

Local Government Act 1972

Borough of North Tyneside

14 March 2013

At the meeting of the Council of the Borough of North Tyneside duly convened and held on Thursday 14 March 2013 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 J M Allan	Councillor N J Huscroft
Councillor A Arkle	Councillor C Johnson
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 E N Darke	Councillor P Oliver
Councillor L Darke	Councillor D Ord
Councillor C Davis	Councillor J O'Shea
Councillor S Day	Councillor C B Pickard
Councillor M Finlay	Councillor J Pickard
Councillor C A Gambling	Councillor M G Rankin
Councillor R Glindon	Councillor N Redfearn
Councillor S Graham	Councillor D Sarin
Councillor M A Green	Councillor L A Spillard
Councillor J L L Harrison	Councillor J J Stirling
Councillor E Hodson	Councillor A Waggott-Fairley
Councillor Janet Hunter	Councillor J Walker
Councillor John Hunter	Councillor Mrs J A Wallace
Councillor M Huscroft	Councillor G Westwater
Councillor M J Huscroft	

In attendance via Skype: Councillor J Munby

C157/03/13 Chair's Remarks

This was the first full Council meeting that Councillor Munby has been able to participate in remotely via Skype.

C158/03/13 Public Questions

A procedural motion was moved by Councillor J Allan and seconded by Councillor N Redfearn as follows:

“public question (3) in the agenda papers submitted by Mrs Barrie of North Shields - ‘Does the Elected Mayor agree that the use of inflammatory language in Council meetings should be avoided?’, be referred to the Governance Committee for consideration.”

The procedural Motion, on being put to the meeting, was approved by 35 votes to 11 votes.

(1) The following question was asked by Mr M Nugent of Wallsend:

‘Could the Mayor tell me who within North Tyneside Council authorised the use of a commercial building on the Swan Hunters site for the housing of non EU workers knowing that this building did not have adequate welfare facilities for such a large number of employees and did not comply with fire regulations for a domestic building?’

The Elected replied as follows:

‘The Swan Hunters site is managed through a joint venture scheme between North Tyneside Council and the Homes and Communities Agency.

As part of this arrangement we have an annual work programme, which allows Council officers (under delegated powers) to grant tenancy agreements. A tenancy was granted to a local company to use this block.

The use of this building for accommodation purposes was already established when the Council acquired the site in 2009 as the buildings had been in regular use and were therefore fitted out for this intended purpose by Swan Hunters between 1996 – 1998.

Following a recent inspection of the accommodation block by the Fire and Rescue Service a number of improvements were identified. Both the Council and WD Close, who are the tenant, have worked together to undertake the improvements specified by the Fire and Rescue Service.

The Licence to occupy was authorised by Council officers in accordance with the Council’s Scheme of Delegation.’

(2) The following question was asked by Mr A Elliott of West Moor:

‘Can the Elected Mayor confirm that the Council's expenditure on consultants and on agency workers has been reduced when compared with the four years that the last Labour Mayor was in office?’

The Elected Mayor replied as follows:

‘The costs for consultants and agency staff have already been reduced significantly since 2009.

In 2009/10 consultants cost the Council £5 million, having almost doubled during the previous mayoral term. In comparison I have reduced these costs down to a third of the figure I inherited.

For agency staff it is a similar picture. In 2009 the costs were £5.19 million in comparison to this year which will be £440,000.’

(3) The following question was asked by Miss B Sewell of West Moor:

‘Bearing in mind the problems with flooding last summer and autumn, can the Elected Mayor tell me what work the Council is doing to improve the situation?’

The Elected Mayor replied as follows:

‘Following the widespread devastation caused by last year’s flooding it was of paramount importance to tackle the issue as a matter of priority. I therefore established a flooding task and finish group made up of Council experts and key external partners such as Northumbrian Water Ltd, the Environment Agency and the emergency services.

