

Local Government Act 1972

Borough of North Tyneside

26 January 2012

At the meeting of the Council of the Borough of North Tyneside duly convened and held on Thursday 26 January 2012 at 6.00pm in the Chamber at Quadrant at which a quorum of members were present, that is to say:

Present

Councillor J J Stirling (In the Chair)
Mrs L Arkley (Elected Mayor)

Councillor J M Allan	Councillor M J Huscroft
Councillor A Arkle	Councillor D W Lilly
Councillor Mrs G Barrie	Councillor F Lott
Councillor K Barrie	Councillor M L Madden
Councillor Mrs J M Bell	Councillor P Mason
Councillor L Birkenfield	Councillor D McGarr
Councillor G Brett	Councillor M McIntyre
Councillor P Brooks	Councillor Mrs P McIntyre
Councillor B Burdis	Councillor J F McLaughlin
Councillor W Caithness	Councillor D McLellan
Councillor K A Conroy	Councillor L J Miller
Councillor D E Corkey	Councillor Mrs S E Mortimer
Councillor A Cowie	Councillor T Mulvenna
Councillor S Cox	Councillor K Osborne
Councillor C Croft	Councillor J O'Shea
Councillor E N Darke	Councillor G Partis
Councillor L Darke	Councillor Mrs N Peggs
Councillor S Day	Councillor C B Pickard
Councillor M A Finlay	Councillor M G Rankin
Councillor C A Gambling	Councillor N Redfearn
Councillor R Glindon	Councillor J Rutherford
Councillor I Grayson	Councillor D Sarin
Councillor M A Green	Councillor L A Spillard
Councillor J L L Harrison	Councillor Mrs B E Stevens
Councillor S Hill	Councillor A Waggott-Fairley
Councillor E F J Hodson	Councillor J I Walker
Councillor Janet Hunter	Councillor Mrs J A Wallace
Councillor John Hunter	Councillor G C Westwater
Councillor M Huscroft	

C96/01/12 Presentation of Whitley Bay Town Cup

The Chair announced that the Whitley Bay Town Cup Sub-Committee had agreed to award the Cup for 2011 to Mr Ken Sykes, in recognition of his enthusiasm and commitment to encouraging young people's involvement in rugby league over many years in Whitley Bay. He founded the Whitley Bay Barbarians Rugby League Club in 1994 and had run coaching sessions in local schools for over 5 years giving his time for free.

Mr Sykes responded appropriately, thanking the Council for the award and also for its support.

C97/01/12 Apologies

Apologies for absence were received from Councillors D Ord and A Normand.

C98/01/12 Declarations of Interest

The following declarations of interest were made:

Councillor J LL Harrison declared a personal interest in relation to the items of business set out on the Council agenda. He stated he had paid the Council Tax for the property that he lived in, as he had done in previous years, and therefore considered he was eligible to take part in the discussion and vote on those matters.

Item 6 – Parking in Tynemouth

Councillor B Burdis – personal interest – a relative had a business in Tynemouth Village.

Councillor T Mulvenna – personal interest – had been contacted by residents and may have given an opinion on the subject.

Councillor B Stevens – personal interest – she lived in Tynemouth and had made complaints about parking in the area.

Item 8 – Calculation of Council Tax Base 2012/13

The Head of Legal, Governance and Commercial Services advised that Members did not need to declare an interest in respect of the item on Calculation of the Council Tax Base 2012/13.

C99/01/12 Minutes

Resolved that the minutes of the Meeting held on 24 November 2011 be taken as read and confirmed and signed by the Chair.

C100/01/12 Motions

- (i) **A Motion with notice, signed by Mrs L Arkley, Elected Mayor and Councillors Mrs J A Wallace, L Miller, M McIntyre and P McIntyre was submitted for consideration by Council**

It was moved by Councillor Mrs J A Wallace and seconded by Mrs L Arkley, Elected Mayor that:

“This Council resolves that the portrait of Her Majesty Queen Elizabeth II be restored to its prominent position at all meetings of full Council.”

