

## COUNCIL

Thursday, 25 November 2021

**PRESENT** – The Mayor, Councillors Ali, Bartch, Bell, Boddy, Dr. Chou, Clarke, Cossins, Crudass, Crumbie, Mrs Culley, Curry, Donoghue, Durham, Harker, Heslop, Holroyd, L Hughes, B Jones, Mrs D Jones, Keir, Laing, Lee, Lucas, Marshall, McCollom, McEwan, Mills, M Nicholson, Preston, Mrs H Scott, Snedker, Sowerby, Tait, Tostevin, Willis and Wright.

**APOLOGIES** – Councillors Allen, Baldwin, Dulston, Haszeldine, Johnson, Layton, Lister, Newall, K Nicholson, Paley, Renton, A J Scott and Wallis.

### 33 ORDER OF BUSINESS

The Mayor advised Members that the order of business would be varied to enable the reports entitled 'Council Tax Support Scheme 2022-23' and 'Eastbourne Sports Complex – Release of Capital' to be considered at Item 8 as Cabinet recommendations to Council.

### 34 MINUTES - TO APPROVE THE MINUTES OF THE MEETING OF THIS COUNCIL HELD ON 30 SEPTEMBER 2021

**Submitted** – The Minutes (previously circulated) of the meeting of this Council held on 30 September 2021.

**RESOLVED** – That the Minutes of the meeting of this Council held on 30 September 2021, be approved as a correct record.

### 35 DECLARATIONS OF INTEREST.

There were no declarations of interest reported at the meeting.

### 36 SEALING.

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

### 37 ANNOUNCEMENTS.

**United Nations Day for the Elimination of Violence Against Women** – The Mayor informed Members that it was United Nations Day for the Elimination of Violence Against Women, which marked the start of sixteen days of activism. The Mayor advised that the Darlington Soroptimists supported the campaign each year, had distributed an orange ribbon and further information to each Member, and encouraged each Member to support the campaign by wearing their orange ribbon throughout the sixteen days of activism.

**Troy Williamson, British Super Welterweight Champion** – The Mayor advised Members that Troy Williamson, who was born and raised in Darlington, had won the British Super Welterweight title in boxing, after defeating Ted Cheeseman in Liverpool on 9 October 2021. The Mayor congratulated Mr. Williamson on behalf of the Council on his achievement.

**Ian Williams, Chief Executive** – The Mayor reported that the Chief Executive was absent from the meeting after recently undergoing knee replacement surgery, and was currently recuperating at home. The Mayor advised that the Group Director of Operations was representing the Chief Executive at the meeting, and extended the best wishes of the Council to the Chief Executive for a return to good health and mobility.

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

**(1) THE PUBLIC;**

There was one question, with notice, from a Member of the Public, who 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.

**(3) MEMBERS TO THE POLICE, CRIME AND VICTIMS' COMMISSIONER FOR DURHAM AND DARLINGTON.**

The Deputy Police, Crime and Victims' Commissioner for Durham and Darlington attended the meeting, addressed Members and answered questions thereon.

**39 COUNCIL REPORTS.**

**(1) THE CODE OF CONDUCT FOR MEMBERS**

The Monitoring Officer submitted a report (previously circulated) which invited Members to given consideration to the adoption of a revised Code of Conduct based on the Local Government Association Model Councillor Code of Conduct in place of the current Members Code of Conduct.

The submitted report outlined details of the Local Government Association (LGA) Model Councillor Code of Conduct and provided some analysis against the current Code of Conduct of this Council. A revised Code of Conduct for Members had been produced based on the LGA Model Councillor Code of Conduct, including some minor local modifications, and this had been attached at Appendix 1.

It was reported that the LGA Model Councillor Code of Conduct had been considered by the Audit Committee on 29 September 2021, and that Member Briefing Sessions had been held on 1 and 3 November 2021. Members were also advised that a session for Parish Council Members had been held on 2 November 2021.

**RESOLVED** - (a) That the information presented on the LGA Model Councillor Code of Conduct be noted.

(b) That the adoption of the revised Code of Conduct for Members, as set out at Appendix 1 of the submitted report, be approved and to take effect on 1 January 2022.

