

Council

A meeting of Council was held on Wednesday, 20th January, 2010.

Present: The Worshipful the Mayor (Cllr Paul Kirton); 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 Kevin Faulks, Cllr John Fletcher, Cllr Mrs Suzanne Fletcher, Cllr John Gardner, Cllr Robert Gibson, Cllr David Harrington, Cllr Miss Barbara Inman, Cllr Mohammed Javed, Cllr Terry Laing, Cllr Andrew Larkin, 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 Steve Walmsley, Cllr Mrs Sylvia Walmsley, Cllr Mrs Mary Womphrey, Cllr Mick Womphrey, Cllr Bill Woodhead

Officers: N Schneider (CE); D E Bond, P K Bell (LD); P Dobson (DNS); J Danks, B Brown (R); J Humphreys (CESC).

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

Apologies: Cllr Jackie Earl, Cllr Mick Eddy, Cllr Maurice Frankland, Cllr Jean Kirby, Cllr Tina Large, Cllr Allison Trainer and Cllr Barry Woodhouse.

C Petition - Hands Off Preston Park 255/09

In accordance with the Council's Constitution; and following consultation with the relevant Cabinet Members, Council noted the receipt by the Worshipful the Mayor of a petition objecting to the building of a new school on land at Preston Park.

C Declarations of Interest 256/09

Councillor Gibson declared personal non prejudicial interests in respect of agenda items 8, 16, 17, 18 and 19 - Cabinet minutes and Housing & Community Safety Select Committee minutes as he was a Member of Tristar Homes Board.

Councillor Nesbitt declared personal non prejudicial interests in respect of agenda items 8, 16, 17, 18 and 19 - Cabinet minutes and Housing & Community Safety Select Committee minutes as she was a Member of Tristar Homes Board.

C Public Question Time 257/09

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

C Minutes 258/09

The minutes of the meeting of Council held on 9th December 2009 were signed by the Worshipful the Mayor as a correct record.

C Audit Committee Minutes 259/09

Moved by Councillor Gibson, seconded by Councillor Womphrey and

RESOLVED that the minutes of the Audit Committee held on 7th December 2009 (Minute A 33/09 - A 43/09) be received

C
260/09 **Cabinet Minutes**

Moved by Councillor Lupton, seconded by Councillor Mrs Beaumont and RESOLVED that the minutes of the Cabinet held on 17th December 2009 (Minute CAB 139/09 - CAB 155/09) be confirmed or received as appropriate.

C
261/09 **Cabinet Minutes**

Moved by Councillor Lupton, seconded by Councillor Mrs Beaumont and RESOLVED that the minutes of the Cabinet held on 14th January 2010 (Minute CAB 156/09 - CAB 165/09) be confirmed or received as appropriate.

C
262/09 **Children & Young People Select Committee Minutes**

Moved by Councillor Harrington, seconded by Councillor Mrs Cains and RESOLVED that the minutes of the Children and Young People Select Committee held on 28th October 2009 (Minute CYP 45/09 - CYP 51/09) be confirmed.

C
263/09 **Children & Young People Select Committee Minutes**

Moved by Councillor Harrington, seconded by Councillor Mrs Cains and RESOLVED that the minutes of the Children and Young People Select Committee held on 11th November 2009 (Minute CYP 52/09 - CYP 55/09) be confirmed.

C
264/09 **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 16th November 2009 (Minute ENV 38/09 - ENV 42/09) be confirmed.

C
265/09 **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 2nd December 2009 (Minute ENV 43/09 - ENV 45/09) be confirmed.

C
266/09 **Executive Scrutiny Committee Minutes**

Moved by Councillor Gibson, seconded by Councillor Mrs Rigg and RESOLVED that the minutes of the Executive Scrutiny Committee held on 17th November 2009 (Minute EXC 36/09 - EXC 45/09) be received subject to the following correction:-

Minute No. EXC 39/09 - Replace on the second line "Commercial Trading Services" to "Communication, Consultation and Engagement".

Minute No. EXC 40/09 – Replace on the second line "Communication, Consultation and Engagement" to "Commissioning and Provision of Public and Community Transport".

C
267/09 **Executive Scrutiny Committee Minutes**

Moved by Councillor Gibson, seconded by Councillor Mrs Rigg and RESOLVED that the minutes of the Executive Scrutiny Committee held on 15th December 2009 (Minute EXC 46/09 - EXC 51/09) be received.

C
268/09 **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 26th October 2009 (Minute H 33/09 - H 40/09) be confirmed.

