

Council

A meeting of Council was held on Wednesday, 14th June, 2006.

Present: The Worshipful the Mayor (Cllr Mrs Fletcher), Cllr P Baker, Cllr Mrs J Beaumont, Cllr D T Brown, Cllr D Cains, Cllr Mrs P A Cains, Cllr M Cherrett, Cllr D Coleman, Cllr B Cook, Cllr C Coombs, Cllr A Cunningham, Cllr I J Dalgarno, Cllr K Dewison, Cllr K Dixon, Cllr K Faulks, Cllr J A Fletcher, Cllr M Frankland, Cllr R Gibson, Cllr D Harrington, Cllr Miss B Inman, Cllr E Johnson, Cllr B Jones, Cllr P Kirton, Cllr C Leckonby, Cllr K Leonard, Cllr K Lupton, Cllr J M Lynch, Cllr L Narroway, Cllr Mrs K F Nelson, Cllr S Nelson, Cllr Mrs E A Nesbitt, Cllr W Noble, Cllr Mrs A Norton, Cllr Mrs J O'Donnell, Cllr M Perry, Cllr Mrs M Rigg, Cllr R Rix, Cllr J M Roberts, Cllr Mrs B Robinson, Cllr F G Salt, Cllr A B L Sherris, Cllr M Smith, Cllr M Stoker, Cllr N Teasdale, Cllr S F Walmsley, Cllr Mrs M B Womphrey, Cllr M E Womphrey, Cllr B Woodhead, Cllr B Woodhouse

Officers: J.Haworth (CE); A.Baxter (CESC); J.Danks (R); N.Schneider (DNS); D.E.Bond, N.Hart (LD).

Also in attendance:

Apologies: Councillors Mrs Apedaile, Laing, Larkin, Parry, Patterson, Mrs Trainer and Mrs Wade.

171 Former Councillor Mrs Gwen Porter

The Worshipful the Mayor referred to the recent sad news that former Councillor Mrs Gwen Porter had passed away. On behalf of the Council, a letter of condolence would be sent by the Mayor to Mrs Porter's family.

172 Minutes of the Meeting held on 3rd May 2006

The Minutes of the meeting held on 3rd May 2006 were signed by the Worshipful the Mayor as a correct record.

173 Declarations of Interest

Minute No(s) Interest
Cabinet

Councillor Cook	159	Personal, non-prejudicial- Employed within Chemical industry
Councillor Coombs	160	Personal/non prejudicial- Member of PANIC Board
Councillor Leonard	163	Personal/non prejudicial – Member of Tristar Management Board
Councillor Nelson	163	Personal/non prejudicial – Member of Tristar Management Board
Councillor Teasdale	157	Personal/Non-Prejudicial- Works for an agency employed within the Local Education Authority Housing and Community Safety Select Committee
Councillor Brown	104, 107, 144	Personal/non prejudicial – Member of Tristar Management Board
Councillor Leonard	144	Personal/non prejudicial – Member of Tristar Management Board
Councillor Roberts	104, 142	Personal/non prejudicial – Member of Tristar Management Board
Councillor Woodhead	144	Personal/non prejudicial – Member of Tristar Management Board
Licensing Sub Committee	Councillor Coombs 150	Personal/non prejudicial-

Governor at Riverside College Councillor Mrs Beaumont 150 Riverside College Planning Committee	Personal/non prejudicial- Governor at
Councillor Mrs Beaumont 71	Personal/Non-Prejudicial-objector known to member
Councillor Mrs Nesbitt 80	Personal/non prejudicial- Relatives affected by application
Councillor Salt 131	Personal/Prejudicial-Objected to application
Councillor Teasdale 132	Personal/Non-Prejudicial-Family Member employed at application site
Councillor Woodhouse 68 as Ward Councillor Health Select Committee	Personal/Prejudicial-Objected to application
Councillor Woodhouse 88 employed as Dentist	Personal/Non-Prejudicial-Family Member

