

Council

A meeting of Council was held on Wednesday, 3rd September, 2008.

Present: The Worshipful the Mayor (Cllr John Fletcher), Cllr Hilary Aggio, Cllr Mrs Lynne Apedaile, Cllr Paul Baker, Cllr Jim Beall, Cllr Mrs Jennie Beaumont, Cllr Phillip Broughton, Cllr Mrs Ann Cains, Cllr Dick Cains, Cllr Julia Cherrett, Cllr Aidan Cockerill, Cllr David Coleman, Cllr Robert Cook, Cllr Mrs Eileen Craggs, Cllr Alex Cunningham, Cllr Ian Dalgarno, Cllr Ken Dixon, Cllr Mick Eddy, Cllr Kevin Faulks, Cllr Mrs Suzanne Fletcher, Cllr John Gardner, Cllr Robert Gibson, Cllr David Harrington, Cllr Miss Barbara Inman, Cllr Mohammed Javed, Cllr Paul Kirton, Cllr Terry Laing, Cllr Miss Tina Large, Cllr Colin Leckonby, Cllr Alan Lewis, Cllr Ken Lupton, Cllr Mrs Ann McCoy, Cllr Mrs Kath Nelson, Cllr Steve Nelson, Cllr Mrs Liz Nesbitt, Cllr Bill Noble, Cllr Mrs Jean O'Donnell, Cllr Ross Patterson, Cllr Maurice Perry, Cllr Mrs Maureen Rigg, Cllr Roy Rix, Cllr Fred Salt, Cllr Andrew Sherris, Cllr Michael Smith, Cllr Mick Stoker, Cllr Mrs Allison Trainer, Cllr Steve Walmsley, Cllr Mrs Sylvia Walmsley, Cllr Mrs Mary Womphrey, Cllr Mick Womphrey, Cllr Bill Woodhead, Cllr Barry Woodhouse

Officers: G Garlick, H Dean, E Chesworth (CE); D E Bond, M Waggott, L Lawty, P K Bell (LD); N Schneider (DNS); J Danks (R); J Humphreys (CESC).

Also in attendance: F Hayes (Chairman of the Standards Committee), 4 Members of the Public.

Apologies: Cllr Jackie Earl, Cllr Maurice Frankland, Cllr Andrew Larkin, Cllr Lee Narroway.

C Minutes

132/08

The minutes of the meeting held on 9th July 2008 were signed by the Worshipful the Mayor as a correct record.

C George Garlick OBE

133/08

Council agreed that Procedure Rule 12.1 be suspended for the purposes of the proposed motion.

The following motion was then moved by Councillor Gibson and seconded by Councillor Lupton:-

"That Stockton on Tees Borough Council formally recognises the contribution George Garlick has made over the past 13 years in helping transform it into one of the highest performing local authorities in the country. George has not only helped make this Council one of the region's most vibrant authorities, leading the way in numerous initiatives within the Borough, in the Tees Valley and across the North East, he has helped tackle the real issues of helping improve the lives of the people who live in the Borough. This Council conveys its thanks for his many achievements and its best wishes for George's future career."

The Motion was carried.

C Declarations of Interest

134/08

Councillor Lewis declared a personal non prejudicial interest in respect of Councillor Dixon's Member Question about Eggescliffe School due to being a Governor at Eggescliffe School.

Councillor Walmsley declared a personal prejudicial interest in respect of minute P 58/08 - 502 - 506 Yarm Road, Eggescliffe, Stockton-on-Tees - Revised application for residential development for the erection of 1 no. three storey

apartment block comprising of 11 no. apartments (demolition of existing petrol station) as he was a friend of the applicant.

Councillor Mrs Cains declared a personal, non prejudicial interest in respect of minute CAB 54/08 - Local Authority Representatives on School Governing Bodies as she was named within the report.

Councillor Woodhouse declared a personal prejudicial interest in respect of minutes S 43/08 and S 53/08 - Summary of Allegations of Misconduct Determined by the Standards Board for England and Cases referred for Local Investigation as he was a subject of the agenda items.

