

Local Government Act 1972

Borough of North Tyneside

15 March 2012

At the meeting of the Council of the Borough of North Tyneside duly convened and held on Thursday 15 March 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 A Arkle
Councillor Mrs G Barrie
Councillor K Barrie
Councillor L Birkenfield
Councillor G Brett
Councillor B Burdis
Councillor W Caithness
Councillor K A Conroy
Councillor D E Corkey
Councillor A Cowie
Councillor S Cox
Councillor C Croft
Councillor E N Darke
Councillor L Darke
Councillor S Day
Councillor M A Finlay
Councillor C A Gambling
Councillor R Glendon
Councillor I Grayson
Councillor M A Green
Councillor J L L Harrison
Councillor S Hill
Councillor E F J Hodson
Councillor Janet Hunter
Councillor John Hunter
Councillor D W Lilly

Councillor F Lott
Councillor M L Madden
Councillor P Mason
Councillor D McGarr
Councillor M McIntyre
Councillor Mrs P McIntyre
Councillor J F McLaughlin
Councillor D McLellan
Councillor L J Miller
Councillor Mrs S E Mortimer
Councillor T Mulvena
Councillor A Normand
Councillor J O'Shea
Councillor D Ord
Councillor G Partis
Councillor Mrs N Peggs
Councillor C B Pickard
Councillor M G Rankin
Councillor N Redfearn
Councillor J Rutherford
Councillor D Sarin
Councillor L A Spillard
Councillor Mrs B E Stevens
Councillor A Waggott-Fairley
Councillor J I Walker
Councillor Mrs J A Wallace
Councillor G C Westwater

C138/03/12 Public Questions

(i) The following question had been submitted by Mr I Stewart of North Shields:

Keeping Linda Arkley's pledge in mind –

'In 2012 my top personal priority is to support businesses'

"I wonder, can the Council assure businesses of Monkseaton that no work on the Front Street / Marine Avenue metro bridge will be sanctioned until Nexus have proposed a way in which the surrounding businesses will not lose out financially, unlike last year? Can the Council also assure us that they will be monitoring and controlling the work so that a repeat in the down turn in business that we suffered, will not happen again?"

The Elected Mayor replied as follows:

"I can assure you that the Council shares your concerns about the disruption that was caused to the residents, motorists and businesses during last year's work. I voiced my concerns and that of residents and businesses directly with the Director General of Nexus and reiterated them again to him in January of this year. As a result the Council has requested that the next phase of works be suspended once one side of the bridge work is completed to discuss ways of minimising disruption during the remainder of the contract.

As this work is essential in maintaining the bridge's structure, there will inevitably be some further disruption during the next phase of works. However, we have informed Nexus that we will not let the works recommence until we are satisfied as Highway Authority that they will be carried out in an efficient manner. During recent weeks Council officers have therefore met with Nexus Engineers to scrutinise their proposed programme and suggest as many ways as possible to ensure the programme of works can be properly organised with the various different utility companies involved.

It is important to reiterate, however, that these works are vital to extend the life of the bridge, which is owned by Nexus and avoid further temporary closures in the future. When they are completed they will remove the need for further works for many years to come."

Mr Stewart asked the following supplementary question:

"At no point have Nexus contacted businesses as was promised. The level of communication from Council departments and Nexus has been inadequate."

The Elected Mayor replied as follows:

"I am prepared to organise a meeting with you, Council Officers and Nexus.'

(ii) The following question had been submitted by Mrs R Mason of Monkseaton:

"What long term plans does the Elected Mayor have for Monkseaton Library?"

Councillor G Barrie replied on behalf of the Elected Mayor as follows:

“Monkseaton Library will remain as one of our vital community libraries.

I was pleased to report that during our community consultation over the Cabinet’s Budget proposals, significant passion and interest was expressed by the local community in supporting the continued provision of a library service in Monkseaton.

We will use the information obtained from the consultation to invite interested individuals to become involved in a library support group. This will help us to develop further community involvement and to engage with those who may be willing to assist the Council in delivering activities and identifying potential fund-raising opportunities.”

Mrs Mason asked the following supplementary question:

“In view of the difficulties associated with accessing the Council’s website, if changes come about how would we find out about them?”

Councillor Barrie replied as follows:

“We are currently updating the website and details will be published in due course. You are welcome to ring the Council at any time. Council Officers will be happy to keep you updated.”

(iii) The following question had been submitted by Mr H Porritt of West Allotment:

“Can the Mayor tell residents of sheltered accommodation why they are going to be left without warden cover for the majority of the day?”

The Elected Mayor replied as follows:

“I can assure Mr Porritt and all our residents that those in sheltered housing schemes will continue to receive a good standard of service from our warden team.

There will be a warden presence within our sheltered housing schemes each day Monday through to Friday.

