

# Council

A meeting of Council was held on Wednesday, 14th September, 2016.

**Present:** The Worshipful the Mayor (Cllr Ken Dixon), Cllr Sonia Bailey, Cllr Paul Baker, Cllr Chris Barlow, Cllr Jim Beall, Cllr Derrick Brown, Cllr Julia Cherrett, Cllr Carol Clark, Cllr Chris Clough, Cllr Robert Cook, Cllr Nigel Cooke, Cllr Gillian Corr, Cllr Evaline Cunningham, Cllr Ian Dalgarno, Cllr Philip Dennis, Cllr Kevin Faulks, Cllr John Gardner, Cllr Lisa Grainge, Cllr Lynn Hall, Cllr Elsi Hampton, Cllr David Harrington, Cllr Di Hewitt, Cllr Ben Houchen, Cllr Stefan Houghton, Cllr Mohammed Javed, Cllr Eileen Johnson, Cllr Paul Kirton, Cllr Mrs Ann McCoy, Cllr Allan Mitchell, Cllr Mick Moore, Cllr Mrs Kathryn Nelson, Cllr Steve Nelson, Cllr Mrs Jean O'Donnell, Cllr Stephen Parry, Cllr Ross Patterson, Cllr Maurice Perry, Cllr Lauriane Povey, Cllr Rachael Proud, Cllr Stephen Richardson, Cllr Paul Rowling, 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 David Wilburn, Cllr Norma Wilburn and Cllr Barry Woodhouse.

**Officers:** Julie Danks, Peter Bell, Jenna McDonald (DCE), Jane Humphreys (CHS), Jamie McCann (CS), David Bond (Proper Officer), Beccy Brown (HR, L&C)

**Also in attendance:** Members of the Public.

**Apologies:** Cllr Helen Atkinson, Cllr Barbara Inman, Cllr Julia Whitehill and Cllr Bill Woodhead MBE.

## **C 51/16 Welcome, Evacuation Procedure and the Recording of the Meeting**

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

The Worshipful the Mayor also welcomed Councillor Stephen Richardson to his first meeting of Council.

The evacuation procedure was also noted.

## **C 52/16 Declarations of Interest**

There were no declarations of interest.

## **C 53/16 Minutes**

The minutes of the meeting held on 20th July 2016 were signed by the Worshipful the Mayor as a correct record

## **C 54/16 Public Question Time**

The Proper Officer informed Members that no public questions had been received.

## **C 55/16 Independent Remuneration Panel**

Consideration was given to a report on proposals regarding the re-establishment of the Authority's Independent Remuneration Panel, as required by the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) ("the Regulations").

The Regulations required local authorities to establish and maintain an Independent Remuneration Panel so that the Panel could provide

recommendations to Council on its Members' Allowances Scheme. An Authority was not able to introduce new or revised allowances schemes, without first having had regard to its Independent Panel's recommendations in that respect. It was noted that a Panel should therefore be in place and ready to act, even if an authority proposed not to change its existing allowance scheme.

Stockton's Independent Remuneration Panel had not met for almost three years. The terms of office of the previous Panel Members expired in May last year (2015). It, therefore, needed to be re-established afresh.

the Regulations required a Panel of at least three members. Stockton's last Panel had four members, but prior to that the Panel always had three. None of the Panel members must be serving elected Members of the authority in respect of which it made recommendations, nor a member of a committee or sub-committee of the authority. Panel Members must also not have been disqualified from being or becoming a member of the authority.

Guidance associated with the Regulations required appointing authorities to be satisfied that proposed Panel members would result in the Panel Membership being sufficiently independent and well qualified to discharge the Panel's functions, and representative of the diversity of communities in the Council's area.

In addition the Guidance indicated that authorities should consider:-

- The extent to which some or all of the candidates were recognisable members of the community;
- The extent of any candidate's connections to a political party; and
- A candidate's knowledge of local government

The Guidance also stated that when appointing a Panel, Councils should consider:-

- Whether to appoint one member of the Panel as chair, or allow the Panel to do so;
- The term of office of members of the Panel;
- Incorporating provision for removal of a Panel member by the Council at any time in the event that there was sufficient reason to do so, and subject to the requirements of natural justice;
- Whether to pay the Panel allowances

Information was requested on how the proposed panel was selected/chosen. It was queried whether an advertisement and or selection process had taken place in order to select the panel.

The Leader of the Council agreed to arrange for details to be provided of the process that was followed, in order to select potential members of the Panel.

With regard to panel allowances, it was asked how the £350 per day for the Chair of the Panel was set. The Leader of The Council explained that the figure was set 5 years ago when the Panel was set up and had not changed since.

The Leader of the Council was also asked how many times the Panel would be likely to meet. The Leader informed Members that the number of meetings held would vary and would be dependant upon the length of time it took to complete a review and produce a report.

RESOLVED that:-

1. The Independent Remuneration Panel be established comprising the persons specified at Appendix 1 of the report.
2. The terms of office of the Panel Members be for the period up to 31st May 2020.
3. The right be reserved to remove any one or more of the Panel members at any time as indicated in paragraph 6 of the report.
4. Tony Campbell be appointed as the Chair of the Panel.
5. The Panel's functions be agreed as prescribed at Appendix 2 of the report.
6. The allowances for the Panel's work be agreed as specified at paragraph 14 of the report.

