

Council

A meeting of Council was held on Wednesday, 6th September, 2006.

Present: The Worshipful the Mayor Cllr Mrs S Fletcher, Cllr Mrs J L Apedaile, 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 Dixon, 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 T Laing, Cllr C Leckonby, Cllr K Leonard, 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 R Patterson, 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 S F Walmsley, Cllr Mrs M B Womphrey, Cllr M E Womphrey, Cllr B Woodhead, Cllr B Woodhouse

Officers: G. Garlick (CE); D. E. Bond, M. Henderson, S. Johnson (LD); J. Danks(R); A. Baxter (CESC), N. Schneider (DNS)

Also in attendance: Not Applicable

Apologies: Cllr. K. Dewison, Cllr K. Faulks, Cllr A. Larkin, Cllr K. Lupton, Cllr J. Lynch, Cllr S. Parry, Cllr N. Teasdale, Cllr Mrs A. Trainer and Cllr J. Wade

489 Minutes

The Minutes of the Council Meeting held on 19th July 2006 were signed by the Worshipful the Mayor as a correct record.

490 Declarations of Interest

Housing and Community Safety Select Committee

Councillor Woodhead declared a personal, non prejudicial interest in respect of minute numbers 351, 352 and 381 as he was a Member of Tristar Homes Ltd Management Board.

Councillor Roberts declared an personal, non prejudicial interest in minute numbers 351, 352 and 381 as she was a Member of Tristar Homes Limited Board.

Councillor Brown declared a personal, non prejudicial interest in respect of minute numbers 351, 352 and 381 as he was a Member of Tristar Homes Ltd Management Board and his son was employed by Tristar Homes Ltd.

Councillor Leonard declared a personal, non prejudicial interest in respect of minute numbers 351, 352 and 381 as he was a Member of Tristar Homes Ltd Management Board.

Councillor Nelson declared a personal, non prejudicial interest in respect of minute numbers 351, 352 and 381 as he was a Member of Tristar Homes Ltd Management Board.

Cabinet

Councillor Coombs declared a personal, non prejudicial interest in minute number 292 as he was a Member of a Sure Start Board.

Councillor Coombs declared a personal non prejudicial interest in minute 421 as

it related to the appointment of his wife as a school Governor.

Councillor Leonard declared a personal, non prejudicial interest in respect of minute number 423 as he was a Member of Tristar Homes Ltd Management Board.

Councillor Woodhead declared a personal, non prejudicial interest in respect of minute number 423 as he was a Member of Tristar Homes Ltd Management Board.

Planning

Councillor Coombs declared a personal, non prejudicial interest in minute numbers 399 and 412 as he was a Governor of a school that might be affected.

Councillor Rix declared a personal, non prejudicial interest in minute numbers 399 and 412 as he was a Governor of Oxbridge Lane Primary School.

Councillor Johnson declared a personal, non prejudicial interest in minute numbers 399 and 412 as she was a Governor of Oxbridge Lane Primary School.

Councillor Walmsley declared a personal, prejudicial interest in minute number 355 as it related to a planning application made by his wife's employer.

Environment and Regeneration Select Committee

Councillor Norton declared a personal, non prejudicial interest in minute number 385 as she was an employee of NPower.

Minutes of Cleveland Fire Authority

Councillor Salt declared a personal, non prejudicial interest in respect of the minutes of Cleveland Fire Authority as he was a Member of Cleveland Fire Authority.

Councillor Roberts declared a personal, non prejudicial interest in respect of the minutes of Cleveland Fire Authority as she was a Member of Cleveland Fire Authority.

Councillor Mrs O'Donnell declared a personal, non prejudicial interest in respect of the minutes of Cleveland Fire Authority as she was a Member of Cleveland Fire Authority.

Councillor Kirton declared a personal, non prejudicial interest in respect of the minutes of Cleveland Fire Authority as he was a Member of Cleveland Fire Authority.

Councillor Brown declared a personal, non prejudicial interest in respect of the minutes of Cleveland Fire Authority as he was a Member of Cleveland Fire Authority.

Councillor Walmsley declared a personal, non prejudicial interest in respect of

the minutes of Cleveland Fire Authority as he was a Member of Cleveland Fire Authority.

Councillor Woodhead declared a personal, non prejudicial interest in respect of the minutes of Cleveland Fire Authority as he was a Member of Cleveland Fire Authority.

