

COUNCIL

19th November 2015

PRESENT – The Mayor; Councillors Baldwin, Carson, Copeland, Cossins, Coultas, Crichlow, Crudass, Crumbie, Mrs. Culley, Curry, Dixon, Donoghue, Galletley, Grundy, Harker, I. Haszeldine, L. Haszeldine, C. L. B. Hughes, L. Hughes, Johnson, B. Jones, Mrs. D. Jones, Kane, Kelley, Kelly, Knowles, Lawton, Lee, Lyonette, McEwan, Mills, Newall, K. Nicholson, M. Nicholson, E. A. Richmond, S. Richmond, A. J. Scott, Mrs. H. Scott, Stenson, Storr, C. Taylor, J. Taylor, Tostevin, Wallis, Wright and York. (47)

APOLOGIES – Councillors Lister and Regan. (2)

ABSENT – Councillor Cartwright. (1)

34. MINUTES – Submitted – The Minutes (previously circulated) of the Special Meeting of this Council, and the Ordinary Meeting of this Council, held on 24 September 2015.

RESOLVED – That the Minutes be approved as correct records.

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

Note: The Head of Legal Services advised Members on the grant of a general dispensation under Section 33 of the Localism Act 2011, in respect of any disclosable pecuniary interests of those Members employed by, or by virtue of being members of, a trade union, in order to allow full participation in a motion concerning the Trade Union Bill.

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

37. ANNOUNCEMENTS – (1) Paris – The Mayor announced that he had written to both the Mayor of Paris, and the Mayor of Amiens, to offer the sympathy of the people of Darlington, following recent terrorist attacks in Paris.

(2) Interim Director – Children’s Services – The Mayor welcomed Alison Murphy, Interim Director Children’s Services, who was attending her first meeting of this Council.

38. 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 Mayor reported that the Police and Crime Commissioner for Darlington and Durham, had submitted his apologies for the meeting.

39. COUNCIL REPORTS – (1) The Gambling Act 2005 – Revised Statement of Principles for the Borough of Darlington – The Director of Economic Growth submitted a report (previously circulated) requesting that consideration be given to the final draft of the Council's revised Gambling Policy document, due to be published in accordance with statutory requirements in January 2016.

The submitted report highlighted that the Council's Gambling Policy was subject to a three yearly statutory revision, and was produced in accordance with the Gambling Act 2005. The submitted report stated that the proposed revised policy had been subject to extensive consultation and had remained largely unchanged since it was last approved on 25 November 2012, with the exception of a requirement for local risk assessments to be submitted as part of the application process with effect from April 2016, in accordance with the revised Gambling Commission Guidance.

It was reported that the policy had also been updated to reflect changes in the legislation in respect of gaming machines numbers and stakes.

RESOLVED – That the revised policy, as detailed in Appendix 2 of the submitted report, be approved.

REASON – To comply with the statutory requirement placed on the Council to produce and publish a policy every three years in respect of its functions under the Gambling Act 2005.

(2) The Licensing Act 2003 – The Revised Licensing Policy for the Borough of Darlington – The Director of Economic Growth submitted a report (previously circulated) requesting that consideration be given to the final draft of the Council's revised Licensing Policy document, due to be published in accordance with statutory requirements on 7 January 2016.

The submitted report sought Members approval for a revision of the Council's Licensing Policy. The submitted report stated that the revised Policy reflected changes in the licensing legislation, including the role of health as a responsible authority, and provided additional guidance for applicants. It was stated that the Council had a statutory duty to revise and publish its Licensing Policy at least every five years , and that the Policy was last published on 7 January 2011.

RESOLVED – That the final draft of the Licensing Policy be approved for publication on 7 January 2016.

REASON – To meet the legislative requirements required by virtue of paragraph 5 of the Licensing Act 2003 (“the 2003 Act”).

(3) Review of Policies and Conditions relating to Hackney Carriages, Private Hire Vehicles and their Drivers and Operators – The Director of Economic Growth submitted a report (previously circulated) requesting that consideration be given to the final draft of the Council’s revised policy document in respect of Hackney Carriages and Private Hire vehicles, their drivers and operators, due to take effect from 1 January 2016.

The submitted report sought Members approval for a revision of the Council’s Taxi Licensing Policy. The submitted report stated that the revised Policy reflected changes to the licensing, and other, legislation, including amendments to licence durations and the removal of counterpart driving licences. The revised Policy also reflected concerns raised by the Rotherham enquiry into child sexual exploitation, as well as updating some of the current policies and conditions and providing additional guidance for applicants.

It was stated that the Policy was last approved on 26 January 2012.

