

COUNCIL

Thursday, 26 September 2024

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

APOLOGIES – Councillors Crudass, Henderson, Johnson, Layton, Mammolotti and Ray.

22 **MINUTES - TO APPROVE THE MINUTES OF THE MEETING OF THIS COUNCIL HELD ON 18 JULY 2024**

Submitted – The Minutes (previously circulated) of the meeting of this Council held on 18 July 2024.

RESOLVED – That the Minutes of the meeting of this Council held on 18 July 2024, 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):-**

(1) **THE PUBLIC;**

There were five questions, received with notice, from Members of the Public. Two Members of the Public attended the meeting to ask their question in person, and each received an answer thereon.

The Mayor requested that a written response be provided to those Members of the Public who did not attend to ask their question in person.

(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.

27 COUNCIL REPORTS.

(1) REVIEW OF POLITICAL BALANCE - CHANGES TO COMMITTEE MEMBERSHIP

The Group Director of Operations submitted a report (previously circulated) to advise Council of the outcome of a review of the political balance of the Authority resulting from a change to the membership of a political group.

The submitted report stated that since the last review of the political balance of the Council in July 2024, there had been a change to the political make-up of the Council, following Councillor Coe's resignation from the Liberal Democrat Group to sit as an Independent Member. It was highlighted that political groups are allocated seats on the committees in accordance with political balance rules, which were outlined within the submitted report.

Members were advised that as a result of the change to the political balance, the Council was required to review the allocation of seats to political groups.

RESOLVED – (a) That the change to the political balance of the Council be noted.

(b) That the re-allocation of three additional seats to Independent Members be agreed, as follows:

(i) One seat on the Communities and Local Services Scrutiny Committee (Councillor Coe) (with a reduction of one seat on this Committee from the Liberal Democrats Group).

(ii) One seat on the Economy and Resources Scrutiny Committee (Councillor Coe) (with a reduction of one seat on this Committee from the Liberal Democrats Group).

(iii) One seat on the Climate Change Working Group (with a reduction of one seat on this Committee from the Liberal Democrats Group).

REASON - To reflect the changed political balance of the Council and to comply with legislation.

28 CABINET REPORTS

(1) REVISION TO THE COUNCIL'S SENIOR MANAGEMENT STRUCTURE

The Chief Executive submitted a report (previously circulated) which requested that consideration be given to a revised Senior Management Structure for the Council, and to seek approval to advertise for a new Executive Director of Economy and Public Protection post.

The submitted report presented a revised senior structure which had been developed with input from Cabinet and responded to the recently announced retirement of the Chief Executive Officer and forthcoming planned retirements of the Assistant Director of Community Services, and the Assistant Director of Economic Growth.

It was stated that the proposal was to replace the retiring Chief Executive (CEX), to replace the retiring Assistant Director of Community Services with an Assistant Director for Environmental Services and Community Safety, and to create the role of Executive Director of Economy and Public Protection following deletion of the Assistant Director Economy role. It was noted that the revised structure aligned to the Council's priorities.

The submitted report outlined the intention to rename the Group Director titles, in that the Group Director, Operations be redesignated as Executive Director – Resources and Governance, that the Group Director, Services be redesignated as Executive Director – Environment, Highways & Community Services, and for the Group Director, People to be redesignated as Executive Director of People.

RESOLVED - (a) That Council notes that on 10 September 2024, Cabinet approved the Senior Management Restructure, set out in Appendix A of the submitted report, with an implementation date of Spring 2025, subject to the views of Council on 7(b).

(b) That the new post of Executive Director of Economy and Public Protection be approved.

(c) That authority be delegated to the Assistant Director, Law and Governance to make any consequential changes to the Constitution that are needed.

REASON - To amend the Senior Management Structure.

(2) PROPOSED AMENDMENTS TO THE SCHEDULE OF CHARGES 2024/25

The Group Director of Services submitted a report (previously circulated) requesting that consideration be given to a proposed amendment to the Schedule of Charges 2024/25, as agreed at the meeting of Cabinet on 10 September 2024.

The submitted report stated that Reviews had been undertaken in relation to the fees and charges associated with Highway Agreement charges between the Council and developers, and that a number of amendments were being proposed to the Schedule of Charges, which were set out in Appendix 1 of the submitted report.

It was highlighted that the proposed increases were based on the cost of providing the services and took account of inflation and market conditions, and were anticipated to support the provision of the services.

RESOLVED – That the changes to the Schedule of Charges, as set out in Appendix 1 of the submitted report, be approved.

REASON – To support the financial costs of providing the services.

(3) CLIMATE CHANGE PROGRESS

The Chief Executive submitted a report (previously circulated) to update Council on progress towards the Council's net zero target.

The submitted report stated that following the Local Government elections in 2023, the Climate Emergency Declaration was re-affirmed, and the Council's carbon neutral target was brought forward to 2040. It was also noted that further aims to increase engagement with residents and businesses were included with the intention of reducing wider borough emissions.

