

Local Government Act 1972

Borough of North Tyneside

21 July 2016

At the meeting of the Council of the Borough of North Tyneside duly convened and held on Thursday 21 July 2016 at 6.00 pm in The Chamber at Quadrant at which a quorum of Members were present, that is to say: -

Present

Councillor D McGarr (In the Chair)
N Redfearn (Elected Mayor)

Councillor J Allan	Councillor M Huscroft
Councillor A Arkle	Councillor N J Huscroft
Councillor A Austin	Councillor C Johnson
Councillor K Bolger	Councillor K Lee
Councillor B Burdis	Councillor F Lott
Councillor C A Burdis	Councillor W Lott
Councillor K A Clark	Councillor G Madden
Councillor D Cox	Councillor Mrs P McIntyre
Councillor S L Cox	Councillor D McMeekan
Councillor N Craven	Councillor A McMullen
Councillor EN Darke	Councillor L Miller
Councillor L Darke	Councillor T Mulvenna
Councillor C Davis	Councillor A Newman
Councillor S Day	Councillor P Oliver
Councillor D Drummond	Councillor J O'Shea
Councillor P Earley	Councillor C B Pickard
Councillor R Glindon	Councillor M Rankin
Councillor S Graham	Councillor M Reynolds
Councillor I Grayson	Councillor L Spillard
Councillor M A Green	Councillor J Stirling
Councillor M Hall	Councillor M Thirlaway
Councillor J L L Harrison	Councillor A Waggott-Fairley
Councillor E F J Hodson	Councillor J I Walker
Councillor Janet Hunter	Councillor Mrs J A Wallace
Councillor John Hunter	Councillor F Weetman

C19/07/16 Public Questions

The Chair announced that no questions from members of the public had been received for this meeting.

C20/07/16 Apologies

Apologies for absence were received from Councillors K Barrie, G Bell, L Bell, P Brooks, J Cassidy, M Madden, P Mason, K Osborne and A Percy.

C21/07/16 Declarations of Interest

Councillor K Bolger declared a non-registerable personal interest in item C23/07/16 – Petition: Disc Parking in Tynemouth – as she had met with and been briefed by the petitioners.

C22/07/16 Minutes

With reference to Minute C17/05/16 (Chair's Announcements), a Member requested a correction to the Minutes of the Annual Council meeting held on 19 May 2016 to include a statement made by the Chair at the meeting about his intention to withdraw from the Labour Group.

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

Votes for the correction

Councillors A Austin, E Hodson, M Huscroft, P McIntyre, L Miller and J Wallace.

Votes against the correction

N Redfearn, Elected Mayor, Councillors J Allan, A Arkle, K Bolger, B Burdis, C Burdis, K Clark, D Cox, S Cox, N Craven, E Darke, L Darke, C Davis, S Day, D Drummond, P Earley, R Glindon, S Graham, I Grayson, M A Green, M Hall, J Harrison, Janet Hunter, John Hunter, C Johnson, K Lee, F Lott, W Lott, G Madden, D McGarr, D McMeekan, A McMullen, T Mulvenna, A Newman, P Oliver, J O'Shea, B Pickard, M Rankin, M Reynolds, L Spillard, J Stirling, M Thirlaway, A Waggott-Fairley and J Walker.

Abstentions

Councillors N J Huscroft and F Weetman.

The request to correct the Minutes was defeated by 44 votes to 6 votes and it was

Resolved that the minutes of the Annual Council meeting and the Extraordinary Council meeting, both held on 19 May 2016 be taken as read and confirmed and signed by the Chair.

C23/07/16 Petition – Disc Parking in Tynemouth

The Chair advised Council of the procedure to be followed with regard to a petition that had been received seeking changes to parking arrangements in Tynemouth, which was required to be considered by full Council in accordance with the requirements of the Authority's Petition Scheme contained in Part 5 of the Constitution.

The petition contained in excess of 2,000 signatures and requested 'North Tyneside Council to introduce free disc parking in all pay and display areas in Tynemouth (with the exception of Front Street) and in Station Terrace Tynemouth'.

The petition had been submitted by Tynemouth Parking Group, a collective of businesses based in Tynemouth. The Petition was accompanied by an information leaflet that detailed how the proposed scheme would work.

The Council received a report which addressed the issues raised by the petitioners.

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

In thanking the organisers for submitting their petition the Cabinet Member for Housing and Transport indicated that the petition would be considered as part of a wider review of parking in North Tyneside.

