

COUNCIL

Thursday, 20 July 2023

PRESENT – The Mayor, Councillors Ali, Allen, Anderson, Baker, Beckett, Coe, Crudass, Crumbie, Mrs Culley, Curry, Dillon, Donoghue, Dulston, Durham, Garner, Harker, Haszeldine, Henderson, Holroyd, Johnson, Kane, Keir, Laing, Lawley, Layton, Lee, Mahmud, Mammolotti, McCollom, McEwan, McGill, K Nicholson, M Nicholson, Pease, Porter, Ray, Dr. Riley, Robinson, Roche, Snedker, Storr, Toms, Tostevin and Wallis.

APOLOGIES – Councillors Bartch, Marshall, Renton, Mrs Scott and Walters.

ALSO IN ATTENDANCE – Dorothy Long, Honorary Freewoman.

NOTE: THE ITEMS LISTED AT MINUTE 18 AND MINUTE 20 (D) WERE WITHDRAWN PRIOR TO THE COMMENCEMENT OF THE MEETING.

11 MINUTES - TO APPROVE THE MINUTES OF THE MEETINGS OF THIS COUNCIL HELD ON 23 MARCH 2023 AND 25 MAY 2023

Submitted – The Minutes (previously circulated) of the meetings of this Council held on 23 March 2023 and 25 May 2023.

RESOLVED – That the Minutes of the meetings of this Council held on 23 March 2023 and 25 May 2023, be approved as correct records.

12 DECLARATIONS OF INTEREST.

There were no declarations of interest reported at the meeting.

13 SEALING.

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

14 ANNOUNCEMENTS.

King's Birthday Honours – The Mayor advised Members that awards were conferred on two individuals who resided or worked in Darlington. Members were informed that Nicholas John Blackburn, Chief Executive of the Lingfield Education Trust, had been awarded the with the Member of the Most Excellent Order of the British Empire (M.B.E.) for services to Education, and that Councillor Mrs. Pauline Culley, Association Chair, Darlington and Sedgfield Conservatives, had been awarded the Member of the Most Excellent Order of the British Empire (M.B.E.) for Political Service.

15 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.

16 COUNCIL REPORTS.

(3) REVIEW OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS 2023

The Group Director of Operations submitted a report (previously circulated) which invited Members to give consideration to conducting a review of Polling Districts, Polling Places and Polling Stations.

The submitted report stated that the Representation of the People Act 1983 (RPA 1983), as amended by the Electoral Registration and Administration Act 2013, required local authorities to conduct reviews of the Polling Districts, Polling Places and Polling Stations within their local authority area, and that the Electoral Registration and Administration Act 2013 subsequently governed the timing of compulsory Polling District, Polling Place and Polling Station Reviews. The next compulsory review was due to commence within the sixteen-month period beginning on 1 October 2023.

The submitted report recapped the last full review, held in 2018, and the last interim review of our Polling Districts, Polling Places and Polling Stations, which took place in 2022, ahead of the Local Government (Borough Council) Elections in 2023.

The submitted report set out the requirements for the forthcoming review, and outlined a suggested approach to the review process, together with appropriate timescales.

RESOLVED - That the compulsory review of the Polling Districts, Polling Places and Polling Stations be conducted in accordance with the review process and timescales as outlined at Appendix 1 of the submitted report.

REASON

The recommendation is supported in order to ensure that Polling Districts, Polling Places and Polling Stations are suitable and fit for purpose, ahead of the scheduled elections in May 2024.

(4) MEMBERS ALLOWANCES REVIEW

The Chief Executive submitted a report (previously circulated) to agree to a review of the Council's Members' Allowances Scheme.

The submitted report stated that under the Local Government Act 2000, Councils are required to establish and maintain an Independent Remuneration Panel (IRP) to review and

provide advice to their respective Councils on the allowances paid to Members, and that Darlington's IRP last met in November 2019 and its current Members' Allowances Scheme was implemented with effect from 1 April 2020.

It was stated that almost four years had now elapsed since the last review, and it was considered appropriate that the Council's Members' allowances be reviewed again in 2023, with implementation effective from 1 April 2024. It was proposed that the Panel will meet in October 2023.

RESOLVED –

- (a) That the membership of the Council's current Independent Remuneration Panel be confirmed;
- (b) That a review of the Council's Members' Allowances Scheme be undertaken by the Council's Independent Remuneration Panel; and
- (c) That the Terms of Reference for the Panel, as attached at Appendix A of the submitted report, be approved.

