

# Council

A meeting of Council was held on Wednesday, 3rd March, 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 Ken Dixon, Cllr Jackie Earl, Cllr Kevin Faulks, Cllr John Fletcher, Cllr Mrs Suzanne Fletcher, Cllr Maurice Frankland, Cllr John Gardner, Cllr Robert Gibson, Cllr David Harrington, Cllr Mohammed Javed, Cllr Jean Kirby, Cllr Terry Laing, Cllr Miss Tina Large, 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 and Cllr Barry Woodhouse.

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

**Also in attendance:** Superintendent Dave Brunskill (Stockton Police), F Hayes (Chairman of Standards Committee).

**Apologies:** Cllr Ian Dalgarno, Cllr Mick Eddy, Cllr Barbara Inman, Cllr Andrew Larkin and Cllr Colin Leckonby.

## **C 289/09 Presentation to Kevin Bowdrey (Mayors Attendant)**

The Worshipful the Mayor presented Kevin Bowdrey (Mayors Attendant) with a gift and thanked him for all of his hard work and support over the past Municipal Year.

## **C 290/09 Presentation marking the retirement of Superintendent Dave Brunskill from the post of District Commander of Stockton Police**

The Worshipful the Mayor explained that Superintendent Dave Brunskill was retiring from the post of District Commander of Stockton Police. The Mayor and the Cabinet Member for Housing and Community Safety presented Superintendent Brunskill with a framed picture of the Infinity Bridge and thanked him on behalf of the Council for his dedication and commitment to the Borough.

## **C 291/09 Declarations of Interest**

All members of the Council declared a personal, non prejudicial interest in respect of agenda item 8 - Cabinet Minutes - CAB 176/09 as a result of the proposed changes to the terms of the Members Allowances Scheme.

As Councillor Lupton spoke on the Cabinet minutes from 11th February 2010 he declared a personal, non prejudicial interest in respect of agenda item 8 - Cabinet Minutes - CAB 168/09 as he had a family member working at one of the schools contained within the proposals and he spoke on the item when the Cabinet minutes were considered by Council.

## **C 292/09 Public Question Time**

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

## **C Minutes**

**293/09**

The minutes of the meeting of Council held on 20th January 2010 were signed by the Worshipful the Mayor as a correct record.

**C**  
**294/09**      **Arts Leisure & Culture Select Committee Minutes**

Moved by Councillor Mrs O'Donnell, seconded by Councillor Sherris and RESOLVED that the minutes of the Arts, Leisure & Culture Select Committee held on 18th November 2009 (Minute ALC 29/09 - ALC 33/09) be confirmed.

**C**  
**295/09**      **Arts Leisure & Culture Select Committee Minutes**

Moved by Councillor Mrs O'Donnell, seconded by Councillor Sherris and RESOLVED that the minutes of the Arts, Leisure & Culture Select Committee held on 11th January 2010 (Minute ALC 34/09 - ALC 36/09) be confirmed.

**C**  
**296/09**      **Cabinet Minutes**

Moved by Councillor Lupton, seconded by Councillor Mrs Beaumont and RESOLVED that the minutes of the Cabinet held on 11th February 2010 (Minute CAB 166/09 - CAB 177/09) be confirmed or received as appropriate subject to the following corrections:-

Cabinet minute CAB 166/09 on Page 820 at Councillor Mrs Craggs's declaration 2nd line add "and Chair of the Thornaby Heritage Group" after the words "Thornaby Town Council".

Cabinet minute CAB 166/09 on Page 819 at Councillor Patterson's declaration 3rd line delete "as his daughter attended one of the schools involved in the proposals" and insert "as his two daughters attended two of the schools involved in the proposals".

Cabinet minute CAB 166/09 on Page 820 delete Councillor Mrs Walmsley declaration.

Cabinet minute CAB 166/09 on Page 819 at Councillor Mrs Beaumont's declaration 3rd line delete "as a result of her involvement as a School Governing Body member" and add "as she had a granddaughter".

**C**  
**297/09**      **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 18th November 2009 (Minute CYP 56/09 - CYP 60/09) be confirmed.

**C**            **Children & Young People Select Committee Minutes**  
**298/09**

Moved by Councillor Harrington, seconded by Councillor Mrs Cains and RESOLVED that the minutes of the Children and Young People Select Committee held on 2nd December 2009 (Minute CYP 61/09 - CYP 65/09) be confirmed.

