

NORTHUMBERLAND COUNTY COUNCIL

At a meeting of the **Northumberland County Council** held at County Hall,
Morpeth on Wednesday 5 September 2018 at 3.00 pm.

PRESENT

Councillor R.R. Dodd
(Leader of the Council) in the Chair

MEMBERS

Armstrong, E.	Kennedy, D.
Bawn, D.	Lang, J.A.
Beynon, J.	Lawrie, R.
Campbell, D.	Ledger, D.
Cartie, E.	Murray, A.H.
Castle, G.	Nisbet, K.
Cessford, T.	Oliver, N.
Clark, T.	Parry, K.
Crosby, B.	Pattison, W.
Dale, P.A.M.	Pidcock, B.
Daley, W.	Reid, J.
Davey, J.G.	Renner-Thompson, G.
Davey, S.	Richards, M.E.
Dodd, R.R.	Riddle, J.R.
Dickinson, S.	Robinson, M.
Dunbar, C.	Roughead, G.
Dungworth, S.	Sanderson, H.G.H.
Dunn, L.	Seymour, C.
Flux, B.	Sharp, A.
Gallacher, B.	Stewart, G.
Gibson, R.	Stow, K.
Gobin, J.J.	Swinburn, M.
Grimshaw, L.	Swithenbank, I.C.F.
Hepple, A.	Thorne, T.N.
Hill, G.	Wallace, R.
Homer, C.	Watson, J.G.
Horncastle, C.W.	Wearmouth, R.W.
Hutchinson, J.I.	Webb, G.
Jackson, P.A.	Wilson, T.
Jones, V.	

OFFICERS

Hadfield, K.	Committee Services and Scrutiny Manager
Henry, L.	Legal Services Manager

Johnston, P.
Lally, D.
Roll, J.
Scarr, B.

Interim Executive Director, Place
Chief Executive
Democratic Services Manager
Executive Director of Finance and
Deputy Chief Executive

Around 20 members of the press and public were in attendance.

27. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bridgett, Foster, Moore, Purvis, Quinn, Rickerby, Simpson and Towns.

28. MINUTES

With regard to Minute No. 21 (Q9 from Councillor Dale to Councillor Riddle), Councillor Dale advised that she had sent in the heading of the address of some officers which had included the number of which to report an emergency as 0345 600 6400. She felt it was important to ensure that the correct numbers were contained in council literature as a council emergency response had not been made to a resident of hers. Councillor Oliver advised that the email he had received from Councillor Dale had been forwarded to the Head of Customer Services who had confirmed that it was in fact the correct number, so as far as he was aware the correct number was being used. If there was an emergency, this was the right number to use, and any out of hours calls were directed through to the appropriate place. Alternatively, the emergency services could be called. He invited Councillor Dale to meet with himself and the Head of Customer Services to discuss the issue in more detail if there was still some concern or confusion.

RESOLVED that the minutes of the meeting of County Council held on 2 July 2018, as circulated, be confirmed as a true record, signed by the Business Chair and sealed with the Common Seal of the Council.

29. DISCLOSURE OF MEMBERS' INTERESTS

Councillor Dodd declared in interest in item 10 on the agenda (Delegated Decisions, Whittington Neighbourhood Plan) as he had lived there, knew people there and still owned land in Whittington, so would not be involved in any discussion on it.

Councillors Wearmouth, Daley, Reid and Jackson declared interests in item 14(1) on the agenda (Enterprise Zone - Ashwood Business Park) as directors of Arch and advised they would withdraw from the Chamber.

30. ANNOUNCEMENTS

The Business Chair made the following announcements:-

- The death of former Civic Head of the Council, Kathy Graham, on 20 July 2018. Kathy had represented the Cramlington Village Electoral Division from 2013 to 2017.
- The death of Robin Birley on 29 August 2018. Robin was a former Chair and Leader of the County Council and a Deputy Lord Lieutenant. Members stood for a minute's silence as a mark of respect to both former colleagues.
- Northumberland Archives had been awarded Archive Service Accreditation, which was a national standard relating to the management and resourcing and the care of unique collections. They had been particularly commended for the range of excellent digital practice, good volunteering opportunities and clear recognition of the need to reach out across a large geographical area.
- The County Council had been awarded the prestigious Ministry of Defence Employer Recognition Gold award for its support to the Armed Forces and delivery of the Armed Forces Covenant.
- The Council had been shortlisted for regional employer of the year in the national apprenticeship awards 2018.

31. POLICING IN NORTHUMBERLAND

Northumbria Police Chief Constable, Winton Keenan, was present along with Superintendent Andy Huddleston.

Chief Constable Keenan welcomed the opportunity to attend the Council meeting and hoped to be able to attend more often so he could be better informed about Council issues.

The Chief Constable's address included points about:-

- The quality of the Northumbria Police force, which had been externally recognised.
- The world of policing had become much more challenging, including an expectation of an immediacy of response, which was becoming ever more difficult to honour.
- Crime was becoming much more complex and cyber crime was very difficult to keep up with. Staff were working harder than ever before, and it was difficult to balance what needed to be done with the available resources.
- The better the understanding the Police had of the Council's needs, then the better able they would be to deploy resources where they were most needed.

- Far more crime was being recorded than ever before -an 11% increase in the last year. Some of this was due to better recording practices, but there was also an actual uplift in some types of crime in the Northumbria force area. However, burglary in Northumberland was decreasing.
- Types of crime were changing, with issues such as modern day slavery diverting attention from the more traditional criminality, and Northumbria Police had a duty to protect the vulnerable, first and foremost.
- The ambition was to turn Northumbria Police from a good force into a great force through modernisation and change. Models of how to do things differently were currently being worked through, which could be shared with the Council.
- Supt Huddleston (Head of Neighbourhood Policing) reported to members on rural crime, and the initiatives which were underway to tackle this, including Operation Checkpoint.

