

COUNCIL

Thursday, 28 November 2024

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

APOLOGIES – Councillors Baker, Coe and Mrs Scott.

ABSENT – Councillors Ray and Robinson.

32 MINUTES - TO APPROVE THE MINUTES OF THE MEETING OF THIS COUNCIL HELD ON 26 SEPTEMBER 2024

Submitted – The Minutes (previously circulated) of the meeting of this Council held on 26 September 2024.

RESOLVED – That the Minutes of the meeting of this Council held on 26 September 2024, be approved as a correct record.

33 DECLARATIONS OF INTEREST.

Councillor Lawley declared a non-Pecuniary interest in Minute 37 (b) below, as an employee of the Disclosure and Barring Service.

34 SEALING.

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

35 ANNOUNCEMENTS.

Death of former-Councillor Rachel Mills – The Mayor announced the death of former-Councillor Rachel Mills, who had passed away on 29th October 2024. The Mayor referred to Councillor Mills' years of service.

Death of former-Councillor John Vasey - The Mayor announced the death of former-Councillor John Vasey, who had passed away on 17th November 2024. The Mayor referred to Councillor Vasey's years of service and highlighted that he had been Escort to his wife, former-Councillor Lee Vasey, during her Mayoral Year in 2011/12.

Members stood and observed a short silence in respect of their former colleagues.

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

(1) THE PUBLIC;

There were seven questions, received with notice, from Members of the Public. Five 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.

37 COUNCIL REPORTS.

(1) GAMBLING ACT POLICY REVIEW

The Chief Executive submitted a report (previously circulated) which invited Members to approve the final draft of the Council's Statement of Principles to the Gambling Act 2005 (Gambling Policy), which was due to take effect from 1 January 2025.

The submitted report stated that the revised Gambling Policy was due to be renewed as part of a three-year cycle requirement within the Gambling Act. The draft policy, appended at Appendix 1 of the submitted report, had been supported by the General Licensing Committee at its meeting on 24 September 2024.

RESOLVED – That the revised Gambling Policy, which would apply to all licences issued from 1 January 2025, be approved.

REASON - The recommendation is supported to ensure standards are maintained to protect the public, in particular children and vulnerable adults and to provide an enforcement framework that takes into account guidance issued by the Gambling Commission.

(2) CONSTITUTION UPDATE

The Executive Director of Resources and Governance submitted a report (previously circulated) to request approval for a number of changes to the Council's Constitution with effect from 1 January 2025.

The submitted report stated that the process for reviewing the constitution started earlier in the year and a number of proposed amendments, which were mostly what might be described as general housekeeping and updating rather than fundamental changes, were proposed. The proposed changes were outlined in the Appendix to the submitted report, with commentary and explanation in the main body of the submitted report on matters which required additional detail and consideration.

RESOLVED – (a) That the changes to the Constitution, as detailed in the submitted report, unless otherwise stated, be approved to take effect from 1 January 2025.

- (b) That, subject to confirmation from the Disclosure and Barring Service that they will facilitate enhanced Disclosure and Barring checks, the Monitoring Officer be delegated to move forward with enhanced checks for Councillors appointed to serve as Cabinet members or on the Children and Young People Scrutiny Committee, Adults Scrutiny Committee or Corporate Parenting Panel.
- (c) That the Monitoring Officer be delegated to update the Constitution to reflect the changes identified.

REASONS – (a) To ensure that the Constitution is clear, accurate and up-to-date; and

(b) To give effect to legislative changes.

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

The Executive Director of Resources and Governance submitted a report (previously circulated) to advise Council of the outcome of a review to the political balance of the Authority resulting from a change to the membership of a political group and the recalculation of the percentage number of seats each political party/non-aligned Independents are entitled to.

The submitted report stated that since the last review of the political balance of the Council in September 2024, there had been a change to the political make-up of the Council following Councillor Robinson no longer being a Member of the Green Group on the Council. The submitted report clarified that Councillor Robinson will remain on the Council as an Independent Member.