491 Public Question Time

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

492 Members' Question Time

The following question was submitted by Councillor Dalgarno:-

"Can the Deputy Leader confirm whether he is satisfied that adequate arrangements and sufficient safeguards exist (and have existed since e-mail was first available to members) to ensure that e-mails from members to officers do not fall into the hands of people outside the Authority, except with the Members permission or as required by law ?"

The Deputy Leader explained that as his response was technical in nature he had circulated his written response to all Members present. The reponse was as follows:-

In relation to the Council's email system

- controls are in place to ensure that electronic records are adequately protected from unauthorised access,
- policies and protocols are in place governing the management and use of emails,
- training and awareness is in place to ensure that everyone is aware of their responsibilities

TECHNICAL SAFEGUARDS :

·Protection of the Council's network from vulnerabilities such as hacking (unauthorised access from outside) is very good. We have technical controls in place which are tested comprehensively by a specialist third party security company on a monthly basis. Our controls protect all of the Council's information systems, including e-mail.

- Access to individual email accounts is further protected by the use of unique user identifiers and associated passwords which are managed by the users themselves.
- The likelihood that a weakness in technical safeguards would allow unauthorised access to e-mails by people either inside or outside of the Council without the consent of the user is very low.

PEOPLE ISSUES :

There are no technical controls that can safeguard against accidental or deliberate disclosure of information held in e-mails – we use a combination of

policies, protocols and awareness training to ensure that officers and members are mindful of their responsibilities and behave accordingly. The protocols and policies were formally introduced and approved in September 2002.

Examples :

Policy SBC-ISpol-013 states :

Ensure that information you are forwarding by e-mail (especially attachments) is correctly addressed and only sent to appropriate persons, and that you have the permission of the originator.

Protocols

Do not send or forward e-mail messages or documents which divulge information concerning another employees private affairs without consent of the employee

Do not send or forward e-mail messages or documents which would be in breach of the Data Protection Act 1998 or any other legislation restricting or controlling the disclosure of information.

OFFICER RESPONSIBILITIES

All officers are provided with awareness training and are required to sign a Statement of Understanding confirming that they understand the information security policies and protocols and their responsibilities in relation to them, and that they will adhere to them at all times.

SECURITY INCIDENTS

We have an approved information security incident investigation procedure, and any incidents formally reported are investigated in accordance with this procedure. Members and officers alike have a responsibility to report security incidents, as set out in both the Members Guide to Information Security and the Employees Guide to Information Security.

ONGOING AWARENESS

The council has an information security improvement programme which includes induction training, issuing of reminders, questionnaires and surveys (audit commission survey currently being undertaken). The council is committed to information security and is working towards compliance with the international standard (ISO17799) – we are recognised by the Audit Commission as being strong in this area.

Councillor Dalgarno then asked the following supplementary question:-

Can the Deputy Leader explain how an e mail or a copy of an e mail, sent from himself to the Chief Executive Officer on Sunday 12th September 2004, for which he received a reply on Monday 13th September 2004 was passed to a Local Businessman and used in a negative way against him? Can the Deputy Leader show that everything was in order, with regard to e mail security, in this

particular case.

The Deputy Leader responded with the following:-

'I'm not aware of the circumstances of the case you refer to and would need further information in order to respond. If the relevant details are provided I'll arrange for the matter to be looked into.'

The following question was submitted by Councillor Fletcher:-

"Can I ask the Cabinet Member for Regeneration and Transport, about the following unanimous decisions of this Council on 14th June 2006 recorded at Minute 194: and specifically:-

(a) Whether he will circulate to all Members a copy of the Statement submitted in accordance with the following decision:

"i. 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."

(b) What steps have been taken and by whom to implement the following decision:

". 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

(c) Why the following decision was not implemented:

"iii. Report in writing to all Members by the end of July 2006 what progress they have made."

Councillor Fletcher indicated that part a) of his question was no longer an issue as this had recently been carried out.

The Cabinet Leader for Regeneration and Transport responded to the remainder of the question with the following:-

'The establishment of a Bus users forum has been discussed with our Tees Valley Partners and agreement has been reached that such a group should be Tees Valley wide to complement the Tees Valley Bus Quality Partnership. The Tees Valley Joint Strategy Unit (TVJSU) are leading on this and have sought advice from the National Bus users forum regarding membership and effective communication issues. It is intended to establish a continuous web based public feedback mechanism through the new, developing, statutory Quality Partnerships that are intended as an integral part of the Tees Valley Bus Network Review. It is also intended to let the forum have some form of access or synopsis of complaints sent directly to operators in addition to comments / complaints received by Local Authorities. This information will support the

proposed bus forum quarterly meetings, with the inaugural meeting being held towards the end of the current year. Final details are still to be agreed with operators and our Tees Valley partners, local membership is proposed to be through the various Local Authority LSP's. The TVJSU are presenting a report to the Tees Valley Chief Engineers meeting on 8th September to finalise, and agree, details of the forum.