Member questions:

- Councillor Dungworth commented that she had seen a marked difference in the number of PCSOs and PCs in the community and a noticeably poorer response from the Police to elected members, having had to send three emails recently before a response was received. One issue she still had not had a proper response to was about the number of incidents of youngsters riding motorbikes along the dunes from Blyth to Whitley Bay. There had already been one fatality, and whilst she understood something was being done, she was not aware what that was, so could not give an informed response to residents who said it was still happening. The Chief Constable advised he would get that issue sorted. Regarding being able to contact the Police, calls for service had escalated, with a 20% increase in 999 calls and a 30% increase in 101 calls in the last 12 months, which had caused a significant problem for the Police. However, a lot of work had been done to improve answering times for both numbers. Also, there had been a recent introduction of a customer services desk as a one stop shop resource, and efforts were being made to try and find ways of dealing with the loss of officer numbers whilst still maintaining visibility.
- Councillor Hill sought reassurances that the police investigation into Arch and the previous Administration would be free from political interference, as there seemed to be little information on progress, and queries were being raised about whether investigations were being carried out properly. There was a perception by the public that the Police were not taking the issue seriously given that the Police and Crime Commissioner was a member of the same party. She sought assurances that the investigation would be robust, thorough and free from political interference. The Chief Constable strongly refuted any such suggestion and assured members that any investigation would be thoroughly conducted. The same officers who would carry

out such an investigation were the same officers the public would see every day and they would investigate in the same way without fear or favour, regardless of any political dynamic involved.

- Councillor Castle asked the Chief Constable whether he felt the current traffic patrols division had developed in a satisfactory way because there had been decisions made in the past which he had found difficult to support, and motoring was something which almost everyone did. The Chief Constable advised that, in his opinion the current preventative approach was the right one, but he asked that any specific issues or areas that were felt to be wrong be brought to his attention.
- Councillor Grimshaw commended Northumbria Police for their sterling work in the face of Government cuts.
- Councillor Riddle queried whether the Chief Constable felt Data Protection legislation hindered the sharing of information, preventing successful working together. The Chief Constable agreed that, as an investigator, it was an obstacle to be overcome but there were ways to overcome its restrictions through agreements, and by being pragmatic and practical.

The Business Chair thanked the Chief Constable and Supt Huddleston for attending.

32. MEMBER QUESTIONS

Question 1 from Councillor Pidcock to Councillor Daley

Holiday hunger is the shame of this government. It is the failure of its policies, particularly the rollout of Universal Credit, that has caused widespread misery in our communities. The Trussell Trust, an anti-poverty charity, said an increase in food bank use over the summer was driven by a rise in demand by children, as it released figures from its network of more than 420 food banks across the country.

During July and August 2017, food banks provided more than 204,525 three-day emergency supplies, 74,011 of which went to children. In the preceding two months, 70,510 supplies went to children, poor and impoverished children.

What measures has this administration put in place to ensure that no child went hungry in the Summer Holidays?

Councillor Daley advised that the Authority recognised that the school summer holidays were a challenge for a number of families both nationally and locally. This was not a new issue.

In January of this year, the Department for Education launched a new programme of research and pilots to explore ways of tackling holiday hunger amongst children from disadvantaged families. Supported by the Northumberland Poverty Coordinator and working as a multi agency partnership with voluntary and statutory services,

Northumberland had been awarded funding to deliver 2 pilot projects within the county. This funding was used to identify (through schools) children most at risk, and support the provision of organised enrichment activities for up to 5 weeks of the school holidays. Eg in Blyth, 91 children were supported through a multi agency intervention. As part of this offer, 2 healthy meals per day were also provided to all children. These pilots would be evaluated to consider both the physical and educational impact for young people, and planning was already underway to look at next year's schemes.

The ongoing work with food banks was invaluable. Children's Services workers worked closely with food banks and signposted families appropriately. Where families were identified as being particularly vulnerable, appropriate assessments were undertaken with the families who agreed that this would be of benefit and more holistic support offered to address their needs. As a result of this intervention, several families had been referred on to 0-19 pathways. Significantly, 76 children had signed up the children's university and he thanked Draeger for sponsoring this opportunity. With the help of Newcastle University, the aim was to help more than the 121 children and families who had already been supported.

As a supplementary, Councillor Pidcock referred to Katherine Kirby, Ofsted's regional director for the North East, who had recently written to schools in the north east expressing her deep concerns over the use of fixed term exclusions as a method of selection and bolstering results. He queried what mechanisms were in place to ensure that maintained schools and academies, and in particular, Bede Academy, were not using fixed term exclusions to both enhance results and as an admissions strategy.

Councillor Daley advised that he had had discussions with the Directors of Children's Services and Education on this matter, and confirmed there were also other schools on his radar. He agreed it was not an acceptable practice, and a task and finish group was being set up to look at this. Himself and the Director of Education were to visit the school mentioned. He agreed that such use of school exclusions was not appropriate and not acceptable, and the issue would be addressed and feedback provided to members.

Question 2 from Councillor Robinson to Councillor Riddle

Like many other members I sit on Strategic Planning Committee and the LAC. As we hear applications which could often be described as contentious, extra conditions are sometimes suggested and agreed as part of granting permission.

However, I am concerned that many of these conditions are either subsequently ignored, with builders assuming carte blanche to do whatever they want, or are subverted by simple variations to condition at the building stage. Many of these are retrospective in nature, but

once mature trees are felled, or ancient hedgerows removed, or structures built, how can these be treated as a simple variation?

My question is therefore, when are we going to see these agreed conditions enforced with some determination instead of being treated with what looks like contempt by developers, so that members can feel confident that the time and trouble they take in determining these applications, and the conditions imposed, are going to be treated seriously by all parties?

Councillor Riddle advised that Planning Enforcement was a reactive service investigating all complaints received. The service took all alleged complaints including breaches of planning conditions very seriously and worked to informally resolve the breach before taking further action. It was important to note that enforcement action was a discretionary, not statutory, power and was very complex. The legal processes involved were often lengthy and complicated and an 'instant response' or resolution could not be guaranteed.