**C  
56/16**

#### **Amendment to Membership of the Council's Health and Wellbeing Board**

Consideration was given to a report on an amendment to the membership of the Council's Health and Wellbeing Board. Council noted that Hartlepool and Stockton Health (HaSH) was a recently established Federation of General Practices across Hartlepool and Stockton and it was likely to be significantly involved in the future provision of out of hospital services within the Borough. The Health and Wellbeing Board had discussed the possibility of a representative of HaSH joining its membership and it was agreed that this would be beneficial.

RESOLVED that a representative of Hartlepool and Stockton Health be appointed to the Health and Wellbeing Board.

**C  
57/16**

#### **Grangefield Ward By - Election Result**

Council was informed that at the Grangefield Ward By-Election held on Thursday 1 September 2016, Stephen John Richardson was duly elected to the Council.

RESOLVED that the result of the Grangefield Ward By-Election be noted.

**C  
58/16**

#### **Change of the Date of Council**

At its Annual Meeting, held on Wednesday 6th April 2016, the Council approved dates for the meetings of Council for 2016/17.

The following change of date was requested for Council consideration:-

The meeting due to be held on 14th December 2016 be re-arranged to take place on 15th December 2016.

RESOLVED that the Council meeting due to be held on 14th December 2016 be re-arranged to take place on 15th December 2016.

**C**  
**59/16**

### **Member Question Time**

Members were informed that the question that had been submitted by Councillor Julia Cherrett had been withdrawn as she had received a satisfactory response.

The following question had been submitted by Councillor Dennis for response by the Leader of the Council:-

"Can the leader please indicate what this authority's view is regarding racism and anti-Semitic comments, in particular what actions he think should be taken against those who take a racist or anti-Semitic view or make comments whilst carrying out their duties for this authority."

The Leader of the Council responded with:-

"Thank you for your question Cllr Dennis. I can give you a very clear answer. There is no place in this Authority for racism or discrimination of any kind. In terms of what action we think should be taken should the situation arise, we couldn't be clearer:

We make it absolutely clear in the Members Code of Conduct that "Councillors should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability." If anyone believes that a Member has breached the Code of Conduct then the matter should be dealt with through the Members complaints procedures.

We identify discrimination in our Employee disciplinary policy as a potential issue of gross misconduct and, as I'm sure you're aware, gross misconduct is our most serious category of disciplinary offence which can lead to dismissal from employment without notice.

I would also like to add three further points in response to your question:

Firstly can I clarify that we define discrimination in our policies, not just in terms of race or anti-Semitic comments but as "discrimination or harassment on the grounds of sex, sexual orientation, race, disability, age, religion or belief."

Secondly I can report that we do not have any record of having to take disciplinary action in connection with discrimination as far back as our records are held.

And thirdly I would like to point out that we are never complacent and that we

actively value and celebrate diversity. We provide diversity training for employees and Members and we have 4 Equality Staff forums:

- The Disability Staff Forum
- The Black and Minority Ethnic Staff Forum
- The Lesbian, Gay, Bisexual & Transgender Staff Forum
- The Young Staff Forum (16-29 years old)

These forums are led by employees and provide members with opportunities for networking, peer support and personal development. They also consult with the Council on a range of matters, and arrange annual events to support Council objectives, to raise awareness and celebrate diversity.

Councillor Dennis asked the following supplementary question:-

"Its very comforting to hear and I would like to thank the Leader of the Council for his response to my question.

I hope that it is taken how it has been outlined, and If this is the case I am sure that the firmest possible action would be taken against any member or officer who makes any comments in line with what was raised today. I don't think that there is any context at all within the work that we do to make comments that could be racist, sexist or anti-Semitic, or even in jest in our life in what we do with this Council.

Could the Leader of the Council please re-affirm that the strongest possible action would be taken against any member or officer who were to be found to have made such comments please?"

The Leader of the Council responded with:-

"That is obviously a yes but, I would also say that if you feel that there has been a breach of this policy, then the procedure for doing that is not in a question to Council, its going through the procedure that I have just laid out in the answer to your question by going through the Monitoring Officer and letting the Independent Officer and the Monitoring Office, if its a Member, look at your concerns but also if its a staff Member to the Chief Executive and that's obviously the way to get things sorted, not actually coming to a Council meeting. I don't want to be political on these points but, you are trying to make political points out of something tonight.

**C  
60/16**

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

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

Since the Council last met on 20th of July, Cabinet had met on the 1st of September and considered reports on:

- The Scrutiny review of school parking
- The annual report on Local Government Ombudsmen Complaints
- The June 2016 Financial Update & Medium Term Financial Plan
- The annual report of Regulation of Investigatory Powers Act 2000 activity
- The Early Help performance framework
- The Ofsted inspection of Services for Children
- The review of 2015/16 School performance

- School holiday dates for 2017/18
- The Safeguarding and Looked After Children Activity Performance Update
- The Early Years and Children's Centres Consultation on Future Approach
- Proposals regarding the Independent Remuneration Panel

Council noted that the next Cabinet meeting was 6th of October when the following reports would be considered:

- School Performance regarding Vulnerable Groups
- The Spark of Genius joint venture
- The Internal Audit Shared Service
- The Street Lighting Policy
- The Impact of the EU Referendum on EU Funding
- The Economic Climate Report
- Leeholme Road and Durham Lane Strategic Frameworks
- Proposals for the Community Libraries Review
- School Capital expenditure
- The Tees Valley Combined Authority

The Leader of the Council informed Members there there would be a picnic in Grangefield Park between 2pm and 4pm on the 26th of September to mark the unveiling of a bench to remember the late Michael Clark, to which Councillor Carol Clark warmly invited Members to join her there.