

COUNCIL
29th June 2016

PRESENT – The Mayor; Councillors Baldwin, Carson, Copeland, Coultas, Crudass, Crumbie, Mrs. Culley, Curry, Dixon, Donoghue, Galletley, Harker, I. Haszeldine, C. L. B. Hughes, L. Hughes, Johnson, Kane, Kelley, Kelly, Knowles, Lawton, Lee, Lister, Lyonette, McEwan, Mills, Newall, K. Nicholson, M. Nicholson, Nutt, Regan, E. A. Richmond, S. Richmond, A. J. Scott, Mrs. H. Scott, Stenson, Storr, C. Taylor, J. Taylor, Tostevin, Wallis and Wright. (43)

APOLOGIES – Councillors Cartwright, Cossins, Crichlow, L. Haszeldine, Mrs. D. Jones and York. (6)

ABSENT – Councillor Grundy. (1)

9. DECLARATIONS OF INTEREST – Councillor Copeland declared a Personal and Pecuniary Interest in Minute 11 (h), as the holder of a Blue Badge.

Councillor Coultas declared a Pecuniary Interest in Minute 11 (h), as he was on the board of First Stop Darlington.

Councillor Curry declared a Non-Pecuniary Interest in Minute 11 (f), as the Chair of the Friends of Darlington’s Libraries.

Councillor Kelley declared a Pecuniary Interest in Minute 11 (h), as an allotment holder on Lascelles.

Councillor Knowles declared a Non-Pecuniary Interest in Minute 11 (h), as the Chair of the Aspire Project.

Councillor Lee declared a Pecuniary Interest in Minute 11 (h), as a Parish Councillor.

Councillor Newall declared a Pecuniary Interest in Minute 11 (h), as a member of the Strategy Board for the Citizen’s Advice Bureau.

Councillor Regan declared a Pecuniary Interest in Minute 11 (h), as an employee of Age UK.

10. REPRESENTATIONS FROM THE PUBLIC – Members heard representations from six members of the public, who had given notice of their intention to speak at the meeting.

11. CABINET REPORTS – (a) Medium Term Financial Plan Consultation – The Chief Officers Executive submitted a report (previously circulated) to provide details of the activities that were carried out as part of the Medium Term Financial Plan (MTFP) consultation, and to provide Members with an overview of responses and alternative proposals that had been suggested.

The submitted report stated that the budget consultation ran from 11th February 2016 to 31st May 2016, and that during this time a communications plan was implemented with the aim of ensuring that those potentially affected by the proposals was aware of the proposals, understood the proposals and why the savings were necessary, and had the opportunity to give their views. It was reported that the proposals affected a wide range of Council services, and that it was highly likely that nearly all residents served by Darlington Borough Council could be affected to some degree, and therefore a number of communications channels had been used to disseminate information and gather feedback.

The submitted report highlighted that there was a statutory duty to carry out a separate library consultation, and that comments received on this proposal were included in a separate report on the Agenda. The submitted report stated that Equality Impact Assessments (EIAs) had been conducted to identify the impact of proposals on protected characteristics, and again the details of the EIAs were contained in a separate report on the Agenda.

RESOLVED – That the content of the submitted report be noted.

(b) Equality Impact Assessments and Cumulative Impacts – The Chief Officers Executive submitted a report (previously circulated) to inform Members of the impact of the Medium Term Financial Plan 2016-20 on services, particularly to vulnerable people and the cumulative impacts on protected characteristic groups. The submitted report also made recommendations in relation to proposals for mitigation set out in the Future Fund proposals.

The submitted report stated that, in considering the budget proposals, the Council was obliged to comply with the Public Sector Equality Duty, as outlined in Section 149 of the Equalities Act 2010, and to assist in this duty, the Council had undertaken EIAs in all areas where proposals were deemed to have a potentially negative impact of affect protected characteristic groups as part of the consultation exercise. The individual EIAs were appended to the submitted report, together with an overarching summary of the protected characteristics impacted by the proposals, and an assessment showing the likelihood and severity of an impact.