In most situations, informal action would initially be undertaken to resolve an alleged breach of planning control, and before any formal action was taken consideration would be made as to the expected results from the action in relation to the level of harm that was being caused, and whether it was expedient or reasonable to undertake such a course of action.

If a breach was identified but works were likely to be granted approval the Enforcement Officer would request that a retrospective application be submitted allowing for a full formal assessment to be carried out on the development and the statutory consultation period would apply. This was in accordance with the Town and Country Planning Act which provided that retrospective applications could be made. When a retrospective application was not submitted or was refused, the development would be unauthorised and this would be registered as a land charge. Consideration could then be given to any appropriate further action to pursue.

If it was clear from the beginning of the investigation that the breach identified was not acceptable and that permission was unlikely to be granted, the Council would ask for the use to cease or the unauthorised development to be removed. A suitable period of time would be given depending on what needed to be done.

In light of this, Councillor Robinson queried whether it was worth conditions being imposed on permissions if there was no statutory authority to check the works. Councillor Riddle repeated that enforcement was not a statutory duty but the Authority was now taking a much more stronger line with planning enforcement. Things were changing.

Question 3 from Councillor Dale to Councillor Sanderson

When will the Council be consulting with ward members in the west of the County before it responds to the consultation document on the proposed Bridge End and Styford junctions improvements on the A69 by Highways England?

Councillor Sanderson replied that the A69 was controlled by Highways England and the DoT. The Authority had previously highlighted to Highways England that the County Council considered the priority for investment should be the completion of dualling along the A69, and localised safety improvements to junctions, such as at Fourstones and Acomb.

There was no formal consultation being carried out by Highways England, but they had had two drop-in events to share details of the schemes. The County Council had requested the results of those drop in events so that the detailed proposals could be reviewed and technical feedback on these provided to Highways England. Assurance was being sought from Highways England that the schemes would be reviewed in light of this feedback so that they did not have detrimental impacts on the wider local road network. They had also been asked to attend the next Tynedale LAC, and the Chair had agreed to take the matter as urgent business. This would provide the opportunity to explain their ideas and be questioned by members.

Councillor Dale suggested that a slip road was required at all junctions between the Wylam turn off and the new Brocks Bushes turn off which were dangerous and this request should be made of the Highways Agency by the County Council. Councillor Sanderson agreed that this would be raised with officers.

Question 4 from Councillor Dale to Councillor Oliver

When is the proposed working group to take place to discuss the motion put forward by Cllr Davey and seconded by Cllr Jackson last year on the use of social media by Councillors?

Councillor Oliver advised that a meeting had been arranged to take place on Monday 24 September 2018 at 2.00 pm. Councillor Dale asked that the scope of the Group be widened and advised that she could share all the information she had on trolling, abuse etc. Councillor Oliver advised that the aim of the Group was not to police the internet, but about using social media in a positive and truthful way. It could not look at trolling, and if there were particular issues there was a policy and mechanisms in place to deal with them, such as the members complaints procedure, rules on defamation etc.

Question 5 from Councillor Hill to the Leader

In light of the recent Ledbury Town Council judicial review judgment, the subsequent decision by Hereford City Council not to renew its membership of the National Association of Local Councils (NALC) and the Herefordshire Associations of Local Councils (HALC) and given the related problems in many Councils in Northumberland and elsewhere;

Do you agree that there are lessons to be learnt for the entire Local Government sector and steps which it would be wise for NCC to now take ? For example, making the Ledbury case study recommended reading for all Councillors and officers within this authority and our Town and Parish Councils.

The Leader responded that the judgement referred to concerned a member of Ledbury Town Council who had come into conflict with the town clerk who brought a grievance against the member. The grievance was upheld by the Town Council which then adopted various protective measures including removing the member complained of from all committees and instructing her not to speak on behalf of the council. The member self referred herself to the Monitoring Officer of Herefordshire Council as a member code of conduct complaint. Following investigation of the complaint, it was found that the member concerned had not failed to follow the members code of conduct. Nonetheless, the Town Council maintained the protective measures. The member concerned challenged the Town Council's decision by way of judicial review on the basis that the protective measures were sanctions which could only be imposed as a result of a standards or code of conduct process and also on the basis that the decision making process was unfair. She succeeded on both grounds.

This decision appeared to confine most complaints about councillors to the members code of conduct process under the Localism Act 2011 in respect of which this authority, as a principal authority, had a duty to adopt arrangements under which allegations of misconduct against all councillors in their administrative area, including parish and town councillors, could be considered.

As a result of the judgement, employees would now (generally) not be able to use their councils' grievance procedures if the subject of their grievance was a complaint about a councillor.

Whilst it was too early to tell, it was considered by some commentators that this would lead to more principal authority involvement in local council matters concerning alleged misconduct, and place additional burdens on Monitoring Officers and their staff as well as, in the more serious instances, such democratic structures as principal authorities may have included within their arrangements for such complaints, such as the Council's own Standards Committee

In Northumberland, Mr Rickitt, the Chief Officer of the Northumberland

Association of Local Councils had made all of his member councils aware of the decision, and made available further details to the councils who may require more information. The effect of the judgement was something which all councils would now have to be aware of, at least in principle, should similar circumstances to those at Ledbury arise in the future, and this Council would take its responsibilities very seriously on this issue.

Councillor Hill asked, in light of this case, what assurances the Council could have that the associations it was affiliated with would provide suitably sound and impartial advice. The Leader did not recognise anything that had happened in Gloucestershire as happening in Northumberland in any way. He was happy to refer the matter to the Standards Committee so they could consider the detail of it.

Question 6 from Councillor Hill to the Leader

For decades, with justification, residents of Berwick have complained about being the "Forgotten Town". Residents have watched as millions and millions of pounds were being pumped in to places elsewhere in Northumberland while Berwick was receiving next to nothing for anything meaningful in terms of enhancements to essential service facilities or regeneration.

This situation has led, understandably, to a climate of cynicism, resentment, high demand but low expectations. What assurances can you give that things are and will be different under this administration regarding meeting the needs of Berwick?

