

Council

A meeting of Council was held on Wednesday, 17th September, 2014.

Present: The Worshipful the Mayor (Cllr Barbara Inman); Cllr Paul Baker, Cllr Jim Beall, Cllr Derrick Brown, Cllr Mark Chatburn, Cllr Julia Cherrett, Cllr Carol Clark, Cllr Michael Clark, Cllr Robert Cook, Cllr Nigel Cooke, Cllr Gillian Corr, Cllr Evaline Cunningham, Cllr Phillip Dennis, Cllr Kevin Faulks, Cllr John Gardner, Cllr Robert Gibson, Cllr David Harrington, Cllr Ben Houchen, Cllr Mohammed Javed, Cllr Eileen Johnson, Cllr Elliot Kennedy, Cllr Paul Kirton, Cllr Terry Laing, Cllr Miss Tina Large, Cllr Colin Leckonby, Cllr Ken Lupton, Cllr Ray McCall, Cllr Mrs Ann McCoy, Cllr Mick Moore, Cllr Mrs Kathryn Nelson, Cllr Steve Nelson, Cllr Mrs Jean O'Donnell, Cllr Maurice Perry, Cllr David Rose, Cllr Andrew Sherris, Cllr Andrew Stephenson, Cllr Norma Stephenson O.B.E., Cllr Mick Stoker, Cllr Tracey Stott, Cllr Steve Walmsley, Cllr Mrs Sylvia Walmsley, Cllr Mrs Mary Womphrey, Cllr Mick Womphrey and Cllr Barry Woodhouse.

Officers: J Danks, B Brown, L King (R), J Humphreys (CESC); P Dobson (DNS); P Kelly (DPH); J Nertney, P K Bell (LD).

Also in attendance: Members of the public.

Apologies: Cllr Lynne Apedaile, Cllr David Coleman, Cllr Ian Dalgarno, Cllr Ken Dixon, Cllr Jean Kirby, Cllr Alan Lewis, Cllr Ross Patterson, Cllr Maureen Rigg, Cllr Mike Smith, Cllr David Wilburn, Cllr Norma Wilburn and Cllr Bill Woodhead.

C 52/14 **Declarations of Interest**

Councillor Nelson declared a personal non prejudicial interest in respect of agenda item 7 - Armed Forces Annual Report as his son was a member of the armed forces.

Councillor Mrs Nelson declared a personal non prejudicial interest in respect of agenda item 7 - Armed Forces Annual Report as her son was a member of the armed forces.

Councillor Sherris declared a personal non prejudicial interest in respect of agenda item 8 - Local Government Boundary Review Request as he was a member of Yarm Town Council.

C 53/14 **Minutes**

The minutes of the meeting held on 23rd July 2014 were signed by the Worshipful the Mayor as a correct record.

C 54/14 **Public Question Time**

The Principal Solicitor informed Members that no Public Questions had been received.

C 55/14 **Members Policy Seminar Programme**

Consideration was given to a report that provided Council with an overview of content from the Members Policy Seminar in September 2014 that included a presentation from the Thirteen Housing Group and an opportunity for Members to be consulted on the proposals in Phase 2 of the revisions to the Councils web site.

RESOLVED that the report be noted.

The Openness of Local Government Bodies Regulations 2014

Consideration was given to a report on The Openness of Local Government Bodies Regulations 2014.

The report updated Members regarding the new requirements relating to (1) the public reporting and commentating on public meetings of local government bodies, and (2) the written records to be kept of certain decisions taken by officers of those bodies.

The Openness of Local Government Bodies Regulations 2014 ("the Regulations") came into force on the 6 August 2014.

The Regulations were concerned with two main issues:-

- (i) Allowing the public to report and commentate on public meetings of local government bodies (which included principal councils like Stockton, and Town/Parish Councils); and
- (ii) Requiring written records to be kept of certain decisions taken by officers of such bodies.

The Regulations required persons attending meetings of Councils (meaning a meeting of the (full) Council, the executive (Cabinet), or of a committee or sub-committee, such as a Planning or Licensing Committee), to be permitted to report on those meetings.

"Reporting" meant:-

- Filming, photographing or making an audio recording of proceedings at a meeting.
- Using any other means of enabling persons not present to see or hear proceedings at the meeting as it took place or later, or
- Reporting or providing commentary on proceedings at the meeting, orally or in writing, so that the report or commentary would be available as the meeting took place or later to persons not present.

Oral reporting or oral commentary on a meeting as it took place, if the person reporting or providing the commentary was present at the meeting, did not have to be permitted.

Reasonable facilities must, so far as practicable, be afforded to persons attending a meeting for the purpose of reporting on the meeting.

