

Local Government Act 1972

Borough of North Tyneside

26 July 2012

At the meeting of the Council of the Borough of North Tyneside duly convened and held on Thursday 26 July 2012 immediately following the reconvened meeting in The Chamber at Quadrant at which a quorum of Members were present, that is to say: -

Present

Councillor F Lott (In the Chair)

Mrs L Arkley (Elected Mayor)

Councillor A Arkle	Councillor D W Lilly
Councillor A Austin	Councillor G Madden
Councillor K Barrie	Councillor M Madden
Councillor G Bell	Councillor P Mason
Councillor P Brooks	Councillor D McGarr
Councillor B Burdis	Councillor Mrs P McIntyre
Councillor W Caithness	Councillor J McLaughlin
Councillor K A Conroy	Councillor A McMullen
Councillor D Corkey	Councillor L J Miller
Councillor A Cowie	Councillor Mrs S E Mortimer
Councillor S Cox	Councillor T Mulvenna
Councillor L Darke	Councillor A Normand
Councillor C Davis	Councillor P Oliver
Councillor S Day	Councillor D Ord
Councillor M Finlay	Councillor K Osborne
Councillor C A Gambling	Councillor J O'Shea
Councillor R Glindon	Councillor C B Pickard
Councillor S Graham	Councillor M G Rankin
Councillor I R Grayson	Councillor N Redfearn
Councillor M A Green	Councillor D Sarin
Councillor S Hill	Councillor L A Spillard
Councillor E Hodson	Councillor J J Stirling
Councillor Janet Hunter	Councillor A Waggott-Fairley
Councillor John Hunter	Councillor J I Walker
Councillor M Huscroft	Councillor Mrs J A Wallace
Councillor N J Huscroft	Councillor G Westwater
Councillor C Johnson	

C46/07/12 Public Questions

(i) The following question was asked by Mr C Croft of Wallsend:

‘Would the Mayor please explain why applications for Mobile Phone Masts in North Tyneside are dealt with in what appears to be an unfair manner? For instance, Mast applications with large numbers of resident objections are granted on appeal whereas applications with few, or no, resident objections are rejected. The concerns of many worried, concerned residents right across the borough are being ignored?’

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

‘Applications for mobile phone masts are assessed against national and local planning policy which states that high quality communications infrastructure is essential for sustainable economic growth.

Planning Policy Guidance stipulates that strength of public opposition to proposed development is not in itself a reasonable ground for refusing planning permission. If public opposition is to be given weight in reaching a decision this has to be based on valid planning reasons which can be supported by evidence. In each case which goes to appeal the Council presents evidence to substantiate the reasons for refusal.

Planning Inspectors must also consider the planning merits of each case that they determine and reach a decision based on clearly evidenced planning grounds.’

Mr Croft asked the following supplementary question:

‘Will the Mayor meet with our group and other residents of Wallsend, as Northumberland seem to be able to get orders for exclusion zones, and whilst North Tyneside Council have the powers, they choose not to use them?’

The Elected Mayor replied as follows:

‘I will meet with you to have that discussion.’

(ii) The following question was asked by Mrs E Furness of Whitley Bay:

‘Can the Mayor confirm that the Council expenditure in the financial year just ending did not exceed the budget?’

The Elected Mayor replied as follows:

‘The last financial year ended on 31 March 2012. I am pleased to confirm that the Council’s General Fund Revenue budget ended the year with a small underspend of £58,000 – this is the budget for the day to day running of the Council, excluding housing and education.

The outturn position was reported to Cabinet on 11 June 2012 and was also discussed by Finance Sub-Committee on 20 June 2012. This position is also included in the Council’s Accounts, which are currently being reviewed by our External Auditors.

Our Housing Revenue Account and Schools Balances positions were also included in this report and I can confirm that these areas are also on or better than budget at the end of March.

Last year the General Fund had a net revenue budget of nearly £176 million, which included over £16 million of Change, Efficiency and Improvement savings. Throughout the year we have undertaken detailed and prudent management of the budgets to ensure that action was taken to address any financial pressures that arose.'

Mrs Furness asked the following supplementary question:

'Were reserves used to balance the budget'?

The Elected Mayor replied as follows:

'Absolutely not, the use of the reserves during the year was in line with budget plans. In fact, the underspend for the year has been added to the Strategic Reserve.'

C47/07/12 Apologies

Apologies for absence were received from Councillors J M Allan, E N Darke, J L L Harrison, J Munby, J Pickard, and J Rutherford.