C
269/09 **Housing & Community Safety Select Committee Minutes**

Moved by Councillor Cherrett, seconded by Councillor Javed and RESOLVED that the minutes of the Housing and Community Safety Select Committee held on 8th October 2009 (Minute HCS 18/09 - HCS 23/09) be confirmed.

C
270/09 **Housing & Community Safety Select Committee Minutes**

Moved by Councillor Cherrett, seconded by Councillor Javed and RESOLVED that the minutes of the Housing and Community Safety Select Committee held on 25th November 2009 (Minute HCS 24/09 - HCS 27/09) be confirmed.

C
271/09 **Housing & Community Safety Select Committee Minutes**

Moved by Councillor Cherrett, seconded by Councillor Javed and RESOLVED

that the minutes of the Housing and Community Safety Select Committee held on 30th November 2009 (Minute HCS 28/09 - HCS 30/09) be confirmed.

C
272/09 **Housing & Community Safety Select Committee Minutes**

Moved by Councillor Cherrett, seconded by Councillor Javed and RESOLVED that the minutes of the Housing and Community Safety Select Committee held on 8th December 2009 (Minute HCS 31/09 - HCS 33/09) be confirmed.

C
273/09 **Licensing Sub Committee Minutes**

Moved by Councillor Woodhead, seconded by Councillor Mrs Nelson and RESOLVED that the minutes of the Licensing Sub Committee held on 20th November 2009 (Minute LSC 22/09 - LSC 24/09) be received.

C
274/09 **Licensing Sub Committee Minutes**

Moved by Councillor Woodhead, seconded by Councillor Mrs Nelson and RESOLVED that the minutes of the Licensing Sub Committee held on 2nd December 2009 (Minute LSC 25/09 - LSC 27/09) be received.

C
275/09 **Licensing Sub Committee Minutes**

Moved by Councillor Woodhead, seconded by Councillor Mrs Nelson and RESOLVED that the minutes of the Licensing Sub Committee held on 11th December 2009 (Minute LSC 28/09 - LSC 30/09) be received.

C
276/09 **Planning Committee Minutes**

Moved by Councillor Rix, seconded by Councillor Salt and RESOLVED that the minutes of the Planning Committee held on 25th November 2009 (Minute P 98/09 - P 104/09) be received.

C
277/09 **Planning Committee Minutes**

Moved by Councillor Rix, seconded by Councillor Salt and RESOLVED that the minutes of the Planning Committee held on 16th December 2009 (Minute P 105/09 - P 115/09) be received.

C
278/09 **Standards Committee Minutes**

Moved by Mr F W Hayes, seconded by Councillor Dixon and RESOLVED that the minutes of the Standards Committee held on 20th November 2009 (Minute S 75/09 - S 84/09) be confirmed or received as appropriate.

**C
279/09** **Cleveland Fire Authority**

The minutes of the Cleveland Fire Authority held on the 25th September 2009 were noted.

**C
280/09** **Cleveland Police Authority Executive Minutes**

The minutes of the Cleveland Police Authority Executive held on the 30th September 2009 were noted.

**C
281/09** **Members Advisory Panel-New Constitution Minutes**

The minutes of the meeting of the Members Advisory Panel held on 28th October 2009 were agreed.

**C
282/09** **Members Advisory Panel-New Constitution Minutes**

The minutes of the meeting of the Members Advisory Panel held on 22nd December 2009 were agreed.

**C
283/09** **Schools' Workforce Joint Consultative Panel**

The minutes of the meeting of the Schools Workforce Joint Consultative Panel held on 6th October 2009 were noted.

**C
284/09** **Stockton Home Safety Association Minutes**

The minutes of the meeting of the Stockton Home Safety Association held on 17th November 2009 were noted.

**C
285/09** **Members' Question Time**

The following questions which were deferred from the previous meeting of Council were submitted by Councillor Mrs Fletcher for response by the Council's nominated representative on Cleveland Police Authority - Councillor Kirton:-

"1. Could reasons be sought from the Police Authority as to why it takes so long for minutes to come before Stockton Council? This December meeting is receiving minutes of the June 4th Police Authority meeting which has sub committee minutes dating back to February 2009.

Could the Police Authority be asked again to provide a document which gives an overview as to what is actually being discussed, as well as the formal minutes?

2. Item 11 of the Police Authority Minutes on page 4 refers to monitoring of Human Rights issues and says it will ask for reports on such from the Independent Custody Visiting Process.

a. is there any reason why those acting as "Appropriate Adults" are not going to be asked?

b. how many "Appropriate Adults" are being used by Cleveland Police?

c. how many times in the last 12 months have "Appropriate Adults" been called upon in the last 12 months?"