An amendment was moved by Councillor F Lott and seconded by Councillor A Cowie, as follows:

‘This Council resolves that the decision as to whether or not the portrait of her Majesty Queen Elizabeth II is displayed in a prominent position at all meetings of full Council shall be left to the discretion of the Chair of the Council.’

Following discussion, it was moved by Councillor J M Allan and seconded by Councillor N Redfearn that:

‘In accordance with Council Procedure Rule 12(25), the question be now put’.

Two Members present requested a recorded vote on the procedural motion in accordance with Council Procedure Rule 13(5).

Votes for the Procedural Motion

Councillors J M Allan, A Arkle, G Brett, B Burdis, W Caithness, K A Conroy, A Cowie, S L Cox, C Croft, E N Darke, L Darke, S Day, M A Finlay, C A Gambling, R Glendon, I Grayson, M A Green, J L L Harrison, S Hill, Janet Hunter, John Hunter, M Huscroft, M J Huscroft, F Lott, D McGarr, M L Madden, T Mulvenna, K Osborne, J O’Shea, C B Pickard, M Rankin, N Redfearn, J Rutherford, L A Spillard, J J Stirling, A Waggott-Fairley and J I Walker.

Votes against the Procedural Motion

Mrs L Arkley, Elected Mayor, Councillors Mrs G Barrie, K Barrie, Mrs J M Bell, L Birkenfield, E F J Hodson, D W Lilly, M McIntyre, Mrs P McIntyre, Mrs J McLaughlin, D McLellan, P Mason, L J Miller, Mrs S E Mortimer, G Partis, N Peggs, D Sarin, Mrs B E Stevens, Mrs J A Wallace and G C Westwater.

Abstentions

Councillor D E Corkey.

[Councillor P Brooks was not present at the time the vote was taken].

The Procedural Motion, on being put to the meeting, was approved by 37 votes to 20 votes and 1 abstention.

Two Members present requested a recorded vote on the amendment in accordance with Council Procedure Rule 13(5).

Votes for the Amendment

Councillors J M Allan, A Arkle, G Brett, B Burdis, W Caithness, K A Conroy, A Cowie, S L Cox, C Croft, E N Darke, L Darke, S Day, M A Finlay, C A Gambling, I Grayson, M A Green, J L L Harrison, S Hill, Janet Hunter, John Hunter, F Lott, D McGarr,

M L Madden, T Mulvenna, K Osborne, J O'Shea, C B Pickard, M Rankin, N Redfearn, J Rutherford, L A Spillard, J J Stirling, A Waggott-Fairley and J I Walker.

Votes against the Amendment

Mrs L Arkley, Elected Mayor, Councillors Mrs G Barrie, K Barrie, Mrs J M Bell, L Birkenfield, E F J Hodson, M Huscroft, M J Huscroft, D W Lilly, M McIntyre, Mrs P McIntyre, Mrs J McLaughlin, D McLellan, P Mason, L J Miller, Mrs S E Mortimer, G Partis, N Peggs, D Sarin, Mrs B E Stevens, Mrs J A Wallace and G C Westwater.

Abstentions

Councillors D E Corkey and R Glindon.

[Councillor P Brooks was not present at the time the vote was taken].

The motion, as amended, on being put to the meeting, was approved by 34 votes to 22 votes, with 2 abstentions.

A further amendment was moved by Councillor N Redfearn and duly seconded, as follows:

To add the following sentence: 'In addition a portrait of Her Majesty Queen Elizabeth II be placed permanently in the foyer of Quadrant East.'

The motion, as further amended, on being put the meeting, was approved, to read as follows:

'This Council resolves that the decision as to whether or not the portrait of her Majesty Queen Elizabeth II is displayed in a prominent position at all meetings of full Council shall be left to the discretion of the Chair of the Council. In addition a portrait of Her Majesty Queen Elizabeth II be placed permanently in the foyer of Quadrant East.'

[Councillor S Hill requested that his abstention from voting on the further amendment be recorded].

[Councillor G Brett requested that it be recorded that the debate on the above Motion concluded at 6.48 pm].