C48/07/12 Declarations of Interest

The following declarations of interest were made:

Item 5a – Urgent Motion

Councillor M Rankin – non-registerable interest – partner works for North Tyneside Council and was directly affected by the proposal.

C49/07/12 Motion deferred from the rearranged Council meeting held on 4 July 2012

At the rearranged meeting of the Council held on 4 July 2012, consideration had been given to the following motion that had been moved by Councillor J O'Shea and seconded by Councillor S Graham:

"That this Council is concerned that the decision to make a permanent appointment of Chief Executive is being further delayed to beyond May 2013 by the Elected Mayor. This Council feels that it is in the best interests of North Tyneside to make a permanent appointment as soon as possible to stabilise the Council during a significant organisational change in the provision of Council services. Council therefore instructs the Head of Paid Service to commence this recruitment process without delay."

The motion had been deferred in order that further legal advice was provided in relation to the last sentence. Accordingly, legal advice had subsequently been circulated to all Members, which stated, amongst other things, that it was Cabinet's responsibility to

determine whether a recruitment process was commenced with a view to making a permanent appointment to the post of Chief Executive.

It was moved by Councillor J O'Shea and seconded by Councillor N Redfearn that:

'The motion be altered by replacing 'instructs the Head of Paid Service' with 'requests the Cabinet'.

The Council consented to the alteration.

The motion, as altered, on being put the meeting, was approved 38 votes to 17 votes.

C50/07/12 Urgent Motion

[Councillor M Rankin withdrew from the meeting for the duration of the discussion on this item.]

The Chair informed the Council that he had agreed to the following urgent motion, signed by Councillors J M Allan, J O'Shea, N Redfearn, C Davis and L Spillard, being considered at the meeting,

"This motion calls on the Cabinet to delay the outsourcing process. The reason to request the delay is to allow a more detailed analysis of the whole risks of outsourcing. This will allow more time to research the potential bidders and identify any risks, but it also allows the Cabinet the opportunity to assess any potential in-house options which will allow the savings to be made".

The reasons for urgency, agreed by the Chair of Council, were as follows:

'Given that the Cabinet will be deliberating the outsourcing of services at an Extraordinary Cabinet meeting on 2 August 2012, it is appropriate that the full Council has the opportunity to debate and deliberate the process and make recommendations to Cabinet before they make a decision on this important matter.'

An amendment was moved by Councillor D McGarr and seconded by Councillor G Bell to read as follows:

'This motion calls on the Cabinet to delay the outsourcing process. The reason to request the delay is that the decision will affect service delivery for the next 10 to 15 years and as such the Mayor should allow the full Council to consider and debate a detailed analysis of the whole risks of outsourcing. It will allow more time to research the potential bidders and identify any risks, but it also allows the Cabinet the opportunity to assess any potential in-house options which will allow the savings to be made.'

The Chair advised the Council that the original Motion had not been formally moved and seconded, and he requested the Council's consent to proceed in considering the amendment.

The Council agreed.

The amendment, on being to the meeting, was approved by 39 votes to 13 votes.

The motion, as amended, on being to the meeting, was approved by 39 votes to 13 votes.

C51/07/12 Motions

(i) A Motion with notice, signed by Councillors E N Darke, J O'Shea, N Redfearn and D McGarr was submitted for consideration by Council

It was moved by Councillor I Grayson and seconded by Councillor L Darke that:

"Council wholeheartedly congratulates those Council staff, the Emergency Services, Community and Voluntary Groups and individuals who supported local residents during the recent catastrophic flooding of "Thunder Thursday".

Council will endeavour to take all possible actions to prevent a recurrence of these events and calls upon Central Government and other agencies to assist the Council in this endeavour by way of funding a study of those areas in the Borough affected by the flooding in the recent past and in particular those areas which have been affected 3 times in the last 5 years. The study will help identify measures which could prevent or reduce flooding in the future.

In addition, Council calls upon the Cabinet to bring forward, by no later than 30 September 2012, plans to establish/or extend the current insurance scheme available to Council house tenants, as a means of providing reassurances to those residents of the Borough who may find themselves, as a consequence of flooding, unable to secure House and Contents insurance on an individual basis".

Following discussions, Councillor I Grayson informed Council that he wished to alter the Motion, as follows:

'Replace 'establish/or extend' in the second line of the third paragraph with 'discuss the establishment or extension of'.'

