

Council

A meeting of Council was held on Wednesday, 18th July, 2012.

Present: The Worshipful the Mayor (Cllr Lynne Apedaile); Cllr Paul Baker, Cllr Jim Beall, Cllr Derrick Brown, Cllr Mark Chatburn, Cllr Carol Clark, Cllr Michael Clark, Cllr Robert Cook, Cllr Nigel Cooke, Cllr Evaline Cunningham, Cllr Ian Dalgarno, Cllr Phillip Dennis, Cllr Ken Dixon, Cllr John Gardner, Cllr Robert Gibson, 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 Miss Tina Large, Cllr Colin Leckonby, Cllr Alan Lewis, Cllr Ken Lupton, Cllr Ray McCall, Cllr Mrs Kathryn Nelson, Cllr Steve Nelson, Cllr Mrs Jean O'Donnell, Cllr Ross Patterson, Cllr Maurice Perry, Cllr Mrs Maureen Rigg, Cllr David Rose, Cllr Andrew Sherris, Cllr Michael Smith, Cllr Andrew Stephenson, Cllr Norma Stephenson, Cllr Mick Stoker, Cllr Tracey Stott, 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); C Straughan (DNS); B Brown (R); J Humphreys (CESC).

Also in attendance: 4 members of the public.

Apologies: Cllr Julia Cherrett, Cllr David Coleman, Cllr Gillian Corr, Cllr Mick Eddy, Cllr Kevin Faulks, Cllr Ann McCoy, Cllr Steve Walmsley, Cllr Sylvia Walmsley, Cllr David Wilburn and Cllr Norma Wilburn.

C 48/12 Royal Visit

The Worshipful the Mayor reported that the Royal Visit to the Tees Barrage had gone very well. The Queen was accompanied by His Royal Highness The Duke of Edinburgh and had visited Stockton to officially open the International White Water Course as part of their Diamond Jubilee tour of the United Kingdom. Hundreds of school children joined thousands of people from across the Borough to welcome Her Majesty and His Royal Highness to celebrate the opening. The Worshipful the Mayor thanked everyone that had been involved in organisation of the Royal Visit.

C 49/12 Declarations of Interest

There were no interests declared.

C 50/12 Minutes

The minutes of the meeting held on 13th June 2012 were signed by the Worshipful the Mayor as a correct record.

C 51/12 Public Question Time

The Director of Law & Democracy informed Members that no Public Questions had been received.

C 52/12 Members' Policy Seminar Programme

Consideration was given to a report that provided Council with an overview of content from the Members Policy Seminar held in June 2012 which gave an update on the progress towards the development of the scheme for the Localisation of Council Tax.

Members Policy Seminars were an important vehicle for both informing and

consulting with Members on a variety of topics from Policy and Legislative changes, contributions to Government consultations, and providing an update on local service provision from partner organisations. They were particularly useful for those issues which were of importance to the Council or partners but were in the early stages of development, or those which would be of interest to Members, out with the usual reporting arrangements.

A programme of seminars was set annually with events planned on a monthly basis. Topics were reviewed monthly by the Corporate Management Team to ensure issues were current and discussions and information provision was timely. Special, additional seminars were arranged as required.

The Policy Seminar programme had been in place since January 2009 and was evaluated in January 2010. The evaluation showed that there was overall a positive response from Members who felt that they provided an opportunity for in depth discussion on a wide range of topics. Feedback was received on the format, acoustics and some of the venue choices. Where possible these issues had been addressed in the programme. A further review was scheduled for July 2012.

There had been one Member Seminar since the last report to Full Council. The June seminar provided an opportunity for Members to be briefed on the new Local Council Tax Support Scheme, detailing options for consideration by Members.

The scheme was being introduced as the current scheme was being abolished from April 2013. The presentation detailed the parameters and criteria set out under the new guidance for the scheme, the key points to note were detailed as follows:-

- Scheme and appeals procedures to be developed and adopted by 31 January 2013
- Pensioners are protected
- Consideration can be given to protection of other groups
- New scheme funded by a fixed grant - 90% of expenditure
- Financial pressures based on the different options
- Consultation on the proposed scheme must take place.
- Scheme will be based on the components of the current scheme
- A common framework across Tees Valley

The presentation included details of a series of options around which the scheme could be developed; it highlighted the budget and financial implications of these options. A timetable for the development and approval of the scheme was shared.

The timescales for development, consultation and approval were very tight. Further support was offered to members in the lead up to the development and approval of the scheme ready for the consultation period. The draft scheme would receive approval by Cabinet in August 2012.

