

COUNCIL

Wednesday, 11th July, 2012

Present:- The Mayor David Becket – in the Chair

Councillors Miss Walklate, Mrs Heames, Mrs Cornes, Welsh, Mrs Johnson, Studd, Clarke, Cooper, Mrs Beech, Bannister, Hambleton, Howells, Cairns, Boden, Matthews, Olszewski, Mrs Hambleton, Wilkes, Mrs Williams, Williams, Mrs Astle, Fear, Hailstones, Mrs Hailstones, Allport, Eagles, Kearon, Taylor.J, Miss Olszewski, Lawton, Holland, Bailey, Miss Cooper, Jones, Miss Reddish, Robinson, Mrs Shenton, Mrs Simpson, Mrs Heesom, Snell, Sweeney, Tagg, Mrs Bates, Miss Mancey, Mrs Burgess, Eastwood, Miss Baker, Mrs Peers, Plant, Stringer, Stubbs, Taylor.M, Turner and Mrs Winfield

1. APOLOGIES

Apologies were received from Cllr Loades, Cllr Waring, Cllr Wemyss, Cllr White and Cllr Mrs Burnett.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF LAST MEETING

It was brought to the attention of the Council that a new Deputy Mayor should be elected. A proposal was put forward that Cllr Trevor Hambleton be appointed to this position, the proposal was seconded and accepted by Cllr Hambleton.

A report was circulated to Members recommending changes to the Chairs and Vice Chairs of the Standards, Employee Consultative and Planning Committees. The changes had arisen from the fact that the Standards Committee could no longer have an independent Chair.

Resolved: (a) That Cllr Trevor Hambleton be appointed as Deputy Mayor for the remainder of the municipal year 2012/13.

(b) That the minutes of the meeting held on Wednesday 16th May be approved as a correct record.

(c) That Cllr Turner be appointed Chair of Standards Committee and Cllr Mrs Hambleton be appointed as Vice Chair.

(d) That Cllr John Taylor be appointed Chair of Employees Consultative Committee.

(e) That Cllr Clarke be appointed Vice Chair of Planning Committee.

4. MAYORS ANNOUNCEMENTS

The Mayor appointed Mr Gordon Vernon as Mace Bearer.

The Mayor informed Members that a petition regarding the retention of the Staffordshire name within the Mercian Regiment would be circulated to all Members shortly.

A delegation of Members from Newcastle under Lyme would be visiting Newcastle upon Tyne to attend a Newcastles of the World event in late July which was hoped would help encourage tourism and business initiatives to Newcastle Borough.

The Mayor was also investigating the potential for a youth festival in March 2013 and would be contacting Councillors in the near future regarding this.

5. QUESTIONS FROM MEMBERS

Cllr Ashley Howells raised a question regarding funding for Jubilee 2 and the future of Knutton Recreation Centre. The Mayor requested that the question be provided in writing to the Leader of the Council and agreed that a full written response would be provided.

Cllr Robin Studd requested that a written or verbal response to his question relating to the current relationship between the Council and Gatedale Ltd be provided at the next meeting of Full Council.

Cllr Stephen Sweeney questioned the timing of the distribution of the Leaders Report which had been electronically distributed to Members the previous day. The Leader confirmed that in the future this report would be included with the agenda pack.

6. CABINET REPORT FROM THE LEADER OF THE COUNCIL

Meeting Format

Clarification was requested regarding the additional cost that evening Cabinet meetings would incur. The Leader agreed that a response to this would be provided in writing.

Public Sector Commissioning in Partnership

Members were pleased to see the Borough working closely with the County Council but highlighted the importance of money being kept in the Borough and Members having sight of all quarterly reports prior to money be handed over. The Leader confirmed that governance arrangements were being put in place to safeguard the needs of the Borough and that clarity would be sought regarding the availability of the quarterly reports.

Strategic Review of ICT

The review of ICT was welcomed by Members and the question was raised as to whether the Council would be investigating the use of freeware and open source software. Members also stated that any improvements to the current email communication system would be welcomed. The Leader confirmed that open source

software was being considered as an option and that the Member Development Panel was currently discussing the issues surrounding the Members email system.

Local Enterprise Partnership

Concerns had been raised by the Leader that Newcastle under Lyme, as the largest Borough was currently being represented by another Council on the LEP and that the real need for economic development within the Borough was therefore likely to suffer.

The Mayor stated that a similar situation had arisen with the Health and Wellbeing Board and that following representations from Councillors an additional representative had now been appointed from the North of the Borough. The Mayor suggested that a similar approach could be taken regarding the LEP. It was agreed that the whole Council would support the Leader in his bid to achieve better representation for Newcastle under Lyme on the LEP Board. The Portfolio Holder for Regeneration, Planning and Town Centres confirmed that he would be attending all meetings of the LEP as an observer.

Budget 2013/14

This year consultation on the budget would start earlier in October and would include Councillors, residents and other public and private stakeholders. Officers were currently drawing up the plans for the consultation process following which all responses would be passed to the Transformation and Resources Overview and Scrutiny Committee and all options published.

ADBG Industry Award

Members and the Portfolio Holder for Environment and Recycling were delighted with the achievement of this award and thanked Cllr Miss Reddish as the previous portfolio holder for her hard work in achieving it.

Resolved: That the Report be received.

7. REPORTS OF THE CHAIRS OF THE OVERVIEW AND SCRUTINY COMMITTEES

The Council received verbal reports from the Chairs of the Overview and Scrutiny Committees.

Resolved: That the reports be received.

