

COUNCIL

Thursday, 24 November 2022

PRESENT – The Mayor, Councillors Ali, Bartch, Boddy, Dr. Chou, Clarke, Cossins, Crudass, Crumbie, Mrs Culley, Donoghue, Dulston, Durham, Harker, Heslop, Holroyd, C L B Hughes, L Hughes, Johnson, Mrs D Jones, Keir, Laing, Layton, Marshall, McCollom, McEwan, Mills, M Nicholson, Renton, A J Scott, Mrs H Scott, Snedker, Sowerby, Tait, Tostevin, Wallis and Willis.

APOLOGIES – Councillors Allen, Haszeldine, B Jones, Lee, Lister, Lucas, Newall, K Nicholson, Paley, Preston and Wright.

ABSENT – Councillors Baldwin and Bell.

32 **MINUTES - TO APPROVE THE MINUTES OF THE MEETING OF THIS COUNCIL HELD ON 29 SEPTEMBER 2022**

Submitted – The Minutes (previously circulated) of the meeting of this Council held on 29 September 2022.

RESOLVED – That the Minutes of the meeting of this Council held on 29 September 2022, be approved as a correct record.

33 **DECLARATIONS OF INTEREST.**

There were no declarations of interest reported at the meeting.

34 **SEALING.**

Presented – The Register showing the documents which had been sealed since the last meeting of Council.

35 **ANNOUNCEMENTS.**

Death in Service – The Mayor advised Members of the Death in Service of Robert (Bob) Whitehouse, who worked at the council for ten years as Community Rail Officer for the Bishop Line. After retiring he took up the role of Chair of the Bishop Line Community Rail Partnership, and continued to support the new Community Rail Officer.

As a mark of respect, Members stood and observed a short silence in memory of Robert Whitehouse.

36 **QUESTIONS - TO ANSWER QUESTIONS (WHERE APPROPRIATE NOTICE HAS BEEN GIVEN FROM):-**

(1) **THE PUBLIC;**

There were two questions, with notice, from Members of the Public, who each received an answer thereon.

(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.

37 COUNCIL REPORTS.

(1) INTERIM REVIEW OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS

The Group Director of Operations submitted a report (previously circulated) to give consideration to the outcome of the recent Interim Review of Polling Districts, Polling Places and Polling Stations, ahead of the Local Government (Borough Council) Elections in 2023.

The submitted report stated that Members had previously agreed that an interim review of Polling Districts, Polling Places and Polling Stations should be conducted at the Ordinary Meeting of the Council on 14 July 2022. It was highlighted that the interim review has been subject to consultation; that the suitability of Polling Places has been considered in light of the steer from Central Government to avoid, where possible, the use of schools as Polling Places; and also from the perspective of the new duties contained within the Elections Act 2022.

RESOLVED - (a) That the consultation responses received be noted.

(b) That the changes proposed to the existing Polling Places and Polling Stations ahead of the Local Government Elections in May 2023, be approved, as follows:

- (i) That the polling place in Cockerton Ward (Polling Districts CKA) is changed to Cockerton Library, Woodland Road, Darlington (in place of Holy Family R.C. Primary School);
- (ii) That the polling place in College Ward (Polling Districts COA, COB and COC) is changed to the Sports Pavilion, Abbey Road Sports Field, Abbey Road, Darlington (in place of the classrooms in the main Queen Elizabeth Sixth Form College);
- (iii) That the polling place in Hummersknott Ward (Polling Districts HKA and HKB) is changed to Salutation Hall, Salutation Road, Darlington (in place of John Caden Hall at Carmel College);
- (iv) That the polling place in Sadberge and Middleton St. George Ward (Polling Districts SMA and SMC) is Bishopton Village Hall, Church View, Bishopton (as Great Stainton Church Hall has ceased to be available); and
- (v) That the polling place in Sadberge and Middleton St George Ward (Polling Districts SMI and SMJ) be changed to Middleton St. George Community Centre, Station Road, Middleton St. George (in place of Middleton St. George Women's Institute Hall).

(c) That the publication of the proposals for Polling Places, as set out in Appendix C of the submitted report, be authorised.

REASONS - (a) To ensure that polling places and polling stations are accessible to voters and have reasonable facilities for voting.

(b) To comply with the requirements of the Representation of the People Act 1983, the Equality Act 2010 and the Elections Act 2022.

(c) To enable the decisions to be made, publicised and implemented in good time for the elections scheduled for May 2023.