For the reasons above it was not felt appropriate, at the end of July to advise members of the situation as it remained fluid at that time. I am happy to arrange for members to be advised of the current situation, however, it seemed prudent to await the finalisation of the Tees Valley Forum protocols and advise members of this at the appropriate time as I had been lead to believe that this would likely be during August. That date has proven to be optimistic, largely due to holidays. The information should be available to give members a more meaningful briefing over the next two weeks. I would like to apologise for not updating Members on this issue as had been agreed'.

Councillor Fletcher asked the following supplementary question

'Will the Cabinet Member for Regeneration and Transport give an undertaking to circulate a progress report, to all Members of the Council, by the first week in January 2007.'

The Cabinet Member for Regeneration and Transport responded with the following:-

I would hope to have something to report well before that date and will update Members as soon as details have been finalised.

The following question was submitted by Cllr Fletcher:-

Will the Deputy Leader explain why Minute 428 of Cabinet on 10th August 2006 records Recommendation 2 as:

“Procedures be reviewed to ensure accurate information was provided to applicants for grant funding in situations like this; and that such a review be undertaken by the Corporate Director of Development & Neighbourhood Services and be carried out within six months”

although at the meeting itself Cabinet agreed to Recommendation 2 in the Report, which said only:

“Procedures are reviewed to ensure accurate information is provided to applicants for grant funding in situations like this”?

By whom were instructions given to make this alteration and what was the authority for so doing?”

The Deputy Leader responded with the following:-

'The Cabinet recommendation had no mechanism for identifying who should undertake the review and I therefore, under delegated powers, identified a lead officer and timescale to undertake the review and decided that it be placed in the minutes to clarify the recommendation to Members'.

Councillor Fletcher then asked the following supplementary question:-

'Would the Deputy Leader accept that as an example of open governance and as a matter of transparency, minutes should reflect what was actually said. Does this not add weight to the perception that issues are agreed before and after Cabinet meetings?'

The Deputy Leader responded with the following:-

'I hoped to make the situation clearer. If I had not done this then the question would have remained tonight and I would have been asked how this was to be undertaken. I don't see a problem'.

493 Minutes

Moved by Councillor Fletcher, seconded by Councillor Smith and RESOLVED that the minutes of the Adults, Leisure and Culture Select Committee held on 7th June 2006 (Minute Nos 328 -333) be confirmed.

494 Minutes

Moved by Councillor Sherris, seconded by Councillor Dalgarno and RESOLVED that the minutes of the Standards Committee held on 22nd June 2006 (Minute Nos 334 -341) be received or confirmed as appropriate.

495 Minutes

Moved by Councillor Mrs Womphrey, seconded by Councillor Dixon and RESOLVED that the minutes of the Health Select Committee held on 26th June 2006 (Minute Nos 342 -344) be confirmed.

496 Minutes

Moved by Councillor Mrs Beaumont, seconded by Councillor Mrs O' Donnell and RESOLVED that the minutes of the Environment and Regeneration Select Committee held on 3rd July 2006(Minute Nos 345 - 346) be confirmed

497 Minutes

Moved by Councillor Mrs Rigg, seconded by Councillor Jones and RESOLVED that the minutes of the Children and Young People Select Committee held on 5th July 2006(Minute Nos 347 - 348) be confirmed

498 Minutes

Moved by Councillor Roberts, seconded by Councillor Mrs Rigg and RESOLVED that the minutes of the Housing and Community Safety Committees held on 6th July 2006(Minute Nos 349 - 352) be confirmed

499 Minutes

Moved by Councillor Stoker, seconded by Councillor Cherrett and RESOLVED that the minutes of the Planning Committee held on 12th July 2006(Minute Nos 353 - 369) be received or approved as appropriate subject to the following correction:-

On Minute Number 355 page 222 second line to be deleted and replaced with;-

'The application would be the largest considered by Councillor Mrs Cains in the Norton West Ward'.