It was moved by Councillor Dixon, and seconded, that:-

(a) Members consider the findings of the individual EIAs and the summary contained within the submitted report, and specifically the further detail shown in Appendix 3.

(b) Members use this to inform decisions regarding the MTFP proposals and the deployment of the Futures Fund.

(c) Members agree the following Futures Fund allocations to help mitigate the worst impacts identified within the submitted report:

(i) £160,000 on floating housing related support for vulnerable adults; domestic violence victims and those with substance misuse issues;

(ii) £50,000 on a small community development / VCS engagement function to help support the work of developing the third sector.

(iii) A non-recurring £100,000 split between: £50,000 for a 'transformation fund' to assist the voluntary sector to drive efficiencies, be in the best position to bid for external funding and to increase resilience in the sector going forward and also £50,000 to support the development of more voluntary sector provision in the delivery of early help services to vulnerable children and families in conjunction with a redesigned early help (statutory service) offer.

(iv) £20,000 CDCF match funding for grants to support voluntary sector services, £13,000 council contribution to the Darlington Partnership and a one off £50,000 to increase the volunteering contribution in Darlington – all aimed at increasing capacity, resilience, ability to bid for funds and tapping into and making optimum use of the resources and people of Darlington to build stronger communities.

(d) Members note that there are also proposals relating to the Community Care Fund and Financial Inclusion Crisis Fund which will have a significant contribution to mitigation of the impacts outlined in this report and reference should be made to a separate report containing recommendations on these funds.

(e) Members agree that further work is to be undertaken to investigate the retention of the Companion Bus Pass option on the principle of developing a sustainable scheme which is a combination of a more robust criterion and assessment for entitlement and an annual charge at a level to be determined. That the development and implementation of a scheme on these principles be delegated to the Director of Economic Growth in consultation with the Portfolio holder.

An amendment to the recommendations detailed above was moved by Councillor Johnson, seconded by Councillor Mrs. Scott, and carried.

"To add the following sub-section to the recommendations moved by Councillor Dixon:-

(f) In respect of items assessed as having a High Impact which are included in the Plan, all such items be regularly reviewed by Scrutiny."

In accordance with the requirements of the Budget and Policy Framework Rules a vote on the motion was taken of those Members present at the meeting and there appeared:-

For the Motion – The Mayor; Councillors Baldwin, Carson, Copeland, Coultas, Crudass, Crumbie, Mrs. Culley, Curry, Dixon, Donoghue, Galletley, Harker, I. Haszeldine, C. L. B. Hughes, L. Hughes, Johnson, Kane, Kelley, Kelly, Knowles, Lawton, Lee, Lister, Lyonette, McEwan, Mills, Newall, K. Nicholson, M. Nicholson, Nutt, Regan, E. A. Richmond, S. Richmond, A. J. Scott, Mrs. H. Scott, Stenson, Storr, C. Taylor, J. Taylor, Tostevin, Wallis and Wright. (43)

Against the Motion – None. (0)

Abstentions – None. (0)

Motion Carried.

REASONS – (a) To build stronger communities and help mitigate some of the impact of the MTFP proposals on vulnerable groups and specific protected characteristics identified through the equalities impact assessment process.

(b) The duty for Members to have ‘due regard’ to the Public Sector Equality Duty pursuant to Section 149 of the Equalities Act 2010, and to fully consider the contents of the EIAs produced in respect of individual proposals.

(c) Financial Inclusion Crisis Support and Community Care Fund – The Director of Neighbourhood Services and Resources submitted a report (previously circulated) requesting that Members gave consideration to the Financial Inclusion Crisis Support Policy and contract, and the Community Care Fund Policy and contract, as part of the Future Fund proposals for the MTFP.