The task and finish group identified a number of initiatives that would help to address the flooding issue and these have since been developed to produce the following outcomes:

- Gaining a better understanding and management of our existing drainage maintenance regimes;
- Reviewing and confirming the exact roles and responsibilities of each partner organisation;
- Improvements in the Council’s flooding emergency response procedures; and
- Recognition that communities need to be informed about how they can help themselves in terms of reducing flood risk.

A further key outcome was the establishment of the North Tyneside Surface Water & Drainage Partnership. This brings together the Council and its various other partner agencies. It also includes our new technical partner, Capita Symonds who are able to provide a wealth of additional engineering expertise in drainage.

This long term partnership is committed to reducing flood risk across the Borough. There will be a strong emphasis on engagement with communities so that residents can find out how the Council can assist them and what they can do themselves to help protect their homes. An open day will take place on Saturday 16th March at our Quadrant where residents can access further information.

The Partnership has also produced a Local Flood Risk Management Strategy. This contains an action plan for the development of flood risk improvement schemes at various sites across the Borough. Around 20 schemes are ongoing at present and some of these will result in major improvement schemes such as the construction of large retention ponds upstream from vulnerable properties.

I have allocated £4.75million of new capital money to support this work over the next 3 years.

In addition I am pleased that the Chairs of the Area Forums agreed to earmark additional funding, which is needed to help deliver the improvements, from the current Area Forums budget.

If Miss Sewell would like specific details of the work that is being undertaken in the West Moor area I would encourage her to get in touch with the Council's Surface Water Team or contact me directly and we will be pleased to assist. In addition it would be really good to see you at the open day event on the 16th.

C159/03/13 Apologies

Apologies for absence were received from Councillors I Grayson, S Hill, D Lilly, A Normand and K Osborne.

C160/03/13 Declarations of Interest

The following declarations of interest were made:

Item 8: Longbenton Voluntary Aided Schools

Councillor E N Darke – registerable personal interest – Chair of St. Stephen's RC School and Governor.

C161/03/13 Minutes

The Council was requested to confirm the minutes of the meetings held on 29 November 2012 (reconvened on 24 January 2013); 24 January 2013 (reconvened on 30 January 2013); 7 February 2013 (Extraordinary Meeting - submission of Cabinet's budget proposals); 7 February 2013 (Extraordinary Meeting - Kings Priory Academy Proposals); 21 February 2013 (reconvened on 27 February 2013); and 5 March 2013.

A motion procedural motion was moved by Councillor Mrs J Wallace and seconded by Councillor G Westwater that:

'a correction to the minutes of the Council meeting held on 27 February 2013 (reconvened from 21 February 2013) be made in relation Minute C151/02/13 - 2013-2015 Financial Planning and Budget Process: Budget and Council Tax Requirement Resolution for 2013/14, as set out in paragraphs 5 to 10 of the minutes, and circulated around the Chamber as follows:

'Councillor Graham continued with a question to the Elected Mayor, referring to the £6 million of ERDF funding for the former Swan Hunter's site and the associated tight timescales; then the questioner referred to the Elected Mayor permitting illegal non-EU workers and whether there was a business risk in allowing Eastern European workers to be accommodated on the site in poor and unsuitable accommodation; and whether this

was exploitation of these workers. ~~; and whether this had been allowed by the Elected Mayor.~~

The Elected Mayor responded by stating that was incitement and asking the Councillor to withdraw the question and requested that the Councillor stand down if she did not withdraw the question.

The Elected Mayor repeated this statement on a number of occasions.

The Chair asked the Elected Mayor to refrain from speaking and to sit down on a number of occasions. However, she declined to do so.

At this point the Chair suspended the meeting and requested the Elected Mayor to join him to discuss the matter in private.

Upon the recommencement of the meeting, the Chair stated that he had spoken to the Elected Mayor who had confirmed that she would respect the Chair. Councillor Allan, on behalf of the Labour Group, requested that the Elected Mayor be required to give an apology to the meeting.'

At this point the Chair announced a short adjournment.

