

Council

A meeting of Council was held on Wednesday, 8th May, 2013.

Present: The Worshipful the Mayor (Cllr Mrs Kathryn Nelson); Cllr Lynne Apedaile, Cllr Paul Baker, Cllr Jim Beall, Cllr Derrick Brown, 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 Kevin Faulks, 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 Ann McCoy, Cllr Mick Moore, 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 Mick Stoker, 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); J Danks, L King (R), J Humphreys (CESC); P Dobson, P Kelly (DPH); D E Bond, P K Bell (LD).

Also in attendance: 4 Members of the public.

Apologies: Cllr Mark Chatburn, Cllr Norma Stephenson and Cllr Tracey Stott.

C 20/13 Evacuation Plan

The evacuation plan was noted.

C 21/13 Declarations of Interest

Councillor Nelson declared a Personal / Non Prejudicial Interest in respect of agenda item 13 - Members Question Time as he was a member of the Tristar Homes Board.

Councillor Gibson declared a Personal / Non Prejudicial Interest in respect of agenda item 13 - Members Question Time as he was a member of the Tristar Homes Board.

Councillor Large declared a Personal / Non Prejudicial Interest in respect of agenda item 13 - Members Question Time as she was a member of the Tristar Homes Board.

C 22/13 Retirement of Chris Willis

The Worshipful the Mayor and the Leader of the Council presented Chris Willis with a picture of the Infinity Bridge in recognition of her long and distinguished career with the health service.

C 23/13 National Housing Award

The Worshipful the Mayor and the Cabinet Member for Housing and Community Safety presented Jane Edmonds with the National Housing Award for Strategic Local Authority of the Year.

C
24/13 **Minutes**

The minutes of the meetings held on 6th March 2013 and 17th April 2013 were signed by the Worshipful the Mayor as a correct record.

C
25/13 **Public Question Time**

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

C
26/13 **Members' Policy Seminar Programme**

Consideration was given to a report that provided an overview of content from the Members Policy Seminars held in April 2013 which provided updates on Healthwatch & NHS Complaints Advocacy and the Probation service. Due to the number of special member briefings on the budget, the March seminar was cancelled.

RESOLVED that the report be noted.

C
27/13 **Health and Wellbeing Board and Partnership - Governance Arrangements**

Consideration was given to a report relating to the establishment of the Health and Wellbeing Board (HWB) as a Committee of the Council and the associated governance arrangements. The report also proposed governance arrangements relating to the Health and Wellbeing Partnership (HWP).

Members were reminded that the Health and Social Care Act 2012 required the Council to establish a Health and Wellbeing Board as a Committee of the Council.

Members were provided with proposed governance arrangements for the operation of the HWB and HWP, including the following:-

- Terms of Reference
- Rules of Procedure
- Registering Interests
- Membership
- Chairmanship

It was suggested that the arrangements be reviewed after 12 months operation.

Members noted that the HWB would be responsible for preparing and publishing the Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy (JHWS). The JSNA would be reviewed constantly by the Board and Partnership and, given this, it was suggested that authority be delegated to the Board to make any necessary amendments to the document, that may be necessary from time to time. The JHWS and the JSNA would continue to be presented to Cabinet and Council on an annual basis.

Members were provided with details of the Director of Public Health's statutory responsibilities.

RESOLVED that:-

1. The HWB be constituted as a Committee of the Council.
2. The Terms of Reference of the HWB and the HWP, as detailed at Appendix 1 and 2, be approved.
3. Authority be delegated to HWB to make any necessary amendments to the JSNA, that it considers necessary, and that it and the JHWS be presented to Cabinet and Council on an annual basis for review and approval.
4. The Rules of Procedure of the HWB and the HWP, as detailed at Appendix 3 and 4, be approved.
5. The outline processes, as detailed at paragraphs 16 – 22, be noted.
6. Councillor Ken Lupton be appointed to the HWB pursuant to paragraph 23 of the report.
7. An additional place (making two in total) on the HWB be granted to the CCG in return for a place for the Council on the CCG Locality Group, and that a place on the HWB also be given to the Police and Crime Commissioner for Cleveland.
8. The Chair of the HWB be appointed to the CCG locality group.
9. The allocation of places on the HWP to the Probation Service and Durham University be agreed.
10. The arrangements relating to the appointment of the Chair and Vice Chairman of the HWP, as detailed in paragraph 28 be approved.
11. The DPH's statutory responsibilities be noted.
12. The Director of Law and Democracy make all necessary amendments to the Council's Constitution.
13. The arrangements be reviewed after 12 months' operation.