The Council's nominated representative on Cleveland Police Authority - Councillor Kirton provided the following responses:-

"1. The full Police Authority only meets quarterly, and at each meeting they formally approve the minutes from the previous meeting (which includes all Panel meeting minutes) - once approved they are then circulated to the four local councils.

However, all minutes for both the Police Authority Executive and Panels are submitted to the following meeting - for example the Policy and Resources Panel met on 24 November 2009 and the minutes of that meeting will be submitted to the next Policy and Resources Panel on the 27 January 2010 for approval and these along with all the reports are accessible through the Police Authority's website www.clevelandpa.org.uk or by hard copy upon request.

What is to be discussed at each Panel and Police Authority meeting appears on the Agenda for the relevant meetings. Agendas are placed on the Police Authority's website at least 5 working days in advance of the meeting and the reports are also available through the website. In addition all the Police Authority meetings are open to the public.

Relevant information about what is to be discussed is therefore already provided and available.

2. • Every juvenile detainee (or those who are considered vulnerable for any other reason i.e. mental health issues etc) will be supported by an appropriate adult throughout the time in the custody process.
- Appropriate adults are in place to support the individual, as required by the Police and Criminal Evidence Act (PACE), to ensure they understand all stages of any custody process - rights, interview, charging etc.
 - The expectations and role of any appropriate adult is defined in PACE.
 - In the vast majority of cases parents act as appropriate adults.
 - In a minority of cases appropriate adults are provided via Social Services etc.

Appropriate Adults are not "used" by Cleveland Police, as such, and there are therefore no readily available records of their numbers.

If at any stage an appropriate adult has concerns about the detention or treatment (which could relate to Human Rights issues) of a person they are supporting they can make representations to the custody officer, if the process

is still live and these will be recorded as part of the custody record. In addition, they have the right to make a formal complaint at any stage.

The proposed annual reports about the Independent Custody Visiting Process will therefore include details of any human rights issues which have been raised."

Councillor Mrs Fletcher asked the following supplementary questions:-

"1. I am disappointed with the depth of the responses to my questions and that there are no plans for the minutes of the Police Authority to be made available earlier.

Could the second paragraph be asked again? Please to ensure it is understood that what is being asked for is an overview of what has actually been discussed and agreed, rather than just the minutes which are not particularly detailed.

2. Thank you. Could you please find out what "still live" means? What happens if there is an issue after the process is "not live"?

I was never shown anything from PACE when I was being called in as a volunteer "appropriate adult", can we be assured that all doing that role now are given the relevant details please?

Do social services now act as appropriate adult in all cases where one is needed and an appropriate relative is not available to go to the police station? How many times have Social Services acted in the role of appropriate adult in the Stockton area in a recent period of 12 months?

I see no reason why Social Services are not asked for views on issues affecting Human Rights when such issues are being monitored.

I will submit the above questions again in writing for response at the next meeting of Council."

The following questions were submitted by Councillor Fletcher for response by the Cabinet Member for Children and Young People:-

"In view of letters sent in the last month or so to her constituents by the Member of Parliament for Stockton South concerning Eggescliffe School and Building Schools for the Future:-

a. Do you differ from her statement that in Eggescliffe this Authority has not conducted "a full discussion and consultation ...that references the size and future changes of pupil size that includes Eggescliffe, Ingleby Barwick, Thornaby and Yarm"?

b. Do you accept her statement, "Clearly, the professionals from the school and SBC have discussed how and in what way Eggescliffe Comprehensive could benefit from BSF – a rebuild being the conclusion? However, it is clear that the community has not been engaged in this process"?

c. Has a decision been made on behalf of this Council, and, if so, by whom and on what authority, as stated by her, “The BSF decision, made by SBC for Egglecliffe Comprehensive was that....Allen’s West is not the best location...”?

d. Do you agree with her statement (in the context of Egglecliffe and Conyers Schools and pupils living in Ingleby Barwick) of “fact we have in Stockton South one Secondary School too many at this time”?

e. As she has written about the overspill car-park in Preston Park, “This over-flow car park is rarely used – I have been told by SBC”, who in this Authority has told her this?

f. Can you confirm that the area of that car park on its own is nowhere near sufficient to provide the minimum area required by national rules for a school of this size?”

