

Council

A meeting of Council was held on Wednesday, 29th November, 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 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 P Kirton, Cllr T Laing, Cllr C Leckonby, Cllr K Leonard, Cllr K Lupton, Cllr J M Lynch, 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 Mrs B Robinson, Cllr F G Salt, Cllr A B L Sherris, Cllr M Smith, Cllr M Stoker, Cllr N Teasdale, Cllr Mrs A Trainer, Cllr Mrs J Wade, Cllr S F Walmsley, Cllr Mrs M B Womphrey, Cllr M E Womphrey, Cllr B Woodhead, Cllr B Woodhouse

Officers: G Garlick, J Haworth (CE); A Baxter (CESE); N Schneider, S Daniels, J Robbins (DNS); D E Bond, P K Bell (LD); J Danks (R).

Also in attendance: None.

Apologies: Cllr Dalgarno, Cllr Dewison, Cllr Jones, Cllr Larkin, Cllr Narroway, Cllr Parry, Cllr Patterson and Cllr Roberts.

762 Cemetery of the Year Awards Winner - Thornaby Cemetery

The Worshipful the Mayor presented Jayne Robins (Registration and Bereavement Manager) with the Cemetery of the Year Award for Thornaby Cemetery.

763 Minutes

The Minutes of the meeting held on 18th October 2006 were agreed as a correct record.

764 Declarations of Interest

Cabinet

Councillor Mrs Cains declared a personal, non prejudicial interest in respect of minute number 684 as she was a Governor of King Edwin School.

Councillor Fletcher declared a personal, non prejudicial interest in respect of minute number 681 as he was a Member of Egglecliffe Parish Church.

Councillor Fletcher declared a personal, non prejudicial interest in respect of minute number 681 as he was a Member of Egglecliffe Parish Council.

Councillor Cunningham declared a personal, prejudicial interest in respect of minute number 684 as he was a Governor of First Federation Governing Body.

Councillor Leonard declared a personal, non prejudicial interest in respect of minute number 687 as he was a Member of Tristar Homes Board.

Adults, Leisure and Culture Select Committee

Councillor Mrs Fletcher declared a personal, non prejudicial interest in respect

of minute numbers 591 and 643 as she was President and Member of Friends of Billingham International Folklore Festival.

Councillor Fletcher declared a personal, non prejudicial interest in respect of minute number 590 as he was a Member of Eggescliffe Parish Council.

Councillor Fletcher declared a personal, non prejudicial interest in respect of minute number 590 as he was a Member of Eggescliffe Parish Church.

Councillor Fletcher declared a personal, non prejudicial interest in respect of minute number 642 as he was a Member of Eggescliffe Parish Church.

Councillor Fletcher declared a personal, non prejudicial interest in respect of minute number 642 as he was a Member of Eggescliffe Parish Council.

Councillor Fletcher declared a personal, non prejudicial interest in respect of minute numbers 591 and 643 as he was a Member of Friends of Billingham International Folklore Festival.

Executive Scrutiny Committee

Councillor Mrs Fletcher declared a personal, non prejudicial interest in respect of minute number 651 as she was a Member of Friends of Billingham International Folklore Festival.

Councillor Fletcher declared a personal, non prejudicial interest in respect of minute number 650 as he was a Member of Eggescliffe Parish Church.

Councillor Fletcher declared a personal, non prejudicial interest in respect of minute number 650 as he was a Member of Eggescliffe Parish Council.

Councillor Fletcher declared a personal, non prejudicial interest in respect of minute number 651 as he was a Member of Friends of Billingham International Folklore Festival.

Housing and Community Safety Select Committee

Councillor Leonard declared a personal, non prejudicial interest in respect of minute numbers 586 and 587 as he was a Member of Tristar Homes Board.

Councillor Woodhead declared a personal, non prejudicial interest in respect of minute numbers 586 and 587 as he was a Member of Tristar Homes Board.

