

COUNCIL
28th January 2016

PRESENT – The Mayor; Councillors Baldwin, Carson, Copeland, Cossins, Coultas, Crichlow, Crudass, Crumbie, Mrs. Culley, Curry, Dixon, Galletley, Harker, I. Haszeldine L. Haszeldine, C. L. B. Hughes, L. Hughes, Johnson, Mrs. D. Jones, Kane, Kelley, Kelly, Knowles, Lawton, Lee, Lister, Lyonette, McEwan, Mills, Newall, K. Nicholson, M. Nicholson, Regan, E. A. Richmond, S. Richmond, A. J. Scott, Stenson, Storr, C. Taylor, J. Taylor, Tostevin, Wallis, Wright and York. (45)

APOLOGIES – Councillors Donoghue, Grundy, B. Jones and Mrs. H. Scott. (4)

ABSENT – Councillor Cartwright. (1)

44. MINUTES – Submitted – The Minutes (previously circulated) of the Ordinary Meeting of this Council, held on 19 November 2015.

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

45. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

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

47. ANNOUNCEMENTS – (1) New Year’s Honours – The Mayor reported that Mrs. Carol Mary Bottomley, a Higher Executive Officer in the Academies Group at the Department for Education, and a resident of Darlington, had been admitted as a Member of the British Empire for services to education and voluntary service to sport in Darlington.

The Mayor also reported that Mrs. Linda Houston, a Higher Executive Officer in the Academies Group at the Department for Education, had been admitted as a Member of the British Empire for public and voluntary service.

RESOLVED - That the congratulations of the Council be conveyed to those who received awards.

(2) Director of Children and Adult Services – The Mayor welcomed Suzanne Joyner, Director of Children and Adults Services, who was attending her first meeting of this Council.

48. QUESTIONS – TO ANSWER QUESTIONS (WHERE NOTICE HAS BEEN GIVEN) FROM – (1) The Public – There were no questions from members of the public.

(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.

49. COUNCIL REPORTS – (1) Members Training Children and Young People and Adults and Housing Scrutiny Committees – The Director of Children and Adults Services submitted a report (previously circulated) requesting that consideration be given to additional mandatory training sessions for Members of the Children and Young People and Adults and Housing Scrutiny Committees.

The submitted report stated that due to the importance of the safeguarding of children and adults in the Borough, and as to whether there is sufficient knowledge, challenge and understanding in place for those Members currently serving on the Children and Young People and Adults and Housing Scrutiny Committees to give the Council the assurance it needs in relation to safeguarding in these areas, Members had been requested to give consideration to additional mandatory training for all Members of the Children and Young People Scrutiny Committee and the Adults and Housing Scrutiny Committees, in addition to the two current mandatory training sessions in place for all Members of the Council on Corporate Parenting and Safeguarding Adults.

The submitted report highlighted some of the outcomes of the recent Ofsted report, and the new statutory responsibilities for safeguarding adults that came into force as part of the Care Act 2015.

RESOLVED – That, to ensure effective challenges are in place for safeguarding children and adults in Darlington, all Members who serve on the Children and Young People Scrutiny Committee and Adults and Housing Scrutiny Committees be required to undertake mandatory training.

REASON – To ensure effective challenges are in place for safeguarding children and adults in Darlington.

(2) Council Tax Calculation of Tax Base 2016/17 – The Director of Neighbourhood Services and Resources submitted a report (previously circulated) to determine the Council's tax base for 2016/17.

The submitted report stated that, in accordance with Section 33 of the Local Government Finance Act 1992 and the Local Authorities (Calculation of Council Tax Base) Regulations 2012, the Council had to decide its tax base by 31 January in the year preceding that for which the tax base applies.

RESOLVED – (a) That the report for the calculation of the Council's tax base for the year 2016/17, be approved.

(b) That the tax base for the Council and the individual tax base for the parishes, as set out in Appendix 1 of the submitted report, be approved.

REASON – To comply with statutory requirements enabling the Council Tax for 2016/17 to be set by Council in February 2016.

(3) General Licensing Committee – The Director of Economic Growth submitted a report (previously circulated) requesting that a delegation to enable the General Licensing Committee to have the power to set and vary fees and charges in respect of licensing be approved.

The submitted report stated that the responsibility for setting fees and charges for the Council's licensing functions was a responsibility of Council, but that this responsibility could be delegated to a Council Committee, or an officer. The submitted report requested that Members approved a delegation to the General Licensing Committee, that would enable the Committee to have the power to set fees and charges in respect of licensing. It was reported that the proposed changes would allow greater flexibility for the setting of fees and charges in these areas, and better enable in-depth consideration to be given by Members in a specialist committee when the need arose.

The submitted report highlighted that the Council would still retain the right to exercise the power to set fees and charges within this area, and that such a delegation did not take away the power from the body that had given the delegated authority.