**C
135/08** **Public Question Time**

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

**C
136/08** **Members' Question Time**

The following question was submitted by Councillor Dixon for response by the Cabinet Member for Children and Young People:-

"It appears that under the BSF scheme the Cabinet Member for Children and Young People is championing the siting of a new state of the art secondary school in what in my opinion is an inappropriate location. The site of the new proposed Egglecliffe School has a railway line running along its entire length. The main entrance is next to an unmanned level crossing and on the busiest road in and out of Egglecliffe and Yarm with a proposed development for 500 houses on the Senargo site, new industrial estate at Urray Nook and the £103 million development of Durham Tees Valley Airport. Finally there is a pylon and extremely high voltage power lines running across the field. Can the Cabinet Member for Children and Young People tell me why he thinks this site is fit for purpose?"

The Cabinet Member for Children and Young People responded with:-

"The site on which the existing school is located is seriously congested with buildings that have been added year on year as the schools needs have grown. The current buildings do not fit with the needs of the school now and certainly will not do so in the future as curriculum demands increase with Diploma opportunities.

Already the School's outdoor sports activities have largely to be carried out on an alternative site. The site used for many years for those activities, which has not been previously queried as having any difficulties, is in fact the same site that is now proposed to be used to create new premises that will fully fit with the schools present and future needs. It will enable all Egglecliffe School's activities to be contained on one site instead of the two site arrangement that exists now.

The various issues around the railway, residential development and proximity to industry have been considered in detail. In terms of the railway, sufficient and

robust secure fencing will be established along the boundary with the line and the frequency of trains on that line can hardly be considered as disruptive.

Pupil numbers generated by new housing development have been included into the pupil place planning. The Urray Nook industrial sites and Durham Tees Valley Airport developments can hardly be considered to be in close proximity to the proposed site both being some considerable distance away.

The access to the site has not been finally determined and it has been recognised that access from Durham Lane would not be ideal for the very reasons that Councillor Dixon has cited. For that reason the feasibility of creating access to the new school from Urray Nook Road and not Durham Lane is currently under review.

The land has a pylon cited close to it and power lines running across one end of the site. That end of the site would clearly not be the place for the location of the school. The schools buildings and playing fields would be sited away from them. It is worthy of note that new houses have been built purchased and occupied in much closer proximity to these power lines than any part of the proposed new school would be.

It is also worthy of noting that Blakeston School has a railway line running along the length of the fields.

There is nothing related to the proposed site that could be construed as identifying it unfit for its proposed purpose."

Councillor Dixon asked the following supplementary question:-

"In July 2007 there was a cross party inquiry into childhood and ELF and EMFS (Extremely Low Frequency and Electric and Magnetic Fields). In the report George Wimpey state that it is their internal policy that restricts building within 200 meters of existing High Voltage Overhead Telegraph Lines.

In the first recommendation it states that the Government recognise the potential risks to children's health caused by exposure to EMF and recommend a moratorium on new schools and homes be at least 60 metres of existing HVOTL.

However the inquiry recommends that Government consider extending this distance to 200 metres for the highest voltage lines and this is the case for the power lines across the proposed site. The Government will respond by the end of the year.

In view of this report and its recommendation that new builds should be 200 meters away from the power lines should you not be reviewing the use of this site as it is an obvious danger to the health of the children and other users plus the school would not fit in the remaining area?"

The Cabinet Member for Children and Young People responded with:-

"The Local Authority will comply with all the necessary requirements of current and future legislation, we will not put any of the children at risk."

The following question was submitted by Councillor Mrs Rigg for response by the Cabinet Member for Environment:-

"Can the relevant Cabinet Member please tell me how many plastic bags have been given away by Stockton Council or its partners and Arms Length Organisations at events where the council sponsors or has a significant input, such as Crucial Crew, Celebrating Diversity, Greener Living Road Show etc in the last 12 months?"

The Cabinet Member for Environment responded with:-

"Having examined the information that the Council holds on this matter, it is difficult to categorically state how many plastic bags have been distributed through the wide range of Council and council partner events, referred to in the question.

However, from the details we do have I have been able to establish the approximate number of bags distributed through the council's own operations. Approximately 1700 were biodegradable plastic, linen or cotton and there were just under 4000 plastic bags distributed in 2007-2008. The Council's Environment Policy, adopted in March 2007, includes a strategic objective to assess, and reduce where appropriate, the environmental impact of the Council's procurement practices. In this context I have asked officers to ensure that the issue of plastic bags be addressed in the refresh of the Council's procurement and commissioning strategy which is currently under way and due for consideration at Cabinet later this year."