REASONS

- (a) To ensure that the allowances paid to members are appropriate for the office that is held; and
- (b) To ensure that this Council reviews its Members' Allowances Scheme to meet legislative requirements.

17 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.

18 SKERNINGHAM GARDEN VILLAGE DESIGN CODE SUPPLEMENTARY PLANNING DOCUMENT (SPD)

The Mayor informed Members that the submitted report had been withdrawn by Councillor McEwan prior to the commencement of the meeting.

19 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.

20 NOTICE OF MOTION

(5) TO CONSIDER A MOTION SUBMITTED BY COUNCILLOR WALLIS, AND SECONDED BY COUNCILLOR MCEWAN

The following Motion was moved by Councillor Wallis, and seconded by Councillor McEwan:

With a view to allowing Members of Council to hear from persons who are care experienced during the debate on the next Motion, Members are asked to support the following resolution.

Resolution

That, for the purposes of the next Motion, the Council Procedure Rules be varied to permit Members of Council speaking on the Motion to invite persons who are care experienced to share their experience during the debate on the Motion.

The Motion was carried.

(6) TO CONSIDER A MOTION SUBMITTED BY COUNCILLOR WALLIS, AND SECONDED BY COUNCILLOR ALLEN

The following Motion was moved by Councillor Wallis, and seconded by Councillor Allen:

- a) Councillors on the Corporate Parenting Panel have heard directly about the discrimination that our cared for and care experienced children and young people experience on a regular basis.
- b) (The term 'care leavers' and 'care experienced' are used interchangeably. In recent years, the care experienced community has expressed a preference for this term to be used. However, the term 'care leavers' is entrenched in law and statute and as such, whilst Local Authorities and other partner agencies can change the term that they use, the term 'care leavers' will remain in some form).
- c) The Public Sector Equality Duty requires public bodies, such as councils, to eliminate unlawful discrimination, harassment, and victimisation of people with protected characteristics.
- d) The Independent Review of Children's Social Care headed by Josh McCallister published in May 2022 a final report and recommendations that concluded:

"Government should make care experience a protected characteristic following consultation with care experienced people and the Devolved Administrations" and "New legislation should be passed which broadens corporate parenting responsibilities across a wider set of public bodies and organisations."

"Many care experienced people face discrimination, stigma, and

prejudice in their day to day lives. Public perceptions of care experience centre on the idea that children are irredeemably damaged and that can lead to discrimination and assumptions being made.

“This stigma and discrimination can be explicit, and often comes with assumptions about the likely characteristics of children and adults that have care experience. They can also be implicit and are evidenced in the way care experience is discussed in schools, workplaces, and the media. At its worst this can lead to care experienced people being refused employment, failing to succeed in education or facing unfair judgements about their ability to parent when they have children and families of their own.”

This Council therefore recognises that:

- (a) Cared for and care experienced people are a defined group who face discrimination;
- (b) It has a duty to put the needs of such people at the heart of decision-making through co-production and collaboration;
- (c) Henceforth, future decision, services and policies made and adopted by Darlington Borough Council should be assessed through Equality Impact Assessments to determine the impact of changes on people with care experience, alongside those who formally share a Protected Characteristic.

Council resolves to:

- (a) Treat care experience as if it were a Protected Characteristic and formally call upon all other bodies it partners or contracts with to treat care experience as a Protected Characteristic until such time as it may be introduced by legislation.
- (b) Proactively seek out and listen to the voices of care experienced people when developing new policies.
- (c) Ask the Council’s senior leaders to work with Human Resources to provide opportunities for young people with care experience to obtain work experience as part of Darlington Borough Council’s corporate parenting responsibilities.
- (d) Write to the Secretary of State to call for care experience to be treated as a Protected Characteristic, which would protect care leavers against discrimination in the same way as the law protects against factors such as age, race, religion and sexual orientation.
- (e) Write to the Borough’s two MP’s to ask for their support in line with Resolves (d) above.

The Motion was carried.

NOTE: The Mayor used her discretion to vary the Agenda, and took the items at Minute 20 (1) and Minute 20 (2) immediately following the Questions submitted at Minute 15.

(7) TO CONSIDER A MOTION SUBMITTED BY COUNCILLOR MCEWAN, AND SECONDED BY COUNCILLOR LAWLEY

The following Motion was moved by Councillor McEwan, and seconded by Councillor Lawley:

(a) This Council notes that many Darlington residents are demanding action on climate change.