The submitted report stated that the MTFP proposed to cease existing arrangements for financial advice, and cease funding for the Social Fund, which included Crisis Support and the Community Care Fund. It was reported that research had been conducted to ascertain who had used the service in the past, what key activity should potentially be retained, and who it should be targeted at to reduce unmanageable debt for individuals and support people to live independently in the community.

It was moved by Councillor A. J. Scott, and seconded, that:-

(a) Members agree an allocation from the Future Fund of £100,000 for the Financial Inclusion Crisis Support service.

(b) Members agree an allocation from the Future Fund of £120,000, plus the use of efficiencies of a further £30,000 to give a total contract value of £150,000 for the Community Care Fund contract.

(c) Both contracts go to open tender with a contract start date of 1st October 2016

(d) The specification documents at Appendices 1 and 2 of the submitted report be approved.

(e) The policy documents at Appendices 3 and 4 of the submitted report be approved.

An amendment to the recommendations detailed above was moved by Councillor Johnson, seconded by Councillor Mrs. Scott, and carried.

“To add the following sub-section to the recommendations moved by Councillor A. J. Scott:-

(f) In respect of the new policy ‘Financial Inclusion Support and Community Care Fund’, all associated contracts to be regularly reviewed by Scrutiny.”

In accordance with the requirements of the Budget and Policy Framework Rules a vote on the motion was taken of those Members present at the meeting and there appeared:-

For the Motion – The Mayor; Councillors Baldwin, Carson, Copeland, Coultas, Crudass, Crumbie, Mrs. Culley, Curry, Dixon, Donoghue, Galletley, Harker, I. Haszeldine, C. L. B. Hughes, L. Hughes, Johnson, Kane, Kelley, Kelly, Knowles, Lawton, Lee, Lister, Lyonette, McEwan, Mills, Newall, K. Nicholson, M. Nicholson, Nutt, Regan, E. A. Richmond, S. Richmond, A. J. Scott, Mrs. H. Scott, Stenson, Storr, C. Taylor, J. Taylor, Tostevin, Wallis and Wright. (43)

Against the Motion – None. (0)

Abstentions – None. (0)

Motion Carried.

REASONS - (a) The impact of cutting financial inclusion and Social Fund funding completely would have high negative impacts on the most vulnerable residents.

(b) Not having financial support and advice in place would potentially lead to more children needing to come into care because of the risk of neglect.

(c) Community Care Fund grants help keep people in their own home and reduces demand on statutory services.

(d) Community Care Fund supports people fleeing domestic violence, care leavers, offenders and individuals with substance misuse issues to return or remain in the community.

(d) Revenue Outturn 2015-16 – The Director of Neighbourhood Services and Resources submitted a report (previously circulated) to present the revenue outturn 2015-16, subject to Audit, to enable Members to consider the results in light of the Council’s Medium Term Financial Plan (MTFP), and also to consider the Collection Fund and Housing Revenue Account outturn.

The submitted report stated that the draft end year position showed an improvement of £2.010M from the opening balance projections reported in the MTFP report 2016/17 to 2019/20, with changes seen across a number of areas. It was reported that the main areas of improvement are early realisation of savings, in particular in relation to staffing, better procurement outcomes and fortuitous savings in regard to grant income, along with lower expenditure in areas such as winter maintenance, due to a relatively mild winter.

The submitted report outlined further year end carry forward requests, and requested that £0.500M of the underspend be earmarked for the Civic Theatre project, following receipt of the final guaranteed price.

It was noted that the increase in balances would enable the Council to slightly reduce the financial risk in the MTFP, in regard to the delivery of savings and mitigate potential pressures.

It was moved by Councillor Harker, and seconded, that:-

(a) That the revenue outturn for 2015-16 be noted.

(b) That the additional carry forward requests of £1.020m be approved and carried forward into 2016-17.

(c) That an allocation of £0.500m of balances for the Civic Theatre project.