(2) INTERIM REVIEW OF POLICIES AND CONDITIONS RELATING TO HACKNEY CARRIAGES, PRIVATE HIRE VEHICLES AND THEIR DRIVERS AND OPERATORS

The Group Director of Services submitted a report (previously circulated) to authorise amendments to Darlington Borough Council's 'Private Hire and Hackney Carriage Licensing Policy 2021', following approval from the Licensing Committee on 6 September 2022.

The submitted report recommended changes to the Council's Taxi Licensing Policy following the impact covid and the current economic issues has had on the trade. It was reported that consultation had taken place, and included proposals in line with the Department for Transport (DfT) draft 'Taxi and Private Hire Vehicle Best Practice Guidance', which is awaiting publication.

The submitted report stated that the proposed amendments had been supported by the Licensing Committee, following a meeting held on 6 September 2022, and reminded Members that the Policy was last approved on 26 November 2020, for implementation on 1 January 2021.

RESOLVED - That the revised Taxi Licensing Policy be approved by Council, and that it be applied to all licences from the day of decision.

REASON - To provide support to the taxi trade in the Borough through difficult economic times, whilst maintaining safety standards for the travelling public.

38 CABINET REPORTS.

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.

39 COUNCIL TAX SUPPORT - SCHEME APPROVAL 2023-24

The Group Director of Operations submitted a report (previously circulated) which requested that the Council Tax Support (CTS) scheme for 2023-24 be approved.

The submitted report stated that Councils are required to set a CTS scheme each year, and as part of that exercise they must consider whether any changes should be made to any existing scheme, and, where changes are made, consider what transitional protection, if any, should apply to anyone affected by those changes. The submitted report outlined the details of the

proposed CTS scheme for 2023/24.

RESOLVED - (a) That the contents of the report be noted.

(b) That the CTS scheme for 2022-23, as appended to the submitted report, and which continues to provide up to 80% CTS for all working age people, be approved.

REASONS - (a) The Council is required to publish a local CTS scheme for 2023-24 by 11 March 2023.

(b) The CTS schemes since 2013 have all been implemented successfully without any major challenges.

(c) The continued application of a reduced entitlement for working aged people is still appropriate, given the current financial position of the Council.

40 COUNCIL TAX EXEMPTION FOR CARE LEAVERS 2023-24

The Group Director of Operations submitted a report (previously circulated) requesting a Council Tax exemption for care leavers under the age of 25 from 2023-24.

The submitted report stated that since 1 April 2018, a provision has been made in the Council Tax Support (CTS) scheme to provide care leavers under the age of 25 up to 100% support with their Council Tax costs, whereas all other working age people could only receive up to 80% support with their Council Tax costs under the CTS scheme. It was report that as the CTS is means-tested, some young care leavers still had some, or all, of their Council Tax costs to pay, depending on their income and other circumstances.

The submitted report proposed to replace the current provision in the CTS scheme for care leavers under the age of 25, with a full Council Tax exemption from 1 April 2023, and that this would be achieved using the Council's powers under Section 13a of the Local Government Finance Act 1992 (discretionary Council Tax discounts). It was reported that the financial implications of this change were considered to be minimal, given that most care leavers under the age of 25 already received support with their Council Tax costs through the CTS scheme.

RESOLVED - (a) That the contents of the report be noted.

(b) That the Council Tax exemption for care leavers under the age of 25 from 2023-24, be approved.

REASONS - (a) Darlington Borough Council has a responsibility to support young care leavers whilst they are developing the skills and confidence to live independently.

(b) A Council Tax exemption will provide young care leavers with the assurance and stability with their Council Tax costs.

(c) A Council Tax exemption will be much easier for the Council to administer than the current arrangements through the CTS scheme and for young care leavers to access and

understand.

41 TREASURY MANAGEMENT ANNUAL REPORT AND OUTTURN PRUDENTIAL INDICATORS 2021/22

The Group Director of Operations submitted a report (previously circulated) to inform Members of important information regarding the regulation and management of the Council's borrowing, investments and cash-flow. It is a requirement of the Council's reporting procedures and by regulations issued under the Local Government Act 2003 to produce an annual treasury management review that covers treasury activity for 2021/22. The report also sought to approve the Prudential Indicators results for 2021/22, in accordance with the Prudential Code.

The submitted report outlined the circumstances with regard to treasury management for 2021/2022, and stated that it was another unprecedented year with regard to treasury management due to the ongoing Covid-19 pandemic. It was reported that the cost of borrowing remained low throughout 2021/22.