Councillor Brown declared a personal, non prejudicial interest in respect of minute numbers 586 and 587 as he was a Member of Tristar Homes Board and his son was employed by Tristar Homes Ltd.

Councillor Nelson declared a personal, non prejudicial interest in respect of minute numbers 586 and 587 as he was a Member of Tristar Homes Board and his son was employed by Tristar Homes Ltd.

Councillor Mrs Trainer declared a personal, non prejudicial interest in respect of minute numbers 586 and 587 as she was a Member of Tristar Homes Board and his son was employed by Tristar Homes Ltd.

Planning Committee

Councillor Rix declared a personal, non prejudicial interest in respect of minute number 657 as he was a Member of the Ramblers Association.

Councillor Walmsley declared a personal, prejudicial interest in respect of minute number 658 as his nephew worked for Harpers Garden Centre.

Councillor Mrs Beaumont declared a personal, non prejudicial interest in respect of minute number 570 as she knew the applicant.

Agenda Item 21 - Cleveland Fire Authority - Minutes

Councillor Woodhead declared a personal, non prejudicial interest in respect of agenda item 21 as he was a Member of Cleveland Fire Authority.

Councillor Salt declared a personal, non prejudicial interest in respect of agenda item 21 as he was a Member of Cleveland Fire Authority.

Councillor Mrs O'Donnell declared a personal, non prejudicial interest in respect of agenda item 21 as she was a Member of Cleveland Fire Authority.

Councillor Brown declared a personal, non prejudicial interest in respect of agenda item 21 as he was a Member of Cleveland Fire Authority.

Councillor Kirton declared a personal, non prejudicial interest in respect of agenda item 21 as he was a Member of Cleveland Fire Authority.

Councillor Walmsley declared a personal, non prejudicial interest in respect of agenda item 21 as he was a Member of Cleveland Fire Authority.

Agenda Item 22 - Cleveland Police Authority - Minutes

Councillor Dixon declared a personal, non prejudicial interest in respect of agenda item 22 as he had a relative who was a serving Member of Cleveland Police.

Councillor Cook declared a personal, non prejudicial interest in respect of agenda item 22 as a family Member was serving Officer in the Police.

Councillor Womphrey declared a personal, non prejudicial interest in respect of agenda item 22 as he was a Member of Cleveland Police Authority.

Councillor Coombs declared a personal, non prejudicial interest in respect of agenda item 22 as he was a Member of Cleveland Police Authority.

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

agenda item 22 as he had a relative who was a serving Member of Cleveland Police.

Councillor Mrs Wade declared a personal, non prejudicial interest in respect of agenda item 22 as she had a relative who was a serving Member of Cleveland Police.

Councillor Teasdale declared a personal, non prejudicial interest in respect of Education matters as he worked for an agency that employed from within the Local Education Authority.

765 Public Question Time

The Director of Law and Democracy reported that no public questions had been received.

766 Members' Question Time

The following question was submitted by Councillor Lupton:-

"Under Part 4 Section 11.2 of the Council's Constitution I wish to submit the following questions to the Leader of the Council, Councillor Gibson.

The Police Act 1992 requires that a political balance be maintained on the Police Authority

From 1992 Stockton nominated 3 members whereas the other authorities each nominated two. However due to election results and to maintain political balance on the Police Authority this changed in 2003 and Stockton's representation was reduced to two Members with an additional Middlesbrough Independent Member being appointed. Currently the number of residents represented by each Member in Stockton is 93550 in Middlesbrough it is 44750.

At the Police Joint Committee Meeting on the 13th October 2006 a report was received recommending that due to the change in political balance, caused by bye-election results in Hartlepool, the Independent Member on the Police Authority be removed and replaced by a Conservative Member nominated by Stockton Borough Council

At the meeting a submission was tabled by the Labour Chairman of the Police Authority giving Counsel's opinion that the requirement of the Act could be waived and proposing that the current Independent Member remain on the Police authority.