Councillor Mrs Rigg asked the following supplementary question:-

"Would the cabinet member agree that she needs to redouble her efforts given that in recent weeks:-

- * a photograph appeared in the local press showing prize winners prominently displaying their SBC plastic carrier bags.

- * SIRF distributed hundreds of plastic rain ponchos emblazoned with SBC's logo, many of which were probably discarded once the weather changed and would end up in landfill or blown into trees and hedges

- * residents are being asked to reduce their waste to help this council achieve challenging targets but this council and some of its partners like the NHS are giving them more waste.

The Cabinet Member for Environment responded with:-

"Yes we need to redouble our efforts and I will work with other Cabinet Members. We will address what can be addressed encouraging our partners to do the same."

C Appointments Panel (Heads of Service) Minutes

137/08

Moved by Councillor Laing, seconded by Councillor Coleman and RESOLVED that the minutes of the Appointments Panel (Heads of Service) held on 3rd July 2008 (Minutes APP 5/08 – APP 7/08) be received.

C **Appointments Panel (Heads of Service) Minutes**
138/08

Moved by Councillor Lupton, seconded by Councillor Mrs Beaumont and RESOLVED that the minutes of the Appointments Panel (Corporate Director) held on 8th July 2008 (Minutes APP 16/08 – APP 19/08) be received.

C **Appointments Panel (Heads of Service) Minutes**
139/08

Moved by Councillor Lupton, seconded by Councillor Mrs Beaumont and RESOLVED that the minutes of the Appointments Panel (Corporate Director) held on 15th July 2008 (Minutes APP 20/08 – APP 23/08) be received.

C **Appointments Panel (Heads of Service) Minutes**
140/08

Moved by Councillor Laing, seconded by Councillor Mrs Beaumont and RESOLVED that the minutes of the Appointments Panel (Heads of Service) held on 28th July 2008 (Minutes APP 8/08 – APP 11/08) be received

C **Appointments Panel (Heads of Service) Minutes**
141/08

Moved by Councillor Laing, seconded by Councillor Mrs Beaumont and RESOLVED that the minutes of the Appointments Panel (Heads of Service) held on 31st July 2008 (Minutes APP 12/08 – APP 15/08) be received

C **Appointments Panel (Heads of Service) Minutes**
142/08

Moved by Councillor Lupton, seconded by Councillor Mrs Beaumont and RESOLVED that the minutes of the Appointments Panel (Chief Executive) held on 14th August 2008 (Minutes APP 16/08 – APP 18/08) be confirmed.

C **Audit Committee Minutes**
143/08

Moved by Councillor Woodhouse, seconded by Councillor Womphrey and RESOLVED that the minutes of the Audit Committee held on 26th June 2008

(Minutes A 17/08 – A 21/08) be received.

C Cabinet Minutes

144/08

Moved by Councillor Lupton, seconded by Councillor Mrs Beaumont and RESOLVED that the minutes of Cabinet held on 21st July 2008 (Minutes CAB 48/08 – CAB 62/08) be confirmed or received as appropriate.

C Cabinet Minutes

145/08

Moved by Councillor Lupton, seconded by Councillor Mrs Beaumont and RESOLVED that the minutes of Cabinet held on 14th August 2008 (Minutes CAB 63/08 – CAB 69/08) be confirmed or received as appropriate.

C Children & Young People Select Committee Minutes

146/08

Moved by Councillor Harrington, seconded by Councillor Eddy and RESOLVED that the minutes of Children and Young People Select Committee held on 25th June 2008 (Minutes CYP 11/08 – CYP 16/08) be confirmed.

C Corporate, Adult Services & Social Inclusion Select Committee Minutes

147/08

Moved by Councillor Coleman, seconded by Councillor Apedaile and RESOLVED that the minutes of Corporate, Adult Services and Social Inclusion Select Committee held on 21st May 2008 (Minutes CAS 5/08 – CAS 9/08) be confirmed.

C Corporate, Adult Services & Social Inclusion Select Committee Minutes

148/08

Moved by Councillor Coleman, seconded by Councillor Apedaile and RESOLVED that the minutes of Corporate, Adult Services and Social Inclusion Select Committee held on 3rd June 2008 (Minutes CAS 10/08 – CAS 15/08) be confirmed.