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

a. During the development of the Councils BSF Strategy for Change 2, consultation exercises were carried out which targeted every household in the Borough. There has been no consultation about the current new ideas for an alternative solution. Subject to Cabinet’s consideration of a feasibility report that is due to be submitted in February further consultation may be carried out dealing specifically with South of the Borough schools.

b. As previously referred to, the community have been consulted and engaged in developing the Strategy for Change but not about any new proposals which have been made since the Strategy for Change was originally approved.

c. A decision was made by Cabinet to adopt the Strategy for Change as outlined in the public consultation documents. This did not say that Allens West was not the best location but it suggested that it was the location being considered. However in September 2009 Cabinet requested officers to carry out a feasibility study to reconsider the options indicated in Strategy for Change to ensure that the best option is selected to suit the needs of the young people in the South of the Borough.

d. The requirements for Pupil Places within the whole of the Borough have been outlined in the BSF Strategy for Change. Colleagues will remember that there was at one stage a suggestion of Thornaby Community School and St Patrick’s coming together as one school as there were insufficient Roman Catholic pupils to sustain Catholic provision in Thornaby. The decision by the two diocese to form a Federation changed that picture and therefore we retained eight rather than seven secondary schools within the Stockton South constituency.

e. I don’t know who made this statement.

f. Yes. These matters are being considered as part of the ongoing feasibility study.

Councillor Fletcher asked the following supplementary questions:-

"I thank Cllr Cunningham for his reply and request that:-

1. It is circulated in writing to all members, in view of the complexities of the issue;
2. In view of the considerable public interest which the issue has aroused, he please ensure that wherever possible (bearing in mind that we have to wait a little for the results of the feasibility study) the Authority publicises the hard facts; and
3. In assessing the weight given to public opinion expressed in petitions he ascertains the wording of the petition presented by Dari Taylor MP in the House of Commons, because, although (according to Hansard) she said that it was for a school to be built in Preston, the only Ingleby Barwick petition which I have seen (from an organisation called "BO2SS") did not mention Preston Park?

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

- "1. Yes I will circulate the response in writing to all Members.
2. Yes I agree that the distribution of accurate information is important.
3. I will investigate the Hansard situation and let all Members know the outcome in writing."

The following question had been submitted by Councillor Patterson for response by the Cabinet Member for Children and Young People:-

"Under BSF, the Labour Government is making the largest investment ever in secondary education. SBC's schools will receive around £200 million to take our schools into the 21st century and beyond. This huge investment offers the chance to finally sort the lack of secondary places on Ingleby Barwick once and for all. I thank the Cabinet Member and Cabinet for looking at this issue again.

By 2013, IB will have 1,500 secondary age children and a 600 place school. Yarm and Eaglescliffe will have 401 and 529 children, whilst having 2,200 school places. As a result, 5,000 signed individual letters from the people of IB were collected by 25 dedicated individuals, who knocked the doors of IB and explained at each door the issue in full. To save closing a school in Yarm or Eaglescliffe, officers suggested that they bring either Conyers or Egglecliffe much closer to IB. However, it had to be built on SBC land. IB Councillors were willing to compromise, as there was no wish to close schools elsewhere. Hence the overflow car park at Preston Park was suggested by me.

Eaglescliffe Councillors were informed about this option in May 2009. Now 8 months later we have a petition served on SBC to preserve the park. I understand, the petition has not been collected door to door, with a full explanation of the situation, rather in shops and on the internet and apparently with a clause added that by signing the petition, the signatory consents to supporting the Allens West Site. Some signatories could therefore live outside

of the area and not fully understand the issues involved, yet have an influence whereby they effectively determine where Eaglescliffe and IB children are educated.

Given the differing methods by which these petitions were gathered, please could the Cabinet Member advise me how petitions, in general, are verified by SBC?"

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

"The confirmed BSF allocation for Stockton-on-Tees is around £180 million, we may get to £200 million if our last remaining schools are added to the programme. This allocation is for the schools in the Wave 6 programme only though as members know the BSF team were extremely successful in bringing in both Thornaby and Billingham Schools into that wave. Sadly there is currently no BSF funding is currently available to provide additional secondary school places in Ingleby Barwick – or fund the reconfiguration of secondary schools in the southern part of the Borough serving Ingleby Barwick, Yarm and Eaglescliffe. The BSF team continues working hard and once the final decisions are taken on the sites, will work to encourage the Government to add the three remaining schools to the programme.

The Council will take into account and consider all information it receives including petitions and reserves the right to check its authenticity - in terms of names, signatures, addresses and other information and also its relevance to any proposals being made or recommended."

Councillor Patterson asked the following supplementary question:-

"The Councillors in Eaglescliffe, Yarm and Ingleby Barwick have done a lot of work with regard to secondary school places as did the previous Ingleby Barwick Ward Councillor - Councillor Mrs Beaumont.