RESOLVED – That the final draft of the Licensing Policy, which will affect all licences due from 1 January 2016, be approved.

REASONS – (a) To introduce and reinforce measures to ensure the protection of the general public, in particular children and vulnerable adults.

(b) To provide an enforcement framework that takes account of legislative changes and amendments whilst providing encouragement and support to the taxi trade in the Borough.

(4) Members Allowances Review – The Director of Neighbourhood Services and Resources submitted a report (previously circulated) requesting that Members give consideration to a review of the Members’ Allowances Scheme.

The submitted report stated that the Council’s Members’ Allowances Independent Panel was constituted to review the Council’s Members’ Allowances Scheme in 2003, when a full review of allowances was undertaken, and subsequently in 2006, 2008 and 2011. It was reported that Councils must establish and maintain an Independent Remuneration Panel which made recommendations about the allowances paid to Elected Members, including the level of basic allowance for all Members, and on whether a dependant’s carers allowance, travel and subsistence allowances, and co-optees allowances, etc. should be paid, and the levels of such allowances.

The submitted report outlined that the Local Authorities (Members’ Allowances) (England) Regulations 2003 states that Councils must not rely on any index-linked figure for longer than a period of four years, and therefore, as the current indexing

came into effect on 1 April 2012, a revision was required to introduce a new scheme with effect from 1 April 2016.

The submitted report outlined details regarding the composition of the Independent Remuneration Panel, the terms of reference, and a proposed date for the initial meeting.

RESOLVED – (a) That a review of the Council’s Members’ Allowances Scheme be undertaken by the Council’s Independent Remuneration Panel.

(b) That the Terms of Reference for the Panel, as detailed in Appendix A of the submitted report, be approved for the review.

(c) That the Panel be also asked to review the Council’s payments to the Education Appeals Panel Members.

REASONS – (a) To ensure that this Council reviews its Members’ Allowances Scheme to meet legislative requirements.

(b) To ensure that Darlington Borough Council’s payments to Education Appeals Panel Members are included in the Scheme.

(5) Community Governance Review – The Director of Neighbourhood Services and Resources submitted a report (previously circulated) to advise Members of the outcome of the consultation on the Community Governance Review, and to request consideration be given to proposed changes, and the making of a formal Reorganisation Order.

The submitted report stated that following the Local Government Boundary Committee for England’s review of ward boundaries in the Borough, this Council agreed to hold Community Governance Reviews (CGR’s) to review the boundaries of the parishes within the Borough. It was reported that in January 2015, the Council approved the areas that would be subject to a review, and the terms of those reviews. Members were informed that a consultation exercise was then conducted, and in July 2015 the Council considered the views expressed by the parish councils.

The submitted report highlighted that a further public consultation exercise was then conducted in three areas. It was reported that this consultation exercise closed on 4 October 2015, and details of the responses received were included within the submitted report.

RESOLVED – (a) That Members note the responses received to the public consultation concerning the Community Governance Review.

(b) That Members approve the proposed changes to parish arrangements set out in the submitted report for Archdeacon Newton, namely that:

(i) Archdeacon Newton Parish Council is abolished and becomes a parish meeting.

(ii) Archdeacon Newton parish boundary is changed to the line of the A1(M). The area east of the A1(M) should cease to form part of a parished area.

(iii) That the Local Government Boundary Commission for England be asked to give consideration to redrawing the Brinkburn and Faverdale ward boundary along the line of the A1(M).

(c) That Members approve the proposed changes to parish arrangements set out in the submitted report for Hurworth, namely that:

(i) That the northern part of Hurworth Parish Council boundary is redrawn so that the Lanes Parish ward will cease to be in the Hurworth parish boundary.

(ii) That the Lanes Parish ward will cease to form part of a parished area.

(iii) That Hurworth Parish Council continues to be the name of the parish council for the reconstituted parish area.

(iv) That the number of councillors elected to Hurworth Parish Council shall be 12 parish council members.

(d) That Members approve the proposed changes to parish arrangements set out in the submitted report for Low Dinsdale, Middleton St. George, Neasham and Sockburn, namely that:

(i) Low Dinsdale Parish Council is abolished.

(ii) That the former north parish ward of Low Dinsdale Parish Council, which is in the Sadberge and Middleton St. George ward be amalgamated with the existing Middleton St. George Parish Council area to form part of a newly constituted parish council for the area, known as Middleton St. George Parish Council.

(iii) That the former southern parish ward of Low Dinsdale Parish Council, which is in the Hurworth ward, together with Sockburn parish be amalgamated with Neasham Parish Council to form a newly constituted parish council for the area, known as Neasham Parish Council.