Any communication method could be used by the person reporting on the meeting, including the internet, to publicise, post or otherwise share the results of the person's reporting activities.

Publication and dissemination of the results could take place at the time of the meeting or after the meeting.

Where the public were excluded from a meeting, they could be prevented from reporting on the meeting employing methods which could be used without the

person's presence at the meeting, and which enabled persons not present to see or hear the proceedings as they took place or later.

The Regulations also required Officers making certain delegated decisions, to produce a written record of those decisions.

The decisions concerned, were ones which would otherwise have been taken by the (full) Council itself, a committee or a sub-committee, but which had been delegated to an Officer either:-

- Under a specific, express authorisation; or
- Under a general authorisation to officers to take such decisions and, the effect of the decision was to:-
 - (i) Grant a permission or licence;
 - (ii) Affect the rights of an individual; or
 - (iii) Award a contract or incur expenditure which, in either case, materially affected the Council's financial position.

The written record must be produced as soon as reasonably practicable after the decision had been made, and must contain the following:-

- (a) the date the decision was taken;
- (b) a record of the decision and the reasons for it;
- (c) details of (any) alternative options considered and rejected; and
- (d) where the decision was made under a specific express authorisation, the names of any Members who declared a conflict of interest in relation to the decision.

The written record, together with any related background papers, must as soon as reasonably practicable after the record was made, be made available for public inspection by the public:-

- (a) at all reasonable hours at the offices of the Council;
- (b) on the Council's website; and
- (c) by such other means considered appropriate by the Council

Copies of written records and background papers must be provided on request, and after payment of any charge.

The requirements regarding written records excluded confidential and/or exempt information.

It was an offence for anyone who had custody of a written record and/or background paper, without reasonable excuse, to intentionally obstruct anyone exercising a right to inspect or to refuse to provide copies of the same.

The Government had provided a Plain English Guide for the public and practitioners regarding the Regulations. A copy was available at <https://www.gov.uk/government/publications/open-and-accountable-local-government>. This advised Councils to adopt a policy on filming of Members of the

public. This also suggested the need for a general policy or protocol for the benefit of members, officers and those wishing to exercise their rights under the Regulations.

A working draft protocol had been in use since the Regulations came into force. A copy of the proposed protocol had already been submitted to Cabinet for approval and a copy was attached to the report.

The copy of the Protocol was being submitted to Council for its approval in relation to full Council meetings and meetings of Committees and Sub-Committees.

Appropriate advice and guidance had been prepared for all Services regarding the decision recording and public inspection requirements detailed in the Regulations.

A similar approach to that adopted in relation to the Local Authorities' (Executive Arrangements) Meetings and Access to Information (England) Regulations 2012 (regarding meetings and decisions of Cabinet and decisions of Officers using executive powers) had been adopted.

At its meeting on 13 March 2014 Cabinet asked the Members' Advisory Panel to consider issues relating to the possible recording and web-broadcasting by the Council of its own meetings, and to report the findings to a future Cabinet meeting.

A report had been prepared in this respect for a Panel meeting (on the 5 September 2014).

The Panel's findings would be reported back to the next Cabinet in due course.

The Council's Constitution would need to be reviewed and revised, where necessary and/or appropriate, to reflect the Regulations, particularly individuals' rights to report on Council meetings and the requirements to provide written records of certain Officer-decisions, as well as providing details of the approved protocol.

RESOLVED that:-

1. The report be noted.
2. The protocol be approved for use in relation to future public meetings of Council, its Committees and Sub Committees and that it be reviewed after 6 months operation.

C 57/14 **Armed Forces Annual Report 2014**

Consideration was given to the second Annual Armed Forces Report to Council. It summarised the work to date with the Armed Forces and the progress so far on the implementation of Stockton's Armed Forces Community Covenant. It also outlined proposed projects for the coming year and included a statement from the Commanding Officer of 102 Battalion REME.

The report provided an overview of all measures taken to date to support the armed forces community through the Community Covenant in Stockton-on-Tees.

The Community Covenant acted as a catalyst to consolidate the work stakeholders were undertaking and set it within a policy framework. Last years' Annual Report identified the changes to policies and practice and these were summarised and updated within the report.

The work undertaken as part of the Community Covenant acted as a reminder about some of the services that were already in existence e.g. Middlesbrough CAB provided a dedicated Money and Benefits advice service for veterans funded by the Royal British Legion (RBL) and the Royal Air Force Benevolent Fund (RAFBF). This was intended for people across Teesside (including Stockton). Workers undertook home visits or outreach appointments to SDAIS if necessary.

