

Council

A meeting of Council was held on Wednesday, 2nd May, 2012.

Present: The Worshipful the Mayor (Cllr Mrs Lynne Apedaile); Cllr Paul Baker, Cllr Jim Beall, Cllr Derrick Brown, Cllr Mark Chatburn, Cllr Julia Cherrett, Cllr Carol Clark, Cllr Michael Clark, Cllr David Coleman, Cllr Robert Cook, Cllr Nigel Cooke, Cllr Gillian Corr, Cllr Evaline Cunningham, Cllr Ian Dalgarno, Cllr Phillip Dennis, Cllr Ken Dixon, Cllr Mick Eddy, Cllr David Harrington, Cllr Ben Houchen, Cllr Barbara Inman, Cllr Mohammed Javed, Cllr Eileen Johnson, Cllr Elliot Kennedy, Cllr Jean Kirby, Cllr Paul Kirton, Cllr Terry Laing, Cllr Colin Leckonby, Cllr Alan Lewis, Cllr Ken Lupton, Cllr Ray McCall, Cllr Mrs Ann McCoy, Cllr Mrs Kathryn Nelson, Cllr Steve Nelson, Cllr Mrs Jean O'Donnell, Cllr Ross Patterson, Cllr Maurice Perry, Cllr Mrs Maureen Rigg, Cllr Andrew Sherris, Cllr Norma Stephenson, Cllr Mick Stoker, Cllr Tracey Stott, Cllr Steve Walmsley, Cllr Mrs Sylvia Walmsley, Cllr David Wilburn, Cllr Norma Wilburn, 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 (DNS); J Danks, B Brown, L King (R); J Humphreys (CESC).

Also in attendance: 4 Members of the public.

Apologies: Cllr Kevin Faulks, Cllr John Gardner, Cllr Bob Gibson, Cllr Tina Large, Cllr David Rose, Cllr Michael Smith and Cllr Andrew Stephenson.

C 22/12 Councillor Mick Eddy and Councillor Jean Kirby

Councillor Mick Eddy and Councillor Jean Kirby were welcomed back to Council after long absences.

C 23/12 Former Councillor Jack Cooke

Members stood in a minute's silence as a mark of respect for former Councillor Jack Cooke.

C 24/12 Billingham Stars Ice Hockey Team

The Worshipful the Mayor congratulated the Billingham Stars Ice Hockey team who on their return to the refurbished Forum Ice Arena had won the English National League One (North) and were Play - Off Champions for 2011/12.

C 25/12 Declarations of Interest

Councillor Cooke declared a personal non prejudicial interest in respect of agenda item 8 - Consultation on Future Use of Lustrum Vale Older People's Mental Health Unit – Response of Adult Services and Health Select Committee as he was an employee of Tees, Esk and Wear Valleys NHS Foundation Trust.

Councillor Javed declared a personal non prejudicial interest in respect of agenda item 8 - Consultation on Future Use of Lustrum Vale Older People's Mental Health Unit – Response of Adult Services and Health Select Committee as he was an employee of Tees, Esk and Wear Valleys NHS Foundation Trust.

Councillor McCall declared a personal non prejudicial interest in respect of agenda item 8 - Consultation on Future Use of Lustrum Vale Older People's Mental Health Unit – Response of Adult Services and Health Select Committee as he was on the Council of Governors and voluntary Associate Hospital Manager of Tees, Esk and Wear Valleys NHS Foundation Trust.

Councillor Mrs McCoy declared a personal non prejudicial interest in respect of agenda item 8 - Consultation on Future Use of Lustrum Vale Older People's Mental Health Unit – Response of Adult Services and Health Select Committee as she was on the Council of Governors and Associate Hospital Manager of Tees, Esk and Wear Valleys NHS Foundation Trust.

C
26/12

Minutes

The minutes of the meeting held on 29th February, 2012 (Minutes C 186/11 – C 187 /11), 7th March 2012 (C 188/11 - C 201/11) and 4th April 2012 (Minutes C 1/12 – C 21/12) were signed by the Worshipful the Mayor as a correct record.

C
27/12

Public Question Time

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

C
28/12

Annual Report of the Standards Committee – 2011/12

Council considered a report that provided it with the opportunity to consider the Standards Committee's Annual Report for 2011/12.

The Report provided an overview of the work of the Committee in the past year. It set out the Committee's main statutory responsibilities, and summarised how they had been discharged. The Report had been prepared in the context of the significant changes proposed to the national and local standards regime, as set out in the Localism Act. These changes were anticipated to become effective from 1 July onwards.

Consultation on the Report had previously taken place with Group Leaders and the relevant Cabinet Member; the Head of Legal Services as Deputy Monitoring Officer; the Head of Democratic Services; the Corporate Governance Group and the Corporate Management Team. The report had also been circulated to Audit Committee Members. Once agreed the Report would be placed on the intranet and the internet for the attention of all Members/Officers and would be made available to Town/Parish Councils.

