

COUNCIL
16th July 2015

PRESENT – The Mayor, Councillors Baldwin, Carson, Coultas, Crichlow, Crudass, Crumbie, Mrs. Culley, Curry, Dixon, Donoghue, Galletley, Grundy, Harker, I. Haszeldine, C. L. B. Hughes, L. Hughes, Johnson, Mrs. D. Jones, Kane, Kelly, Knowles, Lawton, Lister, Lyonette, McEwan, Mills, Newall, K. Nicholson, M. Nicholson, Regan, E. A. Richmond, S. Richmond, Mrs. H. Scott, Stenson, Storr, C. Taylor, J. Taylor, Tostevin, Wallis and Wright. (41)

APOLOGIES – Councillors Cartwright, Copeland, Cossins, L. Haszeldine, B. Jones, Kelley, Lee, A. J. Scott and York. (9)

14. MINUTES – Submitted – The Minutes (previously circulated) of the meetings of this Council held on 30 April, 21 May and 4 June 2015.

RESOLVED – That the Minutes be approved as correct records.

15. DECLARATIONS OF INTEREST – Councillor Donoghue declared a non-pecuniary interest in Minute 20 (1) below, as an employee of National Window Systems Limited.

16. ORDER OF SEALING DOCUMENTS – Presented – The Register showing the documents which had been sealed since the last meeting of Council.

17. ANNOUNCEMENTS – (1) Queen's Birthday Honours – The Mayor reported that Alexander Beveridge Anderson O.B.E. DL., a resident of Darlington, had been admitted as a Commander of the Order of the British Empire for services to the Tees Valley Region.

The Mayor also reported that Margaret Ruth Lowbridge, a resident of Darlington, had been admitted as a Member of the British Empire for services to entrepreneurs and UK business.

Members were informed that Peter Freitag, a resident of Darlington, and former Councillor on the Council, had been admitted as a Member of the British Empire for services to the community in Darlington.

Finally, the Mayor reported that Councillor Mrs. Doris Mary Jones, a Councillor on the Council, Chair of the Middleton St. George Parish Council, and a resident of Darlington, had been awarded the British Empire Medal for services to the Community in County Durham.

(2) – Catherine Whitehead, Assistant Chief Executive – The Mayor informed Members that Catherine Whitehead, the Assistant Chief Executive, was attending her last meeting of the Council, as she was leaving the authority on 28th August

2015, after working for the authority between 1997 and 2001, and 2006 to the present day.

RESOLVED - That the thanks of the Council be extended to Catherine Whitehead for the work she had undertaken whilst with the Council, and that the best wishes of the Council be extended to Ms. Whitehead for her future endeavours.

(3) – Observer Ethical Awards 2015 – Festival of Thrift – The Mayor announced that that the Festival of Thrift, of which the Council is one of the partners, won the award for Arts and Culture at the prestigious Observer Ethical Awards 2015, on 2 July 2015. The Mayor noted that the Festival of Thrift celebrated sustainable and thrifty living, and since its launch in 2013 it had attracted 80,000 visitors.

(4) – Councillor Copeland - The Mayor also advised Members that Councillor Copeland had recently been unwell, however was now recuperating at home following a stay in hospital.

RESOLVED - That the best wishes of the Council be conveyed to Councillor Copeland for a speedy recovery to good health.

(5) – Deaths of former employees - (a) Harry Rogers - The Mayor announced the death of Harry Rogers, who was the first Chief Executive of Darlington Borough Council following the local government reorganisation in 1974. The Mayor advised Members that Harry had remained in post until 1983, and that Harry had passed away peacefully in hospital on 23 June 2015, at the age of 93.

(b) Amanda Elgie – The Mayor also announced the death of former employee, Amanda Elgie, who passed away on 8 July 2015. Amanda joined the Council in 1989, and was a valued member of the Dolphin Centre Catering Team. The Mayor informed members that Amanda had recently left the Council due to ill-health, and that Amanda was well known across the Council, by Officers and Members alike.

As a mark of respect, Members held a short silence in memory of Harry Rogers and Amanda Elgie.

