (c) Road Traffic Regulations Act 1984
- (d) Removal and Disposal of Vehicles Regulations 1986
- (e) Clean Neighbourhoods and Environment Act 2005
- (f) Dog Control Orders (Prescribed Offences and Penalties) Regulations 2006
- (g) Dog Control Orders (Procedures) Regulations 2006.

REASON – To allow the new powers under the Clean Neighbourhoods and Environment Act 2005 to be implemented.

(3) TEES VALLEY SUB-REGIONAL HOUSING STRATEGY 2006 – The Director of Community Services submitted a report (previously circulated) requesting approval of the Tees Valley Sub-Regional Housing Strategy 2006.

The submitted report detailed the development of the Strategy and identified the strategic housing priorities for the sub-region.

Discussion ensued on the provision of executive housing; the definition of affordable housing; the Local Housing Assessment; and the cost of public transport in relation to affordable housing in rural areas.

RESOLVED – That the Tees Valley Sub-Regional Housing Strategy be approved.

REASON – To enable the Tees Valley Sub Regional Housing Strategy to be adopted.

(4) Cabinet Urgent Decisions - The Corporate Management Team submitted a report (previously circulated) detailing four 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 decision taken by Cabinet be noted.

REASON - To comply with the Council's Constitution.

NOTE – Councillor Swainston declared a personal and prejudicial interest in Minute 80(4) above, left the meeting during consideration of this item, and took no part in the discussion or voting thereon.

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

RESOLVED – That the reports be received.

82. POLLING PLACES FOR BOROUGH AND PARISH ELECTIONS – The Chief Executive and Returning Officer submitted a report (previously circulated) requesting approval of the proposed arrangements for polling places for the Local Elections in May 2007.

The submitted report outlined the recent inspection of polling places, access issues and the compliance with the Disability Discrimination Act 1995, the reasons for proposed alternative venues, and the notification of the electorate.

RESOLVED – That the proposed arrangements for polling places, as detailed in the submitted report, be approved.

REASON – To ensure polling places are available for the next Borough and Parish Council elections on the Third May 2007.

83. STANDARDS COMMITTEE – INDEPENDENT MEMBERS – The Director of Corporate Services submitted a report (previously circulated) requesting approval of the three applicants nominated to be Independent Members of the Council's Standards Committee by the Standards Committee Independent Members Appointments Panel.

The submitted report outlined the proactive recruitment campaign adopted to attract candidates, the short-listing process utilised and the interviews conducted.

RESOLVED – (a) That the recommendations of the Standards Committee Independent Members Appointments Panel be agreed.

(b) That Mike Airey be re-appointed as an Independent Member on this Council's Standards Committee.

(c) That Francis Hayes be appointed as an Independent Member on this Council's Standards Committee.

(d) That Mike Hill be appointed as an Independent Member on this Council's Standards Committee.

REASON – To ensure that Independent Members of the Council's Standards Committee are appointed in accordance with the statutory process and in accordance with the previous resolution of the Council, namely, to increase the number of Independent Members on the Standards Committee to three.

84. OLDER PERSONS HOUSING STRATEGY 2007 – The Director of Community Services submitted a report (previously circulated) requesting approval for the adoption and implementation of the Older Persons Housing Strategy.

The submitted report stated that older people accounted for the fastest growing proportion of the local population and that this Council needed to maintain high quality accommodation and support services to meet the growing housing and support requirements of local older people. The report highlighted that a natural consequence of becoming older was that accommodation and support requirements changed and the Older Persons Housing Strategy responded to this challenge by offering quality and choice to some of this Borough's most vulnerable older people. The Older Persons Housing Strategy also adopted a flexible approach to housing design to allow older people to remain in their home for longer with minimum adaptation required at minimum cost. The Strategy embraced national good practice and followed national guidelines in the provision of older person accommodation and support.

Discussion ensued on the involvement of the Social Affairs and Health Scrutiny Committee in developing such a strategy, and the provision of bungalows for older residents.

RESOLVED – That the adoption and implementation of the Older Persons Housing Strategy be adopted.

REASONS – (a) Older people represent a significant proportion of the local population and are often some of the most vulnerable members of the community.

(b) Older people are deserving of high quality decent homes that are well maintained and meet their accommodation and support needs.