(b) Council accepts that to limit the effects of global warming it is necessary for the world population to reduce its annual carbon emissions from the current 5.2 tonnes per person to less than 2 tonnes, as soon as possible.

(c) Council recognises that individuals cannot be expected to make this reduction on their own.

(d) All governments nationally and locally have a duty to limit the negative impacts of global warming. This Council has already acknowledged the importance of addressing the issue of Climate Breakdown, having signed up to the Global Covenant of Mayors. Darlington Borough Council also supports the current Tees Valley Net-Zero Strategy.

(e) Implemented policies have put the world on track to overshoot the Paris Agreement's 1.5°C limit, with projections of a global temperature rise between 2.2°C and 3.5°C. Local councils should not wait for their national governments to change their policies.

Resolution

Council therefore resolves to:

- (a) Reaffirm its declaration of a 'Climate Emergency'.
- (b) Work to make Darlington Borough Council carbon neutral by at least 2040, considering both production and consumption emissions, both directly and indirectly caused by the council (scope 1 and 2), as described by the Carbon Trust. For scope 3 emissions the Council will publish data (where available) to monitor emissions and inform procurement practice.
- (c) Call on central government to develop the strategies and deliver the funding necessary to make this possible.
- (d) Develop a carbon emissions reduction trajectory that supports the central government commitment to the Paris Agreement of no more than 1.5°C global temperature increase.

- (e) Ensure that Darlington Borough Council is adapting to climate change so that it can continue to provide vital services.
- (f) The Council is one of several organisations who have a leading role within the Borough, and within that role we will work to encourage and persuade businesses, third sector and public sector organisations, and residents to reduce emissions and become more resilient.
- (g) Pledge to publish the emissions for the whole Borough and track this against a 2040 net-zero pathway.
- (h) Work with nurseries, schools, and colleges to signpost them to appropriate learning aids and encourage young people to get involved in decision making and peer learning about how to tackle climate change.
- (i) Work with other local authorities, organisations, and governments within the UK and internationally to share best practice methods on responding to the climate emergency.
- (j) Continue the cross-party working group to oversee the climate change work and to provide support and guidance.
- (k) Provide an amended action plan to reflect revised timescales within six months, with reporting on progress to Full Council every 6 months, thereafter.

The Motion was carried.

(8) TO CONSIDER A MOTION SUBMITTED BY COUNCILLOR SNEDKER, AND SECONDED BY COUNCILLOR DULSTON

The Mayor informed Members that the Motion had been withdrawn by Councillor Snedker prior to the commencement of the meeting.

21 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 2023/24 that:

- (a) That Councillor Allen replace Councillor Curry on the General Licensing Committee;
- (b) That Councillor Garner replace Councillor Crumbie on the Communities and Local Services Scrutiny Committee;
- (c) That Councillor Mahmud replace Councillor Kane on the Health and Housing Scrutiny Committee;
- (d) That Councillor Layton replace Councillor Porter as the named substitute for Councillor Haszeldine on the Tees Valley Combined Authority Overview and Scrutiny

Committee;

- (e) That Councillor Anderson be appointed to the vacancy on the Audit and Finance Committee on the Combined Fire Authority;
- (f) That Councillor Ray be appointed to the vacancy on the Human Resources Committee on the Combined Fire Authority;
- (g) That Councillor Ray be appointed to the vacancy on the Joint Consultative Committee on the Combined Fire Authority;
- (h) That Councillor Walters replace Councillor Mrs. H. Scott on the Communities and Local Services Scrutiny Committee;
- (i) That Councillor Mrs. H. Scott replace Councillor Walters on the Health and Housing Scrutiny Committee;
- (j) That Councillor Renton replace Councillor Crudass on the Corporate Parenting Panel;
- (k) That Councillor Mrs. H. Scott replace Councillor Tostevin on the Tees Valley Joint Health Scrutiny Committee;
- (l) That Councillor Lee be appointed to the vacancy on the Appeals Panel on the Combined Fire Authority;
- (m) That Councillor Lee be appointed to the vacancy on the Performance Committee on the Combined Fire Authority;
- (n) That Councillor Lee be appointed to the vacancy on the Pensions Board on the Combined Fire Authority;
- (o) That Councillor Lee replace Councillor Donoghue on the Standing Advisory Council on Religious Education; and
- (p) That Councillor Robinson replace Councillor Snedker on the General Licensing Committee.