(ii) A Motion with notice, signed by Mrs L Arkley, Elected Mayor and Councillors Mrs J Bell, E Hodson, Mrs J A Wallace and G Westwater was submitted for consideration by Council

It was moved by Mrs L Arkley, Elected Mayor and seconded by Councillor Mrs J A Wallace that:

"This Council welcomes the position of the Government and other parties in supporting the retention of the United Kingdom and endorses their view that any referendum question should require a simple 'yes' or 'no' answer rather than including a 'devo max' third option, which if chosen could allow the Scottish administration to continue to have a competitive advantage with the North of England in attracting businesses and jobs to their area."

The motion, on being put to the meeting, was approved by 52 votes to 0 votes.

C101/01/12 Petition – Parking in Tynemouth

A report was submitted as a result of Council's request at its meeting of 24 November 2011, that officers examine the viability of objectives proposed in a petition by the Tynemouth Business Forum to the Council.

Council had considered the petition in accordance with the requirements of the Council's Petition Scheme contained in part 5 of the Constitution.

The following actions had been agreed by Council:

'Officers continue their ongoing dialogue with the Tynemouth Business Forum and other stakeholders in Tynemouth Village to identify further opportunities and initiatives to deal with the parking demand in the area including an option about the viability of the petition objectives (allowing non residents into both parking zones TM1 and TM2 recently converted to residents permit parking between 9.30 am and 4.30 pm) and report back to the next Council meeting. Furthermore a report to the Cabinet toward setting in place the legal mechanisms for introducing said objectives be made.'

The report referred to the viability of the petition objectives, outlined the results of car parking surveys carried out in Tynemouth Village during the approach to Christmas 2011 and set out progress regarding other initiatives.

Members discussed the report and were given the opportunity to ask questions which were responded to appropriately.

It was moved by Mrs L Arkley, Elected Mayor and seconded by Councillor Mrs J A Wallace that:

“ Council

- (1) notes the information in the report regarding the viability of the petition's objectives;
- (2) notes the progress regarding other initiatives as set out in section 1.5.3 of the report; and
- (3) continues dialogue with Tynemouth Business Forum concerning parking initiatives and carry out continued monitoring of parking demand.”

An amendment was moved by Councillor J Allan and seconded by Councillor S Day that:

'The recommendations set out in the report be deferred to enable officers to continue their dialogue with the Tynemouth Business Forum and the outcome of the dialogue be reported to the March Council meeting.'

The motion, as amended, on being put the meeting, was approved by 38 votes to 20 votes.

C102/01/12 Annual Audit Letter 2010/11

The Council considered a report, which detailed the contents of the Annual Audit Letter.

The Letter summarised the findings from the 2010/11 audit. This included an unqualified opinion on the 2010/11 Financial Statements and an unqualified conclusion in respect of the work undertaken to assess the Council's arrangements to secure value for money. An unqualified opinion was a positive outcome for the Council, meaning the Auditor was satisfied with the quality of the Council's accounts and with the arrangements the Council had in place for securing economy, efficiency and effectiveness in its use of resources. The Letter also summarised many of the points raised in the Audit Commission's Annual Governance Report which had been presented to the Audit Committee on 28 September 2011 and included an action plan in response to the recommendations made by the Audit Commission for the delivery of agreed improvements.

Steve Nicklin of the Audit Commission presented the Letter to Council.

Members discussed the report and were given the opportunity to ask questions which were responded to appropriately.

It was moved by Councillor Mrs J A Wallace and seconded by Mrs L Arkley, Elected Mayor that:

"Council notes the contents of the Annual Audit Letter."

The motion, on being put to the meeting, was unanimously agreed.

Mr Nicklin was thanked for his attendance.

C103/01/12 Calculation of the Council Tax Base 2012/13

The Council considered a report setting out the calculation of the Council Tax Base for 2012/13 and detailing how the Council Tax Base for 2012/13 had been calculated. The agreed Tax Base for North Tyneside Council for 2012/13 would be used in the 2012/13 Budget and Council Tax calculation to set the amount of Council Tax income required for 2012/13.