The Leader responded that it was evident already that there was much more going on in Berwick and surrounding area and he hoped residents could see that. The area was crucial to the development of the North of Tyne Combined Authority and the Borderlands initiative.

Support to the town had included:

- Progressing the proposed development of a new health, social care and leisure facility bringing first class facilities to the town to support delivery of health and well being services. Investment totalling £49.2m
- Dedicated support for the Berwick Regeneration Commission, the town's new partnership between the County and Town Council to drive the regeneration of the area with a democratic mandate.
- Delivery of a wide range of economic development projects via the Council's Development Company to support a vibrant business base including:
 - Local Berwick businesses benefitting from North East Rural Growth Network funding and Business Northumberland support and training. For example this year Berwick Smile Dental Care was awarded £60,000 of funding by the North East Rural Growth Network.

- o There were 48 businesses who were registered to the Business Northumberland programme who are based in Berwick. This year, Business Northumberland had delivered four fully funded workshops in Berwick covering topics from GDPR to Facebook for Business.
- The development of the Ramparts Business Park now designated by Government as an 'Enterprise Zone' was moving forward. To date new investment had been secured including:
 - o Toot Toot (Top 30 achievers in Times magazine)
 - o Agreed terms for an additional 2 units with office based companies – one being from outside the area, plus a sale of shell units to an Education provider had been secured.
 - o Terms were out with a further local business looking to develop both office and development on the park.
- Support to the private sector to encourage investment, for instance the Council was working with the Premier Inn to bring forward their planned new hotel development improving the retail, commercial and visitor offer of Berwick.
- Delivering better infrastructure for the town; the Council was working closely with local business and transport providers to enhance road, rail and port access.
 - o This included £2m improvements to the Port of Berwick,
 - o the development of a new Coach parking facility at the leisure centre and a new parking action plan providing new parking solutions in the town centre which alongside three other towns would be supported by £10m capital funding to improve provision.
 - o supporting delivery of the planned signage and wayfinding project in partnership with LNER.
- Enhancing environmental services through partnership arrangements with Berwick Town Council.
- Securing nationally acclaimed 'Green Flag' status for Berwick's revitalised Castle Vale and Coronation Parks.
- Investment in the workforce based at Tweedmouth Depot in Berwick, both in terms of staff training, creation of new employment opportunities through recruitment of 2 new apprentices.

Councillor Hill queried whether the Cabinet meeting planned to take place in Berwick on 10 September was a one off or part of an ongoing effort to engage with the community of Berwick, as members would be very welcome. The Leader responded that meetings could be held across Northumberland for important issues specific to an area.

Question 7 from Councillor Roughead to Councillor Homer

With the local economy of some of our communities dependent upon the tourism industry, and research showing that tourist decision of where to visit can be influenced by locations used in film and television, would the Administration support there being a page on our Council's website providing information of notable locations across Northumberland that have been used in major film and television titles as a means of promoting our county's unique visual assets?

Councillor Homer advised that the Council absolutely recognised the value of supporting television and film production in the County. Northumberland had featured in numerous high profile film productions including the BFG, Macbeth, Transformers, Eagle of the Ninth, The Waterboys, Churchill, The Railwayman, Your Highness and The Outlaw King. TV Dramas featuring Northumberland included Downton Abbey, Inspector George Gently, Beowulf, Wolfblood, Hollow Crown and eight series of the hugely popular Vera. With a successful feature film being seen by an average of 72 million people and regular prime time audiences of 4m being reached by ITV's 'Tales from Northumberland' the Administration saw TV and film as significant elements of promoting the County as a visitor destination. The Council was developing a place based approach to promoting the County as a great place to live, work, study and invest - opportunities for visitors to explore notable locations, and promotion of the County as a location for new film and television productions, would be included on the website.

Councillor Roughead queried whether an exclusive screening of The Outlaw King in Berwick would be possible. Councillor Homer advised that the level of interest in this was unknown, but a commitment had been given to it so efforts would be made to do that and she would report back as soon as she could. The issue was slightly complicated as it was a Netflix film.

Question 8 from Councillor Bawn to the Leader

It was stated in the early months of the current Administration that the former Labour /Independent Council had been close to agreeing a £73 million loan to a developer to build houses in the Ponteland area. When this was disclosed at a Full Council meeting, an offer was made to share the information with the current leader of the Opposition. Did he ever take up the offer to see the details of a £73 million council loan to a multi million pound private developer based in Switzerland?

The Leader advised that this had been felt at the time to be a very risky thing to do. The offer had been made by the Chief Executive at the time but he understood it had not been taken up. Councillor Bawn understood that the person involved had denied any knowledge of this potential loan and he asked whether the Leader thought it was appropriate for the Chief Executive to make such approaches to a private company without consulting the Leader first. The Leader responded that it would be extraordinary if the Leader at the time had

not known about it as the expectation would be that the officer would ensure there was political support for such a move, given the sum of money involved.

Question 9 from Councillor Watson to Councillor Daley

Could the Portfolio member for Children's Services outline the recent exam results for James Calvert Spence College and inform me of any plans for capital investment into this improving school?

Councillor Daley advised that he had visited the school quite recently and spent time with staff and students and he paid tribute to them for the significant uplift in improvement at the school. Regarding results:-

KS2 - There had been an overall improvement on 2017 outcomes, with Writing having the greatest increase of 22.4%. The combined RWM achieved standard rose by 12%.

KS4 - There had been an improvement on 2017 Attainment 8 points and % 4+ and 5+ English & Maths (Basics).

Regarding capital investment, the local authority had invested £540k in the maintenance of the school buildings in the last 3 years and would invest a further £110k on new roofing for the school. The local authority had also received an expression of interest from the school to create a specialist provision to meet the needs of children with special educational needs which could also see a significant investment in the school in the future. He was glad to confirm that the Authority had complete commitment to investing into the school.