8. REPORTS OF THE CHAIRS OF THE STATUTORY COMMITTEES

The Council received verbal reports from the Chairs of the statutory committees.

Resolved: (a) That the reports be received.

(b) That the report from the Chair of the Licensing Committee be distributed to all members in writing.

9. PROGRESS ON DEFERRED QUESTIONS AND PETITIONS

At the previous meeting of the Council a petition had been handed in by Cllr Mrs Astle requesting the removal of trees on land adjacent to Maryhill High School, Kidsgrove.

A site meeting had been held on Thursday 31st May with Cllr Mrs Astle, Cllr Bailey and the Streetscene Area Supervisor. It was agreed that work would be carried out to thin the existing young tree plantations to improve visibility of the children's play area from the surrounding residential properties. The work commenced on Friday 1st June and has now been completed. It was also agreed that the situation be monitored to determine if it was successful in responding to residents' concerns.

Resolved: (a) That Officers be thanked for their work to resolve the situation.
(b) That the update be noted.

10. REVIEW OF THE CONSTITUTION (DEFERRED FROM LAST MEETING)

A report was submitted requesting approval to changes made to the Constitution by the Constitution Working Party. The proposed amendments were considered to improve the efficiency and accessibility of the Constitution and to ensure that it was up to date and fully complied with the Law. It was considered that further improvement could be achieved and it was thought that the Transformation and Resources Overview and Scrutiny Committee was an effective, accountable and inclusive means of achieving this.

The Chair of the Transformation and Resources Overview and Scrutiny Committee confirmed that she had written to all Members requesting comments on the revised constitution but that to date the only comments received dealt with areas still to be considered by the working group.

It was confirmed that recommendations (b) and (c) had been resolved at the previous Council meeting.

Resolved: That Council adopt the amendments to the Constitution recommended by the Working Group.

11. MEMBERS' ALLOWANCES (DEFERRED FROM LAST MEETING)

A report was submitted reviewing the Councils scheme of Members Allowances.

An amendment was proposed relating to recommendations (a) and (b), that the words 'be increased' be replaced with 'frozen'. The amendment was seconded and agreed.

An amendment was proposed regarding recommendation (d) as follows:

'That there be no panel until such time as it is required by law'

The proposal was seconded and passed following a vote in which 30 members were for the amendment and 7 abstained.

Resolved: a) That for 2012/13, the amount of the Basic Allowance be frozen in line with the national pay awards agreed for Newcastle Borough Council staff.

(b) That for 2012/13, the amount of the Special Allowances be frozen in line with the national pay awards agreed for Newcastle Borough Council staff.

(c) The regulation covering travelling expenses is amended to exclude the option of First Class rail travel.

(d) That there be no panel until such time as it is required by law.

12. **THE LOCALISM ACT 2011 - THE AMENDED STANDARDS REGIME - ADOPTION OF NEW CODE OF CONDUCT FOR MEMBERS AND ADOPTION OF ARRANGEMENTS FOR DEALING WITH ALLEGATIONS OF BREACHES OF CODE OF CONDUCT**

A report was submitted to inform Members of the changes and recommended actions required for the Council to implement the new regime and for Council to approve the draft Code of Conduct for Members and the arrangements for dealing with complaints.

Concern was raised regarding section 4 of Appendix B which did not appear to mention that in exceptional circumstances where the Monitoring Officer deemed it appropriate the identity of the Member could be kept confidential as was stated in paragraph 5 of Appendix B. It was agreed that this information would be inserted.

Any future comments or concerns regarding the Code of Conduct could be fed into the constitution working group.

Resolved: (a) That the Borough Council adopt the new Code of Conduct for Members.

(b) That Council adopt the arrangements for dealing with allegations of breaches of the Code of Conduct.

13. **STAFFING COMMITTEE**

A report was submitted to delegate functions relating to the terms and conditions of staff (including procedures for dismissal) and pensions to a Staffing Committee.

There was concern expressed by some members regarding section 2.2 of the report especially regarding what the Committee would be authorised to do.

An amendment was proposed to recommendation (c) as follows:

'That following consultation with the Transformation and Resources Overview and Scrutiny Committee the matter would be brought back to Council for approval'

The amendment was put to a vote and rejected; there were 17 votes for the amendment and 29 votes against.

Resolved: (a) That in principle the council establish a staffing committee consisting of 6 Members to be responsible for the Council's functions as an employer including the Local Government Pension Scheme which are not delegated to Officers or referred to Full Council or constrained by the law with the terms of reference set out in this report.

(b) These functions include the adoption and amendment of all employment policies to the extent they relate to staffing matters to make representations to the Local Government Association and/or the Government or other organisations about any matter relating to employees of the Council and to make arrangements for members of the Committee to determine appeals of employees in accordance with the appropriate policies.

(c) That the Leader of the Council and the Chair of Transformation and Resources Overview and Scrutiny Committee having consulted with the Transformation and Resources Overview and Scrutiny Committee be authorised to finalise the details of the Committee in accordance with the agreed principles and the views of that Committee

14. STANDING ORDER 18 - URGENT BUSINESS

The following proposal had been received from the Leader of the Council and the Mayor considered it to be urgent in that if a successful call was to be made that it was important that it be done so without delay:

'We call on the Government to respect over 300 years of tradition, bravery and selfless sacrifice by ensuring that the British Army retains the Staffordshire name within the Mercian Regiment following the current re-organisation of our defence forces'

Resolved: That all members of the Council support the proposal.

THE MAYOR DAVID BECKET
Chair