It was moved by Councillor Mrs J A Wallace and seconded by Mrs L Arkley, Elected Mayor that:

"Council:

- (1) approves the report on the calculation of the Council's Tax Base for 2012/13, which incorporates the Council Tax Second Homes discount set at 10%, as confirmed as part of the 2011/12 Tax Base calculation; and
- (2) agrees that pursuant to the report of the Strategic Director for Finance and Resources and in accordance with the Local Authorities (Calculation of Council Tax Base) (Amended) (England) Regulations 2003, that the amount calculated by the Council as its Council Tax Base for 2012/13 shall be 64,219."

The Motion, on being put to the meeting, was unanimously agreed.

C104/01/12 The Localism Act 2011 – The Amended Standards Regime

Council considered a report which advised Members about the changes to the Standards regime arising from the Localism Act 2011; and to seek appropriate delegations to ensure the Council was able to comply with its statutory obligations when the Act came into force which was expected to be on 1 July 2012 but may be earlier.

It was moved by Mrs L Arkley, Elected Mayor and seconded by Councillor Mrs J A Wallace that:

‘Council

- 1) Request the Monitoring Officer in consultation with a Working Group comprising the Chief Executive, the Elected Mayor, and the Leader and Deputy Leader of each Political Group and the Standards Committee (‘The Working Group’) to produce for consideration and adoption by Council:
 - a. A draft Code of Conduct to reflect the requirements of the Localism Act 2011 and regulations enacted in respect of Disclosable Pecuniary Interests;
 - b. Draft arrangements for handling of Misconduct Complaints; and
 - c. A draft Standing Order requiring a Member to withdraw from the meeting room during the consideration of any item of business in which the Member has a Disclosable Pecuniary Interest.
- 2) Authorise the Monitoring Officer to take all appropriate steps including advertising in local publications and on the Council website, to secure applicants for the role of Independent Person.
- 3) Request the Monitoring Officer, in consultation with the Working Group and Standards Committee, to:
 - a. produce a Job Outline and Person Specification for the role of the Independent Person;
 - b. shortlist and interview candidates and recommend to Council for appointment suitable candidates for the role of Independent Person and 2 Reserve Independent Persons; and
 - c. to recommend to Council the allowance to be paid for the Independent Person and Reserve Independent Persons.’

Members discussed the report and were given the opportunity to ask questions which were responded to appropriately.

An amendment was moved by Councillor B Pickard, and seconded by Councillor J Allan that:

‘Recommendations 2) and 3) be deferred until the Council has had the opportunity to discuss the proposals in greater detail.’

The motion, as amended, on being put to the meeting was unanimously agreed.

C105/01/12 Council Protocols – Update

The Council received a report which sought approval of the updated Protocols and supporting Guidance Notes following a review undertaken by a Member/Officer Working Group.

It was moved by Mrs L Arkley, Elected Mayor and seconded by Councillor Mrs J A Wallace that:

‘Council:

- (1) Notes the report; and
- (2) approves the updated draft Protocols for inclusion in the Council’s Constitution.’

Members discussed the report and were given the opportunity to ask questions which were responded to appropriately.

An amendment was moved by Councillor B Pickard and seconded by Councillor J Allan, that:

‘The updated Protocols are referred to the Overview and Scrutiny Committee for consideration prior to adoption by full Council.’

The motion, as amended, on being put to the meeting, was approved by 35 votes to 0 votes.

C106/01/12 Programme of Council and Committee Meetings 2012/13

The Council received a report detailing the draft programme of meetings of the Council and its Committees for the 2012/13 municipal year, together with options as to the commencement time for meetings.

Members discussed the report and were given the opportunity to ask questions which were responded to appropriately.

It was moved by Mrs L Arkley, Elected Mayor and seconded by Councillor Mrs J A Wallace that:

“Council:

- (1) agrees the programme of meetings for 2012/13, as set out in Appendix A to the report;
- (2) authorise the Chief Executive, in consultation with Group Leaders, to select a number of committees to commence their meetings at 4.00 pm during 2012/13 on a trial basis; and
- (3) agrees that the programme of meetings of the full Council proposed for 26 July 2012, 29 November 2012 and 14 March 2013 be those at which questions will be taken from members of the public.’