Agenda Item No 5 Members Question Time

Councillor Baker Fund	Personal/Prejudicial – Member of Teesside Pension Fund
Councillor Brown Fund	Personal/Prejudicial – Member of Teesside Pension Fund
Councillor Mrs Cains Pension Fund	Personal/Prejudicial – Member of Teesside Pension Fund
Councillor Cains Teesside Pension Fund	Personal/Prejudicial – Relative of a Member of Teesside Pension Fund
Councillor Coleman Fund	Personal/Prejudicial – Member of Teesside Pension Fund
Councillor Coombs Fund	Personal/Prejudicial – Member of Teesside Pension Fund
Councillor Dixon Fund	Personal/Prejudicial – Member of Teesside Pension Fund
Councillor Fletcher Pension Fund	Personal/Non-Prejudicial- Member of Teesside Pension Fund
Councillor Mrs Fletcher Teesside Pension Fund	Personal/Non-Prejudicial- Member of Teesside Pension Fund
Councillor Harrington Pension Fund	Personal/Prejudicial – Member of Teesside Pension Fund
Councillor Miss Inman Pension Fund	Personal/Prejudicial – Member of Teesside Pension Fund
Councillor Johnson Fund	Personal/Prejudicial – Member of Teesside Pension Fund
Councillor Jones Pension Fund	Personal/Non-Prejudicial- Member of Teesside Pension Fund
Councillor Leonard Fund	Personal/Prejudicial – Member of Teesside Pension Fund
Councillor Lupton Fund	Personal/Prejudicial – Member of Teesside Pension Fund
Councillor Nelson Fund	Personal/Prejudicial – Member of Teesside Pension Fund

Councillor Mrs Nelson Pension Fund		Personal/Prejudicial – Member of Teesside Pension Fund
Councillor Mrs Nesbitt Pension Fund		Personal/Prejudicial – Member of Teesside Pension Fund
Councillor Mrs Rigg Pension Fund		Personal/Non-Prejudicial- Member of Teesside Pension Fund
Councillor Rix		Personal/Prejudicial – Member of Teesside Pension Fund
Councillor Roberts Pension Fund		Personal/Non-Prejudicial- Member of Teesside Pension Fund
Councillor Smith		Personal/Prejudicial – Member of Teesside Pension Fund
Councillor Stoker		Personal/Prejudicial – Member of Teesside Pension Fund
Councillor Teasdale		Personal/Prejudicial – Member of Teesside Pension Fund
Councillor Woodhouse of Teesside Pension Fund		Personal/Prejudicial – Relative of a Member of Teesside Pension Fund
Minute No(s) Interest Cabinet		
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Councillor Leonard	144	Personal/non prejudicial – Member of Tristar Management Board
Councillor Roberts	104, 142	Personal/non prejudicial – Member of Tristar Management Board
Councillor Woodhead	144	Personal/non prejudicial – Member of Tristar Management Board
Licensing Sub Committee		
Councillor Coombs	150	Personal/non prejudicial- Governor at Riverside College
Councillor Mrs Beaumont	150	Personal/non prejudicial- Governor at Riverside College
Planning Committee		
Councillor Mrs Beaumont	71	Personal/Non-Prejudicial-objector known to member
Councillor Mrs Nesbitt	80	Personal/non prejudicial- Relatives affected by application
Councillor Salt	131	Personal/Prejudicial-Objected to application
Councillor Teasdale	132	Personal/Non-Prejudicial-Family Member employed at application site

Councillor Woodhouse as Ward Councillor Health Select Committee	68	Personal/Prejudicial-Objected to application
Councillor Woodhouse employed as Dentist	88	Personal/Non-Prejudicial-Family Member