**C
28/13 Officer Decision taken in Consultation – Commitment of One Off Capital Resources – Superfast Broadband for Benefit of Business and Communities in Stockton**

Consideration was given to a report on an Officer decision, taken under urgency powers, in consultation with the Mayor, Chief Executive Officer and Corporate Director of Resources.

The Corporate Director of Development and Neighbourhood Services took the decision, in consultation with the Mayor, Chief Executive Officer and Corporate Director of Resources, to commit £175k from one off capital resources towards securing a contract for the provision of superfast broadband for the benefit of businesses and communities in Stockton.

The reason the decision was taken under urgency powers was that a national

programme, initiated by Broadband Delivery UK (BDUK), to increase accessibility of superfast Broadband to over 90% of premises was launched in August 2011.

The programme allocated funding to Local Authority areas. In order to access this funding, there was a requirement to match with public sector funds, along with a private sector contribution (primarily the provider/contractor).

The procurement exercise for a contractor to deliver superfast broadband across areas of the North East including the Tees Valley, Durham and Sunderland had been underway for some months and had reached a deadline for completion and signature of a contract. Information recently received reflected the benefits of a wider spread and coverage of access to superfast broadband for both communities and businesses in Stockton. This would be much broader than originally envisaged and, as a result, the Council needed to commit a further £175k, which would be matched by BDUK funds, to deliver the improved capacity.

The decision, to commit the one off funding, needed to be taken by Thursday 25 April 2013, however, there was no Council meeting until 8 May 2013 and it was not considered practical to convene a meeting of the full Council at short notice.

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

RESOLVED that the Corporate Director of Development and Neighbourhood Service's decision be noted.

C 29/13 **Amendments to Committee Memberships**

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

The following changes had been requested and were presented for Council approval:-

Audit Committee

Remove - Councillor Ben Houchen

Add - Councillor Terry Laing

Arts, Leisure and Culture Select Committee

Remove – Councillor Mark Chatburn

Add - Councillor Andrew Sherris

Regeneration and Transport Select Committee

Remove – Councillor Andrew Sherris

Add – Councillor Phil Dennis

RESOLVED that the above amendments be approved.

Hardwick Ward – Name Change

Consideration was given to a report on a request by the Members for Hardwick Ward to change the name of the Ward to Hardwick and Salters Lane Ward and outlined the legislative requirements in order to achieve this. The report also proposed a procedure for dealing with this request and any future proposals for ward name changes.

Following a number of requests from residents in the area, the Local Councillors for Hardwick Ward, Councillors Norma Stephenson and Nigel Cooke, had enquired about changing the ward name from Hardwick to Hardwick and Salters Lane. The reason for the change was that the proposed new ward name better reflected the community identity of the area.

The proposed change was supported by the Labour Group.

When conducting reviews, the Local Government Boundary Commission for England based its decisions to change the names of wards and divisions on which name they considered best reflected the communities within the ward. The Commission also sought to ensure that ward names were sufficiently distinct from other ward names in the district to avoid any confusion.

The exercise of the Council's power to change a ward name was delegated to the Director of Law and Democracy, subject to Council approval to the change.

Section 59 of the Local Government and Public Involvement in Health Act 2007 enabled a Local Authority to agree to change the names of any of its electoral areas (normally known as wards) by passing a resolution at a Special Meeting of the full Council held for that purpose, subject to the statutory procedure being followed. The Act specified the steps that must be taken by an Authority in order to change the name which were summarised as follows:-

- a. Before passing a resolution at a Special Meeting to change the name of an electoral area the authority must take all reasonable steps to consult such persons as it considered appropriate on the proposed name.
- b. A resolution to change the name must be passed by a majority of at least two-thirds of members voting at a specially convened Council meeting.
- c. Notice of the object of the meeting must be given.
- d. The Local Government Boundary Commission for England (LGBCE) must first agree to the proposed change in any cases where the change was proposed within 5 years of a change made by the LGBCE. (This did not apply to the current proposed change).
- e. After a resolution has been passed, the Council must inform the LGBCE, the Boundary Commission, the Office of National Statistics and the Director General of the Ordnance Survey.
- f. The change of name would not take effect until the LGBCE had been given notice of it.