An amendment was moved by Councillor M J Huscroft and seconded by Councillor M Huscroft, that:

“Recommendation (2) be deleted and replaced with the following: ‘The Council carries out a full survey of elected Members to obtain their availability or otherwise to attend some daytime meetings’.”

The motion, as amended, on being put to the meeting, was unanimously agreed.

C107/01/12 Common Seal

Resolved that the Common Seal be affixed to all deeds and documents required for carrying into effect the various decisions of the Council made since its last meeting.

C108/01/12 Chair’s Announcements

The Chair informed Council that since the last meeting he had attended events and functions at various places. These had included:

- Carol services during the Christmas period
- Hartley Pit disaster Sunday service
- Pantomime at the Whitley Bay Playhouse
- Prize winning brass band concert

C109/01/12 Elected Mayor’s Announcements

The Mayor wished everyone a Happy New Year and she stated that growth would be a key priority in the year ahead.

The Mayor announced that the Council would shortly be bringing forward a Budget for growth and that growth was what residents had said they wanted the Council to focus on, as set out in the draft Council Plan, bringing in jobs and investment. The Mayor and her Cabinet were protecting the services and facilities residents valued and were making the required savings.

The Mayor informed Council of the success that had been made in supporting business over recent years. In the last three years, businesses the Council had attracted to North Tyneside had created over 3,200 jobs. She considered more could be done, and this year she was focussing attention on supporting businesses. She was committed to working with, listening to and visiting businesses wherever possible and was determined to make sure the Council brought the jobs and growth it needed to the area, and ensure that North Tyneside emerged stronger.

The Mayor referred to the Council building on its solid foundations in strong partnerships with its communities and with a shared aspiration for the Borough. But growth was not only about jobs, but also about investment, infrastructure, transport, education and skills and was also about housing.

The Mayor stated that she had previously referred to the consequences of the Council not taking forward the Draft Core Strategy. She referred to delays that had occurred in the Core Strategy process, and stated that Members would be neglecting their duty as representatives if they did not come together and set a plan for growth across the Borough. She added that if the Council did not have an up-to-date Plan, then the

Government would make decisions for the Council and that permission would be granted for development where they thought it should be.

The Mayor stated that residents had told the Council they wanted growth. New homes not only brought new people to North Tyneside, they also provided new jobs from house-building, suppliers of goods and services along with the benefits of spend from new residents as growth occurred.

The Mayor announced that jobs were part of the world needs and that was why she was pressing ahead, based on the evidence and the extensive consultation undertaken over recent years. It did involve tough decisions, but she wanted to make it clear about where the Council did and did not want development. The National Planning Policy Framework was due out shortly and the Council knew what its aims would be, so it must be prepared. The Mayor announced that today the Tyne Gateway Project, led by the Church of England Children's Society, had been awarded £900,000 from the Big Lottery to expand their work in tackling child poverty. Across North and South Tyneside around 270 families would be engaged to support them to get the best start in life. The Mayor welcomed this award and stated that making the most of external funding was vital for the Council.

The Mayor stated that despite all the challenges the Council faced she remained optimistic for the future. In the face of these challenges the course she had outlined was the only sensible choice there was.

C110/01/12 Questions by Members of the Council

1. **The following question was asked of the Elected Mayor by Councillor D Ord**

'How many people have been fined for not removing their dogs' droppings?'

Councillor P McIntyre replied on behalf of the Mayor as follows:

'From the period April 2011 to January 2012, 26 people have been issued with a fixed penalty notice for failing to remove dog fouling.'

2. **The following question was asked of the Elected Mayor by Councillor C Croft**

'Can the Mayor give a commitment that any section 106 money from the sale of the former Hadrian Education Centre will be ring fenced and used to pay for the proposed improvements to the Addington Drive \ Battle Hill Drive Roundabout? Can the Mayor also confirm her commitment to working with Hadrian Park Primary School and local residents with regard to the concerns and issues this proposed development has caused?'

The Elected Mayor replied as follows:

'The traffic problems in Battle Hill and Addington Drive have been known about for some time and I did allocate £50,000 from the Local Transport Plan last year to undertake some surveys and investigations to determine the best solution.'