The Sun newspaper has reported a recent fatality where the barriers on a level crossing had been left open. Can Councillor Cunningham confirm that the pros and cons for each site or school will be looked at on their own merits?"

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

"A report will be going to Cabinet in February to look at options and then there will be detailed work and the final recommendations will be presented to Cabinet."

C
286/09

Forward Plan and Leaders Statement

The Leader of the Council gave his Forward Plan and Leaders Statement.

As Members were aware, Corus had extended the mothballing of the Redcar TCP plant until such time as raw materials on site were fully exhausted, or the end of February, whichever came first.

The North East Regional Parliamentary Select Committee that sat in Redcar on Friday received evidence from the Mayor of Middlesbrough, the Leader of

Redcar and Cleveland BC and John Lowther (Representing Tees Valley Unlimited), the Joint Trade Unions and representatives of One North East. They were due to receive evidence from representatives of Corus and Government yesterday and no doubt they would identify the reasons why the company felt that this action was necessary and possibly propose solutions that may stave off the redundancy of the 1700 workers directly involved and the 2000 additional jobs in the supply chain.

The £60m industrial investment package recently announced was expected to be additional to mainstream programmes and, where possible, matched by ERDF and other mainstream sources. The package contained the following elements:-

- Apprenticeships
- Enterprise and Business Support
- Engineering Diversification
- Innovation
- Energy
- Carbon capture and Storage
- Investment support
- Infrastructure

The Leader of the Council did not go over the information that was presented at the Members' Briefing session and the LSP Board but the heavy snow conditions experienced this year had not been seen in the region since 1979. The Leader of the Council considered that the performance of the SBC employees in reacting to and alleviating the effect of the extreme conditions and maintaining refuse collection and recycling was worthy of praise. With Members agreement, the Leader of the Council would be writing to each individual employee involved thanking them, on behalf of Council, for their hard work and dedication.

Similarly the SBC schools persevered and all but one stayed open during the difficult period and again the Leader of the Council would be sending a message of appreciation to Head Teachers and Chairs of Governors.

In the light of the experience, SBC officers were reviewing the operational practices, taking into consideration Members' comments, and a report would be presented to the Regeneration and Transport Select Committee for consideration, before any recommendations are put to Cabinet.

The main work stream being undertaken at this time was the development of the Tees Valley Business Case. There had been five Business Case events held in recent months identifying key challenges and the City Regions priorities.

It was important that people understood what the Business Case was for, that it was clear and concise to engage the private sector, that it articulated a single strategy that had links to the different sustainable community strategies, that it was flexible and adaptable to changing circumstances and that it set out what we were aiming to deliver, a thriving place with a more resilient and more diverse economy, as part of a managed transition.

It would provide a high level strategic document setting out what TVU's role was

and how it intended to use its resources, in a way that could be readily understood by TVU partners, central government, the private sector and the general public.

The latest Unemployment and Labour Market Report – November 2009, identified that Stockton on Tees had a 5.6% unemployment rate, a total of 6685, a reduction of 15 on the previous month's totals with 836 unfilled vacancies.

Peel Airport Group's plans for restructuring operations at Durham Tees Valley Airport had been studied in detail. Clearly the aviation industry was facing difficult economic conditions and there was a need to respond to this. There were concerns of job losses at the airport but on a more positive note welcome the announcement yesterday of extended flights – to Tenerife, Alicante and Sharm-el-Sheik.

The new proposals would help to ensure the long term future of the airport.

National results for GCSE and post 16 qualifications had just been published showing the Borough's schools were again performing well. A particular highlight was that Egglecliffe School was named Teesside's top performing state school with 79% of pupils achieving five GCSE's at A* C grade including English and Maths. Congratulations go to all of the teachers, support and other staff, and the students themselves for these outstanding results.

The Building Schools for the Future process continued to progress well with agreement on the Outline Business Case and the formal agreement to close Blakestone, Norton and Thornaby Community Schools marking significant steps on the way to creating the 2 new academies.

SBC were entering the final stages of preparation for determining the budget and Council Tax levels for 2010/11 and the details would be available for Members consideration and discussion at the briefing meeting. Cabinet would be determining a recommendation to Council on 18th February with Council meeting on 24th February.

Finally SBC were supporting a very positive campaign led by the Evening Gazette to "Talk Up" the Tees Valley. The campaign aimed to give positive messages about living, working and visiting the Tees Valley. There was a lot to be proud of in the area and the campaign would not only promote the area to visitors but remind us to be proud of what was on the doorstep.