C Employee Appeals Panel Minutes

149/08

Moved by Councillor Rix, seconded by Councillor Mrs Nelson and RESOLVED that the minutes of the Employee Appeal Panel held on 16th June 2008 (Minutes EAP 9/08 – EAP 11/08) be received.

C Employee Appeals Panel Minutes

150/08

Moved by Councillor Rix, seconded by Councillor Mrs Nelson and RESOLVED

that the minutes of the Employee Appeals Panel held on 26th June 2008 (Minutes EAP 12/08 – EAP 14/08) be received.

**C
151/08 Employee Appeals Panel Minutes**

Moved by Councillor Rix, seconded by Councillor Mrs Nelson and RESOLVED that the minutes of the Employee Appeals Panel held on 18th June 2008 (Minutes EAP 15/08 – EAP 17/08) be received.

**C
152/08 Employee Appeals Panel Minutes**

Moved by Councillor Rix, seconded by Councillor Mrs Nelson and RESOLVED that the minutes of the Employee Appeals Panel held on 7th August 2008 (Minutes EAP 18/08 – EAP 20/08) be received.

**C
153/08 Environment Select Committee Minutes**

Moved by Councillor Mrs Rigg, seconded by Councillor Smith and RESOLVED that the minutes of the Environment Select Committee held on 23rd June 2008 (Minutes ENV 9/08 – ENV 12/08) be confirmed.

**C
154/08 Executive Scrutiny Committee Minutes**

Moved by Councillor Gibson, seconded by Councillor Leckonby and RESOLVED that the minutes of the Executive Scrutiny Committee held on 8th July 2008 (Minutes EXC 21/08 – EXC 26/08) be received.

**C
155/08 Health Select Committee Minutes**

Moved by Councillor Mrs Cains, seconded by Councillor Faulks and RESOLVED that the minutes of the Health Select Committee held on 16th June 2008 (Minutes H 14/08 – H 20/08) be confirmed.

**C
156/08 Health Select Committee Minutes**

Moved by Councillor Mrs Cains, seconded by Councillor Faulks and RESOLVED that the minutes of the Health Select Committee held on 23rd June 2008 (Minutes H 21/08 – H 25/08) be confirmed.

**C
157/08 Health Select Committee Minutes**

Moved by Councillor Mrs Cains, seconded by Councillor Faulks and RESOLVED that the minutes of the Health Select Committee held on 14th July 2008 (Minutes H 26/08 – H 30/08) be confirmed.

C **Health Select Committee Minutes**
158/08

Moved by Councillor Mrs Cains, seconded by Councillor Faulks and
RESOLVED that the minutes of the Health Select Committee held on 21st July
2008 (Minutes H 31/08 – H 34/08) be confirmed.

C **Health Select Committee Minutes**
159/08

Moved by Councillor Mrs Cains, seconded by Councillor Faulks and
RESOLVED that the minutes of the Health Select Committee held on 28th July
2008 (Minutes H 35/08 – H 41/08) be confirmed.

C **Housing and Community Safety Select Committee**
160/08

**To receive and/or consider the minutes of the Housing and Community
Safety Select Committee on Thursday, 12th June 2008**

Moved by Councillor Mrs Trainer, seconded by Councillor Cherrett and
RESOLVED that the minutes of the Housing and Community Safety Select
Committee held on 12th June 2008 (Minutes HCS 8/08 – H 14/08) be
confirmed.

C **Licensing Committee Minutes**
161/08

Moved by Councillor Woodhead, seconded by Councillor Mrs Nelson and
RESOLVED that the minutes of the Licensing Committee held on 1st July 2008
(Minutes L 22/08 – L 33/08) be received.

C **Licensing Committee Minutes**
162/08

Moved by Councillor Woodhead, seconded by Councillor Mrs Nelson and
RESOLVED that the minutes of the Licensing Committee held on 12th August
2008 (Minutes L 34/08 – L 38/08) be received subject to the following
correction:-

With reference to Minute L38/08, Page 358, paragraph one, please delete the
word "absolved" and replace with "resolved".