Members highlighted the links between this scheme and the multiple changes that were starting to impact on residents through the Welfare Reform changes. This would continue to be a focus of the Members seminar programme going

forward.

All slides, agenda and supporting material from the seminars could be accessed at <http://kyit.stockton.gov.uk/members/policyupdatesessions>

A regular update report on Members seminar events held would be provided to Council at each meeting going forward.

RESOLVED that the report be noted.

C **Political Balance - Amendments to Council Committee, Panels etc**
53/12

Consideration was given to a report that presented proposed changes to the membership of Council Committees / Panels etc.

At its Annual Meeting, held on Wednesday 25 May 2011, the Council approved appointments to its Committees and Panels for 2011/15.

Prior to the Annual Meeting the political groups were involved in a process that sought, as far as practicable, to establish political balance on each individual Council Committee / Panel and also achieve balance in terms of the total number of Committee / Panel seats available across the Council.

Officers facilitated this process throughout and, as part of it, provided a schedule to each group, detailing their allocation for each Committee / Panel.

This initial allocation rarely provided balance across the total number of Committee / Panel seats and the schedule therefore also notified groups of how many seats each needed to relinquish, or receive, in order to achieve balance. Obviously, achieving balance relied on each group relinquishing or receiving the exact numbers of seats notified to them.

A table within the report detailed the number of seats that groups were notified of and the actual number that they chose to relinquish or receive.

This resulted in 8 vacancies at the time appointments were presented to the Annual Meeting, in May 2011. All groups had had an opportunity to take up the seats they were entitled to and all practicable attempts to achieve balance across the whole of the Council had been exhausted. In order to reduce the number of vacancies being held, details of the 8 vacancies were presented to Council meetings in June and September 2011. 7 vacancies were filled, 5 by Labour and 2 by Liberal Democrats. 1 vacancy still remained. Clearly those groups who filled the vacancies would have more seats than necessary to achieve overall balance, whereas groups, which had effectively declined seats, would have less seats than necessary.

This was described in a table within the report.

It could be seen that political balance did not exist across the total number of Committee / Panel seats. However, this was acceptable, as every effort had been made to achieve balance and all groups had been afforded the opportunity to take the number of seats they were entitled to.

IBIS had however now indicated that it wanted to take up all the seats it was entitled to. Tables within the report detailed that IBIS originally chose to relinquish 9 seats, instead of the 5 notified to it. IBIS was therefore entitled to take 4 of those 9 seats and they had advised officers that they would wish to take seats as follows:-

Education Support Panel
Markets Forum
Appeals and Complaints Committee
Corporate and Social Inclusion Select Committee (CSI)

This would have a 'knock on' effect for the groups and Councillors which had previously taken up the relinquished or vacant seats. This was detailed within the report and set out below.

The above changes would have a positive effect on the Council's overall balance. Members noted the figures in the variance column had reduced.

In addition, the correct balance of each of the Committees / Panels, detailed in the report would be achieved, or improved, by these changes.

RESOLVED that the changes, as detailed below, be approved:-

Committee / Panel etc Change

Education Support Panel -replace Councillor Kennedy with Councillor Harrington

Markets Forum - replace Councillor Smith with Councillor Faulks

Appeals and Complaints Committee - replace Councillor Lewis with Councillor Patterson

CSI - replace Councillor Johnson with Councillor Kirby

C 54/12 Employee Code of Conduct

Consideration was given to a report that outlined that the Employee Code of Conduct had been reviewed and updated as a result of changes in legislation and to reflect current practices and procedures. Existing procedures such as the recording of gifts and hospitality were included in the Code.

The Employee Code of Conduct aimed to promote high standards of conduct and to help maintain public confidence in the Council's services. It was a summary of existing codes of practice and procedures that all employees were required to follow.

The Code governed standards of behaviour in relation to:-

Gifts and Hospitality
Acceptance of Legacies
Confidential Information
Conflicts of Interests
Appointment to Public Office
Engaging in Political Activities

Recruitment and Employment
Sustainability and the Environment
Diversity
Intellectual Property/Copyright
Use of the Council's Facilities/Assets
Health and Safety

Certain conduct by employees was a criminal offence, namely:-

- (a) Failure to comply with health and safety legislation
- (b) Accepting a bribe
- (c) Bribing another person
- (d) Failure to declare interests in contracts or companies

Other forms of misconduct were explained in the revised code and depending on the circumstances may result in disciplinary action. The provisions of the code would therefore be brought to the attention of all employees by using a variety of methods, including KYIT, staff forums / employee groups, induction training and constitutional updates.