With regard to the next steps there had been achievements across each of the pillars of the Community Covenant but there was still some way to go. In the coming year work would be undertaken on the following priorities:-

- Developing Information and Intelligence sharing protocols in line with the findings from the regional Forces in Mind research
- Updating of the JSNA
- Further investigation of the needs of the Armed Forces Community including specialist Ex-Service personnel housing units across the Tees Valley, which work would form part of the Community Covenant Bid.
- Improving the Directories and signposting as a result of the work through the Community Covenant Bid.
- Investigating ways in which we could work with the Bishop of Durham and the Diocese to further enhance our Community Covenant

RESOLVED that the progress report be noted and the on - going work to implement the actions be supported.

C 58/14 Local Government Boundary Review Request

Consideration was given to a report on a Local Government Boundary Review Request. A request had been received from Yarm Town Council (YTC) for Stockton Borough Council to invite the Local Government Boundary Commission for England (LGBCE) to carry out a principal area boundary review in light of the recent parish poll.

A parish poll could be called for at a parish meeting, which was a meeting of the local government electors for a parish. The Chairman of the parish council for the parish, was entitled to attend a parish meeting and to preside as Chair.

The poll was a poll of the local government electors of the parish and if a poll was requested, the Chairman of the parish meeting had to provide the Borough Council's Returning Officer with the necessary details to allow a notice of poll to be given and for the poll to be held.

The parish council was responsible for the costs of the poll.

The Borough Council had no other role or responsibility in relation to a parish poll, which was not legally binding on the Borough Council or the parish Council.

At the Yarm Parish Assembly meeting held on 22 April 2014, a parish poll had been requested in relation to the following question:-

“Do the electors of Yarm wish to be removed from the control and administration of Stockton Borough Council and become the responsibility of North Yorkshire County Council and Hambleton District Council?”

A parish poll had subsequently been held on 27 May 2014. The result of the poll was as follows:-

Answering Yes to the (above) question - 1465 votes

Answering No to the question - 177 votes

Rejected votes - 2

The total number of ballot papers issued was 1644, with an electorate of 6745, and a turnout of 24.37%.

Attached to the report was a summary explanatory note regarding principal area boundary reviews. This was based on technical guidance produced by the Local Government Boundary Commission for England (Electoral Equality / Convenient and Effective Local Government).

The following points were of particular importance:-

The LGBCE believed that local authorities should be the primary instigators of a principal area boundary review and that they would only normally undertake such a review where there was agreement between all the principal councils potentially directly affected (in this instance, Stockton-on-Tees Borough Council, Hambleton District Council and North Yorkshire County Council).

The LGBCE would need to be satisfied that any proposed change met their statutory and other criteria. In particular specific evidence would be required to demonstrate that the proposal would satisfy the need to secure effective and convenient local government; and the need to reflect identities and interests of local communities.

In addition, the LGBCE would expect to see evidence of confidence that the change would maintain or improve and sustain value for money in the effectiveness of local government.

The principal councils concerned would be expected to satisfy themselves and their council tax payers that the financial consequences of the proposal were acceptable, leading to the sustained viability of councils' service provision.

The driver for the proposed change was the outcome of the parish poll in response to the question specified at paragraph 2.1 of the report. There had been no evidence of any assessment of a case being made by the campaigners set against the criteria outlined, which would be expected prior to any invitation

being made to the LGBCE.

Since the parish poll there had been communication with a Yarm GP expressing concern over the potential implications on access to health services for residents, should such boundary changes take place. There were potentially significant implications across a range of public services e.g. fire, police, public health as well as Local Authority services where provision would differ significantly i.e. SBC had prioritised weekly refuse collections to name but a few. There were also implications for services provided by the Council which would suffer from diseconomies of scale and would have to be reconfigured.

Any assessment and impact analysis that was undertaken would need to be thorough and detailed across all public services. Indeed it would also need to cover economic growth given the boundaries and architecture of Local Enterprise Partnerships and of future European funding programmes which would also be impacted.

There was no provision in the Council's Medium Term Financial Plan for this work, nor was it identified within the Council's agreed Council Plan.

Such work would be time consuming and resource intensive requiring a budget of a minimum of £100,000 to fund either additional temporary staff, or consultants to carry out the detailed assessment and impact analysis and a subsequent borough wide consultation.

RESOLVED that this Council does not invite the Local Government Boundary Commission for England to carry out a principal area boundary review nor will it carry out any further action or work on this proposal.

C
59/14 **Members' Question Time**

The Principal Solicitor informed Members that no Member Questions had been received.

C
60/14 **Forward Plan and Leader's Statement**

The Leader of the Council informed Members that he would circulate his Forward Plan and Leader's Statement.