

**COUNCIL**  
16th July, 2009

**PRESENT** – The Mayor; Councillors Armstrong, Baldwin, Barker, Burton, G. Cartwright, M. Cartwright, Chapman, Copeland, Curry, Davies, Dixon, Dunstone, Francis, Galletley, Harker, I. Haszeldine, L. Haszeldine, Hughes, Jenkinson, Johnson, B. Jones, Mrs. D. Jones, Lawton, Lee, Lewis, Long, D. A. Lyonette, J. M. Lyonette, Maddison, McEwan, Newall, Nicholson, Nutt, Regan, Richmond, Roberts, Robson, A. J. Scott, Stenson, Swift, Thistlethwaite, Vasey, Wallis and Williams. (45)

**APOLOGIES** – Councillors Coultas, Freitag, Hartley, Lister, Mrs. H. Scott, Swainston, Walker and York. (8)

**11. MINUTES** – Submitted – The Minutes (previously circulated) of the meetings of this Council held on 14<sup>th</sup> and 21<sup>st</sup> May 2009.

**RESOLVED** – That the Minutes be approved as correct records.

**12. DECLARATIONS OF INTEREST** – Councillors Dunstone and Lawton each declared a personal and non-prejudicial interest in Minute 20 below, as members of CAMRA.

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

**14. ANNOUNCEMENTS – Deaths of former Councillor and former Mayor of Darlington, Alderman Joseph Edward Paterson, and former Mayoress Mrs. Hilda Lennon** - The Mayor referred to the recent deaths of former Councillor and Mayor of Darlington, Alderman Joseph Edward Paterson, and former Mayoress, Mrs. Hilda Lennon.

**RESOLVED** – That the deepest sympathy of the Council be conveyed to the families of those that had recently passed away.

**15. 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) Members to the Nominated Member of the Police Authority in accordance with Section 20 of the Police Act 1996** – There were no questions to the nominated member of the Police Authority in accordance with Section 20 of the Police Act 1996.

**16. COUNCIL REPORTS – (1) Review of Policies and Conditions in respect of Pavement Cafes in the Borough of Darlington** – The Director of Corporate Services submitted a report (previously circulated) to invite Members to consider modifications to the Council's current policies and conditions in respect of Pavement Cafes in the Borough of Darlington.

The submitted report provided information in relation to improving town centre pavement café provision by proposing changes to policies and conditions in respect of the licensing of pavement cafes. The submitted report stated that, in response to concerns expressed by some members of the trade and the general public about the management of pavement cafes, officers have revisited the existing policy and conditions, and identified a need to simplify and clarify the requirements both for making an application, and for operating, a pavement café.

The amendments identified within the submitted report included the use of barriers to denote the area of the highway to be included in the pavement café as a standard condition, the requirement of Council approval for all furniture used within pavement cafes, the introduction of risk assessments as a standard part of the initial application process, the provision of advice in relation to neighbouring business consent, and a simplification of the operational conditions.

**RESOLVED** – That the revised policy and standard conditions, as detailed in Appendix 1 of the submitted report, be approved.

**REASON** – To provide simplification for applicants and encourage the provision of Pavement Cafes in the town centre of Darlington.

**17. CABINET 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.

Cabinet Members answered questions on their portfolios.

**(2) Darlington Local Development Framework: Design of New Development Supplementary Planning Document** – The Assistant Chief Executive (Regeneration) submitted a report (previously circulated) to seek Members’ agreement to adopt the Darlington Local Development Framework (LDF) Design of New Development Supplementary Planning Document (Design SPD) as Council policy, and to agree the transitional arrangements.

The submitted report provided further detail and clarification on several Local Plan policies, setting out design guidance to raise the design quality of all types of new development in the Borough and help guide its form and location. The submitted report stated that the Design SPD contained general design guidance for movement, community safety, sustainability, green infrastructure and public space, and heritage and local distinctiveness.

The submitted report outlined the wide-ranging consultation that had been conducted, which involved community partners and stakeholders, and a focus group consultation exercise in May 2009. All responses to the consultation were considered by Officers and, where appropriate, changes to the Design SPD had been made.

**RESOLVED** – (a) That the contents of the Local Development Framework Design of New Development Supplementary Planning Document be agreed.

(b) That the Design of New Development Supplementary Planning Document be adopted as Council policy.

(c) That the transitional arrangements, as detailed in the submitted report, be agreed.

**REASONS** – (a) To continue to progress towards fulfilling the statutory requirements to have an up to date Local Development Framework in place.

(b) To fulfil the regulatory requirements of Local Development Framework document preparation.

**(3) Darlington Local Development Framework: Local Development Scheme 2009-2012** – The Assistant Chief Executive (Regeneration) submitted a report (previously circulated) to outline the contents of the Local Development Scheme 2009-2012, and to seek Members agreement to the recommendations proposed regarding the Local Development Scheme (LDS).

