

# Council

A meeting of Council was held on Wednesday, 22nd July, 2015.

**Present:** The Worshipful the Mayor (Cllr Ian Dalgarno); Cllr Helen Atkinson, Cllr Sonia Bailey, Cllr Paul Baker, Cllr Chris Barlow, Cllr Jim Beall, Cllr Derrick Brown, Cllr Carol Clark, Cllr Michael Clark, Cllr Chris Clough, Cllr Robert Cook, Cllr Nigel Cooke, Cllr Gillian Corr, Cllr Evaline Cunningham, Cllr Philip Dennis, Cllr Ken Dixon, Cllr Kevin Faulks, Cllr John Gardner, Cllr Lisa Grainge, Cllr Lynn Hall, Cllr Elsi Hampton, Cllr Di Hewitt, Cllr Stefan Houghton, Cllr Mohammed Javed, Cllr Eileen Johnson, Cllr Paul Kirton, Cllr Mrs Ann McCoy, Cllr Mick Moore, Cllr Mrs Kathryn Nelson, Cllr Steve Nelson, Cllr Mrs Jean O'Donnell, Cllr Stephen Parry, Cllr Maurice Perry, Cllr Lauriane Povey, Cllr Rachael Proud, Cllr David Rose, Cllr Michael Smith, Cllr Andrew Stephenson, Cllr Norma Stephenson O.B.E, Cllr Mick Stoker, Cllr Tracey Stott, Cllr Laura Tunney, Cllr Matthew Vickers, Cllr Mrs Sylvia Walmsley, Cllr Sally Ann Watson, Cllr Julia Whitehill and Cllr Bill Woodhead.

**Officers:** N Schneider (CE); J Danks, B Brown, L King (R), J Humphreys (CESC); P Dobson (DNS); P Kelly (PH); J Nertney, P K Bell, J McDonald (LD).

**Also in attendance:** Members of the public, Mr D Harris.

**Apologies:** Cllr Julia Cherrett, Cllr David Harrington, Cllr Ben Houchen, Cllr Barbara Inman, Cllr Ross Patterson, Cllr Paul Rowling, Cllr David Wilburn, Cllr Norma Wilburn and Cllr Barry Woodhouse.

## **C Welcome and Recording of the Meeting**

**28/15**

The Worshipful the Mayor welcomed everyone to the meeting and outlined the procedure for the recording of the meeting.

The evacuation procedure was noted.

## **C Declarations of Interest**

**29/15**

Councillor Evaline Cunningham declared a person non prejudicial interest in agenda item 8 - ECO External Wall Insulation Scheme Update as her son worked for Go Warm.

## **C Minutes**

**30/15**

The minutes of the meetings held on 4th March 2015 and 3rd June 2015 were signed by the Worshipful the Mayor as a correct record.

## **C Public Question Time**

**31/15**

The following question had been submitted by Mr D Harris for response by the Cabinet Member for Adult Services and Health:-

“What has Stockton Borough Council done to comply with the Autism Act?

In particular, where officers deal with autistic members of the public, how much specific autism training has been undertaken by officers?”

The Cabinet Member for Adult Services and Health responded with:-

The Autism Act 2009 was aimed at raising both awareness of and developing a strategy to address the needs of adults with autism, not least with Government itself. Locally, we have made significant strides in fulfilling our statutory responsibilities of this Act and subsequent ones like the recent Care

Act.

Assessments of adults with autism are carried out with regard to the Care Act National Eligibility Criteria. Clients are informed of their rights to advocacy and their carer's right to have a carer assessment.

There is a Teeswide Autism Strategy which is in the process of being updated under the auspices of a Teeswide Partnership Board bringing together a range of stakeholders. Within it we have specific local actions including providing day activities for people with complex needs and work is ongoing to develop these further. Indeed, one of our key pledges in the Labour Manifesto commits us to developing more services for people with autism.

We have lots of information about the profile of clients with autism and I can provide this in writing should you or Members request.

With regards to training, the Council provide 2 training packages 4 times a year: this has been running for 3 years.