Agenda Item No 5 Members Question Time

Councillor Baker Fund		Personal/Prejudicial – Member of Teesside Pension
Councillor Brown Fund		Personal/Prejudicial – Member of Teesside Pension
Councillor Mrs Cains Pension Fund		Personal/Prejudicial – Member of Teesside
Councillor Cains Teesside Pension Fund		Personal/Prejudicial – Relative of a Member of
Councillor Coleman Fund		Personal/Prejudicial – Member of Teesside Pension
Councillor Coombs Fund		Personal/Prejudicial – Member of Teesside Pension
Councillor Dixon Fund		Personal/Prejudicial – Member of Teesside Pension
Councillor Fletcher Pension Fund		Personal/Non-Prejudicial- Member of Teesside
Councillor Mrs Fletcher Teesside Pension Fund		Personal/Non-Prejudicial- Member of
Councillor Harrington Pension Fund		Personal/Prejudicial – Member of Teesside
Councillor Miss Inman Pension Fund		Personal/Prejudicial – Member of Teesside
Councillor Johnson Fund		Personal/Prejudicial – Member of Teesside Pension
Councillor Jones Pension Fund		Personal/Non-Prejudicial- Member of Teesside
Councillor Leonard Fund		Personal/Prejudicial – Member of Teesside Pension
Councillor Lupton Fund		Personal/Prejudicial – Member of Teesside Pension
Councillor Nelson Fund		Personal/Prejudicial – Member of Teesside Pension
Councillor Mrs Nelson Pension Fund		Personal/Prejudicial – Member of Teesside
Councillor Mrs Nesbitt Pension Fund		Personal/Prejudicial – Member of Teesside
Councillor Mrs Rigg Pension Fund		Personal/Non-Prejudicial- Member of Teesside
Councillor Rix Fund		Personal/Prejudicial – Member of Teesside Pension
Councillor Roberts Pension Fund		Personal/Non-Prejudicial- Member of Teesside
Councillor Smith Fund		Personal/Prejudicial – Member of Teesside Pension

Councillor Stoker Fund	Personal/Prejudicial – Member of Teesside Pension
Councillor Teasdale Fund	Personal/Prejudicial – Member of Teesside Pension
Councillor Woodhouse of Teesside Pension Fund Agenda Item No 7 – Minutes	Personal/Prejudicial – Relative of a Member
Councillor Brown Fire Authority	Personal/ non prejudicial – Member of Cleveland
Councillor Cook	Personal/ non prejudicial – Relative of a serving officer within Cleveland Police Authority
Councillor Dixon Cleveland Police Authority	Personal/ non prejudicial – Relative employed by
Councillor Mrs O'Donnell Cleveland Fire Authority	Personal/ non prejudicial – Member of
Councillor Roberts Fire Authority	Personal/ non prejudicial – Member of Cleveland
Councillor Salt Fire Authority	Personal/ non prejudicial – Member of Cleveland
Councillor Teasdale with Cleveland Police Authority	Personal/ non prejudicial – Family Member serving
Councillor Kirton Fire Authority	Personal/ non prejudicial – Member of Cleveland
Councillor Walmsley Cleveland Fire Authority	Personal/ non prejudicial – Member of

174 Public Question Time

The Director of Law and Democracy informed the Worshipful the Mayor that no Public questions had been received.

175 Members' Question Time

The following question was submitted by Councillor Roberts:-

‘Can the Deputy Leader confirm whether he is aware of the concern expressed in recent weeks in the local government press about the investment by many Council pension funds in shareholdings in the arms trade, and whether he would ask Middlesbrough Borough Council, as Trustee of the Teesside Pensions Fund (which is responsible for the superannuation of this Authority’s employees other than teachers), to switch from shareholdings in the arms trade, both in the UK and overseas, into more ethical investments?’

The Leader of the Council, in the absence of the Deputy Leader, advised that he was aware that the Teesside Pension Fund; whilst having a good investment performance record, did not currently have an ethical investment policy and that he would therefore write to the Chairman of the Fund requesting that they consider the adoption of such a policy.

(Councillors Baker, Brown, Mrs Cains, Cains, Coleman, Coombs, Dixon, Harrington, Inman, Johnson, Leonard, Lupton, Nelson, Mrs Nelson, Mrs Nesbitt, Rix, Smith, Stoker, Teasdale and Woodhouse left the meeting room during consideration of this item, having declared a personal and prejudicial interest in the matter due to their membership of the Teesside Pension Fund.)

176 To receive or consider the Minutes of the Meetings of the Planning Committee held on 19th April and 10th May 2006

Moved by Councillor Stoker, seconded by Councillor Cherrett and RESOLVED that the minutes of the Planning Committee (Minute Nos 68-85, 129-141) be received or approved, as appropriate.