The following procedure was suggested for dealing with this proposal and any future proposals to change a ward name in order to establish consistency:-

a. A request to change the name of an electoral area should only be progressed if it is supported by all of the relevant Ward Councillors for the electoral area and their political group(s).

b. The timetable for the steps to be taken to change the name of an electoral area should be agreed with the Director of Law and Democracy, taking into account the Annual Electoral Canvass arrangements, any Elections and the publication date of the revised Electoral Register and, would need to include the following:-

i. A request for a change must be made at least 6 months prior to the publication date of the revised Electoral Register and approval must be obtained from Council to progress the request.

ii. Consultation, as detailed below, must take place by no later than the end of the fourth month prior to the publication date of the revised Electoral Register.

iii. A Special meeting of the Council must be held during the second month prior to publication date of the revised Electoral Register.

iv. Notice of any agreed name change to be given to the LGBCE, the Boundary Commission, the Office of National Statistics and the Director General of the Ordnance Survey at least one month prior to publication date of the revised Electoral Register.

v. The change of name to take effect on the publication date of the revised Electoral Register.

c. It was proposed that the method of consultation would include:-

i. Displaying notice of the proposal on the Council Website and main Council buildings.

ii. In public places in the electoral area affected, such as libraries.

iii. Press release by the Council and an article in an edition of Stockton News if possible within the timescales.

Following the consultation period a Special meeting of the Council would be convened to consider the responses and reach a decision.

RESOLVED that:-

1. The request to change the name of Hardwick Ward to Hardwick and Salters Lane Ward be agreed and progressed.

2. The proposed procedure for dealing with this and any future proposals for ward name changes be agreed.

3. The proposed next steps be noted.

The following motion had been submitted in accordance with Council Procedure Rule 12.1 moved by Councillor Mrs Rigg, seconded by Councillor Cook:-

"Stockton Borough Council, as an important consumer and opinion leader, resolves, within the constraints of available resources, to work with Stockton Fairtrade Borough Partnership to research, develop, and support a strategy to facilitate the promotion and purchase of foods with the FAIRTRADE Mark as part of its commitment to sustainable development and to give marginalised producers a fair deal.

To be recognised by the residents and the business community of Stockton-on-Tees, suppliers, employees and other local authorities, as a borough that actively supports and promotes Fairtrade and to increase the sale of products with the FAIRTRADE Mark.

Stockton Borough Council resolves to contribute to the campaign to increase sales of products with the FAIRTRADE Mark by striving to maintain Fairtrade status for the Borough of Stockton-on-Tees as detailed in the Fairtrade Foundation's Fairtrade Towns Initiative.

Stockton Borough Council resolves to:-

- Continue to offer FAIRTRADE Marked food and drink options at meetings where refreshment is offered.
- Continue to promote the Fairtrade Towns initiative, for example, through articles in the council's electronic newsletter, KYIT, and on the Fairtrade page of the Council's website.
- Seek ways to work with Stockton Fairtrade Borough Partnership to encourage local retailers to provide Fairtrade options for residents
- Seek ways to urge local business to offer Fairtrade options to their staff and promote the FAIRTRADE Mark internally
- To support Stockton Fairtrade Borough Partnership in gaining publicity for activities promoting Fairtrade in the borough as far as possible.
- Note that responsibility for progression of the Fairtrade Town initiative is within the portfolio of the Cabinet Member for Access & Communities, working alongside the Fairtrade Borough Partnership
- Support as far as possible events and publicity during national Fairtrade Fortnight - the annual national campaign to promote sales of products with the FAIRTRADE Mark."

The motion was agreed and Members also agreed to sign a copy of the motion.

Members' Question Time

The following question was submitted by Councillor Cherrett for response by the Cabinet Member for Corporate Management and Finance:-

"What consideration has been given to transferring Stockton Borough Council's mobile communication network away from Vodafone to a company that does not make use of offshore financing structures to reduce the amount of tax paid to the UK Treasury?"

The Cabinet Member for Corporate Management and Finance responded with:-

"None."

Councillor Cherrett asked the following supplementary question:-

"I have the figure of £256k that the Council has spent on mobile communication. The Council's procurement team try and supply local contracts, is this something that could be looked at in the future?"