Councillor Watson remarked on the improvement and queried how this had come about as he understood that previously the school had been in difficulties. Councillor Daley acknowledged that there was still work to do but overall, positive progress had been made, with a number of changes made in the past year. There was a strong focus on KS2 with Dr Anna Reid from Newcastle University now working at the school, and an energy within the school to improve from both staff and students, supported by the community and the Authority.

Question 10 from Councillor Watson to Councillor Daley

Could the Portfolio member for Children's Services tell me what changes have been made by the current administration to support education in the consideration of planning applications for housing? Amble has seen over 1500 houses granted in the recent past and residents are rightly worried and asking why the previous labour/independant run council failed to consider and plan for the impact of this large influx of new homes in Amble.

Councillor Daley advised that this issue was recognised and that there was a need for realistic housing numbers which did not have an

adverse impact on existing services. A policy had been in place since January 2018 which specifically addressed the issue of developer contribution for education. Since this time, £11.8m had been secured through section 106 agreements, and a further £35m had been requested. The funding would be used to grow capacity at schools across the county. For the Amble area, £693 k had been secured, and a further £6m had been requested.

Councillor Watson welcomed this and sought assurances that proper reviews would be pursued with some urgency on the increased demand for education in Amble, which Councillor Daley confirmed would be done.

Question 11 from Councillor Dunbar to Councillor Sanderson

Could the Portfolio Holder for Enforcement please advise me of the uptake by residents of the Green Dog Walker Scheme and what plans the Council has to extend both the scheme and general enforcement?

Councillor Sanderson commented on the importance of getting the front line services correct to make the environment in which people lived the best that it could be, so whilst issues such as this might not be of key strategic importance, they were still very important to local people.

He was very proud of this scheme with 1,239 Green Dog Walkers signed up to the scheme in its first year, and it was important to continue driving this momentum forward. Schools were visited and there was a presence at local shows and events around the county. However, dog fouling was still a serious problem. In 2015 there were just over 2,000 complaints about dog fouling. Whilst this had reduced to around 1,500 it was still too many, so the Council had to maintain its support for this voluntary scheme, but still be firm with offenders. 85 FPNs had been issued and whilst it was preferable for this to be done on a voluntary basis, the Council would not shy away from being tough when it needed to be.

Councillor Seymour very much supported the green dog walker initiative and hoped that she could host another event in Cramlington soon. Councillor Sanderson advised that the programme had not been confirmed but he expected to be in Cramlington, along with many other places.

Question 12 from Councillor Stewart to Councillor Daley

Could the Portfolio Holder for Children's Services please update me on what impact the School Improvement Service is having on OFSTED ratings in our first and primary schools? Also, how many schools have improved their rating in the last year?

Councillor Daley advised that the School Improvement Service had had a marked impact on the Ofsted ratings for First and Primary schools over the last 3 years. Of the 8 First and Primary Schools previously judged less than good by Ofsted who were re-inspected in 17/18, all 8 moved up to good. Of the 12 maintained First and Primary schools remaining less than good, 11 were due inspection in 18/19 and at least 9 were expected to move to good. He provided some detail regarding Primary inspections undertaken in 2017-18 as follows:-

There had been 11 Section 5 and 22 Section 8 inspections between 1 Sept 2017 and 19 July 2018. Of these, 0 were outstanding, 29 were good, 1 required improvement, 0 were inadequate and 3 were taking effective actions. The school that received a “requires improvement” judgement could easily have been judged “inadequate” without the support of officers.

Three schools received a Section 8 monitoring inspection. Of these, 3 were deemed to be taking effective action and 0 were deemed to be not taking effective action. There were now 105 good or outstanding first and primary schools in Northumberland (out of 120 judged by Ofsted).

87.5% of Northumberland Schools deemed primary were Good or Outstanding at their most recent inspections. This meant that over the last three years, the gap with the national average of 87% had been completely closed (Primary Sector March 2018). There would be a full report on all Ofsted outcomes for the last academic year 2017-18 at Scrutiny in September. This would also provide three year trends going forward and he personally commended the work of the team.

Councillor Stewart welcomed these results and sought reassurances that members would be kept updated regularly, which Councillor Daley agreed would be done.

Question 13 from Councillor Hutchinson to Councillor Daley

Could the Portfolio Holder for Children's Services please advise me whether the former Labour/Independent run Council wrote to the Regional Schools Commissioner recommending the closure of Haydon Bridge School?

Councillor Daley confirmed that the previous administration, via the Lead member for Children's Services Robert Arkless, did write to the Secretary of State for Education Justine Greening suggesting that Haydon Bridge should close due to the fall in pupil numbers in the west

of Northumberland. A copy of the letter, dated 13 December 2016, was available should this be needed.

Question 14 from Councillor Pidcock to Councillor Wearmouth

It would appear that a cinema is going to be built on the site previously earmarked for the new civic centre in the town of Ashington. The last time you spoke to us in this chamber you claimed that your underlying philosophy was about reducing inequalities.

Can you tell us how a cinema in Ashington is going to address the fundamental financial inequality that exists in this impoverished community? How is a picture house that a huge percentage of residents will neither be able to afford, nor have any interest in, to contribute to tackling the systemic problems of poverty, lack of employment opportunities, families on the breadline, zero hours contracts, food banks, children in poverty, a community in distress?

Would you agree with us that is this a modern way of saying 'Let them eat cake', a modern way of showing a callous disrespect to some of the most disadvantaged people in our country? A middle class response to an issue in which you have no genuine interest?

Councillor Wearmouth advised that an excellent document had been prepared by Ashington Town Council which fed back on an extensive consultation they had undertaken, and which had included questions on the Portland Park site. The results of that had included 77% in favour of more shops, 60% for greater choices of places to eat and drink, 56% for a cinema/theatre. For lower income households, the second most popular option after shops had been a cinema. These were all things that were being pursued for the site. There were also a lot of other things going on in Ashington and members would get the chance to vote on those later.

Councillor Pidcock asked how opposition members, who formed a majority in the Council, would be involved in the decision making regarding this company when they were excluded from all the decision making processes in the Council, including Arch.

Councillor Gallacher advised that the first choice for the site had actually been jobs, second was the night time economy and third, a cinema.