Members were advised that Political Groups are allocated seats on the committees in accordance with political balance rules, which were set out in the report, and that, as a result of the change to the political balance, the Council was now 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 Green Group lose one seat from the following Committees:

- a) Adults Scrutiny Committee
- b) Health and Housing Scrutiny Committee, and
- c) LEA Governors Committee.

- (c) That Councillor Robinson ceases to be a member of Planning Applications Committee and Licensing Committee;
- (d) That Councillor Coe ceases to be a member of the Climate Change Working Group;
- (e) That Councillor Robinson be appointed to the LEA Governors Committee and the Climate Change Working Group;
- (f) That it be noted that the Adults Scrutiny Committee and the Health and Housing

Scrutiny Committee will have one seat each that is unallocated at this time.

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

38 CABINET REPORTS.

(1) COUNCIL TAX SUPPORT - SCHEME APPROVAL 2025-26

The Executive Director of Resources and Governance submitted a report (previously circulated) to request approval for the Council Tax Support (CTS) scheme for 2025-26.

The submitted report stated that on 30 November 2023, Council approved the local CTS scheme for 2024-25 and the scheme became operational on 1 April 2024, and that Councils are required to set a CTS scheme each year and as part of that exercise:

- (a) Consider whether any changes should be made to the existing scheme, and
- (b) Where changes are made, consider what transitional protection, if any, should apply to anyone affected by those changes.

The submitted report set out the details of the CTS scheme for 2025-26, with no significant changes proposed to the existing scheme. The submitted report was considered by Cabinet on 5 November 2024, who agreed its onward submission for approval by Council.

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

- (b) That the CTS scheme for 2025-26, as detailed in Appendix 1 of the submitted report, be approved.

REASONS – (a) The Council is required to publish a local CTS scheme for 2025-26 by 11 March 2025.

- (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.

(2) CABINET REPORTS - TO CONSIDER THE PORTFOLIO OVERVIEW 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.

(3) CABINET URGENT DECISIONS

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

applied.

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

REASON – To comply with the Council's Constitution.

39 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.

40 NOTICE OF MOTION

(1) TO CONSIDER A MOTION SUBMITTED BY COUNCILLOR HARKER AND SECONDED BY COUNCILLOR DULSTON

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

Promoting Civility in Politics

This Council notes:

- a) That over recent years, political discourse in the UK has become increasingly uncivil, between politicians of different parties and between the public and politicians.
- b) There have been instances within the Borough of Darlington, both in meetings and online, where language and social media exchanges have become excessively uncivil.
- c) That in 2020, Darlington Borough Council adopted the United Darlington Charter, proposed by Cllr Harker and seconded by Cllr Mrs. Scott.

This Council believes:

- a) The majority of the public expects local Councillors to engage civilly with one another, in order to work together for the benefit of the whole Borough.
- b) Officers of Darlington Borough Council should be treated with respect in meetings, without fear of personal remarks or inappropriate questioning.
- c) Careless language and personal attacks can have serious consequences, as highlighted by the tragic murders of Sir David Amess and Jo Cox in recent years.
- d) Councillors and the public have the right to challenge policies and decisions in a civil and respectful manner.

That this Council resolves:

- a) To reaffirm the adoption of the United Darlington Charter.
- b) That all Darlington Borough Councillors should adopt the following Civility Pledge, put together by the Jo Cox Foundation, and hold each other accountable to keep it:

“As an elected representative, I pledge to:

- 1. Use a civil and constructive tone in political debate.
- 2. Act with integrity, honesty and compassion
- 3. Behave respectfully towards others, including those I disagree with”

- c) To promote civility in politics amongst Councillors, candidates and the public.

RESOLVED – That the Motion be Agreed.