Care call will also be available to provide a response where necessary as are the arrangements now.”

Mr Porritt asked the following supplementary question:

“Can the Mayor confirm tenants will be given the opportunity to keep a full time warden as requested by a petition signed by 790 petitioners to keep the service?”

(Mr Porritt requested that Council receive a petition which had been raised by the residents containing 790 signatures on saving wardens in the borough.)

The Elected Mayor replied as follows:

“There is a system in place for receiving petitions via the legal officers.

I cannot give any guarantees. We are looking at levels of warden cover in sheltered accommodation. I'm aware meetings are being held with Adult Social Care and service users, but that, I'm afraid, is what I can say to you at the moment.

I will ask the Cabinet leads for Housing and Adult Social Care to follow this through."

[Mr Porritt handed over a petition 'Save our Warden across North Tyneside' containing 790 signatures].

C139/03/12 Apologies

Apologies for absence were received from Councillors Mrs J M Bell, P Brooks, M Huscroft, M J Huscroft and K Osborne.

C140/03/12 Declarations of Interest

The following declarations of interest were made:

Item 1 - Public question No.3

Councillor M Green – personal interest – her mother was in a sheltered home.

Item 6 – Independent Review of the Provision of Support to the Role of Elected Mayor of North Tyneside

On behalf of the Conservative Group, Councillor M McIntyre requested that it be recorded that the Conservative Group, en bloc, had a prejudicial interest in relation to Item 6 above following legal advice on previous dispensations, by reason of their membership of the Conservative Party.

The Legal Officer explained that at the meeting of Council held on 29 July 2010, which had agreed the original motion, advice had been given to all Members concerning the position of the Conservative members in relation to the subject matter of the motion. It had at that point been determined that all Conservative members had a prejudicial interest in relation to the subject matter of the motion arising from their membership of the Conservative Party. The advice given to and acted upon at that Council meeting was that there was an overriding need to achieve fairness and transparency of the democratic process in a situation where a whole political group was precluded from participating in an item of business by reason of holding prejudicial interests.

The advice was that to prevent a failure of justice in consideration of an item, it was appropriate to invoke the doctrine of necessity to avoid the exclusion from the meeting of a political group. Provided that such Members transparently declared that interest they should, invoking that doctrine, be able to participate and vote on the item.

It was therefore considered proper that the same approach as that adopted at the meeting of 29 July 2010 be applied to consideration of the report received by Council pursuant to the motion of 29 July 2010.

Item 10 – Petition – Parking In Tynemouth

Councillor B Burdis – personal interest – his cousin has a business in Tynemouth.

C141/03/12 Minutes

Resolved that the minutes of the Meetings held on 26 January, 2 February, 9 February (Meeting 1), 15 February, 21 February and 1 March 2012 be taken as read and confirmed and signed by the Chair.

Councillor M McIntyre requested Council not to confirm the minutes of the meeting held on 9 February 2012 (Meeting 2), as a true record as he considered they did not accurately record the vote of no confidence that had been moved and seconded at that meeting.

Resolved that, with 32 Members voting in favour and 21 Members against, the minutes of the Meeting held on 9 February (Meeting 2) be taken as read and confirmed and signed by the Chair.

(Councillor M McIntyre requested that it be recorded that all Members of the Conservative Group present voted against the minutes being agreed as a correct record.)

C142/03/12 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 two items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1; and 3, 4 and 5 of Part 1 of Schedule 12A to the Act

C143/03/12 Independent Review of the Provision of Support to the Role of Elected Mayor of North Tyneside (Previous Minute C47/07/10)

A report was received which had been presented to the Overview and Scrutiny Committee on 6 February 2012. The report related to an investigation into the outstanding issues relating to the Independent Review of the provision of support to the Elected Mayor of North Tyneside (OV14/01/11 refers).

It was moved by Councillor Mrs J A Wallace and seconded by Councillor M McIntyre that:

“Council notes the report.”

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

An amendment was moved by Councillor C Gambling and seconded by Councillor D Corkey that:

“This report is deferred pending clarification being obtained on the following matters:

- Whether an intention or attempt to gain an unlawful payment or receiving such payment, no matter how small, would trigger a Section 151 Officer report.
- Whether invoices were put on the general ledger and then removed.
- Whether invoices were waiting to be paid, subject to a cost code being provided.

- Whether payments to the former Chief Executive between January - March 2010, prior to taking up his appointment, were included in the response to an FOI request (no. 4383).”

The motion, as amended, on being put the meeting, was approved by 35 votes to 19 votes.

C144/03/12 Equal Pay

A report was received which updated the Council on the resolution of equal pay claims and sought authority for future management of these matters.

It was moved by Councillor Mrs J A Wallace and seconded by Councillor M McIntyre that:

“Council:

- (a) notes the current position on the resolution of equal pay issues as set out in the report; and
- (b) approves expenditure to enable the resolution of equal pay claims in accordance with capitalisation and budget provision.”