The Council consented to the alteration.

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

C52/07/12 Foxhunters Playing Fields - New Sports Pavilion: Addendum report (Previous Minute C30/07/12)

At its meeting held on 4 July 2012 Council had considered a report setting out proposals for a new sports pavilion at Foxhunters Playing Fields, and seeking Council's endorsement of the scheme and approval of the financial implications associated with supporting the scheme.

Council had agreed to defer the decision until 26 July 2012 to allow for alternative financial considerations to be prepared. Accordingly, an addendum report which provided additional financial information had subsequently been circulated to all Members.

It was moved by Mrs L Arkley, Elected Mayor and seconded by Councillor G Westwater that:

‘Council

- (1) notes the further information contained in this addendum report;
- (2) endorses the proposed development of a new sports pavilion and associated facilities at Foxhunters Playing Fields, in accordance with the scheme described in the report; and
- (3) approves the scheme being moved from the Capital Plan reserve list on to the main Capital Plan and the additional borrowing of up to £1.087m and approve the increase to the prudential indicators that will be necessary as a result of the additional borrowing.’

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

Votes for the Motion

Mrs L Arkley, Elected Mayor, Councillors A Arkle, A Austin, K Barrie, G Bell, P Brooks, B Burdis, W Caithness, K A Conroy, D Corkey, A Cowie, S L Cox, L Darke, C Davis, S Day, M A Finlay, A Gambling, R Glindon, S Graham, I Grayson, M A Green, S Hill, E Hodson, Janet Hunter, John Hunter, M Huscroft, N J Huscroft, C Johnson, D Lilly, F Lott, D McGarr, P McIntyre, J McLaughlin, A McMullen, G Madden, M Madden, P Mason, L Miller, Mrs S E Mortimer, T Mulvenna, A Normand, P Oliver, D Ord, K Osborne, J O’Shea, C B Pickard, M Rankin, N Redfearn, D Sarin, L A Spillard, J J Stirling, A Waggott-Fairley, J I Walker, Mrs J A Wallace and G Westwater.

Votes against the Motion

No votes against the motion were recorded.

The Motion, on being put to the meeting, was approved by 55 votes to 0 votes.

C53/07/12 Council Strategic Plan and 2012/13 Budget – Implementation Plan (Previous Minute C38/07/12)

An updated version of the Council Strategic Plan and 2012/13 Budget – Implementation Plan had been circulated to all Members.

The Implementation Plan, attached at Appendix 1 to the report, listed (in summary) the proposals contained within the agreed Budget 2012/13 and Council Strategic Plan 2012/15 which had effectively proposed amendments to the Cabinet proposals which were in all other respects unaltered. It indicated the steps being taken by Cabinet up to and including the 9 July Cabinet meeting. Decisions were being taken by Cabinet once reports had been prepared and considered. Revisions to the Implementation Plan had been agreed by Cabinet at Meetings on 28 March, 16 April, 14 May, 11 June and 9 July 2012 as decisions were taken. It would be reported to each Cabinet meeting until all the proposals had been considered and, where appropriate, implemented.

Following each Cabinet meeting the Implementation Plan was being offered to Overview and Scrutiny Committee for consideration and then reconsidered by Cabinet at the next Cabinet meeting alongside any comments received from Overview and Scrutiny Committee.

Following a request from Council on 15 March 2012 the report outlining implementation of the items in the Implementation Plan was being submitted to Council and further updated progress reports would be submitted to each subsequent Council meeting in 2012/13. It would also be reported to Overview and Scrutiny Committee alongside the existing Performance Reports on the Change, Efficiency and Improvement Programme (in year and future years) and the budget (usually to Finance Sub-Committee on behalf of Overview and Scrutiny Committee).

The Mayor undertook to arrange for written responses to be provided to all Members of the Council in relation to queries raised by Members about the costs associated with the extension of the Interim Chief Executive's contract to the end of May 2013.

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

"Council notes the progress in implementing the Council Strategic Plan 2012/15 and the Budget 2012/13."

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

C54/07/12 Report of the Independent Remuneration Panel

The Council received a report from the Independent Remuneration Panel, which made a number of recommendations in respect of the Members' Allowance Scheme 2012/13.

In the absence of the Chair of the Independent Remuneration Panel who was unable to attend the meeting, the Interim Chief Executive introduced the report.