(2) TO CONSIDER A MOTION SUBMITTED BY COUNCILLOR DULSTON AND SECONDED BY COUNCILLOR BARTCH

The following Motion was moved by Councillor Dulston, and seconded by Councillor Bartch:

Failure to Support Local Businesses Over Christmas

This Council notes:

- a) the critical role small businesses play in sustaining the local economy and the need to commit to policies that prioritise their survival and growth;
- b) that this Labour-controlled Council has failed to consider introducing free parking during the Christmas period, a time when local businesses rely heavily on increased footfall to boost their sales and secure their livelihoods;
- c) that small businesses, already struggling under the national Labour Government’s punitive National Insurance tax hikes, are further disadvantaged by this Council’s failure to consider alleviating parking costs for potential shoppers;
- d) that other councils across the UK have recognised the importance of supporting their local economies during this festive season by implementing free or reduced parking, making this Council’s inaction even more glaring; and
- e) the harmful effects of the Labour Government’s National Insurance tax hike.

This Council believes:

- a) that the needs of the community and the businesses that form its backbone,

particularly during the festive season when the cost of living crisis and government-imposed financial burdens already weigh heavily on everyone, should not be ignored;

b) that free parking during the Christmas period would provide a much-needed lifeline to small businesses, encouraging greater footfall and boosting the local economy at a critical time;

c) that the combination of increased operational costs, higher taxes, and this Council's indifference, places an undue burden on local entrepreneurs, many of whom are on the brink of closure;

d) that its inaction demonstrates a complete lack of understanding of, or care for, the struggles faced by small business owners and residents in the borough;

e) that this failure also discourages residents from shopping locally, driving them to online retailers or larger shopping centres with more affordable or subsidised parking options.

Council therefore resolves to:

a) Acknowledge the detrimental impact on local businesses of its failure to consider offering free parking during the Christmas period and agrees to introduce free parking within the Town Centre during the months of December 2024 and January 2025; and

b) Undertake a marketing campaign promoting the above offer with a view to increasing footfall and boosting the local economy at a critical time.

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

For the Motion: The Mayor, Councillors Bartch, Crudass, Mrs. Culley, Dulston, Durham, Keir, Laing, Lee, Marshall, K. Nicholson, Tostevin and Walters (13).

Against the Motion: Councillors Ali, Anderson, Beckett, Cossins, Crumbie, Dillon, Garner, Harker, Haszeldine, Henderson, Holroyd, Johnson, Kane, Lawley, Layton, Mahmud, Mammolotti, McCollom, McEwan, McGill, M. Nicholson, Porter, Dr. Riley, Roche, Snedker, Storr, Toms and Wallis (28).

Abstentions: Councillor Curry (1).

NOTE: At the time that the vote was taken, Councillors Allen, Pease and Renton had left the meeting.

The Motion was Lost.

(3) TO CONSIDER A MOTION SUBMITTED BY COUNCILLOR SNEDKER AND SECONDED BY COUNCILLOR HENDERSON

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

Ending local government austerity and investing in local public services

This Council notes that:

a) Government grants to local authorities were cut by 40% in real terms between 2009/10 and 2019/20, from £46.5bn to £28.0bn;

b) as a result, between 2010 and 2019, more than £30 billion in spending reductions (often termed austerity measures) were made to welfare payments, housing subsidies and social services in the UK;

c) research shows these austerity measures have contributed to 335,000 excess deaths, resulted in a fall in the UK life expectancy, and culminated in UK workers being £11,000 worse off a year after years of wage stagnation;

d) at the same time, there has been a huge surge in demand for vital services provided by local authorities, such as adult social care, which takes up about three-quarters of Local Authority budgets. While the cost of delivering these services per capita has seen above inflation cost rises;

e) spending on social care grew by an average of 2.6% a year in real terms between 2014/15 and 2021/22;

f) this is less than the 3.4% a year increase in spending that the Health Foundation has calculated will be needed between 2024/25 and 2032/33 to meet future demand. This is equal to £8.3 billion overall;

g) The National Audit Office has recognised that the pressure on local authority finances “impacts on the funding available for adult social care”;

h) as a result of decreased funding and increased demand for services, since 2021 six local authorities have declared themselves effectively bankrupt, with many half of all councils warning they may have to do the same in the next five years; and

i) The Labour Party has not committed to increasing funding for local authorities, leaving the estimated £6bn black hole in council budgets unaddressed.