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

The motion, on being put the meeting, was approved by 55 votes to 1 vote.

[The press and public were invited back into the meeting room for the remainder of the business].

C145/03/12 Motion deferred from the Extraordinary Council Meeting held on 9 February 2012 (Previous Minute C124/02/12)

Council received a revised motion following the deferment of a vote of no confidence in the Elected Mayor and Chief Executive that had been moved and seconded at the second Extraordinary meeting of the Council held on 9 February 2012, during consideration of a report which sought to explain matters related to the appointment to the post of Strategic Director of Strategic Services.

It was noted that at that meeting the Council had been cautioned that there was potential for defamation in relation to the proposed motion, as there was no clear evidence that anything had been untoward.

It was noted that the original motion submitted had been withdrawn and an amended motion submitted for Council’s consideration. Advice by way of caution was provided on the nature of defamation, the defence of qualified privilege available to Members of the Council and how such a defence may be lost.

It was moved by Councillor J M Allan and seconded by Councillor N Redfearn:

‘That this Council has no confidence in the Mayor and the Chief Executive.’

The motion, on being put the meeting, was approved by 37 votes to 19 votes.

C146/03/12 Motions

A Motion with notice, signed by Councillors J O'Shea, J M Allan, N Redfearn and B Caithness was submitted for consideration by Council.

It was moved by Councillor J O'Shea and seconded by Mrs L Arkley, Elected Mayor:

"That this Council calls upon the Chief Executive to prepare for the next Council meeting an action plan outlining arrangements for the implementation of the Council Budget and Strategic Plan agreed at the meeting of the Council on 1 March 2012.

Furthermore, a report outlining progress in implementing the Budget/Plan should be reported to each subsequent meeting of the Council."

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

C147/03/12 Petition – Parking in Tynemouth (Previous Minute C101/01/12)

Council received a report, which set out the viability of the objectives of a petition submitted to the Council by Tynemouth Business Forum and the outcome of dialogue with the Business Forum regarding parking issues in Tynemouth.

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 following dialogue with Tynemouth Business Forum and local residents.

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

" Council:

- (1) accepts the recommendations of the previous report relating to the viability of the petition's objectives as set out in section 1.5.1 of the report;
- (2) notes the information in the report regarding initiatives under consideration as set out in section 1.5.2 of the report; and
- (3) requests that officers continue regular dialogue with key stakeholders."

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

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

C148/03/12 North Tyneside Council Pay Policy

Council considered a report, which sought approval for the North Tyneside Council Pay Policy 2012/13, as set out in Appendix 1 to the report.

All local authorities were required by Section 38(1) of the Localism Act 2011 to prepare pay policy statements. These statements must articulate an authority's own policies towards a range of issues relating to the pay of its workforce, particularly its senior staff (or

‘chief officers’) and its lowest paid employees. Pay policy statements must be prepared for each financial year, beginning with 2012/13, approved by full Council and published.

This was the first year this would be required. Guidance had finally been published in February of this year in relation to the interpretation of the legislation and production of pay policy statements.

In addition the Code of Recommended Practice for Local Authorities on Data Transparency enshrined the principles of transparency and asked councils to follow three principles when publishing data they held:

- a) responding to public demand;
- b) releasing data in open formats available for re-use; and,
- c) releasing data in a timely way.

This included data on senior salaries and the structure of the Council’s workforce.

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

“Council approves the Pay Policy Statement for 2012/13, as set out in Appendix 1 to the report, and authorises publication of the Pay Policy Statement on the Council’s Website.”

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

An amendment was moved by Councillor J O’Shea and seconded by Councillor D Corkey that:

‘The pay policy report be deferred to enable clarification to be sought as to whether the policy can include a requirement to advise the Council whether a Chief Officer is engaged by the Council on a self-employed basis.’

The motion, as amended, on being put to the meeting, was approved 37 votes to 19 votes.

C149/03/12 The Localism Act 2011 – Appointment of Independent Person (Previous Minute C104/01/12)

Council considered a report, which sought delegated authority for the Head of Legal, Governance and Commercial Services, in consultation with the Working Group established in accordance with Council’s decision on 26 January 2012, to commence the process of the selection of Independent Persons in accordance with the requirements of the Localism Act 2011.

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

‘The Monitoring Officer:

- (a) be requested, in consultation with the Working Group and the Standards Committee, to produce a Job Outline and Person Specification for the role of Independent Person;
- (b) be authorised, in consultation with the Working Group, to:

- i. take all appropriate steps including advertising in local publications and on the Council's website, to secure applicants for the role of Independent Persons(s); and
- ii. shortlist and interview candidates and recommend to Council for appointment suitable candidates for the role of Independent Person(s) at the Annual Council Meeting on 17 May 2012; and

(c) in consultation with the Working Group, recommend to Council at the Annual Council Meeting on 17 May 2012, the level of allowance to be paid to Independent Person(s).