Question - Did the Leader of the Council and Councillor Coombs vote against the officer recommendations to reinstate Stockton's representation on the Police Authority to 3 members thereby denying the residents of Stockton equal representation with other Authorities?

Question - Does the Leader of the Council confirm that he undertook to support the nomination of a Conservative prior to the meeting and then reneged on this agreement and, together with Councillor Coombs, carried the vote to retain

Middlesbrough's 3 seats on the Police Authority?"

The Leader of the Council responded as follows:-

"The first part of the question where you stated that currently the number of residents represented by each Member in Stockton is 93,550 and in Middlesbrough it is 44750 is clearly not true. The recommendation presented to Members at the Police Joint Committee was incorrect it should not have stated that the Conservative had to come from Stockton on Tees Borough Council, this had been accepted by the clerk of the Joint Committee. Political balance is not contingent on geography.

Counsel's opinion was not sought - this is clearly misleading. The resolution was based on common sense and it was well debated.

When making the decision Members considered a number of factors:-

1. The significant challenges which have faced the authority in recent months in regard to ensuring the protection of local policing in the Cleveland force area and the major issues it currently faces, including taking forward proposals for improved co-operation and collaboration in delivering protective services and the budget setting process.
2. The fact that there remains only a relatively short period before the local government membership of the authority will be subject to general review in the light of the forthcoming council elections.
3. The widespread recognition that there should be stability in the membership of police authorities with members being able to fulfil a full four-year term.
4. The inevitable organisational difficulties and costs which would be involved in enabling anyone newly appointed to the authority to properly fulfil their functions, including serving on the authority's panel structure.
5. The impact of the removal of the Independent member, especially in terms of his involvement in the Custody Visitors system and Vice-Chair of Performance Panel.

In light of these factors, the committee believed that the most sensible way forward, in the interests of the good governance of the Police Authority and the quality of service to the public, was to retain the current local authority membership arrangements until such time as they are reviewed as a result of next year's local elections.

In reaching this decision the committee made it clear that this was a decision relating only to the specific current situation and that it would expect the general principles on which local authority membership is determined to apply following the local elections".

Councillor Lupton asked the following supplementary question:-

"At the Police Joint Committee a motion was tabled and counsel's opinion was sought. Your facts are totally wrong. You stated you would support any

Conservative Member. You have a lack of integrity and poor judgement. There is now a loss of confidence in you, will you step down as Leader?"

The Leader of the Council responded with:-

"No I will not."

Councillor Walmsley asked the following question:-

"Should Members have been informed of an internal audit taking place concerning e-mail security?"

The Deputy Leader of the Council responded with:-

"Local Government legislation requires the Councils' Internal Audit function to be an entirely independent organisation which has the authority to, for example enter buildings; have access to documents and obtain information and explanations as appropriate.

It is not usual practice to inform Members when carrying out investigations. This is because such investigations often deal with quite sensitive issues requiring the Service to be as discreet as possible. Outcomes of investigations are, however, always reported.

With regard to this particular investigation in question, a fellow Councillor requested that it be undertaken in the presence of Members at full Council on 6th September 2006.

I agreed at the meeting that I would ask for this to be undertaken which is exactly what Internal Audit are doing. In this instance I saw no reason why all Members needed to be advised when the investigation concerned only a small number of relevant Members and Officers."

Councillor Walmsley then asked the following supplementary question:-

"I am astonished because the relevant Members were Thornaby Independent Association Members and they were not told of the audit. How can Internal Audit be an independent organisation?"