It was reported that the Council's emission reduction trajectory had been amended to 40% reduction every five years, and that the Council emissions for 2023/24 were 6,190 tonnes/CO2. It was clarified 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, however that the Council did not currently measure emissions from its supply chain or from waste. It was stated that the Council's carbon emissions for 2023/24 had reduced by almost 53% compared to its baseline emissions of 2010/11.

The submitted report stated that, of the 109 actions reporting at the end of 2023/24, 91 are on track and five have been completed.

RESOLVED – That the content of the report be noted.

REASON – Due to the increasing public pressure to act on climate change, the Council runs the risk of significant damage to its reputation if it does not deliver on its stated commitment to dealing with the Council's contribution to climate change.

(4) TREASURY MANAGEMENT ANNUAL REPORT AND OUTTURN PRUDENTIAL INDICATORS 2023/24

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 2023/24. The report also sought to approve the Prudential Indicators results for 2023/24, in accordance with the Prudential Code.

The submitted report outlined the circumstances with regard to treasury management for 2023/2024, and stated that it was yet another unprecedented year with regard to treasury management. The continuation of the Ukraine conflict, events in the Middle East, the cost of living increases and inflation taking time to recover.

The bank rate continued to rise steadily throughout the early part of the year starting the year at 4.25% before stabilising and finishing at 5.25%. This has led to borrowing rates increasing and to some significant financial challenges throughout the year. These challenges are expected to continue into 2024/25 with the cost of borrowing expected to remain high until at least September, possibly even later. Although the returns for cash investments have also increased due to higher interest rates they still remain below the cost of borrowing and these are declining at a much faster rate than the cost of borrowing.

The submitted report stated that the Council had complied with its legislative and regulatory requirements during 2023/2024, and that the need for borrowing was only increased for

capital purposes.

The submitted report stated that at 31st March 2024, the Council's external debt was £152.878m, which was £14.864m more than the previous year. It was stated that this increase related to the progression of various capital schemes and the rise in the costs of these schemes due to inflationary pressures.

It was reported that the average interest rate for borrowing increased from 2.41% in 2022/23 to 2.61% in 2023/24, and that investments totalled £36.369m at 31st March 2024, in comparison to £40.044m at 31st March 2023, earning interest of 5.09% on short term cash investments, and 0.72% on Property Fund units net of cost.

It was reported that financing costs had been reduced during the year and a saving of £0.735m had been achieved from the original MTFP and transferred to an IFR59 reserve to manage any future fluctuations arising from the capital values of property funds. This was due to reduced interest charges on debt, as well as increased investment income.

RESOLVED - (a) That the outturn 2023/24 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 2023/24 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.

(5) 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.

29 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.

30 NOTICE OF MOTION

(1) TO CONSIDER A MOTION SUBMITTED BY COUNCILLOR DULSTON AND SECONDED BY COUNCILLOR MRS. SCOTT

The following Motion was moved by Councillor Dulston, and seconded by Councillor Mrs. Scott:

Winter Fuel Payment

This Council notes:

1. The Labour Government's recent decision to restrict the Winter Fuel Payment to only pensioners in receipt of means-tested benefits like Pension Credit, as announced by Chancellor Rachel Reeves and voted for by Darlington's Labour MP Lola McEvoy;
2. The significant role that Winter Fuel Payments play in helping older residents of Darlington and across the UK afford heating during the coldest months, thereby preventing 'heat or eat' dilemmas and safeguarding health;
3. The criticism from Age UK, the Countryside Alliance and other charities, highlighting the social injustice and potential health risks posed by this sudden policy change;
4. The additional strain this decision will place on vulnerable pensioners, many of whom do not claim Pension Credit despite being eligible, further exacerbating their financial hardship and health and well-being;
5. 16,341 pensioners will be severely impacted by the removal of this vital support;
6. That the Labour Government failed to carry out an impact assessment and has refused to supply the information pertaining to the fictitious £20 billion blackhole; and
7. Latest figures show that more than £4,000,000 in Pension Credit is unclaimed in Darlington each year.

This Council believes:

1. That the Winter Fuel Payment has been a lifeline for many pensioners across the UK and that restricting its availability solely to those on Pension Credit risks leaving many pensioners in financial hardship;
2. While some pensioners currently in receipt of the Winter Fuel Payment may not require it, many thousands across Darlington sit just above the cut-off for Pension Credit and will now lose their allowance, indeed the Council's own data suggests the maximum number of new Pension credit claimants could be below five hundred;
3. The decision to means-test Winter Fuel Payments, especially with such short notice and without adequate compensatory measures, is deeply unfair and will disproportionately affect the health and well-being of our poorest older residents. It will put additional strain on the NHS, Council resources and impact the wider Darlington economy; and
4. The government's approach fails to consider the administrative barriers and stigma that prevent eligible pensioners from claiming Pension Credit, leaving many without the support they desperately need.