It was moved by Councillor J Harrison and seconded by Councillor T Mulvenna that:

"The Council note the petition."

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

C24/07/16 Motions

Motion with notice, signed by all Members of the Labour Group

It was moved by Councillor C Burdis and seconded by Councillor D McMeekan that:

'We are very concerned in the reported rise in racism, xenophobia and hate crimes. We believe that we all have a duty to stand up and stamp out racism and xenophobia.

We are proud to live in a diverse and tolerant society. Racism, xenophobia and hate crimes have no place in our country. North Tyneside Council condemns racism, xenophobia and hate crimes unequivocally. We will not allow hate to become acceptable.

North Tyneside Council requests the Mayor and Cabinet to work to ensure local bodies and programmes have support and resources needed to fight and prevent racism and xenophobia.

We reassure all people living in North Tyneside that they are valued members of our community'.

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

Votes for the motion

N Redfearn, Elected Mayor, Councillors J Allan, A Arkle, A Austin, K Bolger, B Burdis, C Burdis, K Clark, D Cox, S Cox, N Craven, E Darke, L Darke, C Davis, S Day, D Drummond, P Earley, R Glindon, S Graham, I Grayson, M A Green, M Hall, J Harrison, E Hodson, Janet Hunter, John Hunter, M Huscroft, N J Huscroft, C Johnson, K Lee, F Lott, W Lott, G Madden, D McGarr, P McIntyre, D McMeekan, A McMullen, L Miller, T Mulvenna, A Newman, P Oliver, J O'Shea, B Pickard, M Rankin, M Reynolds, L Spillard, J Stirling, M Thirlaway, A Waggott-Fairley, J Walker, J Wallace and F Weetman.

Votes against the motion

None.

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

C25/07/16 Member Code of Conduct Complaints Nos NT10/11/17/19 and 20/2014

On 21 March 2016 the Authority's Standards Sub Committee had considered five complaints made under the Code of Conduct for Members against former Councillor David Ord. In determining the complaints the Sub-Committee had found former Councillor Ord to be in breach of the Code of Conduct for Members in relation to the complaints submitted.

The Sub-Committee had requested as a part of its determination of the complaints that a report be submitted to the Council Meeting detailing the Sub-Committee's decisions with respect to the complaints against former Councillor Ord.

Council received a report, appended to which was a copy of the Sub-Committee's Full Decision Notice.

It was moved by Councillor C Johnson and seconded by Councillor P Earley that:

'Council note the decision of the Standards Sub-Committee in relation to the Code of Conduct for Members complaints against former Councillor David Ord'.

The Motion, on being put to the meeting, was approved by 50 votes to 0 votes.

C26/07/16 Appointment of Independent Persons

Council received a report on the outcome of a full recruitment exercise to the roles of Independent Person (Standards Committee) that had commenced in early June 2016. The roles had been advertised on the Authority's Web Site, a press release had been made and details of the roles had been circulated to all the other local authorities in the region.

Following the formal recruitment process only applications from the current holders of the roles of Independent Person with the Authority had been received.

In the light of the applications received, and following consultation with the Elected Mayor and the Chair of the Standards Committee in respect of the continued suitability of the current post holders to the roles of Independent Person it was proposed that the appointments held by Mr Clark and Ms Gardner be extended for a further two years until 31 July 2018.

It was moved by Councillor C Johnson and seconded by Councillor P Earley that:

‘Council note the content of the report and appoint Mr George Clark and Ms Stella Gardner as the Authority’s Independent Persons pursuant to the requirements of the Localism Act 2011 for a period of two years until 31 July 2018’.

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

The Chair thanked Ms Gardner, who was in attendance, for her service as an Independent Person.

C27/07/16 Filming of Full Council Meetings

Council received a report seeking approval to continue to film future meetings of the Full Council and provide a video/audio record of those meetings via the Authority’s website for a further twelve month period following a recent trial period.

It set out the legislative background to the right of the press and public to record meetings of the Authority, and provided information on the potential benefits and the experiences of other authorities who already filmed their meetings, together with details of viewing figures for the four Full Council meetings filmed to date.

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

‘Council agree to continue filming meetings of Full Council for the remainder of the 2016-17 Municipal Year in accordance with the arrangements set out in this report’.

An amendment was moved by Councillor J Wallace as follows:

‘In paragraph 1.2, delete the full stop and add ‘save that the recording will be retained and made available for viewing via the Authority’s website and will not be deleted’.