Cabinet considered the report at its meeting held on 14 June 2012 and a copy of the relevant minute was attached to the report.

RESOLVED that the revised Employee Code of Conduct at Appendix 1 be approved and accepted as a revision to the Council's Constitution (Part 5).

C 55/12 Appointment of Independent Persons

Consideration was given to a report that provided Council with the recommendations coming from the Standards (Independent Persons) Appointment Panel's consideration of applicants for the positions of Independent Person, and two Independent Person reserves.

Council had previously agreed that an Independent Person and two reserves should be appointed by the Council as required by Section 28(7) of the Localism Act 2011 ("the Act").

The vacancies for the three positions were published in a variety of ways (Stockton News; press release; website; Town / Parish Councils / Parish Liaison Forum; Libraries, and via the Tees Valley Local Authorities).

7 written applications were received and interviews were held on 5th July 2012.

Attached to the report were the Independent Person's role description and duties and responsibilities; selection criteria and notes on eligibility.

Also attached to the report was a copy of the relevant minute from the meeting of the Standards (Independent Persons) Appointment Panel held on 5th July 2012.

The Panel had recommended to Council an Independent Person and two reserves.

It had also recommended that successful candidates be given 15 months terms of office with effect from 1 July 2012 with a review by the Panel after 12 months, in order to assess whether further terms of office should be recommended.

RESOLVED that:-

1. The report be noted.
2. Mr Norman Rollo be appointed as the Independent Person, and Mr Jeff Bell and Mr Michael Hill be appointed as the two Independent Person reserves.
3. The candidates be appointed for an initial term of 15 months, with effect from 1 July 2012, with a review after 12 months to determine whether further terms of office should be recommended.

C
56/12 **Members' Code of Conduct**

Consideration was given to a report that provided details of a proposed new code of conduct for the Council's members as required by the Act.

A Local Authority must adopt a code dealing with the conduct that was expected of members and co-opted members of the Authority when acting in that capacity. This was part of the fulfilment of its duty to promote and maintain high standards of conduct amongst members and co-opted members (of the Authority) (Sections 27(1) and (2) of the Act).

The code must, when viewed as a whole, be consistent with the seven Nolan principles:-

- a) Selflessness;
- b) Integrity;
- c) objectivity;
- d) accountability;
- e) openness;
- f) honesty;
- g) leadership

The code must include the provision the Authority considers appropriate in respect of the registration in its register, and disclosure of:-

- a) pecuniary interests; and
- b) interests other than pecuniary ones

In principle, there was no limit to what may be included in an Authority's code, save that it could not include provisions which prejudiced the operation of the following sections of the Act:-

- a) Register of Interests – Section 29;
- b) Disclosure of pecuniary interests on taking office – Section 30;
- c) Pecuniary interests in matters considered at meetings or by a single member – Section 31;
- d) Sensitive interests – Section 32;
- e) Dispensations relating to disclosable pecuniary interests – Section 33; and

f) Offences – Section 34

An Authority must publicise its adoption, revision or replacement of a code of conduct in such manner as it considers likely to bring the adoption revision or replacement of the code to the attention of persons who live in its area.

The function of adopting, revising or replacing a code of conduct could only be discharged by the Authority.

Following a report to Cabinet on 9 February 2012, Council agreed on 7 March that a new code should be drafted based on the ten principles of conduct (as specified in the Relevant Authorities (General Principles of Conduct) Order 2001):-

- a) selflessness;
- b) honesty and integrity
- c) objectivity;
- d) accountability;
- e) openness;
- f) personal judgement;
- g) respect for others;
- h) duty to uphold the law;
- i) stewardship;
- j) leadership

Based on this, Council agreed that the new Code should therefore include provisions equivalent to paragraphs 3 to 7 of the current code and that it should require registration and disclosure of interests which would constitute personal and/or prejudicial interests under the current code, but withdrawal from a meeting room only in relation to disclosable pecuniary interests.

Council also agreed that when the regulations relating to disclosable pecuniary interests were published the Code should be reviewed and should include any appropriate provisions (regarding registration and disclosure) which may be required in relation to disclosable pecuniary interests and other interests.

An initial draft code of conduct was considered by the Council's Standards Committee on 15 March 2012 and was the subject of consultation with Officers and leading members. In order to show how the new draft code had been developed with the current code in mind, a copy of the current code was attached to the report.

Since the initial draft Code was prepared, the Local Government Association and Department for Communities and Local Government had each issued guidance on local codes of conduct. Copies of the guidance were attached to the report.

The draft code of conduct prepared for Stockton's Members accorded generally with this guidance, although the draft was in a more traditional format, akin to the current code of conduct for Stockton's Members.