Cabinet had considered the Report at its meeting on 19 April 2012 and recommended to Council that the Standards Committee's Annual Report be approved. A copy of the minute from the meeting of Cabinet was attached to the report.

Thanks were given to Francis Hayes and the Committee Members for their valued work over the past 12/13 years.

RESOLVED that the Standards Committee's Annual Report for 2011/12 be approved.

C
29/12

Annual Report of the Monitoring Officer – 2011/12

Council considered a report that provided it with the opportunity to consider the Monitoring Officer's Annual Report for 2011/12.

As with the Standards Committee's Annual Report, the Monitoring Officer's Report outlined the Monitoring Officer's main statutory responsibilities, summarised how they had been discharged during the year and drew attention to some of the main issues that would require attention in the year ahead.

Consultation on the report had previously taken place with Group Leaders and the relevant Cabinet Member; the Head of Legal Services as Deputy Monitoring Officer; the Head of Democratic Services; the Corporate Governance Group; the Corporate Management Team; Audit Committee members and the Standards Committee. Once agreed the Report would be placed on the intranet and the internet for the attention of all Members/Officers.

Cabinet had considered the Report at its meeting on 19 April 2012 and recommended to Council that the Monitoring Officer's Annual Report be approved. A copy of the minute from the meeting of Cabinet was attached to the report.

RESOLVED that the Monitoring Officer's Annual Report be approved.

C
30/12 **Annual Report of the Audit Committee**

Council considered the Audit Committee's Annual report for the period 1 October 2010 to 30 September 2011.

The Audit Committee approved its Annual Report, at its meeting on 27 February 2012, and a copy of the Annual Report and relevant minute were attached to the report.

Reports on performance were an important part of the Council's monitoring, reporting and planning procedures. In addition, the Chartered Institute of Public Finance & Administration (CIPFA) stated that an effective Audit Committee would produce annual reports on its work and findings.

The Report provided an overview of the work of the Committee during the period 1 October 2010 to 30 September 2011. The report set out the Committee's main responsibilities, and referred to how they had been discharged. The Report provided a summary of changes that had taken place during the year and offered a positive opinion statement on the Council's Systems of Internal Control.

RESOLVED that the Annual Report of the Audit Committee be noted.

C
31/12 **Consultation on Future Use of Lustrum Vale Older People's Mental Health Unit – Response of Adult Services and Health Select Committee**

Council considered a report that outlined that as a statutory consultee, the Adult Services and Health Select Committee had considered the consultation on the proposed changes to older people's mental health (OPMH) services.

The consultation on the proposed changes to older people's mental health (OPMH) services and the future use of Lustrum Vale in-patient unit had been

running from 8 February to 9 May 2012.

The Committee regarded the proposals as constituting a substantial variation to local health services (s. 244 NHS Act 2006) and therefore under the Council's Constitution, the Committee's consultation response had to be endorsed by Council.

In addition to responding to the specific issues raised in the consultation the Committee also considered:-

- whether, as a statutory body, the Scrutiny Committee had been properly consulted;
- whether, in developing the proposals for service changes, the health body concerned had taken into account the public interest through appropriate patient and public involvement and consultation;
- whether a proposal for change was in the interests of the local health service.

The Committee response and a copy of the minute from the Adult Services & Health held on 23 April 2012 was attached to the report.

RESOLVED that the Adult Services & Health Select Committee's consultation response be endorsed.

C 32/12 Officer Decision Taken in Consultation with the Mayor – Review of Parliamentary Constituency Boundaries

Consideration was given to a report on an Officer decision, taken under urgency powers, in consultation with the Mayor.

The Director of Law and Democracy took the decision, in consultation with the Mayor, to implement Cabinet's recommendations at its meeting on 8 March 2012 to reaffirm the Authority's representations to the Boundary Commission for England ("the Commission") on its initial proposals for new parliamentary constituency boundaries affecting the Stockton-on-Tees Borough area.

The reason the decision was taken urgently was that the representations on the Commission's initial proposals were agreed by Council at its meeting on 1 December 2011. The Commission's review entered the secondary consultation phase on 6 March 2012. This ended on 3 April, 2012. The secondary consultation allowed interested parties to submit further comments on the representations submitted to date. Those representations were published on the Commission's website with effect from noon on 6 March.

At its meeting on 8 March, Cabinet agreed that the Council's original representations should be reaffirmed for the purposes of the secondary consultation period. However, there was no Council meeting before the 3 April deadline at which to ratify Cabinet's recommendations.

Action before the 3 April was considered essential in the Council's and the public's interests.

Group Leaders were contacted before the decision was taken to ascertain if they had any comments on what was proposed.

RESOLVED that the Director of Law and Democracy's decision, taken in consultation with the Mayor be noted.