The Council was requested to consider recommendations of the Independent Remuneration Panel in relation to the Members' Allowance Scheme for 2012/13, a proposal to delegate the adoption of the Members Allowance Scheme in future and also some specific matters which the Council had requested the Panel to look at, namely:

- A cap of £50,000 on any allowance paid under the Members' Allowances Scheme;
- Representations in respect of a national Members' Allowances Scheme;
- The amount paid under the Scheme in respect of Dependent Carers Allowances; and
- The Level of Special Responsibility Allowance to be paid for the positions of Chair and Deputy Chair of the recently established Governance Committee.

In summary, the Panel's conclusions and recommendations were that:

- The Panel believes that the Council's scheme of allowances is out of line significantly with national and regional allowances and it does not recognise the qualities and time commitment required to fulfil the role of Councillor, nor does it provide adequate recompense for undertaking the various councillor/civic roles. With this in mind, the Panel does not believe it would be appropriate to introduce a cap on the level of allowances paid under the Members Allowances Scheme;
- The Panel does not support an approach to government regarding a national scheme of members' allowances as it does not believe this would succeed; however the Panel

recommends that officers examine with other local authorities in the area the introduction of a regional Members' Allowances Scheme;

- No increase should be made to the level of Dependent Carers Allowance at the present time, but this issue is considered as part of a full review of the Scheme;
- The Special Responsibility Allowances payable to the Chair and Deputy Chair of the newly established Governance Committee be set in accordance with the Allowances paid to the Chair and Deputy Chair of a 'major' committee under the current Members Allowances Scheme, ie £3,003 and £2,100 respectively; and
- The Panel had concurred with the views previously expressed by the Strategic Leadership Group that no increases in allowances should be approved for 2012-13 in view of the current economic climate and the financial pressures currently facing local authorities and that the Scheme for 2012-13, set out as an Appendix to the report, be approved subject to the deletion of allowances paid in respect of the former Standards Committee and insertion of special responsibility allowances in respect of the Governance Committee. However the Panel did intend to undertake a full review of the Members' Allowances Scheme prior to the Council's consideration of the 2013/14 allowances.

In addition, given the sensitivity surrounding the allowances provided to Members, the Council was requested to consider delegating authority to adopt a Members' Allowances Scheme each year following the forthcoming review to the Council's Chief Executive, in consultation with the Section 151 Officer. This would require an amendment to the Council's Constitution and the Officer Delegation Scheme.

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

'Council

- (1) approves the recommendations of the Independent Remuneration Panel;
- (2) refers to the Constitution Task Group to consider:
 - i) an amendment to Article 4 of the Constitution to remove the reservation of the adoption of the Members' Allowances Scheme to Full Council ; and
 - ii) a delegation to the Council's Chief Executive, in consultation with the Section 151 Officer, to receive or consider reports and recommendations of the Council's Independent Remuneration Panel and if appropriate to agree those recommendations and the timescale and process for the implementation of such recommendations; and
- (3) approves the Members' Allowances Scheme for 2012/13, subject to the deletion of the allowances paid in respect of the former Standards Committee and the insertion of allowances paid to the Chair and Deputy Chair of the Governance Committee as detailed in recommendation 4.4 of the report of the Independent Remuneration Panel.'

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

'The Council approves the introduction of a cap of £50,000 on any allowance paid under the Members' Allowances Scheme.'

Following discussions, the mover of the amendment withdrew the amendment, with the consent of both the seconder and the meeting.

The motion, on being put to the meeting, was approved by 51 votes to 0 votes.

C55/07/12 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.

C56/07/12 Chair's Announcements

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

Southlands School Year 11 Record of Achievement Ceremony
Met with Princess Anne – Lilley and Gillie
Official Opening of Tynemouth Station
Mouth of the Tyne Festival VIP Reception
Friendship Games Event and River Cruise
HMS Tyne Luncheon with Captain
HMS Tyne Official Reception
Performance of Heston (Hartley Pit Disaster)
Official Opening of Tyne Tunnel 2 - with the Queen & Prince Philip
The Queen's Jubilee Celebrations Gateshead Council
McGlade School of Dance
Dance Kaleidoscope Theatre
Sunderland Air Show
Longbenton and Killingworth Rotary Awards Evening for Young People

C57/07/12 Elected Mayor's Announcements

The Mayor informed Council that she continued to hold meetings with Cabinet members, officers of the Council and other partners in her role as Elected Mayor of North Tyneside, to deliver the priorities identified by the residents of the Borough.