The Secretary of State had also issued regulations regarding disclosable pecuniary interests ("the regulations"). As a result the initial draft code of

conduct had been revised to reflect these new interests.

Attached to the report were copies of the regulations and a related briefing note for Members, together with a copy of the revised draft code of conduct for Stockton's Members.

Council was asked to consider the revised draft code that was attached to the report.

The revised draft code had been circulated to the Standards Committee Members and had also been discussed with leading Members and Officers. Cabinet considered the report at its meeting on 11th July 2012 and a copy of the relevant minute was circulated all Council Members.

Council previously agreed that in addition to guidance to members on their duty to register interests, appropriate training should be provided to members regarding the Council's new code of conduct, disclosable pecuniary interests and the arrangements for dealing with misconduct allegations.

Council also agreed that the arrangements for dealing with misconduct allegations should be reviewed after an initial twelve months operation. It would also be sensible to include a review of the new code of conduct in this context, in order to demonstrate if it has proved to be fit for purpose.

RESOLVED that:-

1. The draft code of conduct attached at Appendix 4 to the report be approved and adopted by Council as the code for dealing with the conduct that is expected of members and co-opted members of the Authority when acting in that capacity;
2. The publicising of the adoption of the code required by the Act, be delegated to the Monitoring Officer in consultation with the Cabinet Member for Corporate Management and Finance; and
3. The review of the new standards arrangements which Council previously agreed the Monitoring Officer should carry out after 12 months of their operation, includes a review of the new code of conduct for members.

**C
57/12**

Local Plan: Regeneration and Environment Development Plan Document

Consideration was given to a report that outlined that the Regeneration and Environment LDD and Shop Fronts and Advertisements SPD would, when adopted, form part of Stockton-on-Tees Local Plan (formerly termed Local Development Framework) along with the adopted Core Strategy, the Minerals and Waste Core Strategy and Sites and Policies DPDs and a number of adopted SPDs. Together with these documents, they would provide the policy basis for the determination of planning applications within the borough.

The Regeneration and Environment LDD itself was an amalgamation of several documents which were previously to be prepared separately and also incorporated the results of the 'Planning for Housing' consultation which took place last year. The primary purpose of the LDD was to provide the detail of

how the strategic policies in the adopted Core Strategy would be implemented by allocating sites for housing, transport infrastructure, economic development, retail, community facilities and mixed use regeneration schemes, as well as identifying key environmental and historic designations in the borough. The LDD also included four strategic policies relating to sustainable development, the distribution of housing, limits to development and the extent of green wedges and detailed policies for their implementation.

The Shop Fronts and Advertisements SPD provided additional guidance for developers on the implementation of Core Strategy policy CS3 with the aim of improving design standards and quality of shop fronts and advertisements to help create more attractive and distinctive retail centres.

Cabinet considered the report on 11th July 2012 and a copy of the relevant minute was circulated to Members. Following endorsement by Cabinet and Council, the Regeneration and Environment LDD Preferred Options and Policies Map, together with the supporting documents and assessments and the Shop Fronts and Advertisement SPD and associated Habitats Regulations Assessment would be made available for a period of public consultation scheduled to commence on 30th July 2012 for a period of 8 weeks, closing on 24th September 2012. A comprehensive consultation plan would be drawn up to facilitate the involvement of statutory consultees, members of the public and other stakeholders in the consultation.

Following the public consultation period, future stages in the preparation of the LDD would be:-

- a. Analyse the comments received during the Preferred Options consultation. Produce the Publication Draft of the document.
- b. Analyse the comments received during the Publication Draft consultation. Produce the 'Submission' document and submit it to the Secretary of State. There is no consultation period at this stage.
- c. Assessment of the document by an independent inspector.
- d. The Council publishes the Inspector's Report following its receipt.
- e. The Regeneration and Environment LDD is adopted by the Council (scheduled for January 2014).

For the Shop Fronts and Advertisements SPD:-

- Analyse the comments received during the consultation period and if necessary, re-draft the SPD:
- Adoption by the Council as part of Stockton-on-Tees Local Plan for use in the determination of planning applications.

Councillor Lupton moved and Councillor Laing seconded the following motion to amend the recommendation by adding a fourth recommendation as follows:-

"4. The above recommendations be accepted subject to the consultation timescales being reviewed and extended if required and if possible under the current legislation."

The motion was not carried.