85. OPEN SPACE STRATEGY – The Director of Community Services submitted a report (previously circulated) requesting approval, following formal consultation, of the Open Space Strategy.

It was reported that the Open Space Strategy had been developed following the Best Practice Guidance produced by the Commission for Architecture and the Built Environment and was intended to bring excellence to design, management and maintenance of parks and public places in towns and cities. The submitted report outlined the aims and key issues addressed by the Strategy.

Discussion ensued on the contents of the report.

RESOLVED – That the Open Space Strategy be adopted.

REASON – To enable the Open Space Strategy and action plans to be implemented.

86. PRIVATE SECTOR HOUSING STRATEGY – The Director of Community Services submitted a report (previously circulated) requesting approval of the implementation of the Private Sector Housing Strategy.

The submitted report stated that the Private Sector Housing Strategy provided the strategic approach required to tackle non-decent private sector homes, in accordance with statutory targets towards achieving decent homes across all sectors by 2010. The report outlined the aims and key themes addressed by the strategy.

RESOLVED – That the Private Sector Housing Strategy be approved.

REASONS – (a) The Private Sector Housing Strategy follows the recommended principles and legislative requirements of the Housing Act 2004.

(b) The Private Sector Housing Strategy complies with the Regulatory Reform Order 2002.

87. SERVICE LEVEL AGREEMENT – The Director of Community Services submitted a report (previously circulated) to provide Members with details of existing Service Level Agreements (SLA) with Independent Sector Providers, to seek agreement for their renewal and to obtain agreement to waive the Council's Contracts Procedure Rules to enable current social care arrangements to be maintained.

The report outlined the nature of the Service Level Agreements with Mental Health Matters and Darlington MIND, and the reasons for the negotiation of the new contracts.

RESOLVED – That the Director of Community Services be given delegated power to negotiate suitable Service Level Agreements with the existing suppliers of the services detailed in the 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 user.

(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) Reviews of the services have been undertaken and they are considered to be appropriate services.

88. SERVICE LEVEL AGREEMENT – The Director of Children's Services submitted a report (previously circulated) giving details of an existing Service Level Agreement (SLA) with an Independent Sector Provider, seeking agreement for its renewal and to obtain agreement to waive the Council's Contracts Procedure Rules to enable current social care arrangements to be maintained.

The report outlined the nature of the Service Level Agreement with Barnardos, and the reasons for the negotiation of the new contracts.

RESOLVED - That the Director of Children's Services be given delegated power to negotiate a suitable Service Level Agreement with the existing supplier of the service detailed in the report, and that the Council's Contract Procedure Rules be waived accordingly.

REASONS – (a) The organisation is committed to the principles of partnership working and is developing services to ensure positive outcomes for service users; and

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

89. COUNCILLOR HUTCHINSON – The Director of Corporate Services submitted a report (previously circulated) on an application from Councillor Hutchinson for an extension to the six-month period of his non-attendance at meetings by reason of illness.

The submitted report stated that Councillor Hutchinson had not attended any Council or Committee meetings since 19th October 2006, consequently under Section 85 of the Local Government Act 1972, he would cease to be a Member of the Council on 18th April 2007, unless Council approved the reason for failure to attend before that date.

RESOLVED – (a) That Councillor Hutchinson’s request to extend his period of non-attendance, by reason of illness, until his term of office has ended (May 2007), be approved.

REASON – To ensure compliance with a request from a Member under section 85 of the Local Government Act 1972.

90. REPRESENTATION ON OTHER BODIES 2006/07 ASSOCIATION OF NORTH EAST COUNCILS (ANEC) – The Director of Corporate Services submitted a report (previously circulated) requesting consideration be given to the appointment of a further member to the Association of North East Councils.

The submitted report outlined a change in the Constitution of the Association of North East Councils, which entitled this Council to nominate a further representative to the Association.

RESOLVED - That Councillor Haszeldine be appointed to the Association of North East Councils for the remainder of the Municipal Year 2006/07.

REASON – To ensure that the Tees Valley Authorities are represented on the Association of North East Councils.

91. MEMBERSHIP CHANGES – Consideration was given to membership changes of the Committees, Subsidiary Bodies and Other Bodies for the Municipal Year 2006/07.

RESOLVED – That Councillor Hutchinson be deleted from the membership of the Planning Applications Committee, and that Councillor Newall be his replacement.

92. 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.