In accordance with the requirements of the Budget and Policy Framework Rules a vote on the motion was taken of those Members present at the meeting and there appeared:-

For the Motion – The Mayor; Councillors Baldwin, Carson, Copeland, Coultas, Crudass, Crumby, Mrs. Culley, Dixon, Donoghue, Galletley, Harker, I. Haszeldine, C. L. B. Hughes, L. Hughes, Johnson, Kane, Kelly, Knowles, Lee, Lister, Lyonette, McEwan, Mills, Newall, K. Nicholson, M. Nicholson, Nutt, Regan, E. A. Richmond, S. Richmond, A. J. Scott, Mrs. H. Scott, Stenson, Storr, C. Taylor, J. Taylor, Tostevin, Wallis and Wright. (40)

Against the Motion – Councillors Curry, Kelley and Lawton. (3)

Abstentions – None. (0)

Motion Carried.

REASON – To maintain appropriate management arrangements for the Council's finances and make effective use of the Council's resources.

(e) The Bridge Centre for Visual Arts – The Chief Executive submitted a report (previously circulated) requesting that Members gave consideration to a business case produced by the recently formed Visual Arts Organisation, who wished to take over the running of the Centre.

The submitted report stated that The Bridge Visual Arts Organisation had submitted a business case to run the Centre without Council subsidy, and that the submitted business case had potential, however it was reported that all the detail and negotiations around the property had not been concluded.

It was moved by Councillor A. J. Scott, and seconded, that:-

(a) The implementation of budget proposal W9, in relation to funding of The Bridge, be deferred until 31st March 2017.

(b) All property options be explored, and agree in principle to the leasing of the building to the organisation at a peppercorn rent, or similar arrangement.

(c) Cabinet receive a report on the outcome of negotiations with the Visual Arts Organisation in January / February 2017.

In accordance with the requirements of the Budget and Policy Framework Rules a vote on the motion was taken of those Members present at the meeting and there appeared:-

For the Motion – The Mayor; Councillors Baldwin, Carson, Copeland, Coultas, Crudass, Crumbie, Mrs. Culley, Curry, Dixon, Donoghue, Galletley, Harker, I. Haszeldine, C. L. B. Hughes, L. Hughes, Johnson, Kane, Kelley, Kelly, Knowles, Lawton, Lee, Lister, Lyonette, McEwan, Mills, Newall, K. Nicholson, M. Nicholson, Nutt, Regan, E. A. Richmond, S. Richmond, A. J. Scott, Mrs. H. Scott, Stenson, Storr, C. Taylor, J. Taylor, Tostevin, Wallis and Wright. (43)

Against the Motion – None. (0)

Abstentions – None. (0)

Motion Carried.

REASONS – (a) To allow time for the business case to be developed.

(b) To establish outline terms in relation to property negotiations.

(c) To consider the final business case.

(f) MTFP Library Service Proposals – The Director of Neighbourhood Services and Resources submitted a report (previously circulated) seeking approval to amend the proposals contained within the Medium Term Financial Plan for the Library Service, and agree to progress the revised plans.

The submitted report outlined the proposals for the library service, in relation to its relocation to the Dolphin Centre, and contained an alternative proposal for the library service submitted by Darlington for Culture. It was highlighted within the report that there was the possibility of a restrictive covenant limiting the use of the Crown Street property to a library, and stated that work had been undertaken to understand the implications should such a covenant exist.

It was moved by Councillor Wallis, and seconded, that:-

(a) The Library Needs Assessment be approved and noted.

(b) The relocation of the Central Library Service to the Dolphin Centre be agreed, as set out in the submitted report.

(c) Cockerton Library be closed on 31st March 2017, unless a sustainable alternative proposal is agreed before December 2016.

(d) The Mobile Library Service ceases to be provided from 1st October 2016, and additional work is undertaken to promote the household service.

(e) The capital sum of £1.7m be released to relocate the Library Service to the Dolphin Centre. The procurement of this scheme be delivered in accordance with the Contract Procedure Rules by the Council's Building Services Division and that the procurement be designated as non-strategic.