500 Minutes

Moved by Councillor Mrs Nelson, seconded by Councillor Kirton and RESOLVED that the minutes of the Licensing Sub Committee held on 17th July 2006(Minute Nos 370 - 376) be received.

501 Minutes

Moved by Councillor Mrs Rigg, seconded by Councillor Jones and RESOLVED that the minutes of the Children and Young People Select Committee held on 19th July 2006 (Minute Nos 377 - 378) be confirmed

502 Minutes

Moved by Councillor Roberts, seconded by Councillor Mrs Rigg and RESOLVED that the minutes of the Housing and Community Safety Committee held on 20th July 2006 (Minute Nos 379 -381) be confirmed

503 Minutes

Moved by Councillor Mrs Beaumont, seconded by Councillor Mrs O' Donnell and RESOLVED that the minutes of the Environment and Regeneration Select Committee held on 24th July 2006 (Minute Nos 382 -385) be confirmed

504 Minutes

Moved by Councillor Mrs Nelson, seconded by Councillor Kirton and RESOLVED that the minutes of the Licensing Committee held on 25th July 2006(Minute Nos 386 - 389) be received.

505 Minutes

Moved by Councillor Mrs Nelson, seconded by Councillor Kirton and RESOLVED that the minutes of the Licensing Sub Committee held on 27th July 2006(Minute Nos 390 - 392) be received subject to the following correction:-

At page 254 bullet point 4 page 255 paragraph 8 delete 'Mr Armadi' and replace with 'Mr Emadi' on both occasions.

506 Minutes

Moved by Councillor Noble, seconded by Councillor Beaumont and RESOLVED

that the minutes of the Executive Scrutiny Committee held on 1st August 2006(Minute Nos 393 - 398) be received.

507 Minutes

Moved by Councillor Stoker, seconded by Councillor Cherrett and RESOLVED that the minutes of the Planning Committee held on 2nd August 2006 (Minute Nos 399 - 413) be received or approved as appropriate subject to the following corrections:-

Page 266;- Declaration of Interest made at Minute Number 402 be removed and be recorded at Minute Number 401

At page number 279 Minute Number 409, first paragraph second line, add:- 'and the vehicular exit' after 'two A class roads.

508 Minutes

Moved by Councillor Woodhouse, seconded by Councillor Patterson and RESOLVED that the minutes of the Audit Committee held on 7th August 2006(Minute Nos 414 - 418) be received subject to the following correction:-

at those recorded as present Cllr Woodhead to be replaced by Councillor Woodhouse.

509 Minutes

Moved by Councilor Gibson, seconded by Councillor Coleman that the minutes of the Cabinet held on 10th August 2006 (Minute No 419 - 429)be received or confirmed as appropriate.

Councillor Narroway proposed and Councillor Harrington seconded the following amendment to recommendation 2 detailed in Minute 428:-

'that Council refer the Ombudsman's report to Executive Scrutiny Committee for urgent consideration in accordance with the Committee's terms of reference'

For clarification Councillor Narroway referred to point 5 of Executive Scrutiny Committee's Terms of Reference which stated that the Committee may:-
'receive and respond to requests from Cabinet and/or full Council for policy development advice and new priority reviews, allocating them if appropriate to one or more of the relevant thematic Select Committees'.

Members debated the proposed amendment prior to it being put to Council.

The proposed amendment was lost.

Councillor Mrs Rigg proposed and Councillor Cherret seconded the following amendment to recommendation 2 contained in Minute No 428:-

'Procedures be reviewed to ensure that timely and accurate information was provided to applicants for grant funding in situations like this; and that such a review be undertaken by the Corporate Director of Development and

Neighbourhood Services and be carried out within six months. The results of this review to be reported in full to all Council Members within 2 weeks of completion of the review'.

Members debated the proposed amendment prior to it being put to Council.

The proposed amendment was lost.

RESOLVED that the minutes of the Cabinet held on 10th August 2006 (Minute No 419 - 429) be received or confirmed as appropriate.

510 To receive the Minutes of the Meeting of the Cleveland Fire Authority held on 2nd June 2006

The minutes of the Cleveland Fire Authority held on 2nd June 2006 were noted.

511 To receive the Minutes of the Meeting of the Safer Stockton Partnership held on 13th June 2006.

The minutes of the Safer Stockton Partnership held on 13th June 2006 were noted.

512 Forward Plan and Leader's Report

Members were informed that the Forward Plan for the period 1st October to 2006 to 31st January 2006 would be published on 15th September 2006.

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.