The mover of the amendment accepted an assurance given by the seconder of the Motion that the technical issues raised by the amendment and the costs involved would be looked into and a report provided back to Members.

The Motion, on being put to the meeting, was approved.

C28/07/16 Council Procedure Rules – Proposed Change

Council received a report containing a proposed change to the Council Procedure Rules in relation to the deadlines for the submission of questions and motions to full Council.

The current requirement was for questions and motions to be submitted no later than 5.00pm 7 clear working days before the day of the Council meeting. The proposal was to

change that to 6 clear working days before the day of the meeting, thus giving the maximum amount of time prior to the day of publication of the agenda for Council meetings.

It was moved by Councillor J Allan and seconded by Councillor T Mulvenna that:

Council approve the proposed changes to the Council Procedure Rules contained in the Constitution, as set out in Appendix A to this report, and refer the approved changes to the Elected Mayor for her consent in accordance with Article 15 of the Constitution.

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

C29/07/16 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.

C30/07/16 Chair's Announcements

The Chair referred to the various events he had recently attended, particularly those associated with the Queen's 90th birthday celebrations and the 100th anniversary of the First World War. He thanked Councillors Newman and Mulvenna for their help over this period.

He also referred to the charity Out of Sight, based in Dudley, which supported visually impaired children and promoted inclusion in the community. They had acquired a caravan at Amble Links for use by the children and their families, however they were raising funds to modernise it to include a wet room, hoist and lifting equipment and the Chair's Charity would assist in their fund raising activities.

C31/0/16 Mayor's Announcements

The Elected Mayor informed Members that she had earlier today attended a preview of an exhibition by the shipyard painters at the Old Low Lights at the Quayside, North Shields, and she encouraged everyone to visit.

C32/07/16 Questions by Members of the Council

1. Question to the Elected Mayor by Councillor M Thirlaway

Would the Elected Mayor provide an update on the regeneration of Wallsend town centre?

The Elected Mayor responded as follows:

Thank you for your question Councillor Thirlaway because Whitley Bay and the coast get tremendous publicity and people think nothing else goes on in the Borough. I have to tell you that there's a great deal going on in the Borough and certainly in Wallsend, which we're all very proud of when it comes to what we're doing about Wallsend town centre regeneration.

We continue to work hard with our partners to carry out the next phase of the multi-million pound regeneration programme, which will eventually put the heart back into Wallsend by creating a very vibrant shopping centre.

The new supermarket and fast food restaurant are being built as part of the transformation of Wallsend Town Centre and will complement the recently refurbished shopping centre.

NewRiver Retail are behind the delivery of the new supermarket and drive-through restaurant which once opened are expected to create more than 100 jobs. Both are due to be opened in September 2016. This work follows extensive refurbishment of the Forum Shopping Centre, adjoining the Customer First Centre and library.

Since the opening of the new Customer First Centre and retail units in 2014, the town has seen a 25 per cent increase in footfall with around 3.1m visitors each year.

The site will also feature a large 214-space car park, available to town centre shoppers. This can only help to further increase the footfall and visitors to the area.

I am also pleased to report that the refurbishment works to the indoor market are underway and will provide space for 52 market traders. This market is due to reopen the 2nd week in October. I'm led to believe that only 10% of this space is left to allocate to perspective market stall holders at the present time.

Other regeneration work in the area has included the demolition of the former Police Station and emergency housing centre to make way for 41 new affordable houses.

In addition to all of this work and following almost £2m of investment, a specialist business centre created by the Council will officially open on 29 July 2016 attracting companies from as far away as Aberdeen. The centre will be located on the Swans Site.

This is a very exciting time for Wallsend which, after the closure of the shipyards, became almost like a ghost town, but lots is happening now in Wallsend to make it a vibrant town centre. It really is great to see real change in the town centre, I know this is something that residents have wanted for some time. I personally look forward to seeing the continued transformation of the town centre, for everyone who lives, works, shops and visits the area.

For those of you who keep telling me why does everything happen at the coast, I want to tell you that things are happening right across this Borough. Thanks to everyone.

2. Question to the Elected Mayor by Councillor A McMullen

We have debated on a number of occasions, problems associated with the Capita partnership contract. Can the Mayor update Members on the progress being made to resolve these issues?

Councillor B Pickard responded on behalf of the Elected Mayor as follows:

In November 2012 the previous administration entered into a 15 year contract with Capita to deliver technical services. The technical partnership contract has proven unfit for purpose. For over 2 years alongside Councillor Harrison and with the support of Councillor

Glendon, the officer team and I have been working to strengthen the Authority's commercial position and more importantly to get the right result for our residents and the taxpayer.

