

COUNCIL

Thursday, 28 September 2023

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

APOLOGIES – Councillors Ali, Bartch, Donoghue, Haszeldine, Renton and Mrs Scott.

22 MINUTES - TO APPROVE THE MINUTES OF THE MEETING OF THIS COUNCIL HELD ON 20 JULY 2023

Submitted – The Minutes (previously circulated) of the meeting of this Council held on 20 July 2023.

RESOLVED – That the Minutes of the meeting of this Council held on 20 July 2023, be approved as a correct record.

23 DECLARATIONS OF INTEREST.

There were no declarations of interest reported at the meeting.

24 SEALING.

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

25 ANNOUNCEMENTS.

There were no announcements made at the meeting.

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

27 THE PUBLIC;

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

28 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.

29 COUNCIL REPORTS.

There were no reports to be decided by Council, which had not been considered by Cabinet.

30 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.

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

The Chief Executive submitted a report (previously circulated) seeking approval for the adoption of Skerningham Garden Village Design Code Draft SPD.

The submitted report stated that a requirement of the adopted Darlington Local Plan 2016 – 2036 (Darlington Local Plan) was that the Council progress with the creation and adoption of Supplementary Planning Policy Documents (SPD) based on a Design Code for Skerningham Garden Village. It was stated that, after a decision of Cabinet on 13 December 2022, the Skerningham Garden Village Design Code Draft SPD had been formally consulted upon between 16 December 2022 – 13 January 2023. The Council received 102 comments from 94 contributing consultees on the Skerningham Garden Village Design Code Draft SPD, and all comments received and suggested revisions were appended to the submitted report.

Further to a Cabinet Meeting on 3 July 2023, the Council received correspondence which suggested that the Design Code previously recommended was in conflict with the Local Plan. After considering this further, Officers suggested further amendments to remove any perceived conflict, and these amendments were appended to the submitted report.

It was highlighted that the two consultation processes had ensured that all stakeholders had received the opportunity to comment on the draft SPD. The submitted report stated that the Council had welcomed the various responses to the draft SPD and, given these extensive comments and observations, it had been requested that a refreshed document which demonstrated positively the differences that have been proposed in the Skerningham Garden Village Design Code, and the Design Code had been amended based on the received comments and was detailed in Appendix 3 of the submitted report. It was reported that the Skerningham Garden Village Supplementary Planning Document was endorsed by Cabinet on 5 September 2023.

RESOLVED - (a) That the comments received from the consultation and the subsequent revisions that have been made to the Skerningham Garden Village Design Code SPD be noted.

(b) That the adoption of the Skerningham Garden Village Design Code SPD (including the changes that were approved by Cabinet) be approved.

REASON – The document had gone through an extended consultation process with the wider public and statutory consultees and was fit and effective to be adopted as Council Policy complementing the Darlington Local Plan 2016-2036.

32 DOLPHIN CENTRE REPAIRS

The Group Director of Services submitted a report (previously circulated) to request approval to vary the capital budget for 2023/24 by £400K and release the capital to enable repairs to the toddler pool and retaining wall at the Dolphin Centre.

The submitted report stated that a Special Meeting of the Cabinet had been convened on 11 August 2023 to give consideration to extending the Dolphin Centre Pool project, in order to undertake additional works, and that approval was provided to progress areas of work in the vicinity of the changing area.

A second report was considered by Cabinet on 5 September 2023, which outlined further works proposed to the toddler pool area and a retaining wall. It was reported that these areas had previously been highlighted to Members at the Special Meeting of the Cabinet on 11 August 2023 as needing work in a revised time frame of two years. The submitted report outlined the financial, operational and customer benefits of undertaking these works as part of the current project.

RESOLVED – That the Capital Budget for 2023/24 be varied by £400K, and that the capital be released to accelerate the repairs in the Dolphin Centre identified in the submitted report as an extension to the current project.

REASONS - (a) To enable all the essential works are carried, meaning the toddler pool will not have to be closed for repairs in 18 months and that the toddler pool can be reopened at the earliest opportunity.

(b) To address structural issues within the base of the retaining wall in the plant room.

(c) Undertaking all the works that have been identified as needing repair within two years as part of the current project could save cost increases arising from construction inflation and lost income of up to £200K when compared to re-starting a project in 18 months' time.

33 TREASURY MANAGEMENT ANNUAL REPORT AND OUTTURN PRUDENTIAL INDICATORS 2022/23

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 2022/23. The report also sought to approve the Prudential Indicators results for 2022/23, in accordance with the Prudential Code.

The submitted report outlined the circumstances with regard to treasury management for 2022/2023, and stated that it was yet another unprecedented year with regard to treasury management. The invasion of Ukraine, the cost of living crisis and inflation rising to over 10% resulted in the cost of borrowing rising steadily throughout 2022/23, starting the year at 0.75% and finishing at 4.25%. It was reported that this had led to some significant financial challenges during the year, and that these challenges were expected to continue into 2023/24, and although it was acknowledged that returns for cash investments had also

increased due to higher interest rates, they still remained below the cost of borrowing.