177 To receive or consider the minutes of the meeting of the Health Select Committee held on 24th April 2006

Moved by Councillor Mrs Womphrey, seconded by Councillor Dixon and RESOLVED that the minutes of the Health Select Committee (Minute Nos 86-88) be confirmed.

178 To receive or consider the Minutes of the Meeting of the Licensing Committee held on 25th April 2006

Moved by Councillor Mrs Nelson, seconded by Councillor Johnson and RESOLVED that the minutes of the Licensing Committee (Minute Nos 89-95) be received.

179 To receive or consider the minutes of the meeting of the Children & Young People Select Committee held on 25th April 2006

Moved by Councillor Mrs Rigg, seconded by Councillor Jones and RESOLVED that the Minutes of the Children & Young People Select Committee (Minute Nos 96-97) be confirmed.

180 To receive or consider the Minutes of the Meetings of the Environment & Regeneration Select Committee held on 26th April and 16th May 2006

Moved by Councillor Mrs Beaumont, seconded by Councillor Teasdale and RESOLVED that the minutes of the Environment & Regeneration Select Committee (Minute Nos 98-100, 148) be confirmed.

181 To receive or consider the Minutes of the Meeting of the Adults, Leisure & Culture Select Committee held on 26th April 2006

Moved by Councillor Fletcher, seconded by Councillor Smith and RESOLVED that the minutes of the Adults, Leisure & Culture Select Committee (Minute Nos

101-103) be confirmed subject to Councillor Smith's name being added to the list of apologies submitted.

182 To receive or consider the Minutes of the Meetings of the Housing & Community Safety Select Committee held on 27th April and 11th May 2006

Moved by Councillor Roberts, seconded by Councillor Lupton and RESOLVED that the minutes of the Housing & Community Safety Select Committee (Minute Nos 104-108, 142-144) be confirmed subject to Councillor Mrs Trainer's name being added to the list of apologies submitted.

183 To receive or consider the Minutes of the Meeting of the Standards Committee held on 28th April 2006

Moved by Councillor Sherris, seconded by Councillor Gibson and RESOLVED that the minutes of the Standards Committee (Minute Nos 109-114) be received or confirmed as appropriate.

184 Minutes

Moved by Councillor Woodhead, seconded by Councillor Gibson and RESOLVED that the minutes of the Licensing Sub Committee (Minute Nos 115-118) be received.

185 Minutes

Moved by Councillor Leonard, seconded by Councillor Gibson and RESOLVED that the minutes of the Licensing Sub Committee (Minute Nos 149-153) be received.

186 To receive or consider the minutes of the Meeting of the Audit Committee held on 8th and 23rd May 2006

Moved by Councillor Woodhouse, seconded by Councillor Cains and RESOLVED that the minutes of the Audit Committee (Minute Nos 119-124, 167-170) be received subject to Councillor Fletcher's name being added to the list of members present on both occasions.

187 To receive or consider the Minutes of the Meeting of the Executive Scrutiny Committee held on 9th May 2006

Moved by Councillor Lupton, seconded by Councillor Noble and RESOLVED that the minutes of the Executive Scrutiny Committee (Minute Nos 125-128) be received subject to the following correction:-

Minute No 126

Line 2 to read 'elicit', not 'illicit' . . .

188 To receive or consider the Minutes of the Meeting of the Appeals &

Complaints Committee held on 16th May 2006

Moved by Councillor Brown, seconded by Councillor Lynch and RESOLVED that the minutes of the Appeals & Complaints Committee (Minute Nos 145-147) be received subject to Councillor Lynch's name being added to the list of members present.

189 To receive or consider the Minutes of the Meeting of Cabinet held on 18th May 2006

Moved by Councillor Gibson, seconded by Councillor Coleman and RESOLVED that the minutes of the Cabinet (Minute Nos 154-166) be received or confirmed as appropriate.

190 To receive the Minutes of the Meetings of the Cleveland Police Authority held on 23rd and 24th February 2006

The minutes of the meeting of the Cleveland Police Authority held on 23rd and 24th February 2006 were noted.

191 To receive the Minutes of the Meeting of the Cleveland Fire Authority held on 24th March 2006

The minutes of the meetings of the Cleveland Fire Authority held on 24th March 2006 were noted.