The training packages are:-

- Autism Spectrum Disorder Awareness Course: aimed at all adult Social Care and other Council employees who come into contact with people with autism spectrum disorder. From May 2013, 307 staff have undertaken the course.
- Autism Spectrum Disorder Intermediate Level: For those people who come into regular contact with people with Autism Spectrum Disorder. Covers theories, concepts, role of professionals, care planning and how to consider meaningful outcomes. This aims to ensure Care Management staff have the competence to carry out assessments. 105 staff have undertaken this course.

Mr D Harris asked the following supplementary question:-

"How many of those trained in autism awareness are from the present Care For Your Area team?"

The Cabinet Member for Adult Services and Health responded with:-

"I don't know that but I'm sure it will be possible to get that information and supply you with a written response."

**C**  
**32/15**

### **The Openness of Local Government Bodies Regulations**

Consideration was given to a report on the protocol regarding the public reporting and commentating on public meetings of full Council, and its committees and sub-committees.

At its meeting on 17 September 2014 Council received a report regarding the Openness of Local Government Bodies Regulations 2014 ("the Regulations").

The Regulations came into force on the 6 August 2014 and were concerned with (amongst other things) allowing the public to report and commentate on public meetings of local government bodies (which includes principal councils

like Stockton, and Town/Parish Councils).

“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 takes place or later, or
- Reporting or providing commentary on proceedings at the meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present.

The Government had produced 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-plain-english-guide>. This advised Councils to adopt a policy on filming of Members of the public. It 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.

The protocol was attached at to the report and was approved by full Council for use in connection with its public meetings, and the public meetings of its committees and sub-committees.

Arising from this, it was also agreed that the protocol would be reviewed after six months operation.

Following approval, the protocol was circulated to Members and Officers, and placed on the Council’s website (<https://www.stockton.gov.uk/stockton-council/councillors-and-council-meetings-agenda/council-meetings-and-papers/>)

Since then, there had, however, been no occasions at any of the public meetings of the Council, its Committees or Sub-Committees when the protocol was called into use.

Accordingly, Council was asked to reaffirm the protocol for continued use, if required, at future public meetings of Council, its Committees and Sub-Committees.

A separate report was presented to Cabinet on the 25 June 2015 when Cabinet reaffirmed the attached protocol for continued use in connection with its public meetings.

RESOLVED that the protocol be approved for continued use in relation to future public meetings of Council, its committees and sub-committees.

**C  
33/15      The Local Authorities (Standing Orders) (England) (Amendment)  
Regulations 2015**

Consideration was given to a report that provided details of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (“the 2015 Regulations”) and the changes that they make to the disciplinary procedure

introduced by the Local Authorities (Standing Orders) (England) Regulations 2001 ("the 2001 Regulations) for Local Authorities' Head of Paid Service; Section 151 (Chief Finance) Officer; and Monitoring Officer.

At its meeting on the 25 June 2015 Cabinet considered a similar report and agreed with the approach recommended to Council. Details of Cabinet's decision were attached to the report.

RESOLVED that:-

1. The revised Employee Employment Procedure Rules appended to the report be approved.
2. The Monitoring Officer, in consultation with the Leader of the Council, be authorised to make any consequential amendments to Council Procedure Rules and any other parts of the Constitution arising as a result of the 2015 Regulations.
3. A further report or reports be submitted to Cabinet and Council regarding the establishment of a Panel as required by the 2015 Regulations, and in relation to the other issues specified in the report, particularly the preferred approach for dealing with disciplinary matters resulting in a potential dismissal under the 2015 Regulations.

## **C ECO External Wall Insulation Scheme Update**

**34/15**

Consideration was given to a report on ECO External Wall Insulation Scheme Update.

