

Local Government Act 1972

Borough of North Tyneside

23 October 2014

At the meeting of the Council of the Borough of North Tyneside duly convened and held on Thursday 23 October 2014 at 6.00 pm in The Chamber at Quadrant at which a quorum of Members were present, that is to say: -

Present

Councillor T Mulvenna (In the Chair)
N Redfearn (Elected Mayor)

Councillor J M Allan	Councillor N J Huscroft
Councillor A Arkle	Councillor C Johnson
Councillor Mrs A Austin	Councillor D W Lilly
Councillor K Barrie	Councillor F Lott
Councillor G Bell	Councillor W Lott
Councillor B Burdis	Councillor G Madden
Councillor W Caithness	Councillor P Mason
Councillor J Cassidy	Councillor J McLaughlin
Councillor K A Conroy	Councillor A McMullen
Councillor D E Corkey	Councillor L J Miller
Councillor S L Cox	Councillor Mrs S E Mortimer
Councillor EN Darke	Councillor P Oliver
Councillor L Darke	Councillor D Ord
Councillor C Davis	Councillor K Osborne
Councillor S Day	Councillor J O'Shea
Councillor P Earley	Councillor C B Pickard
Councillor R Glindon	Councillor J Pickard
Councillor S Graham	Councillor M Rankin
Councillor M A Green	Councillor D Sarin
Councillor M Hall	Councillor L A Spillard
Councillor J L L Harrison	Councillor J Stirling
Councillor E Hodson	Councillor A Waggott-Fairley
Councillor Janet Hunter	Councillor J I Walker
Councillor John Hunter	Councillor Mrs J A Wallace
Councillor M Huscroft	Councillor G C Westwater
Councillor M J Huscroft	

In attendance via Skype in a non-voting capacity: Councillor J Munby

C43/10/14 Apologies

Apologies for absence were received from Councillors L Bell, C Burdis, I Grayson, M Madden, D McGarr, P McIntyre and M Reynolds.

C44/10/14 Declarations of Interest

There were no declarations of interest reported.

There were no dispensations in relation to registerable personal interests reported.

C45/10/14 Minutes

Resolved that the minutes of the Council meeting held on 25 September 2014, be taken as read and confirmed and signed by the Chair.

C46/10/14 Petition – The Boardwalk Cafe

The Chair advised Council of the procedure to be followed with regard to a petition that had been received regarding the proposed demolition of the Boardwalk Café, Whitley Bay, which was required to be considered by full Council in accordance with the requirements of the Council's Petition Scheme contained in Part 5 of the Constitution.

The petition contained in excess of 2,000 signatures and was in the following terms "We want you to stop the demolition of the Boardwalk Café."

The Council received a report which provided information on the petition and the reasons why the demolition of the Boardwalk Café was being undertaken.

It was moved by Councillor B Pickard and seconded by Councillor F Lott that:

"I am aware of the great public interest in relation to the petition we have received for the Boardwalk, I am aware that there are a number of people in the public gallery who are interested in the debate on the petition.

As a result and for this reason can I recommend to Council that the 15 minute limit on the debate be suspended and that 30 minutes be permitted on this occasion."

The procedural motion, on being put to the meeting, was approved.

A representative on behalf of the petitioners, Pamela Hood, was present at the meeting and introduced the petition.

The Mayor formally thanked the organisers for submitting their petition.

It was moved by the Elected Mayor and seconded by Councillor B Pickard that:

' Council

- (1) acknowledges the petition;
- (2) endorses the decision to demolish the Boardwalk Cafe as an essential step towards delivering significant regeneration improvements to the seafront; and
- (3) notes that the draft masterplan will be displayed in venues across the borough reflecting the seafront being a leisure resource for all residents and visitors.'

An amendment was moved by Councillor J Wallace and seconded by Councillor D Lilly as follows:

"Delete paragraph 1.2(2) and replace with

"(a) opposes the decision to demolish the Boardwalk Cafe without consultation of residents and

(b) requests that Cabinet fully consults residents and

(c) refers the Petition to the Economic Prosperity Sub-Committee for a full investigation into all the possibilities of retaining the Cafe, after which recommendations may be made to Cabinet to inform and assist."

The Head of Law and Governance advised Council that the proposed amendment negated the motion and was therefore unacceptable.

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

Votes for the Motion

Norma Redfearn, Elected Mayor, Councillors J Allan, A Arkle, G Bell, B Burdis, W Caithness, J Cassidy, K Conroy, D Corkey, S Cox, E Darke, L Darke, C Davis, S Day, P Earley, R Glindon, S Graham, M Green, M Hall, J Harrison, Janet Hunter, John Hunter, N J Huscroft, C Johnson, F Lott, W Lott, G Madden, A McMullen, T Mulvenna, P Oliver, K Osborne, J O'Shea, B Pickard, J Pickard, M Rankin, L Spillard, J Stirling, A Waggott-Fairley and J Walker.