18. QUESTIONS – TO ANSWER QUESTIONS (WHERE NOTICE HAS BEEN GIVEN) FROM – (1) The Public – There was one question, with notice, from a member of the public, however, as the submitted question related to Minute 19, the Mayor amended the order of business in order to take the question with the relevant report.

(2) Members to Cabinet/Chairs – There were no questions from Members, where notice had been given, for the Mayor, Members of the Cabinet, or the Chairs of the Scrutiny Committees.

(3) Police and Crime Commissioner for Durham and Darlington – The Police and Crime Commissioner for Durham and Darlington addressed Members, and answered questions thereon.

19. COUNCIL REPORTS – (1) Constitutional Changes – The Assistant Chief Executive submitted a report (previously circulated) which set out changes to the Constitution to give effect to legislation, to clarify the responsibility for functions, to deal with changes to the Constitution required from staffing and structural changes, and also to summarise changes to the Constitution that had already been made as a result of previous reports.

The submitted report stated that the Council's constitution set out the framework for the governance and decision making for the Council, and that it was important that the Constitution was kept up to date to ensure that it complied with new legislation and also reflected locally agreed changes considered necessary. The submitted report highlighted a number of impending changes that required agreement, and identified a number of changes that had previously been agreed.

RESOLVED – (a) That, in respect of the disciplinary processes concerning the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer:

- (i) a local authority committee be formed, known as the Human Resources Advisory Panel, and comprised of a least two Independent Persons, to advise the Council before any dismissal decision is taken;
 - (ii) Independent Persons who will sit on the Human Resources Advisory Panel be drawn from (and in the following priority), Independent Person(s) appointed by this Council and then Independent Persons appointed by neighbouring authorities from the Tees Valley or region;
 - (iii) the role of the Independent Person (s) appointed by this Council be widened to include the new function of sitting on the Human Resources Advisory Panel;
 - (iv) the Officer Employment Procedure Rules be amended to delete references to the Designated Independent Person and substitute in place the Human Resources Advisory Panel;
 - (v) the Responsibility of Functions is amended to include reference to the Human Resources Statutory Advisory Panel;
 - (vi) the Officer Employment Procedure Rules be amended to require the approval of full Council in respect of decisions to dismiss the Chief Finance Officer and the Monitoring Officer (as well as the Head of Paid Service).
- (b) That the Scheme of Delegation, and the list of proper officer functions, is amended to give the Borough Solicitor the function of determining uncontested applications for inclusion on the register of village greens and to appoint an inspector to deal with applications which are contested.
- (c) That, as an interim arrangement, from 31 August 2015, the Head of Legal Services is appointed as the Monitoring Officer and takes on the Borough

Solicitor functions and the statutory and proper officer functions of the Borough Solicitor and Assistant Chief Executive.

- (d) That the Assistant Chief Executive is authorised to make any necessary amendments to the delegations, statutory and proper officer functions that result from the deletion of the Service Director, Children's Services and the Assistant Director, Adult Social Care the posts and replacement with a new post of Director of Adults and Children's Services.
- (e) That Council note the other changes to the constitution that have been made during the course of the year, as set out in the main body of the submitted report.

REASONS – (a) To comply with legislative change.

(b) To clarify the responsibility of functions.

(c) To deal with changes to the Constitution required from staffing and structural changes.

(d) To ensure that the Council's Constitution remains accurate and up to date.

(2) – Community Governance Review – The Assistant Chief Executive submitted a report (previously circulated) seeking approval that proposals set out in Appendix 1 of the submitted report be published for public consultation in accordance with the timetable outlined within the submitted report.

The submitted report stated that the Local Government Boundary Commission for England (LGBCE) had conducted a review of ward boundaries in the Borough, and that the review had prompted the duty of the Council to consider whether to hold Community Governance Reviews (CGRs) to review the boundaries of the parishes within the Borough. The submitted report outlined that a consultation exercise had been conducted with the parish councils to enable them to indicate their preference as to the outcomes of the CGRs, and that the submitted report outlined the draft proposals for the new parish boundaries, which would move forward for public consultation before a final decision was made.