**C**            **Children & Young People Select Committee Minutes**  
**299/09**

Moved by Councillor Harrington, seconded by Councillor Mrs Cains and RESOLVED that the minutes of the Children and Young People Select Committee held on 3rd December 2009 (Minute CYP 66/09 - CYP 67/09) be confirmed.

**C**            **Children & Young People Select Committee Minutes**  
**300/09**

Moved by Councillor Harrington, seconded by Councillor Mrs Cains and RESOLVED that the minutes of the Children and Young People Select Committee held on 9th December 2009 (Minute CYP 68/09 - CYP 71/09) be confirmed.

**C**            **Children & Young People Select Committee Minutes**  
**301/09**

Moved by Councillor Harrington, seconded by Councillor Mrs Cains and RESOLVED that the minutes of the Children and Young People Select Committee held on 6th January 2010 (Minute CYP 72/09 - CYP 75/09) be confirmed.

**C**            **Corporate, Adult Services & Social Inclusion Select Committee Minutes**  
**302/09**

Moved by Councillor Stoker, seconded by Councillor Apedaile and RESOLVED that the minutes of the Corporate, Adult & Social Inclusion Select Committee held on 27th October 2009 (Minute CAS 25/09 - CAS 30/09) be confirmed.

**C**            **Employee Appeals Panel Minutes**  
**303/09**

Moved by Councillor Rix, seconded by Councillor Mrs Nelson and RESOLVED that the minutes of the Employee Appeals Panel held on 17th December 2009 (Minute EAP 13/09 - EAP 16/09) be received.

**C**  
**304/09**      **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 12th January 2010 (Minute EAP 17/09 - EAP 19/09) be received.

**C**  
**305/09**      **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 4th January 2010 (Minute ENV 46/09 - ENV 48/09) be confirmed.

**C**  
**306/09**      **Executive Scrutiny Committee Minutes**

Moved by Councillor Gibson, seconded by Councillor Miss Large and RESOLVED that the minutes of the Executive Scrutiny Committee held on 5th January 2010 (Minute EXC 52/09 - EXC 57/09) be received

**C**  
**307/09**      **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 14th December 2009 (Minute H 41/09 - H 49/09) be confirmed subject to the following correction:-

Health Select Committee minute H 41/09 on Page 870 at the end of Councillor Faulks and Councillor Dixon's declaration add "and also Councillor Faulks was a member of the Woodbridge Practice Patient Forum".

**C**  
**308/09**      **Licensing Committee Minutes**

Moved by Councillor Woodhead, seconded by Councillor Mrs Nelson and RESOLVED that the minutes of the Licensing Committee held on 22nd December 2009 (Minute L 65/09 - L 70/09) be received.

**C**  
**309/09**      **Licensing Committee Minutes**

Moved by Councillor Woodhead, seconded by Councillor Mrs Nelson and RESOLVED that the minutes of the Licensing Committee held on 2nd February 2010 (Minute L 71/09 - L 81/09) be received.

**C**  
**310/09**      **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 14th January 2010 (Minute LSC 31/09 - L 33/09) be received.

**C**  
**311/09**      **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 21st January 2010 (Minute LSC 34/09 - L 36/09) be received.

**C**  
**312/09**      **Planning Committee Minutes**

Moved by Councillor Rix, seconded by Councillor Salt and RESOLVED that the minutes of the Planning Committee held on 13th January 2010 (Minute P 116/09 - P 121/09) be received.

**C**  
**313/09**      **Planning Committee Minutes**

Moved by Councillor Rix, seconded by Councillor Salt and RESOLVED that the minutes of the Planning Committee held on 3rd February 2010 (Minute P 122/09 - P 128/09) be received.

**C**  
**314/09**      **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 2nd November 2009 (Minute RTS 24/09 - RTS 27/09) be confirmed.

**C**  
**315/09**      **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 16th November 2009 (Minute RTS 28/09 - RTS 30/09) be confirmed.

**C**  
**316/09**      **Standards Committee Minutes**

Moved by Mr F W Hayes, seconded by Councillor Dixon and RESOLVED that the minutes of the Standards Committee held on 18th December 2009 (Minute S 85/09 - S 96/09) be confirmed or received as appropriate.