Votes against the Motion

Councillors A Austin, K Barrie, E Hodson, M Huscroft, D Lilly, Mrs J McLaughlin, P Mason, L Miller, Mrs S Mortimer, D Ord, D Sarin, Mrs J Wallace and G Westwater.

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

[NB: Councillor M J Huscroft was not in attendance at the time the vote was taken].

C47/10/14 Motions

(i) Motion with notice, signed by Councillors J O'Shea, E Darke, C Davis and B Pickard:

It was moved by Councillor J O'Shea and seconded by Councillor W Caithness that:

"The Council supports the Mayor's vision of a coastal regeneration strategy.

In particular her view that we need a comprehensive plan for the regeneration of the sea front at Whitley Bay.

Past attempts at a piecemeal approach by the previous administration, of individual projects, resulted in inaction and doubt that the much needed regeneration of the Whitley Bay seafront would be completed.

The Council welcomes the news that a strategic plan will be published soon that will allow residents to be consulted on the Mayor's comprehensive plan for Whitley Bay."

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

Votes for the Motion

Norma Redfearn, Elected Mayor, Councillors J Allan, A Arkle, G Bell, B Burdis, W Caithness, J Cassidy, K Conroy, D Corkey, S Cox, E Darke, L Darke, C Davis, S Day, P Earley, R Glindon, S Graham, M Green, M Hall, J Harrison, Janet Hunter, John Hunter, N J Huscroft, C Johnson, F Lott, W Lott, G Madden, A McMullen, T Mulvenna, P Oliver, K Osborne, J O'Shea, B Pickard, J Pickard, M Rankin, L Spillard, J Stirling, A Waggott-Fairley and J Walker.

Votes against the Motion

Councillor D Ord.

Abstentions

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

The motion, on being put to the meeting, was approved by 39 votes to 1 vote, with 13 abstentions.

(ii) Motion with notice, signed by Councillors K Osborne, J O'Shea, E Darke and C Davis:

It was moved by Councillor K Osborne and seconded by Councillor L Spillard that:

"This Council notes the work of unions Unite, GMB, RMT and the North Tyneside Hackney Carriage Association in highlighting the dangers posed by the Deregulation Bill, currently passing through parliament, to passengers of private hire taxis.

Further, this Council notes that 3 amendments are of particular concern:

Amendment 8 – Allowing anyone with an ordinary driver's licence to drive a private hire vehicle (PHV) when it is "off-duty".

- This proposal will make members of the public vulnerable to illegal pickups when the (licensed) vehicle is being driven by an unlicensed driver.

Amendment 9 – Making the standard duration for all taxi and PHV driver licences three years and five years for all PHV operator licences.

- Whilst the vast majority of Taxi and Private Hire Vehicle drivers and Private Hire Vehicle operators are persons of high integrity, it is unfortunately the case that the industry does attract a small percentage of unsuitable persons, Annual licensing of drivers and operators is the only realistic way to keep track of their behaviour and take remedial or preventative action when required.

Amendment 10 – Allowing private hire operators to sub-contract bookings to operators licensed in a different district.

- The public will lose their right to choose which operator they wish to travel with because they call operator A who is their preferred choice and operator B turns up.

The Council requests the Mayor and Cabinet to consider:

Calling on the Government to scrap amendments 8, 9 and 10 from the Deregulation Bill.

Further, in light of the risks to residents of North Tyneside, the Council campaigns for the removal of these amendments from the Bill.

To write to the two North Tyneside MPs and ask them to support the campaign."

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

"Delete the paragraph starting 'Amendment 8' and its bullet point as Clause 10 has been withdrawn.

Delete the two paragraphs following "The Council requests the Mayor and Cabinet to consider;" and replace with:

"Calling upon the Government to abandon the aspects of the Deregulation Bill relating to taxis and private hire vehicles and implement a dedicated Taxi Regulation Bill following the recommendations set out in the Law Commission report and engage in a fuller consultation with all interested parties."

The amendment, on being put to the meeting, was defeated by 4 votes to 43 votes.

The motion, on being put to the meeting, was approved by 43 votes to 3 votes.

(iii) Motion with notice, signed by Councillors C Johnson, J O'Shea, E Darke and C Davis:

It was moved by Councillor C Johnson and seconded by Councillor C Davis that:

“North Tyneside Council recognises and applauds the invaluable research of North Institute for Cancer Research (NICR) based at Newcastle University and Cancer Research UK which has helped to reduce the number of cancer deaths in the borough.