Councillor Coleman replied with:-

"Internal Audit is fully independent"

767 Minutes

Moved by Councillor Stoker, seconded by Councillor Cherrett and RESOLVED that the minutes of the Planning Committee held on 4th October 2006 (Minutes Nos 570 - 576) be received subject to the following correction:-

1. Page 503, Minute Number 570 – Replace the text in the 5th paragraph after 'Planning Officer' with the following paragraph:-

"Who advised that the original scheme had been approved by the Planning Committee. The issue of what had been said in the sales office by the developer's sales negotiators was not a planning consideration as this was a civil matter and the term "Caveat Emptor"(Buyer beware) applied. The proposed development was considered to be acceptable in principle with adequate internal spacing and design detail to meet the requirements of planning policy."

768 Minutes

Moved by Councillor Mrs Womphrey, seconded by Councillor Dixon and RESOLVED that the minutes of the Health Select Committee held on 4th September 2006 (Minutes Nos 577 - 580) be confirmed.

769 Minutes

Moved by Councillor Mrs Beaumont, seconded by Councillor Teasdale and RESOLVED that the minutes of the Environment and Regeneration Select Committee held on 11th September 2006 (Minutes Nos 581 - 583) be confirmed.

770 Minutes

Moved by Councillor Mrs Trainer, seconded by Councillor Cherrett and RESOLVED that the minutes of the Housing and Community Safety Select Committee held on 14th September 2006 (Minutes Nos 584 - 587) be confirmed.

771 Minutes

Moved by Councillor Fletcher, seconded by Councillor Smith and RESOLVED that the minutes of the Adults, Leisure and Culture Select Committee held on 14th September 2006 (Minutes Nos 588 - 591) be confirmed.

772 Minutes

Moved by Councillor Mrs Nelson, seconded by Councillor Mrs Wade and RESOLVED that the minutes of the Licensing Committee held on 17th October 2006 (Minutes Nos 592 - 595) be received.

773 Minutes

Moved by Councillor Mrs Woodhead, seconded by Councillor Harrington and RESOLVED that the minutes of the Corporate Policy Review Select Committee held on 19th September 2006 (Minutes Nos 637 - 638) be confirmed.

774 Minutes

Moved by Councillor Fletcher, seconded by Councillor Smith and RESOLVED that the minutes of the Adults, Leisure and Culture Select Committee held on 11th October 2006 (Minutes Nos 639 - 644) be confirmed.

775 Minutes

Moved by Councillor Lupton, seconded by Councillor Noble and RESOLVED that the minutes of the Executive Scrutiny Committee held on 24th October 2006 (Minutes Nos 645 - 651) be received.

776 Minutes

Moved by Councillor Leonard, seconded by Councillor Johnson and RESOLVED that the minutes of the Licensing Sub Committee held on 19th October 2006 (Minutes Nos 652 - 655) be received.

777 Minutes

Moved by Councillor Stoker, seconded by Councillor Cherrett and RESOLVED that the minutes of the Planning Committee held on 25th October 2006 (Minutes Nos 656 - 665) be received subject to the following correction:-

1. Page 553, Minute Number 658 – Add after the Heads of Terms paragraph:-

“Councillor Walmsley left the room for the duration of the item having declared a personal/prejudicial interest in relation to the fact that his nephew worked for Harpers Garden Centre”

778 Minutes

Moved by Councillor Fletcher, seconded by Councillor Sherris and RESOLVED that the minutes of the Standards Committee held on 26th October 2006 (Minutes Nos 666 - 674) be received.

779 Minutes

Moved by Councillor Gibson, seconded by Councillor Coleman and RESOLVED that the minutes of the Appointments Panel held on 1st November 2006 (Minutes Nos 675 - 678) be received.

780 Minutes

Moved by Councillor Gibson, seconded by Councillor Coleman and RESOLVED that the minutes of Cabinet held on 2nd November 2006 (Minutes Nos 679 - 691) be received or confirmed as appropriate subject to the following correction:-

Reference to a personal prejudicial interest declared by Councillor Cunningham be amended as follows:-

The words ‘as he was a governor of Abbey Hill School’ be replaced with ‘as he was a member of Stockton First Federation governing body, which included Abbey Hill School’.