(f) The Crown Street building be declared surplus to requirements and the Director of Economic Growth, in consultation with the Portfolio Holder for Efficiency and Resources, be authorised to dispose of the building, however interested community groups with proposals for use of the building will be considered as part of the disposal process.

An amendment to the recommendations detailed above was moved by Councillor Curry, seconded by Councillor Lawton, and was lost.

"That paragraphs 6 (c), 6 (e) and 6 (f) be deleted.

That 6 (c) be re-lettered 6 (b); that 6 (d) be re-lettered 6 (c), and the following be inserted:

(d) The relocation of Central Library services to the Dolphin Centre to be delayed for 6 months to allow further discussion with interest groups for the library and the Dolphin Centre to be explored more fully.

(e) The capital sum to be held for 6 month until discussions are completed for the Library and the Dolphin Centre.

(f) The decision on the building of Crown Street be delayed until completion of full investigation is completed for the Crown Street and the Dolphin Centre."

In accordance with the requirements of the Budget and Policy Framework Rules a vote on the motion was taken of those Members present at the meeting and there appeared:-

For the Motion – Councillors Baldwin, Carson, Copeland, Crumbie, Dixon, Harker, I. Haszeldine, C. L. B. Hughes, L. Hughes, Kane, Kelly, Knowles, Lister, Lyonette, McEwan, Newall, M. Nicholson, Nutt, Regan, S. Richmond, A. J. Scott, Storr, C. Taylor, J. Taylor, Wallis and Wright. (26)

Against the Motion – Councillors Curry, Kelley, Lawton and K. Nicholson. (4)

Abstentions – The Mayor; Councillors Coultas, Crudass, Mrs. Culley, Donoghue, Galletley, Johnson, Lee, Mills, E. A. Richmond, Mrs. H. Scott, Stenson and Tostevin.

(13)

Motion Carried.

REASONS – (a) To enable the Council to achieve the savings identified in the Medium Term Financial Plan.

(b) An extension of time will allow for further work to try and develop a volunteer-led solution for Cockerton Library.

(c) The statutory obligation to provide for library service needs can be met by the proposed changes.

(g) Street Scene and Grounds Maintenance Budget Reduction Mitigation Proposals – The Director of Neighbourhood Services and Resources submitted a report (previously circulated) in order that Members could give consideration to options to mitigate the reductions in the budgets of the Street Scene Service, and the Grounds Maintenance Service.

The submitted report stated that the MTFP significantly reduced resources in the Street Scene and Grounds Maintenance Service areas, and proposed the reintroduction of an environmental enforcement team, a new approach to volunteering, and engagement with the Probation Service to utilise Community Service hours to enhance the Core Offer Budget.

It was moved by Councillor Wallis, and seconded, that:-

(a) A Member led approach to volunteering is implemented with support from within proposed staffing structure be agreed.

(b) The £50, 000 wild meadow fun be reallocated to fund a two year post to support volunteering.

(c) The missing bins process be amended, and that some bring sites be closed to fund an Environmental Enforcement Team to focus on fly tipping and back lanes.

(d) A review into the use of the Private Sector in litter enforcement be agreed.

An amendment to the recommendations detailed above was moved by Councillor Johnson, seconded by Councillor Mrs. Scott, and was lost.

“(a) To delete recommendation (b), as moved by Councillor Wallis and re-letter recommendations (c) and (d), as moved to (b) and (c) respectively, and

(b) To add the following sub-sections to the recommendations moved by Councillor Wallis:-

(d) In respect of Street scene, due to reduced capacity and clear difficulties in satisfying Town wide minimum requirements, Street Scene services be reviewed to consider commissioning appropriate services to the Private Sector.

(e) That Local Ward organisations such as The West End Partnership be funded by the £50, 0000 allocated for the Wild Flower Meadow fund to allow local commissioning of ward services such as grass cutting.”