RESOLVED – That the constitution be amended as follows, with the following to be inserted into Schedule 2 (Council Committees) of Part 2 – Responsibility for Functions of the Councils Constitution, far as the General Licensing Committee to include:

'To set and vary the fees and charges for the Council's licensing and registration functions that are the responsibility of this committee.'

REASONS – (a) It would enable the General Licensing Committee to consider, in detail, the policy considerations and issues concerning any proposals, to take account of written and oral representations from persons who object to proposals, and then to be able to decide the fees and charges to be set.

(b) It enables Members who have a developed understanding of licensing to have responsibility for setting fees and charges in this area.

(c) It would enable greater flexibility to set and vary fees and charges outside of annual fee setting (which is via the schedule of fees and charges that is annexed to the Council's Medium Financial Term report).

50. 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) Mid Year Prudential Indicators and Treasury Management Monitoring

Report 2015/16 – The Director of Neighbourhood Services and Resources submitted a report (previously circulated) on the revised Treasury Management Strategy, Prudential Indicators, to provide a half-yearly review of this Council's borrowing and investment activities, and to ask Council to note the changes to the Medium Term Financial Plan (MTFP) with regard to the Treasury Management Budget (Financing Costs).

The submitted report stated that the Prudential Indicators were examined by the Audit Committee on 18th December 2015, and it was agreed at that meeting that the updated Prudential Indicators and revised Operational Boundary and Authorised Limit for borrowing be referred to Council, via Cabinet, for approval. It was also reported that the Audit Committee was satisfied with the Council's borrowing and investment activities, the reported Prudential Indicators, and the revised borrowing limits.

The Prudential Indicators were set in three statutory annual reports to Council, and the submitted report followed the Council's approval in February 2015 of the 2015/16 Prudential Indicators and Treasury Management Strategy. The key objectives of the three annual reports were to ensure that governance of the large amounts of public money under the Council's Treasury Management activities complied with legislation and met the high standards set out in the codes of practice, to ensure that borrowing was affordable, and to report performance of the key activities of borrowing and investments.

The submitted report also outlined revisions to the Prudential Indicators, which related to higher capital expenditure in 2015/16 due to greater slippage than anticipated from 2014/15, which increased the expected capital spend by £11.039M, however it was reported that only half of this resulted in increased borrowing need for the year (£5.058M). It was reported that the Operation Boundary had remained unchanged at £201.881M, while the Authorised Limit had increased in line with the Capital Financing Requirement by £2.503M to £240.891M.

RESOLVED – (a) That the revised prudential indicators and limits, as detailed in Tables 1 to 6, 8 and 14 to 17 of the submitted report, are examined.

(b) That instruments used to make investments now include Certificates of Deposit and Treasury Bills

(c) That the reduction in the Treasury Management Budget (Financing Costs) of £0.163M, as detailed in Table 11 of the submitted report, is 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 Local Government Act 2003.

(d) To enable further improvements to be made in the Council's Treasury Management function.

(3) Civic Theatre and The Hullaballoon Capital Project Scheme Approval – The Director of Neighbourhood Services and Resources submitted a report (previously circulated) to approve the underwriting of the remaining sponsorship funding of The Hullaballoon project totalling £394,704 and enter into an agreement with Theatre Hullabaloo to recover any deficit on the funding by way of a loan agreement, approve an additional £140,000 from the sale of the Arts Centre to fund The Hullaballoon, to approve and note the overall cost of The Hullaballoon and release the remaining capital of £2.294M in respect of The Hullaballoon project, and approve and note the overall costs of the Civic Theatre project and release the remaining capital to deliver the scheme of £10,341,000.

The submitted report stated that the financial recommendations referred to Council had been considered by Cabinet at its meeting on 5 January 2016, and noted that the funding for both the development and delivery of the project is deliverable within the original parameters of both schemes. It was reported that the recommendations presented to Council in relation to the Civic Theatre were subject to Heritage Lottery Fund approval, and that the recommendations with regard The Hullaballoon required approval from Arts Council England. It was also noted that both projects were still subject to planning permission.

RESOLVED – (a) That the underwriting of the remaining sponsorship funding of The Hullaballoon project totalling £394,704 and enter into an agreement with Theatre Hullabaloo to recover any deficit on the funding by way of a loan agreement, be approved.

(b) That an additional £140,000 from the sale of the Arts Centre to fund The Hullaballoon be approved.

(c) That the overall cost for The Hullaballoon, and release the remaining capital of £2.294M in respect of The Hullaballoon project, be approved and noted.

(d) That the overall costs of the Civic Theatre project and the release of the remaining capital to deliver the scheme of £10,341,000, be approved and noted.

REASONS – (a) To allow the projects to progress to completion subject to funding and planning.

(b) To enable the project the progress without delays.

(c) To consider the release of the capital sums involved.

(4) Cabinet Urgent Decisions – The Director of Economic Growth submitted a report (previously circulated) detailing one decision 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 procedures to be followed if a decision was taken under the Urgency Rule and the Special Urgency Rule.

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

REASON – To comply with the Council’s Constitution.

51. 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.

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