(c) That the Monitoring Officer be authorised to update the Constitution to replace the current Code of Conduct for Members with the Code adopted as referenced in paragraph (b), above.

(d) That it be noted that all Members will need to review their register of interests and consider whether any amendments are needed to their register of interests as a result of the revised Code of Conduct for Members coming into force.

(e) That it be noted that following adoption by the Borough Council, Parish Councils in the Darlington area will also be invited to adopt the revised Code of Conduct for Members.

**REASONS** - (a) The adoption of an updated and revised Code of Conduct for Members, with modernised language and explanatory text, will assist the public and members to better understand the provisions of the Code of Conduct.

(b) To align the Council's Code of Conduct for Members to the LGA Model Councillor Code of Conduct.

(c) To help in promoting the good conduct of Members in the Council and the Parish Councils.

(d) To ensure that the Constitution is up to date.

## **(2) GAMBLING ACT POLICY**

The Group Director of Services submitted a report (previously circulated) requesting that consideration be given to the approval of the final draft of the Council's Statement of Principles to the Gambling Act 2005 (Gambling Policy), which is due to take effect from 1 January 2022.

The submitted report stated that the Gambling Act required the Council Gambling Policy to be updated on a three-year cycle, and that a revised draft of the Gambling Policy had been produced taking into account legislation changes introduced since the last policy was adopted. It was stated that the final draft had been consulted upon with key stakeholders, and also made publicly available for comment. The final draft, which took into consideration the comments received, was attached at Appendix 1, with a summary of changes included in the new policy outlined at Appendix 2.

The submitted report highlighted that the final draft had received endorsement from the Licensing Committee at its meeting of 2 November 2021.

**RESOLVED** – That the revised Gambling Policy be approved, and that it becomes effective from 1 January 2022.

**REASONS** - (a) To ensure standards are maintained to protect the public, in particular children and vulnerable adults.

(b) To provide an enforcement framework that takes into account guidance issued by the Gambling Commission.

#### **40 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.

#### **41 TREASURY MANAGEMENT ANNUAL REPORT AND OUTTURN PRUDENTIAL INDICATORS 2020/21**

The Group Director of Operations submitted a report (previously circulated) to provide important information regarding the regulation and management of the Council's borrowing, investments and cash-flow. The submitted report also sought approval of the Prudential Indicators results for 2020/2021, in accordance with the Prudential Code.

The submitted report outlined the circumstances with regard to treasury management for 2020/2021, and stated that it was an 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 2020/21, and that due to the Covid-19 pandemic it was anticipated that the cost of shorter term borrowing would remain low for a number of years in the future.

The submitted report stated that the Council had complied with its legislative and regulatory requirements during 2020/2021, and that the need for borrowing was only increased for capital purposes.

The submitted report stated that at 31st March 2021, the Council's external debt was £161.531m, which was £20.130m 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 increased from 2.60% in 2019/20 to 2.76% in 2020/21, and that investments totalled £59.399m at 31st March 2021, in comparison to £56.799m at 31st March 2020, earning interest of 0.60% on short term cash investments, and 2.33% on Property Fund units net of cost.

It was reported that financing costs had been reduced during the year and a saving of £0.265m had been achieved from the original MTFP due to reduced interest on debt.

**RESOLVED** – (a) That the outturn 2020/21 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 2020/21, 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 COUNCIL TAX SUPPORT SCHEME 2022-23**

The Group Director of Operations submitted a report (previously circulated) which requested that the Council Tax Support (CTS) Scheme 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 2022/23.

**RESOLVED** - That the CTS scheme for 2022-23, as appended to the submitted report, be approved, and in doing so:-

- (i) Continue providing up to 100% CTS for care leavers under the age of 25, and
- (ii) Continue providing up to 80% CTS for all other working age people.

**REASONS** - (a) The Council is required to publish a local CTS scheme for 2022-23 by 11 March 2022.

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

#### **43 EASTBOURNE SPORTS COMPLEX - RELEASE OF CAPITAL**

The Group Director of Services submitted a report (previously circulated) requesting that consideration be given to the release of £1.610M of Council funding for the refurbishment and development of outdoor facilities at Eastbourne Sports Complex.