In accordance with the requirements of the Budget and Policy Framework Rules a vote on the motion was taken of those Members present at the meeting and there appeared:-

For the Motion – Councillors Baldwin, Carson, Copeland, Crumbie, Curry, Dixon, Harker, I. Haszeldine, C. L. B. Hughes, L. Hughes, Kane, Kelly, Knowles, Lister, Lyonette, McEwan, Newall, K. Nicholson, M. Nicholson, Nutt, Regan, S. Richmond, A. J. Scott, Storr, C. Taylor, J. Taylor, Wallis and Wright. (28)

Against the Motion – None. (0)

Abstentions – The Mayor; Councillors Coultas, Crudass, Mrs. Culley, Donoghue, Galletley, Johnson, Kelley, Lawton, Lee, Mills, E. A. Richmond, Mrs. H. Scott, Stenson and Tostevin. (15)

Motion Carried.

REASONS – (a) To mitigate service reduction.

(b) To support and co-ordinate volunteers.

(c) To provide funding for an enforcement team.

(d) To review alternative delivery options.

(h) Medium Term Financial Plan 2016/17 to 2019/20 – Finalisation of Phase 2 Plan – The Chief Officers Executive submitted a report (previously circulated) to finalise the 2016/17 to 2019/20 MTFP in light of consultation and any changes in respect of new information and projections.

The submitted report stated that the Cabinet had proposed Phase 2 of the MTFP on 11 February 2016, and that an extensive consultation exercise had taken place until 31 May 2016. It was noted that, whilst there were some amendments within the report, and greater detail provided on some mitigations, the overall shape of the proposed MTFP remained the same as that originally proposed. The submitted report stated that the recommendations had been agreed by Cabinet, and referred to Council for a decision.

It was moved by Councillor Dixon, and seconded, that:-

(a) The revised MTFP, as appended at Appendix 1 of the submitted report, be approved, including:-

- (i) Decision already made earlier in this meeting;
- (ii) The reductions, as appended at Appendix 3 of the submitted report;
- (iii) An indicative annual Council Tax increase of 3.99%, including the Government's 2% social care levy;
- (iv) That the MTFP forms the basis of the Council's four year efficiency plan to be submitted to Government;
- (v) That £3.273m be transferred to the Redundancy and Decommissioning reserve to be drawn down as required.

An amendment to the recommendations detailed above was moved by Councillor Johnson, seconded by Councillor Crudass, and was lost.

"To add the following sub-section to the recommendations moved by Councillor Dixon:-

(vi) That in respect of Appendices 1, 2 and 3, Officers transfer 3 per cent of the total proposed spend to a contingency fund to encourage the Council to reduce spend by 3 per cent unless it is essential and, if so, utilise then utilise the expenditure in the contingency fund."

In accordance with the requirements of the Budget and Policy Framework Rules a vote on the motion was taken of those Members present at the meeting and there appeared:-

For the Motion – Councillors Baldwin, Carson, Copeland, Crumbie, Curry, Dixon, Harker, I. Haszeldine, C. L. B. Hughes, L. Hughes, Kane, Kelly, Knowles, Lawton, Lister, Lyonette, McEwan, Newall, M. Nicholson, Nutt, Regan, S. Richmond, A. J. Scott, Storr, C. Taylor, J. Taylor, Wallis and Wright. (28)

Against the Motion – Councillor K. Nicholson. (1)

Abstentions – The Mayor; Councillors Coultas, Crudass, Mrs. Culley, Donoghue, Galletley, Johnson, Mills, E. A. Richmond, Mrs. H. Scott and Tostevin. (11)

NOTE: Councillors Kelley and Stenson were not present when the vote was taken. Councillor Lee did not vote having declared a Pecuniary Interest in this item.

Motion Carried.

REASONS - (a) To set a Medium Term Financial Plan within projected available resources.

(b) To enable the Council to secure a four year grant settlement from the Government.

(c) To provide for redundancy and decommissioning costs.