The submitted report stated that the LDS was part of the Council’s Local Development Framework (LDF), and set out the development plan documents and supplementary planning documents that the Council would prepare over the next three years and the timing of the key stages of their preparation. The submitted report also stated that the LDS outlined the scope of each document being prepared, set out the resources that would be made available for the LDF preparation, and identified the risks to plan preparation.

The submitted report highlighted that the LDS gave priority to the preparation of the LDF Core Strategy, so that this could be adopted by the Council in July 2011. The submitted report outlined that the LDF Core Strategy was the spatial expression of ‘One Darlington: Perfectly Placed’, the sustainable community strategy for Darlington, and would set out the vision, objectives, locational strategy and other strategic policies for the use and development of land within the Borough.

**RESOLVED** – (a) That the updated Local Development Scheme for the period 2009-2011, appended to the submitted report, be agreed and formally submitted to the Government Office for the North East.

(b) That the updated Local Development Scheme take effect upon receipt by the Council of confirmation that the Secretary of State does not intend to give a direction to the Council under Section 15 (4) of the Planning and Compulsory Purchase Act 2004.

**REASON** – To comply with the requirement that the Council must submit an updated Local Development Scheme to the Government, taking account of the Town and Country Planning (Local Development) (Amendment) Regulations 2008.

**(4) Darlington Local Development Framework: Tees Valley Joint Minerals and Waste Development Plan – Draft Submissions Document** – The Assistant Chief Executive (Regeneration) submitted a report (previously circulated) to seek authority to publish, and subsequently submit to Government, the development plan documents which would guide future minerals and waste development in Darlington.

The submitted report explained the current position in relation to the preparation of the two development plan documents (DPDs) which dealt with future minerals and waste development in the Tees Valley, including Darlington Borough Council, and summarised the proposed policies which related to Darlington.

The submitted report stated that the DPDs had been prepared jointly by the five Tees Valley boroughs, and that progress was dependent on all five councils being satisfied with the content

of the final drafts. The submitted report stated that it was anticipated that, subject to Council approval, the publication of the DPDs would take place in August 2009, and that, barring substantive changes being necessary following publication, submission to Government would be in November 2009. The development plan documents, Tees Valley Joint Minerals and Waste Development Plan Documents: Core Strategy, which set out the strategic policies, and Tees Valley Joint Minerals and Waste Development Plan Documents: Policies and Sites, were appended to the submitted report.

**RESOLVED** – (a) That the publication of the Tees Valley Joint Minerals and Waste Core Strategy and Policies and Sites Development Plan Documents, in so far as they relate to the Borough of Darlington, be approved.

(b) That, subject to no substantive changes to the documents being necessary following publication, the subsequent submission to the Secretary of State for Communities and Local Government be approved.

(c) That authority be given for the Assistant Chief Executive (Regeneration), in consultation with the Cabinet Member with the Economy Portfolio, to make any necessary minor amendments to the documents prior to publication and submission.

**REASON** – To enable the adoption, in due course, of minerals and waste policies in this Council's Local Development Framework.

**18. SCRUTINY REPORTS – 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.

**19. MEMBERSHIP CHANGES** – Consideration was given to membership changes of the Committees, Subsidiary Bodies and Other Bodies for the Municipal Year 2009/10.

**RESOLVED** – That Councillor Thistlethwaite be deleted from the membership of the Children and Young People Scrutiny Committee, and that Councillor J. M. Lyonette be his replacement.

**20. SUPPLEMENTARY ITEM – Sustainable Communities Act** – With the prior approval of the Mayor to the matter being treated as urgent to provide sufficient time during the consultation period to develop an informed public response, and to ensure that Council was able to express a view on proposals that must be submitted to the Local Government Association (LGA) by 31st July 2009, the Assistant Chief Executive (Regeneration) submitted a report (previously circulated). The submitted report requested approval of proposals for submission to the LGA, in their role as 'Selector', in relation to the Sustainable Communities Act.

The submitted report summarised that the Sustainable Communities Act was a new way for local government, with their communities, to ask central government to take action which they believed would better enable them to improve the social, economic or environmental well-being of their local areas.

The submitted report outlined a period of engagement and consultation, which included officer and partner input, member engagement, an on-line forum and resident focus groups. It was reported that initial proposals were evaluated against specified criteria, and those proposals found suitable under this evaluation criteria were submitted for Members' consideration.

**RESOLVED** – (a) That the contents of the report, in terms of summarising aspects of the Sustainable Communities Act, and the process carried out to date, be noted.

(b) That the proposals for submission, as detailed in paragraph 3 of the submitted report, be approved.

(c) That authority be delegated to the Assistant Chief Executive, in consultation with the Cabinet Member for Communities and Engagement, to complete and forward to the LGA the necessary proposal forms by the deadline of 31<sup>st</sup> July 2009.

**REASONS** – (a) To enable the Council to help fulfil its role in facilitating the sustainability of the local community.

(b) To assist the Council in fulfilling its contribution to deliver One Darlington: Perfectly Placed.

(c) To deliver the commitment made by Council on 26<sup>th</sup> March 2009 to opt in to the Sustainable Communities Act.