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

Votes for the procedural motion

Mrs L Arkley, Elected Mayor, Councillors K Barrie, M A Finlay, E Hodson, M Huscroft, M J Huscroft, J McLaughlin, P Mason, L Miller, Mrs S E Mortimer, D Sarin, Mrs J A Wallace and G Westwater.

Votes against the procedural motion

Councillors J M Allan, A Arkle, G Bell, B Burdis, W Caithness, K A Conroy, D Corkey, A Cowie, S L Cox, E N Darke, L Darke, C Davis, C A Gambling, R Glindon, S Graham, M A Green, J L L Harrison, Janet Hunter, John Hunter, C Johnson, F Lott, G Madden, M Madden, A McMullen, T Mulvenna, J O'Shea, C B Pickard, J Pickard, M Rankin, N Redfearn, L A Spillard, J J Stirling, A Waggott-Fairley and J I Walker.

Abstentions

Councillors S Day, N J Huscroft, D McGarr, P Oliver and D Ord.

(nb Councillors A Austin, P Brooks and P McIntyre were not present at the time the vote was taken).

The procedural motion, on being put to the meeting, was defeated by 34 votes to 13 votes, with 5 abstentions.

Resolved that the minutes of the meetings held on 29 November 2012 (reconvened on 24 January 2013); 24 January 2013 (reconvened on 30 January 2013); 7 February 2013 (Extraordinary Meeting - submission of Cabinet's budget proposals); 7 February 2013 (Extraordinary Meeting - Kings Priory Academy Proposals); 21 February 2013 (reconvened on 27 February 2013); and 5 March 2013 be taken as read and confirmed and signed by the Chair.

At this point the Chair announced that he intended to re-order the business of the meeting by taking item 8 as the next item (Longbenton Voluntary Aided Schools); followed by item 7 (Members' Allowance Scheme - Report of the Independent Remuneration Panel); and then take item 5 (deferred motion); then item 6 (motions) and then item 9 (Pay Policy Statement 2013/14) and then continue with the order as set out on the agenda.

C162/03/13 Longbenton Voluntary Aided Schools

The Council received a report which provided additional information in relation to a report submitted to the Council meeting held on 24 January 2013 (reconvened to 30 January 2013). The matter had been deferred to enable updated information to be provided in respect of the capital funding allocations announced on 1 March 2013 by the Secretary of State for Education and details of costs of furnishings and equipment for the new building.

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

'Council:

- (1) notes the further information contained in the addendum report;
- (2)(a) notes the unsupported borrowing of up to £2.2m to bridge the identified affordability gap, in advance of securing capital receipts, to assist with the delivery of the new schools project, as agreed by Council on 5 March 2013; and
- (b) in view of the overall level of borrowing associated with the project, approves additional unsupported borrowing of up to £0.970m to bridge the affordability gap due to the potential reduced levels of voluntary aided capital funding contribution towards the project (£0.770m) (referred to at (3) below), and to take into account the potential cost of replacing or providing the additional furniture and equipment for the new schools (£0.200m); and
- (3) notes the voluntary aided capital contribution of £0.230m for 2013/14 as the initial contribution from the Diocesan Authorities towards the delivery of the overall project.'

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

A Member asked the Elected Mayor if she had written to parents of the Schools, and, if so, asked if the letter could be circulated to all Members.

The Mayor confirmed she had written to the parents and agreed to provide all Members with a copy of the letter.

C163/03/13 Members Allowance Scheme – Report of the Independent Remuneration Panel

The Council received a report of the Independent Remuneration Panel and covering report from the Head of Law and Governance. A revised Appendix A - Dependants' Carers' Allowance (Guidance Notes) - had been circulated to Members under separate cover.

The report requested Council to give consideration to the recommendations of the Independent Remuneration Panel in relation to the level of Members' allowances for 2013/14 and to agree a scheme of Members' allowances for 2013/14.