The submitted report stated that the Council had complied with its legislative and regulatory requirements during 2021/2022, and that the need for borrowing was only increased for capital purposes.

The submitted report stated that at 31st March 2022, the Council's external debt was £149.649m, which was £11.882m less than the previous year. It was stated that this reduction related to not re-borrowing for matured debt due to an increase in the level of monies received by the Council. It was reported that the average interest rate for borrowing reduced from 2.76% in 2020/21 to 2.47% in 2021/22, and that investments totalled £63.399m at 31st March 2022, in comparison to £59.399m at 31st March 2021, earning interest of 0.21% on short term cash investments, and 2.21% on Property Fund units net of cost.

It was reported that financing costs had been reduced during the year and a saving of £0.366m had been achieved from the original MTFP due to reduced interest on debt, as well as increased investment income, especially from property funds.

RESOLVED - (a) That the outturn 2021/22 Prudential Indicators within the submitted report, and those in Appendix 1 of the submitted report, be noted.

(b) That the Treasury Management Annual Report for 2021/22 be noted.

REASONS - (a) In order 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 requirements of the Local Government Act 2003.

42 DARLINGTON TRANSPORT PLAN, DARLINGTON TOWN CENTRE TRANSPORT PLAN AND DARLINGTON PARKING STRATEGY

The Group Director of Services submitted a report (previously circulated) to request that Members give consideration to the adoption of the Darlington Transport Plan, Darlington Town Centre Transport Plan and Parking Strategy following the consultation process.

The submitted report stated that the Tees Valley Strategic Transport Plan (STP) 2020-2030 was developed by Tees Valley Combined Authority (TVCA) in partnership with all Tees Valley local authorities, that the strategy had been published in 2020, and set out the strategic direction for transport in the Tees Valley. It was noted that the STP is supported by other strategies developed by TVCA including the Local Cycling and Walking Infrastructure Plan (LCWIP) and the Tees Valley Bus Service Improvement Plan (BSIP).

The submitted report stated that the Darlington Transport Strategy set out how the priorities set out in the STP will be delivered in Darlington, took into consideration local priorities, and set in place a delivery framework to ensure that these priorities were delivered. It was reported that Cabinet approved the Darlington Transport Plan framework on 9 March 2021, as a basis for consulting the public and other stakeholders on our key transport objectives and priorities.

It was reported that the Darlington Town Centre Transport Plan would support the Town Centre Strategy 2019-2030 and the Towns Fund Investment Plan, and that the Darlington Parking Strategy set out a framework for the provision and control of parking within the Borough in order to meet the aspirations of the Darlington Transport Strategy and the Darlington Town Centre Transport Plan.

It was noted that the Communities and Local Services Scrutiny Committee had considered all three plans on 25 August 2022, and that the Cabinet had considered all three plans on 8 November 2022. It was also reported that the plans were consulted on and, in terms of responses, there were 34 responses to the Darlington Transport Strategy, 14 responses to the Darlington Parking Strategy and no responses to Darlington Town Centre Transport Plan. The responses were broadly in support of our approach and no changes were made to the documents as a result of consultation.

RESOLVED - That the Darlington Transport Strategy, Darlington Town Centre Transport Plan, and Darlington Parking Strategy be approved and adopted into the policy framework.

REASONS - (a) To provide a strategic framework to support growth in Darlington through the provision of improved transport infrastructure and promote sustainable transport initiatives.

(b) To support the Town Centre Strategy by improving transport links into, and reducing the impact of traffic travelling through the Town Centre in order to help it be a place where people will want to continue visiting, shopping, working and living in.

43 CABINET URGENT DECISIONS

The Chief Officers Executive submitted a report (previously circulated) detailing decisions taken by Cabinet as a matter of urgency and to which the procedure for call-in could not be applied.

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

REASON – To comply with the Council’s Constitution.

44 SCRUTINY REPORTS - TO CONSIDER SCRUTINY OVERVIEW REPORTS:-

The 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, and responded to any questions thereon.

45 NOTICE OF MOTION

(1) TO CONSIDER A MOTION SUBMITTED BY COUNCILLOR SNEDKER, AND SECONDED BY COUNCILLOR HOLROYD

The following Motion was moved by Councillor Snedker, and seconded by Councillor Holroyd:

If Darlington is to achieve the ambitions of its Climate Change Action Plan and meaningfully contribute to the national zero net carbon emissions target, then improving the relative attractiveness of local bus services as a transport option is one of the quickest, cheapest and most effective way to improve the trajectory of emissions from transport. This applies both over the shorter-term in enabling modal shift away from higher emissions-per-head forms of transport, as well as over the long-term as fleets are electrified.