In addition to the fact that the agreement was made with unnecessary haste, there have been four fundamental problems.

The business cases as agreed in dialogue were flawed. They proved to be a mix of too light a touch, incorrect assumptions and, critically too broad a definition of what constituted a benefit. For instance not ensuring that the savings should be revenue and not capital – this weakness in the position made sure that the partnership would not be in a general position to deliver the savings for the General Fund. Indeed in years 2 and 3 this equates to a shortfall of £3.7m.

A simple issue like making Capita responsible for savings on charging third parties to charge for desks and then forgetting in another contract to include the fact that the contractor had to pay to use the desks in the Authority.

Item 2 - some of the financial information and actual finances at the point of transfer were incorrect. Capita were given responsibilities without funding and had made some assumptions about the interaction with the Business Partnership that proved to be flawed. This compounded the weak position on the required General Fund savings, for instance not realising that some of the staffing costs were supplemented by fee income.

3 - the performance tests were set too low. KPIs and service plans were not sufficiently testing or strategically aligned to the Council's priorities.

On the ground delivery was patchy, in some places compounded by historic, weak performance; particularly in the quality and value for money of engineering projects and property management, which gave exclusivity in the contract to Capita. For instance a recent issue of the Four Lane Ends Road improvements which was an absolute disaster in terms of financial appraisal and of public perception and the Lower Promenade is now delayed because they took two years before informing us they need a further £2m. That's why the Mayor has instructed officers to carry out a value for money exercise on that particular contract.

So we had to look at what alternatives were allowed to us within this flawed contract. Could we use the break clause? However, in the rush to make the agreement, the agreement stated that we can't serve notice to terminate until 2020 with a termination date of 2022. In addition, the Authority would be liable for costs at this time which would be in excess of £10m and work in progress which would be added at this time, the value of which is unquantifiable. As the break cannot be exercised as yet, this was not an option available to the Authority.

We looked at termination for convenience. The Council may seek to buy out Capita. This would have a cost as for the break option, but considerably in excess of the £10m and we would still need to find the savings which would cost over £50m for the duration of the contract. That's why this was discounted.

We could fully fund the solution, but the Authority would then have to fund the shortfall in the business cases which would mean we would have to forego the £2.8m annual savings.

This would create a £50m budget deficit for the Authority throughout the remainder of the contract.

Mediation - The contract allows either party to invoke mediation. This course of action would be costly with at least a six figure sum in legal fees alone. However, as I have previously pointed out because of the flaws and weaknesses in some parts in the Authority's case, this solution would be mediated with no guarantee that the Authority would meet all of its desired outcomes and this would still leave us with a budget deficit.

We are therefore only left with one solution, that's to try to negotiate a solution. This is the course of action we are now engaged in and we have set a number of negotiating aims.

We are to recover the savings not made in years 2 and 3 of the contract, to make more secure the savings for the rest of the contract, stiffen the performance tests, align the partnership to our priorities and those of our residents, bring back in-house some of the service areas and a reduction in the fee paid to Capita to reflect the reduced responsibilities, the reduced savings guarantee and the reduction in costs.

If due care and diligence had been taken by the then Cabinet, and they should have listened to the Council who asked for a further delay so that a proper scrutiny of this process could take place, we could have avoided a number of these fundamental mistakes.

We are now trying our best to ensure that our residents are not left with this unacceptable burden.

Councillor McMullen asked the following supplementary question:

There was a pink paper report on this issue submitted to Cabinet on 11 July, so I'm just wondering what information will be made available to Members on this issue?

Councillor Pickard responded as follows:

We will try to be as transparent as we can in providing the information and I'll work with the officers to see what can be released. That's why in my answer I kept to what the problems were on how we're moving forward because, unlike last time, myself and Councillor Harrison have taken independent legal advice to ensure that we actually have the contract in favour of the Council as opposed to in favour of the contractor, and once that solution is made we'll ensure that all Members of the Council are made aware of exactly what the agreement is and exactly what the terms and conditions are.

3. Question to the Elected Mayor by Councillor N J Huscroft

The Council's policy for dealing with residents' complaints regarding pavement and road repairs is leading to distress and criticism of the Council, will they agree to review the policy and adopt a more caring and sympathetic response?

Councillor J Harrison responded on behalf of the Elected Mayor as follows:

I think it's important to note there is no separate policy for dealing with complaints involving roads and pavements as these fall within the Council's published Customer Service Standards.