Council therefore resolves to:

1. Undertake an immediate review of data held by the Council on Pensioners in the Borough and bring forward, with urgency, a Council-led local awareness campaign to alert those eligible of Pension Credit, which in some respects, will help access for those most in need to the Winter Fuel Payment;
2. Request the Leader of the Council to write to the Chancellor of the Exchequer, urging them to reverse the decision to means-test the Winter Fuel Payment due to the inherent risk previously outlined. Also to ask the Government to ensure that vulnerable pensioners, particularly those who do not claim Pension Credit, are protected from fuel poverty;
3. Directs the Leader of the Council to write to Lola McEvoy MP expressing this Council's significant concern at her vote in support of the removal of Winter Fuel Payment;
4. Directs the Leader of the Council to write to Matt Vickers MP expressing the Council's thanks for standing up for pensioners;
5. Encourage local efforts to promote Pension Credit uptake through Council services and partnerships with local charities and community organisations to ensure that all eligible pensioners in Darlington are supported in claiming their entitlement; and
6. Instructs Officers to carry out an impact assessment of the Government's decision on Council services, partners including the NHS and the wider Darlington economy.

The following Amendment to the Motion was moved by Councillor Harker, and seconded by Councillor Dr. Riley:

This Council notes:

1. The Labour Government's recent decision to restrict the Winter Fuel Payment to only pensioners in receipt of means-tested benefits such as Pension Credit, Universal Credit, income-related Employment and Support Allowance;
2. Latest figures show that more than £4,000,000 in Pension Credit is unclaimed in Darlington each year;
3. The Government will be delivering the £150 Warm Home Discount for low-income households from October. Extending the Household Support Fund with £421 million will ensure local authorities can support vulnerable people and families;
4. That since the Labour/Liberal Democrat partnership took control of the Council, it has contacted older people not claiming Pension Credits in Darlington and offered support to claim it, as well as enhancing support for the most disadvantaged in Darlington in other ways.

This Council believes:

1. That the Government is being forced into making difficult decisions due to the £22bn blackhole in Government's budget, left by the Conservative Government;
2. Some pensioners currently in receipt of the Winter Fuel Payment may not require it, but it is right that Winter Fuel Allowance will still go to those claiming pension credit;
3. That the Government should do everything they can to encourage take up of pension credit for those who are eligible but do not currently claim it; and
4. The Government is committed to sound fiscal rules will fix the foundations of economy. It is pensioners with fixed incomes who would suffer if we took reckless decisions like the Conservatives did under Liz Truss.

Council therefore resolves to:

1. Request the Leader of the Council to write to the Chancellor of the Exchequer, to ask the Government to ensure that vulnerable pensioners, particularly those who do not claim Pension Credit are encouraged to do so; and
2. Continues with local efforts to promote Pension Credit uptake through Council services and partnerships with local charities and community organisations, to ensure that all eligible pensioners in Darlington are supported in claiming their entitlement.

At the request of five Members, a Named Vote was taken of those Members present at the meeting and there appeared:

For the Amendment: Councillors Ali, Allen, Anderson, Baker, Beckett, Cossins, Crumbie, Curry, Dillon, Garner, Harker, Haszeldine, Kane, Mahmud, McCollom, McEwan, McGill, M. Nicholson, Porter, Dr. Riley, Roche, Storr and Wallis (23).

Against the Amendment: The Mayor, Councillors Bartch, Mrs. Culley, Dulston, Durham, Holroyd, Keir, Laing, Lawley, Lee, Marshall, K. Nicholson, Pease, Renton, Robinson, Mrs. Scott, Snedker, Tostevin and Walters (19).

Abstentions: Councillors Coe and Toms (2).

The Amendment was Carried.

The Amendment became the Substantive Motion and was put to the meeting. At the request of five Members, a Named Vote was taken of those Members present at the meeting and there appeared:

For the Motion: Councillors Ali, Allen, Anderson, Baker, Beckett, Cossins, Crumbie, Curry, Dillon, Garner, Harker, Haszeldine, Kane, Mahmud, McCollom, McEwan, McGill, M. Nicholson, Porter, Dr. Riley, Roche, Storr and Wallis (23).

Against the Motion: The Mayor, Councillors Bartch, Mrs. Culley, Dulston, Durham, Holroyd, Keir, Laing, Lawley, Lee, Marshall, K. Nicholson, Pease, Renton, Robinson, Mrs. Scott, Snedker, Tostevin and Walters (19).

Abstentions: Councillors Coe and Toms (2).

(**NOTE:** The Mayor used his discretion to vary the Agenda, and took this item immediately following the Questions submitted at Minute 26 (b)).

31 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 2024/25 that:

- a) Councillor Coe remain on the Climate Change Working Group, however now as an Independent Member, rather than a Liberal Democrat Representative;
- b) That Councillor Coe be removed from the Membership of the Council Decision Making and Scrutiny Process Working Group, and that he be replaced by Councillor Allen;
- c) That Councillor Marshall be replaced on the Members Standards Hearing Committee by Councillor Pease; and
- d) That Councillor Pease be removed from the HR Committee and replaced by Councillor Dulston.