(iv) That the number of councillors to be elected to Middleton St. George Parish Council shall be 10 parish council members.

(v) That the number of councillors to be elected to Neasham Parish Council shall be 8 parish council members.

(e) That Members approve the draft Reorganisation Order, as detailed in Appendix 1 of the submitted report.

(f) That Members delegate authority to the Head of Legal Services:

(i) To make the Order following confirmation that the Local Government Boundary Commission for England have no objection to the proposals.

(ii) To make any minor charges to the Order, as may be required by the Local Government Boundary Commission for England or otherwise.

(g) That Members note the consequential issues that will arise for the Parish Councils that will cease to exist as a result of the Order being made.

(h) That Members note the proposals for elections in the Parish Councils that will be reconstituted as a result of the Order being made.

REASONS – (a) To take account of the 2014 Local Government Boundary Committee for England review of ward boundaries in the Borough and the impact of that review on parish councils.

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

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

40. 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) Tees Valley Devolution Deal – The Chief Executive submitted a report (previously circulated) requesting that Members gave consideration to a Devolution Deal with HM Government that would significantly enhance economic development and regeneration across the five Tees Valley Authorities.

The submitted report stated that in July 2015 the five Leaders / Elected Mayor who comprised the Shadow Tees Valley Combined Authority, working with business through the Local Enterprise Partnership, were invited by Government to submit proposals for a Devolution Deal for the Tees Valley.

RESOLVED – (a) That Members approve the Tees Valley Devolution Deal described within, and detailed at Appendix 1, of the submitted report.

(b) That the Chief Executive be authorised to confirm the consent of Council to the devolution agreement and to formalise the sign off process with Government.

REASONS – (a) It creates opportunities to accelerate the creation and safeguarding of vital jobs within the region.

(b) It gives greater local democratic oversight to funding streams currently controlled by central Government.

(c) It enables the Tees Valley to exercise a stronger voice in negotiations for a fairer share of national resources.

(3) Council Tax Support – Scheme Approval – The Director of Neighbourhood Services and Resources submitted a report (previously circulated) requesting that consideration be given to the Council Tax Support (CTS) Scheme for 2016/17.

The submitted report stated that Councils are required to establish a CTS Scheme each year, and as part of the process were required to consider whether any changes should be made to the existing scheme, and where changes were made, Councils were required to consider what transitional protection, if any, should apply to anyone affected by those changes.

The submitted report outlined the consultation undertaken and the recommended changes to the existing scheme. It was stated that the CTS Scheme for 2016/17 had been considered, and endorsed, by Cabinet at a meeting held on 3 November 2015.

RESOLVED – (a) That the contents of the submitted report be considered.

(b) That the CTS Scheme for 2016/17, as detailed in Appendix 1 of the submitted report, be approved.

REASONS – (a) The Council is required to publish a local CTS Scheme for 2016/17 by 31 January 2016.

(b) The CTS Schemes for 2013/14, 2014/15 and 2015/16 have all been implemented successfully without any major challenges.

(c) The financial position of the Council has not improved and therefore the continued application of a reduced entitlement for working aged people is still appropriate.

41. 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.

42. NOTICE OF MOTION – Trade Union Bill - The following Motion was moved by Councillor L Hughes, and seconded by Councillor Knowles:

That this Council resolves:

(a) To support the TUC's campaign to protect the right to strike.

(b) To write to the Secretary of State for Business, Innovation and Skills stating the Council's opposition to the Government's proposals on trade unions.

(c) To write to the Secretary of State for Communities and Local Government stating that opposition to the interference of Central Government in local industrial relations as it is against the spirit of localism.

(d) To continue to value the importance of meaningful workforce engagement and representation through trade unions in Darlington Borough Council.

(e) That in the event that the Government's proposals become law, in so far as is lawful for the Council as an employer:

(i) continue to allow recognised trade unions to use subscriptions through payroll, or otherwise support trade unions' efforts to move members onto direct debit subscriptions, through allowing access to workers and as much notice as possible of any changed arrangements.

(ii) maintain current arrangements on 'facility time' for trade union reps to represent their members.

(iii) commit not to use agency workers to break strikes.

The following amendment to the Motion was moved by Councillor Wallis, and seconded by Councillor L. Hughes:

That the following be inserted as (f) :-

'This Council further notes and regrets the decision by the Conservative Group to vacate the Council Chamber and not democratically debate the matter of utmost importance to residents'.

Amendment Carried.

The Amendment then became the Substantive Motion and was put to the meeting and carried.

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