Our Customer Service Standards work very well, so I find it difficult to understand that the application of them leads to distress or criticism.

I can appreciate that residents may be upset if they don't always get the response they would like when requesting repairs, but I know this chamber is fully aware of the financial climate we are now working in and that it's not always possible to find the resources to accommodate every request we receive.

However, we all we be aware that we have a Highways Asset Management Plan in place and within that we have detailed the number of roads and pavements that we will be looking at over a period of time. The Mayor has also in previous budgets put more money into roads and pavements, so that was a clear commitment from our Mayor.

I am pleased to inform the chamber that the number of enquiries about highways issues has fallen over recent years. In 2014 there were just under 1300, dropping to just over 1200 in 2015. They are now below 1000 Members' enquiries, so I think we are going in the right direction.

I will also say that the Mayor's clear priority now is not just to look at the roads, but more importantly at the pavements, and in doing so we need to try and ensure that we make things better for pedestrians as we're progressing through our roads. Whilst we're targeting roads, I've also been asked to look more specifically at pavements.

If there is an individual case that you have regarding this I have no problem if you want me to consider that. Please advise me and I'll certainly look into it.

Councillor Huscroft asked the following supplementary question:

There is a problem where a damaged pavement or a damaged road can lead to an accident and somebody gets injured, and while the Council has done everything within its power for that not to happen, we can still have people getting injured and what I'm looking for is to have the flexibility to be able to not be legally bound to the person because it was an accident, but so we can be sympathetic to someone if they are injured and that we've done everything we can.

I welcome what Councillor Harrison has said and I will take it up with him elsewhere.

Councillor Harrison responded as follows:

I understand that and if we cast our minds back to around Christmas time, information came out to Members via our partners regarding the impact the poor weather was having on some of our roads, giving all the depths and how to get in contact, so there was an opportunity for people who had a concern about whether a hole appeared in the road or some of our roads were coming away, where to write to and also giving guidance on depth and shape so we have tried that way. The other thing we have looked at, and this is regarding pavements, is how do we actually try and stop cars parking on the pavement. There is some legislation going through that would allow us to look at that. If that's ever agreed by Parliament it would give us that opportunity, but to do that we would have to put more signage on our pavements.

If there are health and safety issues these should be priorities for us to look at.

4. **Question to the Elected Mayor by Councillor M Huscroft**

In view of the conditions prevalent in at least some of the sheltered Housing Units under refurbishment, where residents haven't been decanted or rehoused while work has been ongoing, as well as the obvious inconvenience for residents, the lounges have been closed and some of the communal facilities unavailable, yet the residents have still been charged for them, will the Mayor reconsider this with a view to offering a refund?

Councillor J Harrison responded on behalf of the Elected Mayor as follows:

As you know the "Our North Tyneside Living" Project will transform and modernise our existing sheltered accommodation stock with an overall investment of £300m.

The project includes the construction of 10 new build sites and sees a further 16 refurbished and re-modelled sites in the Borough through to March 2017.

I think that you would all agree that this is a fantastic project initiated by the Elected Mayor, and one that we should all be proud of; a project which is receiving fantastic praise from our residents who live in our accommodation.

The fully refurbished and brand new apartments provide a private living space in a community setting. Every detail, from room layouts to taps and window handles, has been taken into account to make life easier for our residents.

With 26 sites throughout the borough, North Tyneside Living offers residents their own home and a friendly community of fellow residents.

Prior to any work starting, all of our tenants were involved in detailed consultation which explained the extent of refurbishment works. This provided residents with an opportunity to ask questions or raise any concerns. In addition, during projects our delivery teams have worked alongside our tenants to minimise disruption and interruption to normal services. As such, when it has been needed, some temporary alternative lounge and communal facilities have been made available.

I think it is fair to say that our residents in the schemes have understood that to provide new facilities some disturbance and inconvenience has been inevitable and I am pleased to say that the feedback we have received from tenants once the work has been completed has been tremendously positive.

In light of this feedback, and as there has been no overall loss of facilities, I do not feel it has been necessary to provide a refund.

If you would like to speak to me about a specific issue then I would be happy to address this.

Again, these are fantastic homes for our residents and I am personally delighted to see such a transformation of our homes for older people through the North Tyneside Living Scheme.

C33/07/16 Date and Time of Next Meeting

The Chair informed Members that the next Full Council meeting would take place at 6.00pm on Thursday 22 September 2016.