In July 2014 Cabinet approved further resources to complete the final phases of the ECO programme to complete 866 further properties. In Stockton on Tees, the Council had delivered large scale investments and delivered significant outcomes in recent years under the governments Community Energy Savings Programme (CESP) and Energy Company Obligation (ECO) scheme, by working effectively in partnership with energy suppliers, partners and householders on a street by street basis. 2505 households were improved with External Wall Insulation (EWI) and significant contributions to reducing fuel poverty were made from 2012 - 2014. Unfortunately, in 2013/14 the scaling back by the government of the national ECO programme left our scheme to complete a further 866 households facing financial challenges, and to date the Council had completed 660 of those targeted properties in 2014/15

The programme of EWI installations under ECO was due to conclude in July 2015 and at present would result in £100k of capital money returning to SBC at the end of July 2015, however this would result in 88 properties on Castlereagh Road and Newtown Avenue not receiving the expected EWI works. This would be disappointing both for the householders anticipating measures to reduce their fuel bills and improve their energy efficiency, and for SBC in terms of our overall efforts to reduce fuel poverty levels across the Borough.

To complete the additional 88 properties would cost £250,000, after taking account of the money returned, would require an additional £150k of Council resources to be invested. This would complete a very successful scheme of

3253 households improved with EWI and 4776 households receiving energy efficiency measures overall, bringing to a close the current ECO delivery in Stockton-on-Tees, and was the most practicable solution in the financial circumstances.

The work undertaken under CESP and ECO had been a huge success delivering significant outcomes, particularly for health, warmth and financial in large numbers of properties and across several deprived LSOAs and wards. After the 88 properties were concluded additional properties would move away from LSOA areas.

Cabinet considered the item at its meeting on 16th July 2015 and a copy of the relevant minute extract had been sent to Members.

At its meeting held on 16th July 2015 Cabinet RESOLVED that:-

1. The significant performance be noted in delivering large scale energy efficiency measures under CESP and ECO on a 'whole street' approach with 3253 External Wall Insulations complete in the last 3 years.
2. The challenges faced by SBC and all local authorities since the ECO scheme was scaled back nationally be noted.
3. A final 88 properties on Castlereagh Road and Newtown Avenue to conclude the ECO scheme be agreed, subject to approval of funding by Council.
4. A survey be carried out on the residents that had benefitted from the ECO Scheme to gauge the health and wellbeing effects of the works.
5. The results of the survey be used to lobby the government for the introduction of a similar scheme.
6. A further report be submitted Cabinet giving the results of the survey.

Council RESOLVED that:-

7. The allocation of £150,000 from General Fund Balances to conclude the ECO scheme be approved.

**C  
35/15**

### **Amendments to Committee Membership 2015/19**

At its Annual Meeting, held on Wednesday 3rd June 2015, the Council approved appointments to its Committees, Panels and Joint/Outside Bodies for 2015/19.

The following change was presented for Council approval:-

Place Select Committee

Remove - Councillor Phil Dennis

Add - Councillor Sylvia Walmsley

RESOLVED that the above amendment be approved.

## **Appointment of Independent Persons**

Consideration was given to a report that provided Council with the recommendations from the meeting of the Standards (Independent Persons) Appointments Panel ("the Panel") held on the 23 June 2015 regarding the appointment of Independent Persons, as required by the Localism Act 2011 ("the 2011 Act").

On the 11 September 2013 Council agreed to appoint the current Independent Person, Norman Rollo and two reserves, Mike Hill and Jeff Bell, for an extended period of office expiring on the 8 July 2015.

The 2011 Act required the Council to appoint at least one Independent Person for the purposes of its arrangements for dealing with allegations of misconduct by local authority Members.

The Act provided (amongst other things) that a person may not be appointed as an Independent Person unless the vacancy had been advertised, and the appointment had been approved by a majority of the members of the Council.

The advertisement for the positions of Independent Person and two reserve (substitute) Independent Persons was displayed on the Council's website. Copies were provided for display in the Council's libraries and were also circulated to the other Tees Valley Local Authorities for circulation.

By the closing date of 5 June 2015 three expressions of interest had been received from the current Independent Persons', who wished to continue for another term. No other applications were received.

The Panel considered the matter at its meeting on the 23 June 2015. A copy of the Panel's minutes was attached to the report.