The submitted report stated that Eastbourne Sports Complex had opened in 1999, had operated successfully for the past 22 years and continued to be the Council's key outdoor sports facilities that contributed to the Council's vision and outcomes. It was reported that the site provided a range of facilities and a number of athletic and football clubs used the site on a weekly basis, as well as a range of partners, schools and casual use, which generated approximately 170,000 visits a year.

The submitted report highlighted a number of issues and opportunities for Members to consider in relation to Eastbourne Sports Complex, namely that the athletics track was now at the end of its lifecycle and that it was becoming uneconomical to continue with temporary repairs; that the Football Foundation had given an in principal offer of up to £700K towards the provision of an additional Artificial Grass Pitch (AGP) at Eastbourne; and that access and egress from the site via Bourne Avenue caused an overspill of traffic into the surrounding estate when the Complex operated at capacity.

The submitted report stated that Cabinet had considered options presented to address the issues and take advantage of the opportunities at their meeting on 9 November 2021, and that Cabinet recommended that Option 4 be progressed.

**RESOLVED** – That £1.610M of Council funding for the scheme, which will be financed through prudential borrowing and Capital receipts, be approved and released.

**REASONS** - (a) To ensure that the Council continues to provide an appropriate competition standard athletics facility in the town.

(b) In line with the Playing Pitch and Facilities Strategy provide an additional AGP at Eastbourne working in partnership with the Football Foundation.

(c) Eastbourne Sports Complex contributes to the Council Vision and Portfolio priorities as the Council's main outdoor sporting hub. The investment modernises facilities and will support the transformation of services and improve the facilities available for residents of the Borough.

#### **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 MCCOLLOM**

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

##### **Climate Emergency**

In light of the increased need for comprehensive and urgent action to avert the worst consequences of the global heating, I propose that this council updates the terms of its Climate Emergency Declaration, agreed by Council at its meeting held on 18 July 2019, by renaming paragraphs g) and h) to h) and i) and inserting the following additional paragraph g) as follows :-

g) Acknowledge the impact of decisions made by Darlington Borough Council on the emissions across the whole Borough of Darlington, measure the carbon impact of decisions taken by the Council on the emissions across the whole Borough, monitor and declare the carbon emissions of the whole Borough of Darlington.

For clarity, if carried, the Council Motion will therefore read:

a) Declare a 'Climate Emergency';

- b) Sign up to a science-based carbon reduction target that is consistent with achieving the Paris Agreement of no more than 1.5°C global temperature increase;
- c) Work with nurseries, schools and colleges to include age appropriate learning about climate change while calling for the national curriculum to be reformed to include "the ecological crisis as an educational priority";
- d) Work to make Darlington Borough Council carbon neutral by 2050 and call on central government to provide funding and powers to make this possible;
- e) Work with other organisations and governments within the UK and internationally to determine and implement best practice methods to limit Global Warming to less than 1.5°C;
- f) Work with partners to run a conversation with residents, Trade Unions, public sector organisations, businesses and the third sector on developing a plan with the actions and milestones required to reach this target;
- g) Acknowledge the impact of decisions made by Darlington Borough Council on the emissions across the whole Borough of Darlington, measure the carbon impact of decisions taken by the Council on the emissions across the whole Borough, monitor and declare the carbon emissions of the whole Borough;
- h) Set up a cross-party working group to develop an action plan and milestones to achieve carbon neutral status;
- i) Report the progress to Full Council every 6 months.

The Motion was Lost.

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

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

**Climate Emergency**

This Council recalls the Climate Emergency resolution that was agreed by Council at its meeting held on 18 July 2019.

This Council resolves to make the following change to that resolution:

delete paragraph d) and replace it with the following :-

d) Work to make Darlington Borough Council carbon neutral by 2030 and call on central government to provide funding and powers to make this possible.

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 2021/22.

**RESOLVED** – (a) That Councillor Renton replace the Cabinet Member with Portfolio for Children and Young People on the Standing Advisory Council for Religious Education (SACRE).