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

C150/03/12 Commencement Times of Meetings 2012/13 (Previous Minute C106/01/12)

The Council received a report detailing the results of a survey of elected Members that had been carried out to obtain their availability or otherwise to attend some daytime meetings.

It was moved by Mrs L Arkley, Elected Mayor and seconded by Councillor M McIntyre that:

"Council authorises the Chief Executive, in consultation with Group Leaders, to select a number of committees to commence their meetings during the daytime in the 2012/13 Municipal Year on a trial basis."

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 JM Allan, as follows:

"To replace 'select' with 'suggest' and to add the following sentence: 'The suggestions to be circulated to all Members by the end of March'."

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

"Council authorises the Chief Executive, in consultation with Group Leaders, to suggest a number of committees to commence their meetings during the daytime in the 2012/13 Municipal Year on a trial basis. The suggestions to be circulated to all Members by the end of March."

C151/03/12 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.

C152/03/12 Chair's Announcements

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

- Citizenship ceremonies
- A visit to the Illustrious carrier ship
- A meeting with members of a Dutch Frigate ship

The Chair thanked those Councillors – Mrs J M Bell, L Birkenfield, N Peggs and Mrs B E Stevens - who would not be seeking re-election in May for their services to the Council. A number of Members in turn paid tribute to those retiring Members.

C153/03/12 Elected Mayor's Announcements

The Mayor referred to the positive developments locally brought about by the activity of the Council and of partners.

She stated that since the turn of the year, the Council had played a part in attracting what could amount to 1,400 jobs in the Borough.

The Mayor informed Council that the Enterprise Zone had been subject to intensive work in the past six months and the Council and its partners were now ready for this to go live. Some of the companies on the North Bank had hugely impressive expansion plans for the future, which would not just benefit its immediate surrounding area, but the whole of the Borough and beyond.

The Mayor announced that 24 new affordable apartments were open at Northumberland Square, North Shields, which had been developed with Home Housing. Eden Court in Wallsend was also now open and work had also started on Wallsend Park.

The Mayor referred to the highly successful Global Rainbow along the coast for four days, which had produced positive coverage for North Tyneside, its people and its assets. The Mayor stated that the Council now had a General Power of Competence which allowed the Council greater freedoms than the previous power of well being. The Council was looking closely at this for residents, communities and businesses.

She informed Council that opportunities for external funding provided by Government would continue to be sought. The Coastal Communities Fund offered the chance to attract further money for a range of schemes, and the opportunity to become a 'Portas' pilot was also being explored. Many of her recommendations were already in place in town centres, and further help would be offered to retail centres subject to further funding.

The Council was supporting businesses however it could. The third round of the Regional Growth Fund was now open, but the Mayor said she had raised with senior Ministers the difficulties of money taking too long to come through and that they had listened and promised to act.

The Mayor announced that she had recently highlighted to the Minister for Media, Culture and Sport the steps the Council had taken towards implementing high-speed broadband. She had assured him the Council was ahead of Government targets for their national rollout.

The Mayor stated that in February, she had spoken alongside the Employment Minister, Chris Grayling, discussing the Council's actions to stimulate jobs and employment and to develop apprenticeships both within the Council and outside with businesses and industry.

The Mayor referred to the building of new houses; the creation of 3,000 jobs since June 2009, not including the 1,400 previously mentioned; major transport schemes such as the second Tyne Tunnel; the strong co-ordinated plan with partners for the North Bank of the Tyne; and the greater satisfaction with services and the Council's performance. She also

made reference to her work with residents and business in the Borough and in making a difference.

She stated that the Council continued to create jobs, attract investment, provide high quality value for money services and protect the vulnerable, which she believed was a testament to the strong leadership, hard work and determination of the Council's leaders and its staff.

C154/03/12 Questions by Members of the Council

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

“Could the Mayor advise us on the steps that can be taken by the Council to control car clamping activities in Town Centres such as Wallsend?”

The Elected Mayor replied as follows:

“The Protection of Freedoms Bill, currently proceeding through Parliament, will make car clamping on private land illegal when it comes into force later this year.

The only known use of private car clamping in the borough has been a small number of instances in the private car park within the Forum Shopping Centre. This car park is operated by a private contractor and was an existing lease inherited by the new owners when they purchased the property. Following correspondence from residents to my office, Council officers asked the new owners to approach the car park contractor about the excessive use of car clamping for users who exceed their parking ticket time. The new owners, who are also unhappy at their approach, have therefore asked the contractor to erect clearer signs about the potential use of clamping and also extend the period of grace before any clamping takes place.

I will be monitoring this to ensure these examples are not repeated.”