NOTE: As part of the discussion, the Mayor invited Parish Councillor Crowther to ask the question, with Notice, he had submitted at Minute 18 (1), and Parish Councillor Crowther received a response thereon.

RESOLVED – (a) That the draft proposals for changes to parish boundaries in the Borough, which will move forward to public consultation, be approved.

(b) That a further report be received by Members in November 2015, following consultation, with the final proposals, which will include the draft order.

REASONS – (a) To ensure that the Council complies with its duties under the Local Government and Public Involvement in Health Act 2007.

(b) To support the delivery of the Council's objective to Build Strong Communities set out within the Community Strategy.

20. CABINET REPORTS – (1) Overview Reports of Cabinet Members – The 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. Cabinet Members answered questions on their portfolios.

(2) Community Safety Plan 2015-20 – The Director of Commissioning submitted a report (previously circulated) to propose a Community Safety Plan for Darlington as part of the Council's policy framework.

The submitted report stated that all local authorities have a responsibility to work with statutory partners on crime and disorder issues, and to produce a joint plan covering an agreed number of years with an annual refresh. The submitted report stated that the Plan should outline the priorities for the local area in relation to crime and disorder, and must have been consulted upon with the public and key stakeholders.

The submitted report highlighted that the Plan had been compiled by the Darlington Community Safety Partnership, and that a draft of this Plan had been considered by Cabinet on 16th June 2015.

RESOLVED – That the Community Safety Plan 2015-2020 for Darlington be agreed and published.

REASONS – (a) The Community Safety Plan requires Council support as it is part of the Council's policy framework.

(b) The plan is based on robust evidence and places Darlington in a stronger position to progress actions around community safety in the current changing climate.

(3) Treasury Management Annual Report and Outturn Prudential Indicators 2014/15 – The Director of Neighbourhood Services and Resources submitted a report (previously circulated) to provide important information regarding the regulation and management of the Council's borrowing, investments and cash-flow. The submitted report also sought approval of the Prudential Indicators results for 2014/2015, in accordance with the Prudential Code.

The submitted report outlined the circumstances with regard to treasury management for 2014/2015. It was reported that investments were only made where there was low risk. It was stated that this manifested itself in a continued reliance on internal borrowing, which in turn had had a positive effect of the Medium Term Financial Plan's financing costs as investment rates were lower than borrowing rates.

The submitted report stated that the Council had complied with its legislative and regulatory requirements, and that the need for borrowing was only increased for capital purposes.

The submitted report stated that at 31st March 2015, the Council's external debt was £124.161m, which was £4.000m more than the previous year. It was reported that the average interest rate for borrowing was up to 4.16%, from 3.92% in 2013/14, and that investments totalled £33.000m at 31st March 2015, in comparison to £31.743m at 31st March 2014, earning interest of 0.48% on short term investments, and 0.90% on longer term investments.

RESOLVED – (a) That the outturn 2014/15 Prudential Indicators within the submitted report, and those in Appendix 1, be noted.

(b) That the Treasury Management Annual Report for 2014/15 be noted.

REASONS – (a) 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.

21. SCRUTINY REPORTS – 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.

22. MEMBERSHIP CHANGES – Consideration was given to membership changes of the Committees, Subsidiary Bodies and Other Bodies for the remainder of the Municipal Year 2015/16.

RESOLVED – (a) That Councillor B. Jones be appointed to the vacancies on the Appeals Committee and the Policy and Performance Committee of the Combined Fire Authority;

(b) That Councillor Lee be appointed to the vacancies on the Audit and Risk Committee and the Joint Consultative Committee of the Combined Fire Authority;

(c) That Councillor Sue Richmond be appointed to the vacancies on the Finance and General Purpose Committee and the Community Interest Company Committee of the Combined Fire Authority;

(d) That Councillor Wallis be appointed to the vacancies on the Joint Consultative Committee and the Local Government Association Committee of the Combined Fire Authority;

(e) That Councillor Curry be appointed to the Liberal Democrat vacancy on the Standing Advisory Council for Religious Education (SACRE);

(f) That Councillor Lawton replace Councillor Curry as the Liberal Democrat representative on the Darlington Community Carnival Committee.