

**COUNCIL**

26th September 2013

**PRESENT** – The Deputy Mayor; Councillors Baldwin, Carson, Cartwright, Copeland, Cossins, Crumbie, Curry, Donoghue, Francis, Galletley, Grundy, Harker, Harman, I. Haszeldine, C. L. B. Hughes, L. Hughes, B. Jones, Mrs. D. Jones, Kelley, Knowles, Landers, Lawton, Lewis, Lister, D. A. Lyonette, Macnab, Newall, Regan, E. A. Richmond, A. J. Scott, Mrs. H. Scott, Stenson, C. Taylor, J. Taylor, Thistlethwaite, L. Vasey, Wallis and York. (39)

**APOLOGIES** – The Mayor; Councillors Coultas, Crudass, Dixon, L. Haszeldine, Hutchinson, Long, J. M. Lyonette, McEwan, Nutt, S. Richmond, Swainston, J. Vasey and Wright. (14)

**18. MINUTES** – Submitted – The Minutes (previously circulated) of the meetings of this Council held on 16th May and 18th July 2013.

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

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

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

**21. ANNOUNCEMENTS** – There were no announcements made at the meeting.

**22. 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 Deputy 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.

**23. COUNCIL REPORTS – (1) Scrap Metal Dealers Act 2013 – Delegation of Powers** – The Director of Place submitted a report (previously circulated) requesting the approval for the delegation of powers in respect of dealing with applications and variations of licences to collect scrap metal, the reviews of such licences, and the setting of fees in respect of both mobile collector and site licences.

The submitted report informed Members that the Scrap Metal Dealers Act 2013 (SMDA 2013) would come into effect on 1st October 2013, replaced the Scrap Metal Dealers Act 1964 and the Motor Vehicles Crime Act 2001, and created a new licensing regime for motor salvage operators and collectors of scrap metal. It was stated that the

purpose of the Act was to regulate the scrap metal trade and reduce metal theft rates by creating a new regulatory scheme.

The submitted report outlined the requirements of the different licences issued under the SMDA 2013, the timescale for the introduction of the new licences, the creation and maintenance of a national register of scrap metal dealers, the application of fees, and required revisions to the scheme of delegation to reflect the functions contained within the SMDA 2013.

**RESOLVED** – (a) That the authority to grant, refuse, vary or revoke a licence in respect of the collection of scrap metal in accordance with the Scrap Metal Dealer’s Act 2013, be delegated to the Council’s General Licensing Committee, and that Part 2 of the Council’s Constitution (Responsibility for Functions) be updated to reflect this new legislation.

(b) That the charging of fees in respect of the Scrap Metal Dealer’s Act 2013 be approved.

(c) That the authority to determine the appropriate fees be delegated to the Director of Place, and that Schedule 4 of the Council’s Constitution (Exceptions – Finance) be updated to reflect the new responsibility.

(d) That Schedule 4 of the Council’s Constitution be amended to add the duties and powers available to the Council within the Scrap Metal Dealers Act 2013 to the list of functions delegated to the Assistant Director Policy and Regeneration.

(e) That Schedule 4 of the Council’s Constitution be amended to add the Scrap Metal Dealers Act 2013 to the list of Prosecuting Acts.

**REASON** – To ensure that the Council can meet its statutory obligations as set out in the 2013 Act.

**(2) Request for an Extension of Non-Attendance** - The Director of Resources submitted a report (previously circulated) requesting that Members give consideration to an extension to the six-month period of Councillor Hutchinson’s non-attendance at meetings due to ill health.

The submitted report stated that, under Section 85 of the Local Government Act 1972, if a Member of a Local Authority failed throughout a period of six consecutive months, from the date of his/her last attendance, to attend any meeting of the authority, he/she would cease to be a Member of the Authority, unless the failure was due to some reason approved by the authority before the expiry of that period.

It was reported that Councillor Hutchinson had not attended any Council or Committee meetings since 16th May 2013, and would therefore cease to be a Member of the Council on 15th November 2013, unless the Council approved the reason for the failure to attend before that date.

The submitted report stated that Councillor Hutchinson had been ill since early June 2013, and, whilst she hoped to be well enough to return to Council duties in October 2013, had requested that Council gave consideration to an extension under the six-month rule.

**RESOLVED** – That Councillor Hutchinson’s period of non-attendance at meetings be extended by a further six months, with a further review at that time should Councillor Hutchinson not return to Council duties.

**REASON** – To ensure compliance with a request under Section 85 of the Local Government Act 1972.

**24. 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 2012-15 (Refresh)** – The Director of People 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 had a responsibility to work with statutory partners on crime and disorder issues to produce a joint plan every three years, with an annual refresh. It was stated that the Plan outlined the priorities for the local area in relation to crime and disorder, and had been consulted upon with the public and key stakeholders.

The submitted report highlighted that the Community Safety Plan had been produced by the Darlington Community Safety Partnership (CSP), and that the Plan detailed the achievements, context, issues and actions in relation to each priority to demonstrate an evidence based approach. It was reported that a draft of the refreshed Community Safety Plan had been considered by Cabinet at its meeting on 3rd September 2013, and a copy was appended to the submitted report.

**RESOLVED** – That the Community Safety Plan for Darlington be agreed, and published.

**REASONS** – (a) The Community Safety Plan required 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) Cabinet Urgent Decisions** – The Chief Officer Executive submitted a report (previously circulated) detailing two decisions 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 decisions taken by Cabinet be noted.

**REASON** – To comply with the Council's Constitution.

**25. 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.

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