This Council believes that:

a) cuts to the government grants provided to local authorities must be reversed by the new government, in order to sufficiently fund growing demand for key services such as adult social care;

b) without adequate funding, the increased financial pressure from increased

demand for these services is likely to have serious negative financial implications for local authorities and Darlington Borough Council; and

c) as well as increased funding, the UK government and local authorities must commit to improving the working conditions of social workers.

This Council resolves to:

a) Write to the Prime Minister, the Chancellor, and relevant Ministers of State to call for an end to local government austerity, and a significant and substantial investment in local government and public services. This will include a call for a sustained uplift to local authority funding to cover shortfalls in adult social care, education, homelessness, and other key services. It will also include an ask to provide multi-year funding settlements.

b) Work with providers, local NHS, and UNISON reps to explore the Ethical Care Charter within the term of current contracts, and report back to this council within six months on the practicalities of adopting stage 1 of the charter by the end of this Municipal Year, and proposals for adopting stages 2 and 3 of the charter.

c) Ask the government to revive the Fair Funding Review for Adult Social Care, which was put on hold by the Conservative government, for which Darlington Borough Council and its care providers had already done significant preparatory work.

The following Amendment to the Motion was moved by Councillor Harker, and seconded by Councillor Anderson:

This Council notes that:

a) Government grants to local authorities were cut by 40% in real terms between 2009/10 and 2019/20, from £46.5bn to £28.0bn;

b) as a result, between 2010 and 2019, more than £30 billion in spending reductions (often termed austerity measures) were made to welfare payments, housing subsidies and social services in the UK;

c) research shows these austerity measures have contributed to 335,000 excess deaths, resulted in a fall in the UK life expectancy, and culminated in UK workers being £11,000 worse off a year after years of wage stagnation;

d) at the same time, there has been a huge surge in demand for vital services provided by local authorities, such as adult social care, which takes up about three-quarters of Local Authority budgets. While the cost of delivering these services per capita has seen above inflation cost rises;

e) spending on social care grew by an average of 2.6% a year in real terms between 2014/15 and 2021/22;

f) this is less than the 3.4% a year increase in spending that the Health Foundation has calculated will be needed between 2024/25 and 2032/33 to meet future demand. This is equal to £8.3 billion overall;

g) The National Audit Office has recognised that the pressure on local authority finances “impacts on the funding available for adult social care”;

h) as a result of decreased funding and increased demand for services, since 2021 six local authorities have declared themselves effectively bankrupt, with many half of all councils warning they may have to do the same in the next five years; and

i) the Labour Government has committed to: no return to austerity; multi-year funding settlements for local authorities; ending competitive bidding; a fair funding review

(j) the work done to date since 2017 to incorporate provisions within the Ethical Care Charter, thereby improving working conditions of care workers

This Council believes that:

a) the government should do everything in its power to ensure grants provided to local authorities sufficiently fund the growing demand for key services such as adult social care

b) without adequate funding, the increased financial pressure from increased demand for these services is likely to have serious negative financial implications for local authorities and Darlington Borough Council; and

This Council resolves to:

a) Further explore the Ethical Care Charter within the term of current contracts to determine the practicalities of adopting the remaining provisions.

The Amendment was Carried.

The Amendment became the Substantive Motion and was put to the meeting, and was Agreed.

41 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) That Councillor Dr. Riley replace Councillor Garner on the Children and Young People Scrutiny Committee;

(b) That Councillor Dr. Riley replace Councillor Garner on the Communities and Local Services Scrutiny Committee;

(c) That Councillor Toms be removed from the Adults Scrutiny Committee;

- (d) That Councillor Mammolotti be removed from the Health and Housing Scrutiny Committee;
- (e) That Councillor Holroyd be appointed to the Green Group vacancy on the Planning Applications Committee; and
- (f) That Councillor Toms be appointed to the Green Group vacancies on the Licencing Committees.