In regard to this development, the developer, Bett Homes, will pay for or make a contribution towards any improvements to the Addington Drive/Battle Hill Drive roundabout required as a direct result of this planning proposal, and these works, if considered

necessary, would be enforceable via a legal agreement attached to the relevant planning permission.

The views and concerns of the school and the local residents will be fully taken into account in the consideration of the application when it reports to the relevant Planning Committee.

Officers from the Council's Strategic Property Team and Education Capital Planning Team are currently working with the school regarding concerns and issues the school has raised in relation to the proposed development.'

3. **The following question was asked of the Elected Mayor by Councillor M J Huscroft**

'Cabinet at its meeting on 16 January 2012 will consider the Preferred Options consultation on Area Action Plans for Wallsend. The Area Action Plan that covers Wallsend and Willington Quay proposes some 500 new houses.

- a. Can the Mayor assure Council that the proposed additional 500 new houses in the Area Action Plan that covers Wallsend and Willington Quay, takes into account developments that already have planning permission or have actually been developed since the Cabinet's last decision on 8 February 2010 in relation to the Area Action Plans? and
- b. Can the Mayor assure the Council that no land this is being used for Green activity e.g. allotments, open spaces, etc. will be developed for housing use?'

The Elected Mayor replied as follows:

'The housing provision proposed within the Area Action Plan for Wallsend will be in addition to developments that already benefit from existing planning permissions and completed homes.

Councillor Huscroft, you may already be aware of the ongoing developments in Wallsend, which include the new bungalows and family homes on Eden Court, which are almost complete. An application has been submitted for 33 apartments and houses on the former Borough theatre and Fox garage sites, and three additional sites – the closed Police Station, former Police houses and the women's refuge on Alexandra Street are to be marketed for housing shortly.

These developments are most welcome, not least by residents. As you know I have just completed a further consultation around the principle of growth for the borough which indicates that residents do want the borough to grow.

The potential housing sites set out for consultation have been suggested to support sustainable growth across North Tyneside as a whole over at least the next fifteen years. These aim to support the regeneration of Wallsend and Willington Quay and secure the reclamation of key sites within these areas and help support the vitality and viability of Wallsend town centre through increased footfall.

The future shape of the borough, as determined through our local development framework, will be a matter for the Council as set out in the Policy Framework in the Constitution. The

area action plans and the core strategy will need to be determined by this Council. Also it is this Council's Planning Committee which determines significant planning applications. As such it would be difficult for me to effectively offer such an assurance but I am sure the Council is listening to your request.'

Councillor Huscroft asked the following supplementary question:

'Can the Mayor agree with me that a) an extension of the Wallsend Area Action Plan boundary should be made from the Coast Road and south to the River, and east of the A19 and west to the Newcastle boundary; and b) no green land will be used for housing in this area?'

The Elected Mayor replied as follows:

'I will provide an answer in writing once I have considered the geographical area you are referring to'.

C111/01/12 Exclusion Resolution

Resolved that under Section 100A(4) of the Local Government Act 1972 (as amended) and having applied a public interest test as defined in Part 2 of Schedule 12A of the Act, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 and 4 of Part 1 of Schedule 12A to the Act.

C112/01/12 Terms and Conditions of Employment

Council considered a report on the outcome of a ballot and sought approval for the changes to Nursery Employees' terms and conditions of service in the Green Book National Agreement.

It was moved by Mrs L Arkley, Elected Mayor and seconded by Councillor Mrs J A Wallace that:

"Council:

(1) notes the outcome of the ballot and approves the proposals for the changes to Nursery Employees; and

(2) agrees that the Head of Paid Service, in consultation with the Mayor, Deputy Mayor, Strategic Director of Children, Young People and Learning, Strategic Director of Finance and Resources and Strategic HR Manager and the Head of Legal, Governance and Commercial Services, be authorised to give final approval on behalf of the Council to the Collective Agreement between the Council and trade unions to implement the changes to terms and conditions outlined within the report."

The motion, on being put to the meeting, was unanimously agreed.