The Chair welcomed Mr Les Watson, a member of the Independent Remuneration Panel, to the meeting and invited him to present the report of the Panel. The Panel had made the following recommendations for Council's consideration:

- An increase of £200 in the level of basic allowances be made in respect of the 2013/14 members' allowances scheme;
- At this time there be no increase in the level of special responsibility allowance;
- Further consideration be given at an early stage to creating a mechanism to raise the level of allowances towards the average of the Tyne and Wear, Durham and Northumberland Councils over an appropriate period;
- The allowance scheme remains appropriate and there should be no change to the scheme to allow for the payment of travel, subsistence and dependent carers allowance for attendance at political group meetings;
- The rate for the payment of Dependent Carers Allowance should remain linked to the National Minimum Wage and that the eligibility criteria set out in the appendix to the report be approved;
- A Combined ICT Allowance of £200 per annum, as a contribution towards the provision of telephones, line rental, broadband services and the provision of computer equipment, be introduced.

The Elected Mayor thanked the Panel for the report and asked Council to approve a Members' Allowance Scheme for 2013/14.

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

'the Council approves Option (iii) in the report to 'retain the current scheme without amendment pending the comprehensive review to be undertaken in 2013/14, as outlined at paragraph 1.5.2 of the report, and the recommendation of the Panel to continue to link the rate for the payment of Dependent Carers Allowance to the National Minimum Wage and the eligibility criteria set out in the revised appendix to the report.'

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

C164/03/13 Deferred Motion

At the meeting of the Council held on 24 January 2013 (reconvened from the meeting held on 29 November 2012), the Council had agreed that consideration of a Motion, signed by Councillors M J Huscroft, N J Huscroft and D Ord, be deferred until the Mayor and Cabinet's budget proposals became available:

It was moved by Councillor M J Huscroft and seconded by Councillor D Ord that:

'This Council requests the Cabinet to bring forward proposals to increase expenditure on roads and pavements over the next 10 years to eliminate the backlog of repairs, as reported to Cabinet on 12th November 2012, (as highlighted in the Asset Management Plan).

To meet this proposal Cabinet is requested to increase capital expenditure in the local Transport plan capital works by £2.5m per year, and to continue with the £1m Area Forum Road and Pavement recovery programme to the year 2022/23.'

The Motion, on being put to the meeting, was approved by 41 votes to 10 votes.

C165/03/13 Motions

(i) A Motion with notice, signed by Councillors J Allan, J O'Shea, C Gambling and L Spillard was submitted for consideration by Council

It was moved by Councillor A Waggott-Fairley and seconded by Councillor L Spillard that:

“The very recent Planning Appeal that caused the Council to withdraw from the appeal altogether as a consequence of information coming to light at a very late stage, in fact the evening before the appeal was to be held, so placing the Council in a very difficult position both financially and also the risk of the appeal process.

Council therefore resolves that an urgent review be taken by the Overview and Scrutiny Committee into how the planning application was processed, the information that was submitted and considered by Officers and Planning committee members, including the analysis of evidence and preparation for the planning Inspector's Appeal hearing. A report should be produced by Overview and Scrutiny and presented to the Full Council for consideration and discussion.”

The Motion, on being put to the meeting, was approved by 42 votes to 0 votes.

(ii) A Motion with notice, signed by Councillors J Allan, J O'Shea, C Gambling and L Spillard was submitted for consideration by Council

It was moved by Councillor T Mulvenna and seconded by Councillor G Bell that:

“In light of the result of the planning appeal on the Scaffold Hill proposals earlier this week we request Cabinet to prioritise the flood prevention work to clear the water course in a westerly direction from the culvert adjacent to Dukes pond to the culvert in the area of Bradford Av across the back of Aysgarth Av, Acomb Av and Canterbury Av in order to prevent the escalation of the flooding problems which already exist and could be exaggerated by the proposals of the Scaffold Hill development. “

The Motion, on being put to the meeting, was approved by 43 votes to 10 votes.