She informed the Council that the Government had now confirmed the preferred option for the upgrade of the Silverlink junction.

She made reference to the Chess Championships that were taking place at The Parks Leisure Centre, coverage of which would be seen all around the world.

She finally thanked those Council staff, the Emergency Services, Community and Voluntary Groups and individuals who had supported local residents during the recent flooding.

C58/07/12 Questions by Members of the Council

Councillor I Grayson informed Council he had withdrawn three questions of which he had given notice.

1. Question to the Elected Mayor by Councillor D Ord

'The budget passed by Council allowed for the ring-fencing of the proceeds from the sale of the land that was the site of the Wallsend Boys Club on Station Road. As there is an extant long-lease, this reflects the intention of Council to support Wallsend Boys Club.

The money raised would be extremely helpful to the Boys Club in raising other funding. Would the Mayor inform us of progress made to this end?'

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

'Ever since the collapse of the north wall of the Boys Club Station Road building in January, Council Officers have been meeting regularly with the Trustees of Wallsend Boys Club. Those meetings have included support to the Boys Club as they develop their plans for the future and advice on the potential funding routes available to them.

On the 13th July the Trustees formally notified the Council of their desire to negotiate the surrender of their leases at the Station Road site. Officers are in the process of agreeing a settlement with the Boys Club in order to release funding as quickly as possible. We expect to conclude those discussions in the next few weeks.'

2. Question to the Elected Mayor by Councillor D Ord

'Given the closure of Dorset House, would the Mayor inform Council of the progress made towards the future utilisation of this site?'

Councillor L Miller replied on behalf of the Elected Mayor as follows:

'I can confirm that the Council is seeking to declare the site of Dorset House surplus to requirements. It is intended that a report is submitted to Cabinet on 13th August for consideration and subject to approval the site will be marketed for disposal shortly thereafter.

In accordance with the established process, Members will receive details of this site, together with details of other suitable sites to be considered for disposal, in the Members newsletter week commencing 6 August, ahead of the Cabinet meeting.'

3. Question to the Elected Mayor by Councillor D Sarin

'Last year Council agreed to provide a joint guarantee for 4 organisations 'Percy Hedley Foundation, Disability North, Tyne and Wear Enterprise Trust Limited and the North-East Regional Employers Organisation', and a sole guarantee for the Wallsend Hall Enterprise (previously Wallsend People's Centre) relating to their pension contributions to the Tyne and Wear Pension Fund.

I ask the Mayor to confirm that the sums due from these organisations to the Pension Fund have been paid up to date?'

Councillor Mrs J A Wallace replied on behalf of the Elected Mayor as follows:

'It is important that the Council keeps a careful check on all of its finances. The Pension Fund position is an important part of this.

Council should note that there are other existing pension guarantees in place over and above the 4 organisations noted in Councillor Sarin's question. These include, for example, the Airport and Kier North Tyneside.

The Tyne and Wear Pension Fund keeps us informed of any potential financial issues with organisations that we guarantee in the Fund, and our year-end financial procedures include contacting all organisations to ask them to confirm their financial position.

Unfortunately there are a couple of organisations which have not made their full pension contributions, but we are monitoring the situation closely with those organisations and the Pension Fund. One of these is Wallsend Hall Enterprises [formerly Wallsend People's Centre]. Given the ongoing, commercially sensitive discussions it is not appropriate to disclose any specific amounts.

However, we do not at present expect that the pensions guarantee will be called on. If the guarantee was called on, it would create an immediate financial pressure on the Council's revenue budget in 2012/13. We will continue to work with the organisations and the Pension Fund to find a mutually agreeable way forward.

I can reassure Council that if any pension guarantee were to crystallise, this would be reported as a matter of urgency through our budget monitoring reports.'

C59/07/12 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 of Schedule 12A to the Act.

C60/07/12 Independent Review of the Provision of Support to the Role of the Elected Mayor of North Tyneside (Previous Minutes C143/03/12 and C41/07/12)

The Council received a report which provided clarification on issues raised at the Council meeting on 15 March 2012 in relation to the provision of support to the role of the Elected Mayor of North Tyneside. Two further reports had been subsequently circulated to all Members of the Council to provide background information, ie the report to the Council on 15 March 2012 and the report to the Overview and Scrutiny Committee on 6 February 2012.

It was moved by Mrs L Arkley, Elected Mayor and duly seconded that:

'Council notes the report.'

The Council agreed.