C **Licensing Sub Committee Minutes**
163/08

Moved by Councillor Woodhead, seconded by Councillor Mrs Nelson and
RESOLVED that the minutes of the Licensing Sub Committee held on 23rd
June 2008 (Minutes LSC 16/08 – LSC 18/08) be received.

C **Licensing Sub Committee Minutes**

164/08

Moved by Councillor Woodhead, seconded by Councillor Mrs Nelson and RESOLVED that the minutes of the Licensing Sub Committee held on 14th July 2008 (Minutes LSC 19/08 – LSC 21/08) be received.

C Licensing Sub Committee Minutes

165/08

Moved by Councillor Woodhead, seconded by Councillor Mrs Nelson and RESOLVED that the minutes of the Licensing Sub Committee held on 11th August 2008 (Minutes LSC 22/08 – LSC 24/08) be received.

C Planning Committee Minutes

166/08

Moved by Councillor Rix, seconded by Councillor Gardner and RESOLVED that the minutes of the Planning Committee held on 2nd July 2008 (Minutes P 41/08 – P 47/08) be received.

C Planning Committee Minutes

167/08

Moved by Councillor Rix, seconded by Councillor Gardner and RESOLVED that the minutes of the Planning Committee held on 23rd July 2008 (Minutes P 48/08 – P 56/08) be received subject to the following correction:-

At minute P 48/08, page 384 Delete the wording:

"Councillor Mrs Beaumont declared a personal non prejudicial interest in the item entitled 08/0567/EIS Allens West, Durham Lane, Eaglescliffe, Stockton-on-Tees - Outline application for mixed use development comprising warehousing, industrial, residential, care home, retail and community uses plus associated parking, roads, landscaping and infrastructure due to being a member of Egglescliffe and Eaglescliffe Parish Council."

And replace with the wording:

"Councillor Mrs Beaumont declared a personal non prejudicial interest in the item entitled 08/0707/FUL Old Social Club Adjacent To 23, Kirklevington Grange, Yarm - Erection of 2.no detached dwellings and associated means of access and landscaping (demolition of former social club) due to being a member of Kirklevington and Castle Leavington Parish Council."

C Planning Committee Minutes

168/08

Moved by Councillor Rix, seconded by Councillor Gardner and RESOLVED that the minutes of the Planning Committee held on 13th August 2008 (Minutes P 57/08 – P 65/08) be received subject to the following correction:-

At minute P 63/08, page 415 with reference to the title of the item please delete the word "Locak" and replace with the word "Local".

C
169/08 **Regeneration & Transport Select Committee Minutes**

Moved by Councillor Perry, seconded by Councillor Cains and RESOLVED that the minutes of the Regeneration and Transport Select Committee held on 30th June 2008 (Minutes RTS 10/08 – RTS 15/08) be confirmed.

C
170/08 **Standards Committee Minutes**

Moved by Mr F W Hayes, seconded by Councillor Dixon and RESOLVED that the minutes of the Standards Committee held on 4th July 2008 (Minutes S 42/08 – S 47/08) be received.

C
171/08 **Standards Committee Minutes**

Moved by Mr F W Hayes, seconded by Councillor Dixon and RESOLVED that the minutes of the Standards Committee held on 31st July 2008 (Minutes S 48/08 – S 58/08) be received.

C
172/08 **Markets Forum Minutes**

The minutes of the meeting of the Markets Forum held on 21st May 2008 were noted.

C
173/08 **Members Advisory Panel-New Constitution Minutes**

The minutes of the meeting of the Members Advisory Panel held on 14th May 2008 were endorsed.

C
174/08 **Members Advisory Panel-New Constitution Minutes**

The minutes of the meeting of the Members Advisory Panel held on 20th June 2008 were endorsed.

C
175/08 **Safer Stockton Partnership Minutes**

The minutes of the meeting of the Safer Stockton Partnership held on 10th June 2008 were noted.

C
176/08 **Stockton Home Safety Association Minutes**

The minutes of the meeting of the Stockton Home Safety Association held on 10th June 2008 were noted.

C
177/08 **Membership of Committees for the Municipal Year 2008/2009**

At its Annual Meeting held on Wednesday 2nd April 2008 Council approved appointments to its Committees, Panels and Joint/Outside Bodies for the Municipal year 2008/2009. At the Annual Meeting Councillor Coleman was appointed to Executive Scrutiny Committee, Corporate, Adult Services and Social Inclusion Select Committee and Children and Young People Select Committee.