RESOLVED that:-

1. The Regeneration and Environment LDD Preferred Options, its associated assessments (Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA)), draft Policies Map, draft Infrastructure Strategy and Consultation Statement be endorsed for a period of public consultation from Monday 30th July to Monday 24th September 2012;

2. The Draft Shop Fronts and Advertisements SPD and the associated habitats Regulations Assessment (HRA) be endorsed for a period of public consultation from Monday 30th July to Monday 24th September 2012;

3. Any further changes to the documents prior to the consultation period be delegated to the Head of Planning in consultation with the Cabinet Member for Regeneration and Transport.

**C
58/12**

Motion

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

"In view of the ongoing need to achieve efficiency savings and provide value for money services for the residents of the Borough and the general changing landscape of local government that Stockton Borough Council undertake a review of the size of the Council with a view to reducing the number of serving Councillors in readiness for the next elections in 2015.

It is proposed that the Members Advisory Panel be asked to undertake the review by considering the following:-

- The governance arrangements of the council and how it takes decisions across the broad range of its responsibilities.
- The Council's scrutiny functions relating to its own decision making and the council's responsibilities to outside bodies.
- The representational role of councillors in the local community and how they engage with people, conduct casework and represent the council on local partner organisations.
- They should also consider any future trends or plans that may impact on the running of the authority."

The motion was not carried.

**C
59/12**

Motion

The following motion was submitted in accordance with Council Procedure Rule 12.1 by Councillor Bob Cook, seconded by Councillor Beall:-

"Council notes:-

- The Chancellor of the Exchequer announced in the 2012 Budget the Government's desire to introduce 'more market facing' public sector pay. This could mean regional or local public sector pay.
- This recommendation has come in advance of the Pay Review Bodies reporting on the issue in July and September 2012.

- There has been no independent assessment of the impact and consequences this policy could have for public services or the economies of low pay regions such as the North East.
- Workers in Stockton area are paid £38 less per week than the national average.

Council believes:-

- Regional or local public sector pay would have a harmful effect across the North East.
- It will make it harder for schools and other public services to recruit and retain good quality professionals who could earn more for doing the same job elsewhere.
- There are 24,400 public sector workers in Stockton and reducing their real terms pay will dramatically reduce spending power and have a negative impact on the private sector.

Council resolves:-

- To write to the Chancellor of the Exchequer and Chief Secretary to the Treasury stating this Council's opposition to plans for regional and localised public sector pay.
- To write to both local MPs outlining concerns about the impact that this policy would have on services and the local economy, and seeking their support to resist its introduction."

The motion was carried.

**C
60/12** **Members' Question Time**

The Director of Law & Democracy informed Members that no Member Questions had been received.

**C
61/12** **Forward Plan and Leaders Statement**

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

A Special Cabinet Meeting on 9th August would consider options and proposals for public consultation on the Local Council Tax Reduction Scheme.

At the next regular Cabinet Meeting on September 6th, Agenda items would include:-

- A report on the Joint Health and Wellbeing Strategy to inform commissioning decisions across local services
- A report on surveillance activity and the Council's Policy and Procedures under the Regulation of Investigatory Powers Act 2000 (RIPA)
- A summary of the Local Economic Assessment for Stockton Borough
- Updates on arrangements for the election of the YMP and establishment of a

Youth Assembly, progress on the Academies programme, the economic climate, Department for Transport proposals to devolve major scheme funding to local areas, and progress on the NorthShore Development

- There would also be a progress report on Regional Scrutiny Review of the Health Needs of the Ex-Service Community

Other matters:-

Despite the weather, 2012 was shaping up to be a very special year for the Borough of Stockton.

Stockton town centre hosted an amazing weekend of cycling, with everything from top class professional cycle racing to the mass participation Sky Ride.

Her Majesty The Queen and The Duke of Edinburgh visited the Borough and it was an honour for the whole Borough. The Leader was delighted the event went off very well and that the weather was kind. The facility would now be known as The Queen Elizabeth II Diamond Jubilee White Water Course and its two rapids would be called the Diamond and Jubilee courses.

The Council was looking forward to welcoming the Britain in bloom judges once again and the Leader was sure they would be impressed by some of the floral displays on view, particularly the magnificent Olympic figures in Stockton and at Ropner Park.

SIRF – the Stockton International Riverside Festival would be happening soon and it was incredible that this was the 25th such festival, and that SIRF was now a very important part of the international street arts calendar. The Leader hoped Councillors would come along and see some of the sights and performances, particularly the performances of 'Prometheus' on Thursday 2nd August, specially created for the year of the London 2012 Olympics and Paralympics, the Community Carnival, which had an Olympic theme this year, and the Sunday finale at North Shore.

The Leader also hoped Councillors would support the Stockton Weekender Festival which ran alongside SIRF.