**C**  
**317/09**      **Standards Committee Minutes**

Moved by Mr F W Hayes, seconded by Councillor Dixon and RESOLVED that the minutes of the Standards Committee held on 15th January 2010 (Minute S 97/09 - S 108/09) be confirmed or received as appropriate.

**C**  
**318/09**      **Cleveland Fire Authority Minutes**

The minutes of the Cleveland Fire Authority held on the 27th November 2009 were noted.

**C**  
**319/09**      **Building Schools for the Future Project Board Meeting**

The minutes of the Building Schools for the Future Project Board held on the 7th December 2009 were noted.

**C**  
**320/09**      **Cleveland Police Authority Executive Minutes**

The minutes of the Cleveland Police Authority Executive held on the 10th December 2009 were noted.

**C**  
**321/09**      **Local Joint Consultative Panel Minutes**

The minutes of the Local Joint Consultative Panel held on the 14th December 2009 were noted.

**C**  
**322/09**      **Markets Forum Minutes**

The minutes of the Markets Forum held on the 25th November 2009 were noted.

**C**  
**323/09**      **Parish Council Liaison Forum Minutes**

The minutes of the Parish Council Liaison Forum held on the 21st December 2009 were noted.

**C**  
**324/09**      **Stockton Home Safety Association Minutes**

The minutes of the meeting of the Stockton Home Safety Association held on 5th January 2010 were noted.

**C**  
**325/09**      **Scrutiny Liaison Forum Minutes**

The minutes of the meeting of the Scrutiny Liaison Forum held on 10th February 2010 were noted.

**C**  
**326/09**      **Members' Question Time**

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

"1. Could the Police Authority be asked again if they will provide information which gives an overview as to what has actually been discussed and agreed as well as the formal minutes which are not particularly detailed?

2. In response to the reply about the use of "Appropriate Adults" at the last meeting of Council could the representative of the Police Authority please find out:-

A. What "still live" means? What happens if there is an issue after the process is "not live"?

B. 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?

C. How many times have Social Services acted in the role of "appropriate adult" in the Stockton area in a recent period of 12 months?

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

E. Why Social Services are not asked for views on issues affecting Human Rights when such issues are being monitored?

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

"1. All the Police Authority reports are available both electronically on our website - [www.clevelandpa.org.uk](http://www.clevelandpa.org.uk) or hard copy upon request (01642 301467). All the agreed recommendations appear in the minutes - again these are available on the website or upon request. We are aware that in some of the Local Authorities their nominated Police Authority representative provides a report on current issues but this is up to each individual Authority.

A. "Still live" refers to a person still being in custody when the concern arises. Clearly if the concern is raised after the detainee has been released then it is more appropriate to be dealt with through the complaints procedure.

B. Cleveland Police have not operated a "volunteer appropriate adult service" for many years. Wherever possible we use family for juvenile detainees, when

this is not possible we use the Youth Offending Team during office hours and the Emergency Duty Team outside of those hours. The current arrangement has not generated sufficient concern as to cause Cleveland Police to have to resort to other options.

C. Cleveland Police do not record the number of occasions when Social Services are called.

D. The only advice that needs to be given to an appropriate adult is that they are there to give advice and assistance to the detainee and can speak in private if they wish. This should be explained to all appropriate adults attending custody. The "expectations" mentioned in the attached document refers to the significant points in a detainees period of detention when an appropriate adult should be present, such as giving of rights, interview, strip searches etc. The responsibility for this compliance with PACE is a matter for the Police, not the appropriate adult.

E. ICV's monitor Human Rights Issues by spontaneous visits in custody suites. It would be a matter for the ICV's if they wished to speak with an appropriate adult who may happen to be in the custody suite at the time of their visit. Should a Social Services representative make a complaint re a detainee's treatment then this would be picked up through the Police complaints procedure."

Councillor Mrs Fletcher asked the following supplementary questions:-

"1. This still does not answer the question about getting a real picture about what has actually been discussed. I would like to ask the question again, this time with a different word, can we be given a "flavour" of what has actually been discussed? Supt Dave Brunskill has just rightly said "policing is about partnership working". That partnership does not work by communicating at the level of the Council and the Police Authority by reading a website for formal minutes. If the Police Authority are saying there needs to be a report by the Police Authority representative on current issues they can assist with this, but the matter really needs to be discussed at our Members Advisory Panel and go on the agenda there.