Bus services, and “modal shift” (to lower emission forms of transport) more generally, is critical for achieving our net zero targets and levelling up our area.

England’s urban bus networks provide a net economic benefit of £2.5 billion, half of which reflects benefits to bus users including employment and amenities, and half of which benefits non-users, related to reductions in congestion and pollution. With the soaring cost of living, well-funded, accessible and regular bus services are critical to assisting our residents during this time.

Council Resolves to :-

1. Recognise the importance of a properly funded public transport system in solving the climate emergency.
2. Recognise the importance of a properly funded public transport system in delivering levelling up for Darlington.
3. Ask the responsible Cabinet Member to consult with the Transport and Capital Projects team to agree a figure which is ring-fenced specifically for the support of local bus services and report to Council on the outcome no later than January 2023.
4. Ask the responsible Cabinet Member to write to the Department for Transport to ask for further support for bus services.

The Motion was Lost.

(2) TO CONSIDER A MOTION SUBMITTED BY COUNCILLOR HOLROYD, AND SECONDED BY COUNCILLOR LAYTON

The following Motion was moved by Councillor Holroyd, and seconded by Councillor Layton:

Crustacean Deaths

First dead crustaceans were washed up on our region's beaches, followed by dead seabirds and emaciated seal pups. More recently, vast amounts of seaweed, dead razor clams, and fish washed up. It is an environmental and economic disaster in the short term.

The report of the Government Joint agency investigation into the crab and lobster deaths was published - inconclusively - in May 2022, but as healthy animals were being found, the investigation was closed. It is considered that the decision to close the investigation was premature.

A number of universities have undertaken research on the loss of marine life. Newcastle University research identified high levels of pyridine - a chemical with a long history of release into the river Tees, a by-product of the coking process in steel production, and petrochemicals – in tissues of the dead crabs on the North East and North Yorkshire coasts, and in Tees surface sediments.

More must be done to investigate the cause of the mass death of sea creatures on the Teesside coast from October 2021 to the present day.

Council Resolves :-

1. That it writes to the Government and demands that it re-opens its Joint agency investigation into the crab and lobster deaths swiftly to consider the reasons for the initial and ongoing deaths of marine life around the Tees' mouth in light of further independent analysis.
2. That it joins the special joint working group which is being set up by each Tees Valley Council to monitor the on-going situation.
3. That it works with the Tees Valley local authorities to commission a new independent report, to further examine the issues in the light of the inconclusive official report and new evidence of the presence and acute toxicity of pyridine to crustaceans for presentation to Government.
4. That it writes to the Tees Valley Combined Authority and other organisations involved with high risk disturbance activities in the Tees estuary such as piling and demolitions at Teeswork and non-maintenance dredging in highly contaminated parts of the Tees and asks for all works to be paused until the cause of the marine die-offs is determined and a risk assessment and plan for how to safely proceed with these developments is created, if needed.

5. That it writes to the appropriate bodies (which should include EA, Cefas, NEIFCA, MMO, FSA and the UK Health Security Agency (UKHSA), Teesworks and the TVCA) to:

(i) detail what action or recommendations can, or have been taken to support the future of our region;

(ii) explain how they will improve monitoring and regulation to prevent contamination events from occurring in the UK - particularly whether the suite of chemicals tested for is adequate, given the Tees' industrial heritage.

The Motion was Lost.

46 MEMBERSHIP CHANGES - TO CONSIDER ANY MEMBERSHIP CHANGES TO COMMITTEES, SUBSIDIARY BODIES AND OTHER BODIES.

Consideration was given to membership changes of the Committees, Subsidiary Bodies and Other Bodies for the remainder of the Municipal Year 2022/23.

RESOLVED – (a) That Councillor Mrs. D. Jones be appointed to the vacancy on the Communities and Local Services Scrutiny Committee;

(b) That Councillor Willis be appointed to the vacancy on the Climate Change Working Group;

(c) That that Councillor Sowerby replace Councillor Bell on the Health and Housing Scrutiny Committee;

(d) That Councillor Haszeldine replace Councillor Lister on the Planning Applications Committee;

(e) That Councillor McEwan replace Councillor Crumbie on the Combined Fire Authority, the Combined Fire Authority's Audit and Finance Committee and the Combined Fire Authority's HR Committee.