Councillor Wearmouth responded that members were more than welcome to express their views in the chamber and he did in fact hold regular meetings with the Ashington county councillors and the Town Team and their feedback was taken on board.

Councillor Oliver advised there would a report coming to Cabinet soon on the governance arrangements for Advance Northumberland. Going forward, there would be opportunities for the portfolio holder and directors of Arch to go to LACs and talk to local communities about

what they were doing to support economic development in those areas.

Question 15 from Councillor Thorne to Councillor Homer

Could the Portfolio Holder for Leisure and Tourism update us on whether the Produced in Northumberland branding is to continue and what support is in place to local companies to get involved?

Councillor Homer responded that the Council fully recognised the importance of high quality locally produced food and drink to the County's tourism economy and was working to develop the Produced in Northumberland (PiN) scheme further. The scheme was critical to enhancing Northumberland's appeal as a leading visitor destination and also gave businesses a competitive edge when competing for new contracts and sales in the sector.

There were currently 83 businesses accredited to Produced in Northumberland with two pending and 40 actively expressing interest in joining the scheme. Feedback had been overwhelmingly supportive with a 95% retention rate year on year.

The recent parliamentary showcase led by the Council was a catalyst for local producers, retailers and hospitality premises which generated a huge increase in interest in the scheme. This interest included businesses wishing to become part of the scheme, but also businesses and the public inquiring where they could buy the unique food and drink being produced in Northumberland.

There was a very good support mechanism in place for businesses interested in the scheme which was continually being developed and improved. The scheme itself was operated by the Public Health Protection Unit which not only provided advice and guidance in relation to the scheme but also legal issues and guidance in relation to food standards and hygiene as a whole. This was then supported through the IT service via the back office system and development of the website. This in turn linked with the Tourism Development and Communications teams who have been key in the the ongoing development and promotion of the scheme. This partnership had ensured the businesses were supported not only through the verification process but also saw support and ongoing promotion as a member.

The scheme's new website www.producedinnorthumberland.co.uk had a wealth of information and videos of Si King (The Hairy Biker), local producers, and local chef Martin Charlton presenting with a tour of Northumberland's food premises.

The future development of the scheme was being guided by the Council actively working with members to understand what they would like from the scheme. The Produced in Northumberland members focus group

met in August at Amble with a large turnout of 23 attendees discussing potential opportunities including attending a National Trade Food & Drink Fair in 2019, the development of Produced in Northumberland markets and further website and sales opportunities. There would also be events promoting the scheme and its members at Berwick, Alnwick and Morpeth Food & Drink Festivals.

Councillor Thorne commented that Northumberland tourism's most successful campaign had been "passionate people, passionate places" and he queried whether there was a need to get back to that.

Councillor Homer responded that circumstances were very different now but the Administration were 100% behind promoting the County, and in the next couple of months would be looking at the way destination marketing for Northumberland was dealt with and making a significant investment into that, and would also be looking at a social media campaign about why it was great to live, work and invest in, and visit Northumberland.

33. CABINET MINUTES

The Leader moved the following minutes of Cabinet:-

- (1) Tuesday, 10 July 2018**
- (2) Tuesday 24 July 2018**

With regard to Minute No. 16(1) (report on Outcomes of Statutory Consultation on Proposals for Education in the West of Northumberland) first bullet point on page 25, members noted that the figure should read **£60m** not £600m.

RESOLVED that:-

- (a) the following minutes be received:

- (1) Tuesday, 10 July 2018**
- (2) Tuesday 24 July 2018**

- (b) the following resolutions be approved as they involve budget and policy framework matters requiring Council approval:-

- (i) Minute No. 21 of the 10 July 2018 meeting relating to recommendations from the Capital Strategy Group.**
- (ii) Minute No. 25 of the 24 July 2018 meeting relating to recommendations from the Capital Strategy Group.**

34. COMMITTEE MINUTES

(1) Corporate Services and Economic Growth OSC

These were presented by Councillor Bawn. It was noted that Councillor Swinburn had also been in attendance at the meeting.

RESOLVED that the minutes of the Corporate Services and Economic Growth OSC be received.

(2) Family and Children's Services OSC

These were presented by Councillor Renner Thompson.

Councillor Pidcock challenged the accuracy of Minute No.14 on page 55 (para four). Councillor Daley had said at the meeting that not giving money to academies would be educational apartheid, and he made reference to the minute which referred to funding coming from the Council's general fund. He had researched this and identified that when a school became an academy, all of the assets went into the ownership of the business. He reminded members that this was a private business and it therefore appeared that public funds were being given to private businesses, which was morally wrong and probably illegal.

Councillor Daley wished to make it clear that there were a number of academies in Northumberland which sat on land owned by the Council. He reiterated his previous view that whatever the category of school, he wanted outstanding education for all Northumberland children. He thanked Councillor Pidcock for clarifying that Labour did not support investment for education.

Regarding the ownership of land issue, Councillor Dale commented that £7m had been taken out of the Council's capital assets which had come from the academisation of schools. Regarding Minute No.14.3 (Elective Home Education), Councillor Dale expressed concern about the number of exclusions, which affected more schools than the one already mentioned. She asked that the Administration work with local councillor for the area on this. Councillor Daley advised that some detailed work was being done with schools on their exclusions rationale, and a dialogue would be had with them very soon. Then a report would be made to Scrutiny to keep members aware of what was happening.

RESOLVED that the minutes of the Family and Children's Services OSC be received.

(3) Communities and Place OSC

These were presented by Councillor Reid.

RESOLVED that the minutes of the Communities and Place OSC be received.

(4) Health and Wellbeing OSC

These were presented by Councillor Watson.

In response to a question from Councillor Dickinson about when the next update would be provided (Minute No. 18 - Dental Services in Coquetdale), Councillor Watson advised this would be at the next meeting.