2B. Thank you for this full answer which answers the questions. As a volunteer appropriate adult for many years it is interesting to see that I will no longer be used. Nobody had communicated that to me before."

The Council's nominated representative on Cleveland Police Authority  
-Councillor Kirton responded with:-

"As regards point 1 I will find out and let all Members know."

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

"Will Stockton Borough Council be participating in the WWF Earth Hour on March 27th, along with other local authorities from Aberdeenshire to Woking?"



The Cabinet Member for Environment responded with:-

"The WWF Earth Hour is an important initiative that provides individuals and organisations the opportunity to demonstrate that they care about climate change by switching off lights at 8.30pm on Saturday 27 March 2010 for one hour.

Whilst we support the principle of the WWF Earth Hour initiative the reality is that there is little that we can do directly, that would be practical and be of sufficient magnitude to make any real impact. The very short formal notice given to the Council of WWF proposal has also not helped, and the choice of 8.30pm on a Saturday when all of our administration buildings will be closed, as will the libraries and schools. That only leaves leisure facilities and residential care which would both be impractical to engage in this process. Most of our street lighting is operated through photocells and switch off is impractical and potentially dangerous at this hour. This only leaves structures and historic buildings such as bridges and Trinity Church. To turn off the lighting for the bridges (infinity and millennium) could only be done manually and would have to be partial so as to maintain a safe level for pedestrian use. Trinity Church could be involved but as it uses LED lighting it uses very little energy and would require manual switching to achieve the one hour switch off on Saturday 27 March.

In conclusion I would say that SBC is taking significant steps to both mitigate and adapt to climate change within the organisation and the community and welcome WWF's initiative to engage other organisations and the wider community nationally."

Councillor Mrs Rigg asked the following supplementary question:-

"I am surprised about the part of your answer about us having short notice as I believe an information pack was available in September 2009. Would the Cabinet Member agree that we have been a bit slow off the mark compared to Newcastle Council who have agreed to switch off the Baltic lights?"

The Cabinet Member for Environment responded with:-

"We have already talked to local businesses and we have done a lot of things for 20/20. We have not seen much press coverage for WWF Earth Hour but we will do what is practicable and possible."

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

"Why haven't all members been briefed on the damning unannounced inspection into Child Protection!?"

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

"I am rather surprised that Councillor Walmsley has raised this issue in the way

that he has and it is very wrong of him to describe the report as damning. There were many positive things in the report including Staff are committed to delivering positive outcomes for children. They value the involvement and interest shown by senior managers and are offered good opportunities to contribute to developing the service and the fact that senior managers have clearly recognised the need to increase the council's capacity to respond to referrals.

There were two issues raised relating to the electronic recording of information and the need for improved information sharing from the probation service to the Council and the need for greater scrutiny of that information. Our action plan due at Cabinet on Thursday addresses the issues.

Following receipt of the draft inspection letter - that is before it was made public – meetings were arranged with group leaders from all groups within the authority and the chair and vice chair of the Children and Young People Select Committee. They were then briefed on the findings on 27th January ahead of the publication of the letter on 29th January.

All group leaders attended these meetings with the Corporate Director and myself and were then sent the report and action plan on publication. All that information is freely available to all members and no single member has requested any information but if anyone wants a briefing I will be happy to arrange it.

Councillor Walmsley asked the following supplementary question:-

"I do remember a couple of meetings where I have spoken about child protection. I do not think Members should be briefed by a bland report. There have been concerns and cost implications. Should Members be told about the Laming recommendations?"

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

"I have every right to defend the department. Councillor Walmsley has time and again made allegations, unfounded allegations about the department and I have challenged him over the years to come up with the evidence. There was a meeting with Councillor Walmsley and it was offered at this Council meeting and I thought the matter was closed so never raised it again. At the meeting he raised no issues that required any follow up, though he did raise a matter of a personal nature, yes he did mention the child from Thornaby but as I said there was no need or any further action. He has never produced any evidence to back up his claims. I think I have said enough Mr Mayor."

The following question was submitted by Councillor Walmsley for response by the Cabinet Member for Regeneration & Transport:-

"We were told that there had been a 73% favourable response to the Python/SBC presentation on Thornaby Town Hall carried out at Thornaby Library, but can the Cabinet member tell me exactly how many that equates to?"