The Cabinet Member for Corporate Management and Finance responded with:-

"I am surprised that this question has not been raised at Council earlier given that this was highly topical in the media around 10 months ago.

The use of offshore financing structures is, at this time, legal. There are therefore no legal grounds on which to terminate the current contract with Vodafone.

The Council accesses the current contract via a national arrangement tendered by the Government Procurement Service on behalf of central / local government and the wider public sector. If, when the contract is next tendered the Government haven't resolved offshore financing issues GPS, or the Council itself, would have to very carefully assess whether Vodafone could be excluded from the process without subsequent legal challenge and potential suspension of supply.

I feel the Liberal Democrats have scored an home goal this evening at Council. Whilst I don't want to cause any embarrassment to Councillor Cherrett or her colleagues, I am aware from a very good source that the Liberal Democrats nationally have contracts with Vodafone. Perhaps the Liberal Democrat group would like to pursue this issue of Offshore Financing Structures with the Chief Secretary to the Treasury and the Business Secretary in Government."

The following question was submitted by Councillor Walmsley for response by the Leader of the Council:-

"Many first class employees of this Council have lost their jobs because of the economic crisis and whole areas of the services provided by Council either hived off, savagely cut, or scrapped altogether. Isn't it therefore somewhat perverse that no costly Cabinet posts or other unnecessary positions have been

cut?"

The Leader of the Council responded with:-

"Cabinet have proposed that a review of Members allowances should be undertaken in order to target at least 15% (£130,000) of savings by 2015/16.

To get £130,000 saving from this budget I would anticipate the Council would need to reduce the Cabinet and the Select Committee positions within the Council."

Councillor Walmsley asked the following supplementary question:-

"The last time a review took place BIA lost their Leaders Allowance, when this next review takes place will all the positions be reviewed including the Labour Group positions?"

The Leader of the Council responded with:-

"Since becoming Leader of the Council two years ago I have overseen a 4% cut in Members Allowance which equates to £34,400 also this year Cabinet through the MTFP proposed a freeze on allowances this financial year, so I would support as Leader of the Council and of the Labour Group a reduction in Cabinet and Select Committee positions on the Council. The staff have endured a four year pay freeze which is in real terms a 13% wage cut, so it would not be right if we did not reduce this budget it would give out all the wrong signals to the staff."

The following question was submitted by Councillor Walmsley for response by the Cabinet Member for Housing and Community Safety:-

"Leeds City Council is considering plans to convert bedrooms in social housing to studies, living rooms or other spaces. Will this council be making any suggestions to social landlords along similar lines?"

The Cabinet Member for Housing and Community Safety responded with:-

"Social Landlords have informed us they are tackling the under occupation by a variety of means such as awarding priority for people to move, establishing hardship funding to complement our discretionary housing pot, changing their arrears policy, working with tenants to help them into work etc. All have stated they will be regularly reviewing the impact of the reforms and amending policies and procedures as appropriate.

Tristar Homes for example have set aside a one year discretionary hardship fund of £265,000. Tristar Tenants represent some 80% of the 2500 affected by the "bedroom tax" in the Borough.

Specifically in respect of the converting of bedrooms this is unfortunately not the panacea it may seem. The business plans and borrowings of social landlords are predicated on rental income assumed on the basis of the current stock and the value of the stock. Any wholesale conversion of rooms could have double

impact of both reducing rental income and reducing the capital of the stock.

It is early days and the situation is being closely monitored on landlord boards and also through the Welfare Reform Board which has social landlord representation."

Councillor Walmsley asked the following supplementary question:-

"We have just won a national housing award but this just pulls the rug out from under our feet and it will affect decent people. The government talks about houses not homes, is this not just another form of poor bashing?"

The Cabinet Member for Housing and Community Safety responded with:-

"Yes I agree with you. We are doing our best to mitigate the situation. Crime, homelessness and mental health issues will all increase as a result of the bedroom tax."

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

"Darlington and Hartlepool no longer subsidise bus companies whilst Middlesbrough is consulting on more cuts. Stockton meanwhile will be presenting evidence based findings to Cabinet in June. If privatisation and cuts in public services is so wonderful, why do poor performing bus and train companies need (or deserve) public subsidy?"

The Cabinet Member for Regeneration and Transport responded with:-

"The Council has for many years given subsidy to bus operators to provide bus services where there is no commercial provision. The costs of providing these services are regularly reviewed and Cabinet are reviewing the expenditure as part of the future years' budget setting process.