With regard to Minute No. 29 (Primary Care Applications Working Party - Collingwood Medical Group), Councillor Nisbet asked for information about whether all of the transfers had now been done, the number of practices involved, where patients had gone to and the number to each practice. She asked that this information be provided to Blyth members. She also asked that efforts be made to ensure that enough doctors were brought in. The Business Chair advised that these were CCG issues and the Chief Executive would take them up with the CCG.

Councillor Watson suggested that it would be more useful to raise these issues at the Scrutiny Committee when answers could be given.

With regard to Minute No.20 (Extra Care and Supported Housing Strategy), Councillor Horncastle spoke in support of this, commenting that people needed to support but did not want to lose their independence.

Councillor Dale also welcomed it but commented on the need to work with independent providers to bring homes back into use.

RESOLVED that the minutes of the Health and Wellbeing OSC be received.

(5) Audit Committee

These were presented by Councillor Hill.

RESOLVED that the minutes of the Audit Committee be received.

35. DELEGATED DECISIONS

RESOLVED that the delegated decisions be received.

36. MOTIONS

Motion No.1

In accordance with Council Rules of Procedure No.10, Councillor Roughead moved the following motion, received by the Democratic Services Manager on 6 July 2018:-

“With the Constitution of Northumberland County Council having last been reviewed and adopted on 01st October 2014, it is therefore proposed that;

Council establishes a Cross-Party Task and Finish Working Group to give Members the opportunity to discuss and facilitate the process of updating our Authority's Constitution. Any draft updated Constitution authored by the aforementioned Cross-Party Task and Finish Working Group would be brought back to Council for consideration and adoption”.

This was seconded by the Leader, who advised that it would be a light touch approach by a cross party group.

Councillor J.G. Davey did not agree with the motion and referred to a previous Council decision that constitution changes would be dealt with by the Monitoring Officer, who would then report on these changes to Council. He agreed that there was a need for some administrative overview, but he did not support a working group considering policy changes.

Councillor Dungworth did not see the need for this as it had been proved in the past that it wasn't necessary. Officers were under enough pressure already, and the focus for members should be outwards rather than inwards.

Councillor Roughead advised that the constitution as it currently stood was potentially discriminatory and all members needed to review it. Mr Henry clarified that the last update had been done in November 2017.

Councillor Roughead asked for a named vote on the motion but there was not the required support for this. On it being put to the vote, there voted **FOR: 35; AGAINST: 25; ABSTENTIONS: 1.**

It was therefore **RESOLVED** that a cross party Task and Finish Working Group be established to give members the opportunity to discuss and facilitate the process of updating the Constitution. Any draft updated Constitution authored by the cross party Task and Finish Working Group would be brought back to Council for consideration and adoption.

Motion No.2

In accordance with Council Rules of Procedure No.10, Councillor Roughead moved the following motion, received by the Democratic Services Manager on 20 July 2018:-

“With the ongoing behind the scenes development of the emerging 'Borderlands Inclusive Growth Deal' for the area covering Northumberland County Council, Scottish Borders Council, Cumbria County Council, Carlisle City Council and Dumfries and Galloway Council, it is therefore proposed that;

Council establishes a Cross – Party Working Group for 'Borderlands Inclusive Growth Deal' comparable to that of this Authority's Cross – Party Working Group on Newcastle, North Tyneside and Northumberland Devolution, with terms of reference and membership to be later agreed;

Council write to Her Majesty's Government, namely the First Lord of the Treasury (Prime Minister), the Secretary of State for Housing, Communities and Local Government and the Secretary of State for Scotland to formally request that Government create and appoint a 'Minister for Borderlands'. It is envisaged that should Government agree, a 'Minister for Borderlands' would:

(a) Be the five Councils' (Northumberland, Scottish Borders, Cumbria, Carlisle and Dumfries and Galloway) principal contact with the United Kingdom Government pertaining to Borderlands Inclusive Growth Deal issues

(b) Be of Parliamentary Under – Secretary of State rank and work across Government Departments, principally the Ministry of Housing, Communities and Local Government and the Scotland Office

(c) Work and engage with Councils, communities and stakeholders across the Borders region

(d) Promote the Borderlands Agenda within both central Government and Parliament;

Council write to Northumberland's Members of Parliament requesting that as a means of promoting our County and the wider Borderlands region within Westminster, they work collaboratively with MPs representing constituencies in Scottish Borders, Cumbria and Dumfries and Galloway Authority areas and create an All-Party Parliamentary Group for 'Borderlands Inclusive Growth Deal'.

This was seconded by Councillor Seymour, and supported by Councillor J.G. Davey who felt it would be good for the County.

RESOLVED that:-

- (a) a cross party Working Group be established for 'Borderlands Inclusive Growth Deal' comparable to that of the Authority's cross party Working Group on Newcastle, North Tyneside and Northumberland Devolution, with terms of reference and membership to be later agreed;
- (b) Council write to Her Majesty's Government, namely the First Lord of the Treasury (Prime Minister), the Secretary of State for Housing, Communities and Local Government and the Secretary of State for Scotland to formally request that Government create and appoint a 'Minister for Borderlands'. It is envisaged that should Government agree, a 'Minister for Borderlands' would:
 - (i) Be the five Councils' (Northumberland, Scottish Borders, Cumbria, Carlisle and Dumfries and Galloway) principal contact with the United Kingdom Government pertaining to Borderlands Inclusive Growth Deal issues;
 - (ii) Be of Parliamentary Under – Secretary of State rank and work across Government Departments, principally the Ministry of Housing, Communities and Local Government and the Scotland Office;
 - (iii) Work and engage with Councils, communities and stakeholders across the Borders region;
 - (iv) Promote the Borderlands Agenda within both central Government and Parliament;
- (c) Council write to Northumberland's Members of Parliament requesting that as a means of promoting the County and the wider Borderlands region within Westminster, they work collaboratively with MPs representing constituencies in Scottish Borders, Cumbria and Dumfries and Galloway Authority areas and create an All-Party Parliamentary Group for 'Borderlands Inclusive Growth Deal'.