The Cabinet Member for Regeneration & Transport responded with:-

"27."

Councillor Walmsley asked the following supplementary question:-

"I have got 20 pages from this Council's Constitution on consultation. Can we now consign this part of the Constitution to the bin?"

The Cabinet Member for Regeneration & Transport responded with:-

"The courts have held that although it is far from clear that the claimant was entitled to be consulted it is beyond argument that it was. Thornaby Town Council have carried out their own survey but it was disingenuous to ask not about the regeneration proposed but simply "the sale" when Thornaby Town Council knew they had unsuccessfully challenged this through the courts. For this futile delaying tactic, Thornaby Town Council will soon receive a bill for several thousand pounds of costs awarded against them."

## **C 327/09 Forward Plan and Leaders Statement**

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

With regard the Leaders and Elected Mayors Board:-

- A report would be considered at Cabinet on 11th March 2010 outlining the draft scheme for the establishment of the Leaders Board for the North East Region.
- It would outline the proposed membership and role for the Board, which included the Leaders or Elected Mayor (or his/her nominated representative) of each of the 12 Unitary Authorities in the North East and the Chair (or nominated representative) of the Northumberland National Park.
- The report would also include details of the Rules of Procedure and a Draft Protocol.
- Any comments on this report would be welcomed.

Following the severe prolonged period of snow conditions, Members were aware that officers were working to produce an upper level strategy that would provide increased operational efficiency to deal with extreme conditions in the future, a "Snow Plan". Details would be considered by the Executive Scrutiny Committee prior to recommendations coming to Cabinet in readiness for next winter.

Members were aware Tees Valley Regeneration would cease to operate in its current form from 1st April 2010. Its functions and responsibilities would be transferred into the Joint Strategy Unit and would come within the remit of Tees Valley Unlimited.

This was the last "normal" Council meeting before the AGM on 7th April 2010 but there would a Special Council on 24th March 2010, which would consider

the Council and Service Plans for the coming year, the LDF Core Strategy (DPD) and LAA.

On Thursday 4th March 2010 there would be a Members Briefing session at the Education Centre commencing at 4.00pm covering; -

- The Good Governance Audit, and
- Flood Risk Management.

The report to be considered by Cabinet on 11th March 2010 would give some very positive indications of economic growth in the Engineering/ Manufacturing/ Chemical industries and also in the Service and Retail sectors, but these were overshadowed by the closure of the Corus, Teesside Cast Products plant, with the resultant loss of jobs.

One very positive story was the decision by Costain to open its North East office in Stockton, attracted by the region's strong energy and process industry cluster and the availability of highly skilled workers.

The new claims for Job Seekers Allowance (JSA) had shown a 400 increase in January as a result of people losing temporary jobs after the Christmas period but there had been 790 vacancies notified to Job Centre Plus. In January the total number of Stockton residents on JSA stood at 7116.

The Leader of the Council also announced that Stockton was the first authority in the country to achieve 80% of its target of 160 new jobs under the Future Jobs Fund programme.

The proposals for the 41 unit Extra Care Home on the site of the former Park View Elderly Care Home were progressing well with consultation on the detailed designs commencing in March 2010.

The proposals for the North Shore "Homezone" development were at an advanced stage with designs for 50 units of various sizes and types of occupancy and the Leader of the Council was pleased to say that the scheme had been accepted on the short list for funding on the "Kick Start" programme.

Members would be given the opportunity to view and comment on the house designs and site layout and discuss the details with Council officers and staff from TVR, prior to submission for planning approval. If funding and planning permission were obtained it would be hoped to start development on site in the summer 2010.

This supplemented the already significant public and private sector investment in Stockton Borough of around half a billion pounds, which had either commenced or was planned for in the foreseeable future. It was hoped that these developments would help to stabilise the local economy until the end of the economic recession.

With regard the Leven Bridge closure the Leader of the Council had informed Members that underwater investigations by specialist divers had revealed some erosion to the river bed under the structure making it unstable.

The bridge had moved but there was no immediate risk of collapse but it would be necessary to stabilise the structure and for the bridge to remain closed until such time as specialist contractors could undertake remedial work. This could possibly require the bridge to remain closed for 8 weeks.