The submitted report stated that the Council had complied with its legislative and regulatory requirements during 2022/2023, and that the need for borrowing was only increased for capital purposes.

The submitted report stated that at 31st March 2023, the Council's external debt was £138.014m, which was £11.635m less than the previous year. It was stated that this reduction related to not re-borrowing for matured debt due where possible. It was reported that the average interest rate for borrowing reduced from 2.47% in 2021/22 to 2.41% in 2022/23, and that investments totalled £40.044m at 31st March 2023, in comparison to £63.399m at 31st March 2022, earning interest of 2.88% on short term cash investments, and 1.99% on Property Fund units net of cost.

It was reported that financing costs had been reduced during the year and a saving of £0.194m had been achieved from the original MTFP due to reduced interest charges on debt, as well as increased investment income.

RESOLVED - (a) That the outturn 2022/23 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 2022/23 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.

34 CLIMATE CHANGE PROGRESS

The Chief Executive submitted a report (previously circulated) to update Council on progress for the financial year 2022/23 towards the Council's net zero target.

The submitted report stated that, following the Council's Climate Emergency Declaration in July 2019, a Sustainability and Climate Change Lead Officer was appointed in late-January 2020, a Climate Change Strategy was adopted in July 2020 and, working with Lead Officers across the Council, an action plan was produced and adopted in October 2021. It was reported that milestones had been developed and these had been used by the Climate Change Officer to monitor progress.

The submitted report stated the at the end of the 2022/23 year, the Council was working to deliver 126 of the actions in the Climate Change Action Plan, and it was reported that 50 actions had been completed, and 72 remain on track.

It was reported that a trajectory of 30% reduction in the Council's emission every five years had been agreed at Cabinet in October 2021, and that Council emissions for 2022/23 were 6,461 tonnes / CO₂. The submitted report stated that the emissions the Council report on are

made up of the energy use in Council buildings; business mileage; fleet emissions, and streetlighting and signs. It was noted that the Council do not currently measure emissions from our supply chain or from waste, however it was stated that a report had been commissioned from an external consultant into supply chain emissions and work will be undertaken to establish how the Council can reduce these going forward.

The submitted report highlighted that the Sustainable Darlington webpage and Sustainability and Climate Change intranet page had been updated and would be used to share information with residents and staff, together with plans to include a youth tab on the Sustainable Darlington page and working with young people to produce content.

Further to the amended declaration agreed by Council in July 2023, it was confirmed that the strategy and action plan were being revised in line with the new 2040 target, and that work was being undertaken with the Cross-Party Climate Change Working Group to understand the implications of the Council's more ambitious target and the development of a new trajectory.

RESOLVED – That the contents of the report be noted.

REASON - With increasing public pressure to act on climate change, we run the risk of significant damage to our reputation if we do not deliver on our stated commitment to dealing with the Council's contribution to climate change.

35 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.

36 NOTICE OF MOTION

(1) TO CONSIDER A MOTION SUBMITTED BY COUNCILLOR MCGILL, AND SECONDED BY COUNCILLOR COE

The following Motion was moved by Councillor McGill, and seconded by Councillor Coe:

Council Decision Making Processes and the Scrutiny Function

Preamble

(a) Both the Labour and the Liberal Democrat Groups are committed to the creation of a listening council, involving residents more in decision-making.

(b) Councils work best when they are democratically accountable, operating openly and transparently, and actively seeking to engage local people, businesses and community groups.

(c) In general, the decision-making processes of Councils can be difficult to understand for those not directly involved, and that an informed and involved

scrutiny function generally leads to much better outcomes.

(d) The Labour/Liberal Democrat Administration of Darlington Borough Council is committed to a review of how it listens to local residents and then takes decisions, promoting the best interests of the Council and the Borough.

This Council therefore believes :-

- (a) That work to fulfil the aims of this motion should engage with members of the public and partners from the private, public and voluntary sectors for their insights as to how the Council can achieve its objectives as set out above.
- (b) That the work should consider how the scrutiny function can be strengthened and involve the public in its deliberations. The Working Group should produce some recommendations for Scrutiny Committees. Such recommendations to be received by Council.
- (c) That there may need to be consideration of any potential savings and additional expenditure arising from the proposals of the Working Group.
- (d) That the findings of the Working Group would ordinarily be submitted back to Cabinet and then Council if there are any recommendations of formal changes to the Constitution.

Resolution

This Council resolves:

- (a) To establish a time-limited, politically balanced Working Group of Councillors, to consider how Council decision-making and the scrutiny function can be strengthened, involving the public in deliberations, and making recommendations to Council thereon.
- (b) That the working group will be known as the Scrutiny Committee Working Group and be comprised of 10 members (5 Labour, 3 Conservative, 1 Green and 1 Liberal Democrat), with the members being nominated by the Group Leaders direct to the Democratic Manager.

The Motion was carried.

37 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 Curry replace Councillor Allen on the General Licensing Committee;
and
- (b) That Councillor Robinson replace Councillor Snedker on the Licensing Act 2003

Committee.