(iii) A Motion with notice, signed by Councillors J Allan, J O'Shea, C Gambling and L Spillard was submitted for consideration by Council

It was moved by Councillor S Graham and seconded by Councillor C Davis that:

“Bedroom Tax

That Cabinet be requested to urgently review the impact of the bedroom tax on Council housing tenants and investigate the potential of reclassifying the size of our Council houses, which could minimise some of the impact of the bedroom tax on some of our tenants. Also that Cabinet consider making representations to the relevant Housing

Minister to urgently review the impact of the bedroom tax on social housing tenants and reverse the legislation to avoid unnecessary stress on a great many people.”
The Chair asked the Council to agree a proposed alteration of the Motion to replace the words ‘Housing Minister’ with ‘Work and Pensions Minister’.

The Council agreed.

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

Votes for the motion

Councillors J M Allan, A Arkle, G Bell, P Brooks, B Burdis, W Caithness, K A Conroy, D Corkey, A Cowie, S L Cox, E N Darke, L Darke, C Davis, S Day, M Finlay, C A Gambling, R Glindon, S Graham, M A Green, J L L Harrison, Janet Hunter, John Hunter, M Huscroft, M J Huscroft, N J Huscroft, C Johnson, F Lott, G Madden, M Madden, D McGarr, A McMullen, T Mulvenna, P Oliver, D Ord J O’Shea, C B Pickard, J Pickard, M Rankin, N Redfearn, L A Spillard, J J Stirling, A Waggott-Fairley and J I Walker.

Votes against the motion

No votes were cast against the motion.

Abstentions

Mrs L Arkley, Elected Mayor, Councillors A Austin, K Barrie, E Hodson, P McIntyre, J McLaughlin, P Mason, L Miller, Mrs S E Mortimer, D Sarin, Mrs J A Wallace and G Westwater.

The Motion, on being put to the meeting, was approved by 43 votes to 0 votes, with 12 abstentions.

In response to Members’ queries, the Cabinet Member for Housing indicated that he would request officers to prepare a briefing note on the legal and financial issues associated with the reclassification of Council houses in the Borough for submission to the Mayor’s Welfare Task and Finish Group and ensure a copy was provided to all Members.

(iv) A Motion with notice, signed by Councillors J Allan, J O’Shea, C Gambling and L Spillard was submitted for consideration by Council

It was moved by Councillor M Rankin and seconded by Councillor J Stirling that:

“Trading Company

In light of the recent proposals made in the Cabinet’s budget proposals, we would ask that Council be provided with information relating to the formation of the Trading Company and the risk implications for Council. A report should include the membership of the board of Directors, the business case, the Financial Strategy, including the projected £250,000 income that was included the Cabinet’s Budget proposals, the Organisational Chart including employees and their work location. The report would then allow Council to be able to discuss the value for money of the Trading Company and the other benefits that it may bring to the Council.”

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

C166/03/13 Pay Policy Statement 2013/14

The Council received a report which sought approval for a Pay Policy 2013/14 as set out in Appendix 1 to the report.

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

‘Council approves the Pay Policy Statement for 2013/14 and authorises publication of the Pay Policy Statement on the Council’s Website.’

During debate Members requested clarification on the following sections of the report:

- i) The numbers of senior officers employed on Grades 12-19? (page 33)
- ii) The numbers of officers for each grade currently compared with April 2012? (page 33)
- iii) Who received payment for election duties? (page 36)
- iv) Had any thought been given to integrating election fees into the salaries of those staff who received payments for election duties? (pages 24 and 36)

The Chief Executive dealt with further questions relating to the issue of performance related pay arising from the transfer to the Council of the post of Director of Public Health, and the pensions position in the event that a Chief Officer who had left the Council was subsequently re-engaged by the Council.

The Chair announced that a written response to the questions would be provided to all Members.

A procedural motion was moved by Councillor J Allan and seconded by Councillor J O’Shea that:

‘the Council meeting be adjourned to allow further debate on this item and the remaining business set out in the agenda.’

The procedural motion, on being put to the meeting, was approved by 38 votes to 14 votes.

C167/03/13 Adjournment of Meeting

At this point, the Chair announced that the meeting stood adjourned until 6.00pm on 21 March 2013.