C **Members' Policy Seminar Programme**

33/12

Council were provided with an overview of content from the Members Policy Seminars held in March and April 2012 which gave an update of the service provided by the Fire Brigade in Stockton, progress of the transfer of Public Health to the Local Authority in March 2013 and the development of the Clinical Commissioning Groups, changes to the provision of the North East Ambulance Services following a review, the details of the Stockton Care Fees model and the impacts on provision in the area and a round up of Regeneration and Economic Development projects across the borough. Supporting material from the seminar programme could be found on the Member pages of the intranet.

RESOLVED that the report be noted.

C **Dispensation**

34/12

Members were informed that the item had been withdrawn as Councillor Eddy had attended a recent meeting.

C **Members' Question Time**

35/12

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

C **Motion**

36/12

The following motion was submitted by Councillor Lupton in accordance with Council Procedure Rule 12.1:-

"Stockton Borough Council requests the Government to introduce legislation that allows local authorities to penalise developers who undertake work without prior planning approval, or disregard planning conditions and design and access details when commencing construction by introducing a significantly increased planning fee for retrospective applications. The increased fee to be commensurate with the value of the development and additional added value to the land or property involved."

Following consultation with other Group Leaders and with the consent of the meeting Councillor Lupton agreed to alter his motion.

Moved by Councillor Lupton, seconded by Councillor Sherris:-

"There have been numerous instances over recent years when developers and residents have undertaken new build projects, building alterations or other construction works that required planning approval but these people have either not submitted an application or disregarded the conditions or approved plans and only after being found out have been requested to submit an application for retrospective approval.

In a number of cases they have been required to alter their developments to comply with their original planning approval but in others the changes have been reluctantly accepted as a retrospective application, in the face of strong opposition from local residents.

Many members have been annoyed and frustrated at this lack of respect for the planning process and it's time that legislation was in place to penalise those that intentionally disregard the planning procedures.

Members appreciate that it would be better to submit a comprehensive proposal to government based on the evidence of recent cases and to enable all groups to participate in preparing this proposal, it is therefore proposed that the Planning Committee be mandated to prepare a submission taking into consideration all of the problems experienced by this authority and submit it to the appropriate minister and to also seek support from the Local Government Association."

The motion was carried.

C 37/12 **Forward Plan and Leaders Statement**

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

- Firstly, the Leader welcomed Councillor Apedaile as the new Mayor on her first Council meeting.
- In Stockton town centre, the Council's exciting regeneration plans were moving forward, with the start of works to the north end of the High Street around Maxwell's Corner. These would provide new bus lanes, on-street parking, loading bays, upgraded traffic signals and improved paving. The Council was also in the process of appointing Birse Civils as main contractor to work with on regenerating the southern end of the High Street, which would begin later in the year.
- To compliment the historic traditional markets, the first of this year's specialist markets, a craft fair and 'Chic Vintique' event, had taken place and was very successful. The Castlegate Centre had also made a start on its £1.5m redevelopment of the Spencer Market Hall.
- At Vivo, on Northshore, the first show homes had opened as the first part of the £100 million, 23-hectare mixed-use regeneration scheme.
- The Council had appointed Peter Kelly as the new Director of Public Health for Stockton.
- The annual Municipal Journal Local Government Achievement Awards had commended Xentrall Shared Services in the 'Transformation Through IT' category.
- The Leader had been delighted to join the Mayor in naming the conference facility in Stockton's new library the 'Jim Cooke Conference Suite' in memory of one of his predecessors as Council Leader.

- The Council's award-winning 'Put Yourself in the Picture' fostering and adoption campaign had exceeded expectations by generating 261 fostering enquiries and 77 adoption enquiries since its launch last April.
- Yarm Town Council had been granted a judicial review into Stockton Council's parking proposals for Yarm. At this time the Council was awaiting a date for the hearing. In the meantime, the parking adjudicator had rejected a motorist's appeal, confirming the current arrangements were legally enforceable.

Looking Ahead:-

Significant matters to be considered at forthcoming meetings of the Cabinet included:-

- EIT Reviews into Learning Disability Services for Adults and Commissioned Carers' and Independent Living services.
- The Billingham Customer Services Centre
- Thornaby Town Hall

Bizzy B's appeal against the High Court decision to allow the demolition of Billingham House would take place next week.

The Council had successfully launched the 2012 Events Guide to major events. In the coming weeks, events included the Stockton Creative Expo in the Parish Gardens, highlighting the talents of local creative people selling a range of handmade goods and with advice on hand for others wishing to set up their own creative businesses.

On Saturday 26 May 2012, the Infinity Festival would include the Tees Regatta, a community boat challenge and an evening performance by the Infinite Voices community choir.

Before the next meeting, the Queen's Diamond Jubilee with numerous events would be celebrated. The Friends of Ropner Park would organise a Picnic in the Park on 3rd June 2012, the Council was supporting communities, local groups and residents in delivering their street parties and community events and, on 4th June 2012, a series of beacons would be lit alongside the River Tees.