781 Minutes

Moved by Councillor Leonard, seconded by Councillor Johnson and RESOLVED that the minutes of the Licensing Sub Committee held on 8th November 2006 (Minutes Nos 692 - 694) be received.

782 To receive the minutes of the meeting of the Cleveland Fire Authority held on 28th July 2006.

The minutes of Cleveland Fire Authority held on 28th July 2006 were noted.

783 To receive the minutes of the meeting of Cleveland Police Authority Executive held on 23rd August 2006.

The minutes of the Cleveland Police Authority Executive held on 23rd August 2006 were noted.

784 To receive the minutes of the meeting of the Markets Forum held on 6th September 2006.

The minutes of the Markets Forum held on 6th September 2006 were noted.

785 To receive the minutes of the Safer Stockton Partnership held on 12th September 2006.

The minutes of the Safer Stockton Partnership held on 12th September 2006 were noted.

786 To receive the minutes of the meeting of the Stockton Home Safety Association held on 12th September 2006.

The minutes of the meeting of the Stockton Home Safety Association held on 12th September 2006 were noted.

787 To receive the minutes of the Elderly Citizens Liaison Forum held on 26th September 2006.

The minutes of the meeting of the Elderly Citizens Liaison Forum held on 26th September 2006 were noted.

788 Restructure of the Liveability Partnership-Elected Member Representation

Annual Council, at its meeting held on 5th April 2006, appointed the following elected member representatives to the Liveability Partnership Board:-

Councillor Mrs S.Fletcher
Councillor Kirton
Councillor Nelson
Councillor Mrs Womphrey

Since that time, the Renaissance Board at its meeting held on 4th July 2006, agreed to dissolve the Partnership and agreed to replace it with two separate partnerships:-

- Housing & Neighbourhood Partnership
- Environment Partnership

Both Partnerships had amended their terms of reference accordingly and each was proposing that two elected members be nominated for each Partnership.

Following consultation with each political group, nominations had therefore been invited and were submitted as follows:-

Environment Partnership (2)

Councillor Nelson (Cabinet Member for Environment)
Councillor Mrs Beaumont

Housing & Neighbourhood Partnership (2)

Councillor Leonard (Cabinet Member for Housing)
Councillor Mrs Fletcher
Councillor Mrs Womphrey

Councillor Mrs Womphrey's nomination was withdrawn.

RESOLVED that:-

1. Councillor Nelson (Cabinet Member for Environment) and Councillor Mrs Beaumont be appointed to the Environment Partnership.
2. Councillor Leonard (Cabinet Member for Housing) and Councillor Mrs Fletcher be appointed to the Housing and Neighbourhood Partnership.

789 Appointment of Representatives to Outside Bodies

To consider the appointment of the following nominations to outside body organisations:-

Consideration was given to the appointment of the following nominations to outside body organisations:-

St Ann's Development Board (2 members required):-

Councillor Coleman
Councillor Kirton

Newtown Community Resource Centre (2 members required):-

Councillor Gibson
Councillor Mrs Nelson

Yarm Youth & Community Association (2 members required):-

Councillor Jones
Councillor Sherris

RESOLVED that:-

1. Councillor Coleman and Councillor Kirton be appointed to the St Ann's Development Board.
2. Councillor Gibson and Councillor Mrs Nelson be appointed to the Newtown Community Resource Centre.
3. Councillor Jones and Councillor Sherris be appointed to the Yarm Youth and Community Association.

790 Forward Plan and Leader's Report

The Forward Plans for the periods 1st November 2006 to 28th February 2007 and 1st December 2006 to 31st March 2007 had previously been circulated to Members. The Forward Plan for the period 1st January 2007 to 30th April 2007 was due to be published on or before 15th December 2006.

The Leader of the Council reported on significant decisions which the Cabinet was proposing to take over the coming months.