The Council does not provide any revenue subsidy to train operating companies; this is managed directly by the Department for Transport."

Councillor Walmsley asked the following supplementary question:-

"Some rail companies receive £1 million a week. Is there any point putting anymore money into these companies?"

The Cabinet Member for Regeneration and Transport responded with:-

"The need to meet the Council's financial challenge has meant that all areas of revenue support need to be reconsidered. The £314K revenue spend for subsidised services is under review by the Cabinet alongside a full range of proposed savings. The removal of the subsidy would have an impact on those communities that rely on the services and careful consideration is being given to the level of patronage they attract for their respective subsidy before any final recommendations are made. The commercial bus operators would be highly unlikely to fill these gaps left."

The following question was submitted by Councillor Walmsley for response by the Cabinet Member for Access and Communities:-

"It is highly commendable that a motion should be put to Council about continued support of fair trade, but shouldn't the motion be widened to include fair conditions and pay – particularly when we hear about disasters such as the latest tragedy in Bangladesh?"

Cabinet Member for Access and Communities responded with:-

"Firstly I would like to thank you, Councillor Walmsley, for your support for Fairtrade as I am sure would the local representatives.

There is no doubt that since its development and wide expansion after World War Two it has improved the lives of countless numbers of people in developing countries.

With reference to the building collapse in Bangladesh I feel all members will share your anger about the events which have taken place there and feel the need to make some kind of protest about the issues raised.

However, I would like to respectfully point out that whilst some aspects of fair conditions and pay are included within Fairtrade standards., there are as yet no ethical supply chain management standards that cover manufacturing and production from the start of the process to the end in relation to:-

- Health and Safety
- Welfare
- Pay and Conditions
- Business Ethics
- Child Labour

Because of this wider range of issues I don't think it is appropriate to add these to the Fair trade resolution but I propose to send a list to all members of the various organisations that focus on tackling and campaigning on these wider issues so members/groups can take whatever action they find appropriate."

**C
33/13**

Forward Plan and Leader's Statement

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

Since the last meeting of Council 6th March 2013 and of course at the AGM on 17th April 2013 it had been a busy time:-

Cabinet had met on 18th April 2013 and considered a wide range of issues, including:-

- Scrutiny reviews of the Visitor Economy and of Community Safety and Security Services
- A positive progress report on the Billingham Town Centre developments and particularly the Customer Service Centre

- To approve a Compulsory Purchase Order for Lyndsay House in Stockton Town Centre which fortunately looked like it wouldn't be needed as agreement had been reached with the few remaining tenants of the building for an agreed vacation of the building.
- To approve the new Discretionary Housing Payments policy – which was particularly important as the Government Welfare reforms began to take effect

The Leader of the Council had also been delighted to see so many Stockton businesses being recognised at the North East Business Awards. For the second year running Stockton company Nifco won the manufacturing Award and Odyssey Solutions, Visualsoft and Nortech Solutions all won awards in their fields.

The success continued with Preston Park Museum and Grounds being short - listed for the prestigious Art Fund Museum of the Year Award. The short - list placed the Museum in the top ten museums nationally and followed the great success of the official re-opening event. The winner of the award would be announced in early June 2013.

Looking ahead:-

Cabinet on 16th May 2013 would be considering a number of important issues:-

- The latest phase of work on the Asset review, school capital and site disposal plans
- The Medium Term Financial Plan proposals
- A proposal to select a delivery partner to deliver the new ECO commitment in the Borough – to follow the Go Warm Scheme – this would deliver up to £20 million additional private sector investment in the Borough.
- A review of the way forward on supporting employability schemes in the Borough and,
- The Xentrall annual report and an update on individual electoral registration.

The Leader of the Council was also looking forward to:-

- Attending the ground breaking ceremony for the second factory at Nifco on Friday and,
- Attending the opening of a new factory for the computer equipment disposal company Innov8 in Thornaby.

And finally, on 31 May – 2 June at the Barrage there was “Riveting Stuff” Festival of Engineering. This exciting weekend event would be the launch - event for the Festival of the North East and would have a range of hands-on experiments, demonstrations and talks as well as giant sculptures and a zip wire –it promised to be a great event. It would also include photographic display and DVD from the book launched a few weeks ago "Life at Heads".