The Panel was advised that all of the current Independent Persons had been consulted on code of conduct allegations during the period since the Council initially adopted a code of conduct on 18 July 2012, together with dispensations for Members under section 33 of the 2011 Act, and that effective working relationships had been developed between Officers and each of the Independent Persons.

The Independent Persons had attended various Council meetings, such as Planning Committee, Cabinet and full Council, in order to develop a greater understanding of how the Authority's governance works in practice. They had also attended the Members' induction programme after the recent local government elections, assisting in particular with the round table discussions regarding standards of conduct. In addition, they had attended sub-regional and regional meetings of Independent Persons and Standards Chairs / Vice Chairs.

Given the numbers of allegations received during 2012/13 (9), 2013/14 (18) and 2014/15 (21), the Panel was also advised that the availability of an Independent Person and two reserves had been invaluable. The reserves were also a sensible precaution to cover the Independent Person's statutory responsibilities

in the event that he was unable to act or was otherwise unavailable.

In addition, the changes introduced to standing orders relating to disciplinary action against protected statutory officers (the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) required Councils to establish Panels which had at least two Independent Persons (appointed pursuant to the Localism Act 2011) as Members. If an Authority did not have two Independent Persons of its own, it would have to look to other Authorities for its Independent Person Panel members.

Taking all of this into account, the Panel recommended that:-

- Norman Rollo be appointed as Independent Person with Jeff Bell and Mike Hill as reserve Independent Persons; and that

Their terms of office commenced with effect from 8 July 2015 and expiring on the 3 July 2019 (reflecting the terms of office of elected members).

RESOLVED that:-

1. Norman Rollo be appointed as Independent Person; and Jeff Bell and Mike Hill be appointed as reserve Independent Persons.
2. Their further terms of office commence with effect from 8 July 2015, and expiring on the 3 July 2019.

**C**  
**37/15**

#### **Members' Question Time**

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

**C**  
**38/15**

#### **Forward Plan and Leader's Statement**

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

It had been a busy time since the elections in May. Cabinet had already met twice (on the 25th June and the 16th July) and, in addition to regular standing items, had considered a wide range of reports on:-

- New Executive Arrangements
- The Local Government Body regulations 2014
- The annual review of the Regulation of Investigatory Powers Act 2000 activity and the OSC inspection report
- The impact of the announced reduction in Public Health budgets
- The Local Authorities (Standing Orders) England Amendment regulations 2015
- Children's Social Care Activity & Performance
- An update on the SEND reforms
- School terms and holiday dates for 2016/17
- The Covenant of Mayors - European Carbon Reduction Project
- The Annual performance and MTFP outturn
- The impact of Welfare Reforms
- The annual review of the Xentrall partnership

- The ECO External Wall Insulation Scheme
- And, an update on the Medium Term Financial Plan. The MTFP report would be brought to the next meeting of full Council on the 16th September.

In other business, the Leader attended a meeting, along with the other Leaders and Elected Mayor of the Tees Valley Authorities, in Westminster with the Secretary of State for Communities and Local Government to discuss the prospect of further devolution of powers to the Tees Valley. We made a strong case for greater local powers in relation to transport, skills, employment, economic growth, and business support and investment. The Leader would continue to keep Council informed on progress on this matter. In the related development of the plans for the Tees Valley Combined Authority, the proposal was still with the Secretary of State for consideration and the Leader saw no reason that it shouldn't be finalised in time for implementation in April 2016. The Leader would report back on both these developments to Council and it was his intention to hold a Members seminar once there was further progress to report.

In the meantime the Leader wished all Members a good summer break and hoped to see them at one of the many great events taking place across the Borough. As usual, SIRF promised to be a highlight, beginning with an exciting opening show next Thursday evening. And the Billingham International Folklore Festival returned for the 51st year on the 7th August. And the end of the summer events season was of course marked by the traditional Summer Show at Preston Park on bank holiday weekend.

The Leader looked forward to seeing Members at the next meeting in September.