192 To receive the Minutes of the Meetings of the Elderly Citizens Liaison Forum held on 25th April and 30th May 2006

The minutes of the meetings of the Elderly Citizens Liaison Forum held on 25th April and 30th May were noted.

193 To receive the Minutes of the Meeting of the Stockton Home Safety Association held on 11th April 2006

The minutes of the meeting of the Stockton Home Safety Association held on 11th April 2006 were withdrawn pending their consideration by the next quorate meeting of the Association.

194 To consider the following motion which has been submitted in accordance with Council Procedure Rule 12.1 by Councillor Fletcher: -

The following motion submitted under the Council Procedure Rule 12.1 was moved by Councillor Fletcher and seconded by Councillor Narroway:

'This Council :-

- Conscious of the effect of recent changes in 'bus services (swiftly followed by a fare increase) on the lives of so many of the residents of this Borough who depend on public transport,
- Aware that the decline in 'bus patronage in the North East of England has not been halted despite the best efforts of local authorities,
- Affirming the advantages of public transport (over expanding car use) to the environment and to the reduction of traffic congestion,

- Having spent considerable sums of public money (and planning to continue to do so) on facilities for bus passengers and on subsidised bus services,
- Has received residents' complaints that low-floor 'buses are no longer running on routes on which physical adaptations have been made for them at the public expense,
- Notes that the Commons' Public Accounts Committee, *recognising that it is difficult to turn things around in the unregulated bus market outside London, has just called on the Department of Transport to do more than stand on the touchline mildly exhorting the players to up their game;
- Notes also that the Local Government Association added that Councils outside of London were already doing everything within their power to try and encourage bus operators to run reliable services, and needed greater influence over the local bus network so similar improvements could be made; and
- Notes that the Association frequently points out to the Department of Transport the difficulty in finding enough revenue resources to support the subsidised bus routes given the heavy inflation in costs.

Therefore this Council now calls on:

- a. The bus companies to play their part by providing reliable, comfortable and convenient services, giving the public adequate notice and information about changes:

And

- b. The Government to go beyond telling local authorities to achieve, by giving them sufficient powers and revenue resources to obtain a real change for the better in their own areas.

This Council, while recognising the efforts of its officers to achieve from limited powers and resources the best they can for residents, therefore instructs the appropriate officers to:

- i. Seek a meeting between representatives of local government in the Tees Valley and Ministers to stress these points to the Government;
- ii. Implement the two-year-old recommendation of the Environment & Regeneration Select Committee, approved by Cabinet and contained in the Local Transport Plan, to establish a bus users' forum; and
- iii. Report in writing to all Members by the end of July 2006 what progress they have made.'

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- ii. Implement the two-year-old recommendation of the Environment & Regeneration Select Committee, approved by Cabinet and contained in the Local Transport Plan, to establish a bus users' forum; and
- iii. Report in writing to all Members by the end of July 2006 what progress they have made.'

The following amendment to the motion was moved by Councillor Cook and seconded by Councillor Lupton:-

'At paragraph I) above, delete all words and insert 'The Cabinet Member for Regeneration and Transport, together with the Chair of the Executive Scrutiny Committee, prepare a statement for submission to the Local Government Association, and copied to the relevant ministers requesting their response, based upon the points contained above regarding the lack of ability of Local Authorities to exert real influence over privately owned Bus companies and seeking more powers.'

In recognition of the above, Councillor Fletcher indicated he would be prepared to support this amendment subject to the proviso that all parties would have input to the statement. A vote was taken on the amendment; which was unanimously carried.

A vote was then taken on the substantive motion and this was unanimously carried. Thanks were also extended to officers for their assistance in addressing reported user problems.

A vote was taken on the remaining motion and was unanimously carried.

RESOLVED that the substantive motion be unanimously declared carried.

195 Forward Plan and Leader's Report

The Forward Plan for the period 1st June 2006 to 30th September 2006 and 1st July to 31st October 2006 had previously been circulated to Members.

The Leader of the Council reported on significant decisions which the Cabinet had taken since the last Council Meeting and which the Cabinet was proposing to take over the coming months.