Council welcomes the assurances from the Cabinet member, John Harrison at the last Council meeting that North Tyneside Council is already taking action on rogue sun bed shop operators in the borough.

Council notes:

Cancer UK's research which shows that the use of sun bed for the first time before age 35 increases the risk of malignant melanoma by 59%, and use at any age increases malignant melanoma risk by 20-25%.

The results of a national survey conducted by Public Health England (PHE), of more than 3,000 11-17 year-olds, which found that:

- 5% of the under 18s said they have used sun beds despite a ban on under-18s;
- More than half (53%) who have used a sun bed said they were never asked for ID to prove their age;
- That four in 10 had never been given health advice on the potential harms of sun beds, or on differences between skin types;
- 100% of children using coin-operated sun beds regularly had been burnt at least once.

Council further notes that:

The Scottish Parliament, Welsh Assembly and Northern Ireland Assembly, recognises the causal link between sun bed use and skin cancer, have taken a number of steps to regulate the industry, while this coalition government, more intent upon so called 'red-tape', only bans the use of sun beds by under 18s.

Council requests the Mayor and Cabinet to consider:

To follow the lead of Liverpool City Council and others, by supporting their national campaign on the Government to give every local authority in England the power to licence and regulate sun bed businesses, to ensure they follow a minimum number of health, safety and good practice guidelines;

To write to the two North Tyneside MPs and ask them to support the campaign;

To work with partners to highlight the dangers of using sun beds, in particular for people under the age of 18.”

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

(iv) Motion with notice, signed by Councillors J Wallace, D Lilly, E Hodson and P Mason:

It was moved by Councillor J Wallace and seconded by Councillor D Lilly that:

“This Council supports the principle of England Votes for English Laws in the Parliament at Westminster with the same timetable for implementation of this principle as that promised to the people of Scotland for the new powers to be granted to the Scottish Parliament, and this Council requests the Elected Mayor to write to the Members of Parliament representing Tynemouth and North Tyneside constituencies asking them to confirm that they will support this principle and timetable.”

An amendment was moved by Councillor B Pickard and seconded by the Elected Mayor to read as follows:

“This Council supports the principle of appropriate England Votes for English Laws in the Parliament at Westminster. However, when new powers are granted to the Scottish Parliament, we believe that there should be greater devolution of powers from Westminster to the English regions. We believe that a fundamental change of this nature should not be rushed in a partisan way, and that we support the call for a Constitutional Convention to address this issue. This Council requests the Elected Mayor to write to the Members of Parliament representing Tynemouth and North Tyneside constituencies asking them to support the principle of further devolution and the call for a Constitutional Convention.”

The amendment, on being put to the meeting, was approved by 37 votes to 13 votes, with 1 abstention.

The motion, as amended, on being put to the meeting, was approved by 38 votes to 11 votes, with 2 abstentions.

C48/10/14 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.

C49/10/14 Chair's Announcements

The Chair made the following announcements:

- The Chair wished to congratulate the Authority's Children's Participation and Advocacy team who, in partnership with Democratic Services, had organised the first question time for schools last Thursday as part of Local Democracy Week chaired by Adrian Pitches from the BBC with an eminent panel including the Mayor, Councillors, Officers of the Authority, Police and Voluntary organisations from within North Tyneside. He had received a great deal of positive feedback about the event and he looked forward to it becoming an annual event.
- The Chair had formally accepted on behalf of the Authority the Brigade Commanders Commendation for highly meritorious service to the army in the UK. This award had

been received by Councillor G Bell, Armed Forces Champion, earlier this month, in recognition of the Authority's outstanding support to members of the armed forces and their families.

Notification had been received about a further award, a Silver Award under the Ministry of Defence's new National Employer Recognition Scheme, which again, was about the support given by the authority across a range of Defence personnel matters.

The Chair congratulated all who served as reservists, veterans both in the Authority and outside also the outreach work carried out by the Authority which all contributed towards achieving such awards.

- The Chair informed Council that he would have the privilege of chairing a Youth Council event on 20 November 2014 in the Chamber and extended an invitation to anyone interested in attending.

C50/10/14 Mayor's Announcements

No announcements were reported on this occasion.

C51/10/14 Questions by Members of the Council

In accordance with Procedure Rule 10 (13) (d) of the Council's Constitution, the Chair advised Council that the responses to the questions submitted by Members of the Council would be provided to all Members in writing.

Councillor J O'Shea informed the Council that he wished to withdraw question 6.