On 9th July 2008 Councillor Coleman was appointed to Cabinet as lead Member for Access and Communities. As legislation specifically prevents Executive Members from serving on Select Committees and the Executive Scrutiny Committee, vacancies existed on the above and replacement Members needed to be appointed by Council.

Under political proportionality regulations the vacancies should be filled by Member(s) from the Labour Group, as this would assist in maintaining political balance.

With regard the appointment to the Executive Scrutiny Committee the newly appointed Chairman of the Corporate, Adult Services and Social Inclusion Select Committee would be automatically appointed to Executive Scrutiny Committee in line with the Council Constitution.

As Councillor Coleman was Chairman of the Corporate, Adult Services and Social Inclusion Select Committee a vacancy for this position also existed. Nominations may be received for this position as regards any Member serving on that Select Committee.

RESOLVED that:-

1. Councillor Stoker be appointed to Corporate, Adult Services and Social Inclusion Select Committee.
2. Councillor Beall be appointed to the Children and Young People Select Committee.
3. Councillor Stoker be appointed as Chairman of the Corporate, Adult Services and Social Inclusion Select Committee.

C
178/08 **Membership of Commemoration Working Group**

At the meeting of the Executive Scrutiny Committee held on 10th June 2008 the formalisation of a procedure to commemorate the lives of significant individuals based on their importance, connection and contribution to the Borough of Stockton on Tees was agreed.

Subsequently the Members Advisory Panel held on 20th June 2008 agreed the establishment of a small cross party Working Group. The Working Group would

comprise of 5 members in accordance with political composition (2 Labour, 1 Conservative, 2 other members derived from the remaining political groups). The Working Group would periodically judge the nominations received.

It was also agreed at the Members Advisory Panel that nominations would be sought at the next Council meeting to confirm the members to be appointed to the Working Group.

RESOLVED that:-

1. Councillors Beall, Cains, Fletcher and Woodhead be appointed to the Commemoration Working Group.
2. It be noted that a vacancy exists on the Commemoration Working Group.

C
179/08 **Change to date/time of Council**

At its Annual Meeting held on Wednesday 2nd April 2008 Council approved the dates for the meetings of Council for the Municipal Year 2008/09.

Subsequently the Council had been informed that the Police Authority may not have their precept information available in time for presentation to the Special Council meeting on the 25th February 2009. Therefore it was proposed to have in reserve another Council meeting so that, if necessary, the Police Authority Precept part of budget could be taken to a subsequent full Council meeting. The 11th March Ordinary Council meeting would have been considered, however, that was one day too late in terms of budget setting/Council Tax legislation. Therefore it was considered appropriate to change the Ordinary Council meeting on the 11th March, to the 4th March, which then gave the option of being able to take the Police Authority Precept information to that meeting.

Another related issue was that in the Democracy Diary the Special Council meetings were listed to commence at 4.30pm. However, Members felt that it would be more appropriate for the Special Council meeting for the budget to commence at 7.00pm.

RESOLVED that:-

1. The Ordinary Council meeting due to be held on 11th March 2009 be re-arranged to take place on 4th March 2009.
2. The Special Meeting of Council due to be held on 25th February 2009 commence at 7.00pm rather than 4.30pm.

C
180/08 **Officer Decisions taken in consultation with the Mayor**

Consideration was given to a report that informed Members of the following Officer Decisions which had been taken under urgency provisions in consultation with the Mayor:-

1. To cancel the meeting of Council scheduled for 2nd July 2008 and to

rearrange the meeting for 9th July 2008

2. To cancel the meeting of Council scheduled for 16th July 2008

3. To approve arrangements for the appointment of a Corporate Director of Children, Education and Social Care and appoint the following Members to the Appointments Panel – Cllr Lupton, Cllr Cunningham, Cllr Mrs McCoy, Cllr Mrs Womphrey and Cllr Narroway

4. Approval of the draft Strategic Housing Land Availability Assessment (SHLAA) for public consultation for the period 28th July 2008 to 15th August 2008

RESOLVED that the Officer Decisions that had been taken in consultation with the Mayor be noted.