Motion No.3

In accordance with Council Rules of Procedure No.10, Councillor Bawn moved the following motion, received by the Democratic Services Manager on 24 July 2018:-

“This Council employs a Chief legal officer whose main responsibility is to provide legal and procedural advice and guidance to the Council and to Members of the Council.

Whilst it is the prerogative of any Member to disagree with any legal advice given by the Chief Legal Officer in this regard, and to obtain

independent legal advice of their own, this Council moves that any such independent legal advice relied upon by any Member of the Council in the proceedings or business of this Council must be disclosed in full at or prior to the meeting on which it is intended to be relied upon, and shall include a declaration of the names of the qualified individual or firm providing such advice and full details of who has paid for or commissioned such advice”.

Councillor Bawn advised that he wished to make a slight amendment to delete the words “at or...” and replace with the words “to the Legal Services Manager with reasonable notice...”. This was seconded by Councillor Oliver.

Debate then ensued about whether the amendment of a motion was permissible. Following legal advice, Councillor Bawn sought Council’s agreement to amend the motion and a vote was taken on this, the result of which was **FOR: 36; AGAINST: 21; ABSTENSIONS: 0.**

Councillor J.G. Davey then moved an amendment to remove the word “independent” and add after Chief Legal Officer “who must maintain the confidentiality of the person who has provided the advice”. If the confidentiality was not maintained this could adversely affect that person’s business and could be classed as a restrictive trade practice if the information was disclosed. This was seconded by Councillor Ledger.

Councillor Pidcock felt that Councillor Bawn’s motion was vexatious and pointless, was brought out of malice and brought the Council into disrepute.

Councillor Hepple sought clarity on what the motion actually meant.

Councillor Dickinson commented that if Councillor Davey’s amendment was simply to maintain the confidentiality of the party involved, then he did not see any reason why anyone would object to those words being inserted.

Councillor Bawn advised that he could not accept the amendment because his motion merely sought to ensure that any legal advice sought regarding the proceedings of the Council should be disclosed. It did not affect legal privilege or the right to take personal independent legal advice. If members sought to rely on a qualified legal opinion to challenge the advice of the Council’s legal officers, then that should be declared and evidenced. The point about who had provided the paid legal advice was an important addition to the disclosures members made regarding connected parties when involved in Council business, because if a member chose to use that legal advice on an issue which affected a third party and the third party had paid for that advice, then it was important that members knew that. Otherwise there could be a situation where advice was being provided, paid for by someone with a direct interest in the outcome without it being declared, thereby

circumventing the declarations of interests requirements. If the advice was being relied upon then it should be made public, especially if it was being used to trump the Council's officers.

On Councillor Davey's amendment being put to the vote there voted **FOR: 22; AGAINST: 31; ABSTENTIONS: 1**, whereupon the Chair declared the amendment lost.

On the original motion, as amended by Councillor Bawn, being put to the vote there voted **FOR: 34; AGAINST: 20; ABSTENTIONS: 0**.

It was therefore **RESOLVED** that any independent legal advice relied upon by any Member of the Council in the proceedings or business of this Council must be disclosed in full to the Legal Services Manager with reasonable notice prior to the meeting on which it is intended to be relied upon, and shall include a declaration of the names of the qualified individual or firm providing such advice and full details of who has paid for or commissioned such advice.

37. REPORTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND DEPUTY CHIEF EXECUTIVE

(1) Amendment to Capital Programme 2018-19 - Lady's Walk River Wall

The report requested a change to the Capital Programme, pursuant to a Delegated Decision taken on 20th July 2018 to undertake urgent works to the river wall at Lady's Walk, Morpeth.

The works were required urgently to reconstruct a collapsed section of wall thereby mitigating the risk of further collapse and associated property damage and enabling the adjacent homeowner to return to her property.

Due to the nature of this issue an urgent decision was required outside the budget or policy framework as it was not practical to convene a quorate meeting of the full Council within the timescales required for a decision.

Council was asked to confirm that this project be added to the Council's 2018-19 Capital Programme.

RESOLVED that:-

- (a) the contents of the report be noted; and
- (b) the scheme be added to the Council's 2018-19 Capital Programme.

(2) Treasury Management Annual Report for the Financial Year 2017-18

The report provided details of performance against the Treasury Management Strategy Statement (TMSS) 2017-18, approved by the County Council on 22 February 2017. The report provided a review of borrowing and investment performance for 2017-18, set in the context of the general economic conditions prevailing during the year. It also reviewed specific Treasury Management prudential indicators defined by the (CIPFA) Treasury Management Code of Practice and CIPFA Prudential Code for Capital Finance in Local Authorities, (the Prudential Code), and approved by the Authority in the TMSS.

RESOLVED that:-

- (a) the report be received and the performance of the Treasury Management function for 2017-18 be noted; and,
- (b) the report be approved.

38. EXCLUSION OF PRESS AND PUBLIC

RESOLVED

- (a) That under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the Agenda as they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the 1972 Act, and
- (b) That the public interest in maintaining the exemption outweighs the public interest in disclosure for the following reasons:-

Agenda Item Paragraph of Part I of Schedule 12A

- | | |
|---------|---|
| 14(1-2) | 3 - Information relating to the financial or business affairs of any particular person (including the Authority holding that information).
The public interest in seeking this exemption outweighs the public interest in disclosure because disclosure would adversely affect the Authority's ability to conduct its affairs. |
|---------|---|

39. REPORTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND DEPUTY CHIEF EXECUTIVE

(1) Enterprise Zone - Ashwood Business Park

Council was asked to consider a Council loan towards the Ashwood Business Park, Enterprise Zone Infrastructure works.

RESOLVED that recommendations 1-5 as detailed in the report be approved.

(2) Enterprise Zone - Bates Terminal Blyth - Infrastructure Works

Council was asked to consider a Council loan towards the Port of Blyth, Bates Terminal, Enterprise Zone Infrastructure works.

RESOLVED that recommendations 1-5 as detailed in the report be approved.

The Common Seal of the County Council
of Northumberland was hereunto affixed
in the presence of:-

.....

Chair of the County Council

.....

Duly Authorised Officer