

NORTHUMBERLAND COUNTY COUNCIL

CABINET

At a meeting of the **Cabinet** held in Committee Room 1, County Hall, Morpeth on Tuesday, 13 November 2018 at 10.00 am.

PRESENT

Councillor P.A. Jackson
(Leader of the Council, in the Chair)

CABINET MEMBERS

Daley, W.
Homer, C.
Jones, V.
Oliver, N.

Riddle, J.
Sanderson, H.G.H.
Wearmouth, R.

OTHER MEMBERS

Cessford, T.
Davey, J.G.
Dodd, R.R.
Flux, B.

Grimshaw, L.
Hill, G.
Renner-Thompson, G.
Swinburn, M.

OFFICERS IN ATTENDANCE

Hadfield, K.
Henry, L.
Lally, D.
Johnston, P.
Naples, R.
Scarr, B.

Committee Services and Scrutiny
Manager
Legal Services Manager
Chief Executive
Interim Executive Director of Place
Planning Officer
Executive Director of Finance and
Deputy Chief Executive

3 members of the press and public were present

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56. MINUTES

RESOLVED that the minutes of the following meetings of Cabinet, as circulated, be confirmed as a true record and signed by the Chair:-

- (a) Tuesday 9 October 2018
- (b) Tuesday 23 October 2018

57. DECLARATIONS OF INTEREST

Councillor Jackson disclosed a personal and prejudicial interest in respect of item 6 on the agenda (Provision of Indemnities in Respect of Legal Costs), advising that both he and the Chief Executive would leave the room whilst the matter was discussed.

Councillor Jones disclosed an interest in respect of item 5(2) on the agenda (Whittington Neighbourhood Plan) as a member of the steering group involved and advised that she would leave the room whilst the matter was discussed.

Councillor Dodd disclosed an interest in the same item as a member of the Committee and advised that he would leave the room whilst the matter was discussed.

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

(1) 2018-19 Estimated Year End Collection Fund Balances – Council Tax and Business Rates

The report advised members of the estimated year end balances on the Collection Fund in relation to Council Tax and Business Rates for the year ending 31 March 2019 (copy attached to the signed minutes as Appendix A).

The report was presented by Councillor Oliver, who highlighted the estimated surplus of £2.41m in the Council Tax collection fund, the Council's share being £2.26m, with the balance going to the Police. The estimated deficit of the business rates was £2.69m, the Council's share being £1.34m. This was mainly due to an increase in the provision set aside to meet rating appeals. However, the overall position was a positive one, and the outturn was expected to be positive at the year end.

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Councillor Riddle accepted the report but asked if members would be informed should there be a successful significant rating appeal. Councillor Oliver advised that he would check on the process for that.

RESOLVED that:-

1. the overall estimated surplus on the Collection Fund for the year ending 31 March 2019 in relation to Council Tax of £2.41 million; the Council's share being £2.26 million be noted;
2. the overall estimated deficit on the Collection Fund for the year ending 31 March 2019 in relation to Business Rates of £2.69 million; the Council's share being £1.34 million be noted;
3. the distribution of the estimated Collection Fund surplus for Council Tax to the Northumbria Police & Crime Commissioner of £0.15 million and the distribution of the estimated Collection Fund deficit for Business Rates of £1.35 million to the Secretary of State be noted; and
4. the inclusion of the Council's share of the estimated Collection Fund balances of £2.26 million surplus and £1.35 million deficit, for Council Tax and Business Rates respectively, within the Council's budget 2019-20 and Medium Term Financial Plan 2019-22 be noted.

(2) Summary of New Capital Proposals considered by Officer Capital Strategy Group

The report summarised proposed amendments to the Capital Programme considered by the officer Capital Strategy Group at its meeting held on 12 October 2018 (copy attached to the signed minutes as Appendix B).

Bellingham Fire Station Ground Source Heat Pump

It was noted that the fire station also had a number of other community uses.

RESOLVED that the revised proposal and new budget requirement of £107,980 be approved.

County Hall Refurbishment – Internal Work

The Leader advised that these proposals would make the building fit for purpose and enable a more effective use of space and reduced running costs. It was envisaged that additional space could be rented out or used to reduce the number of other property rentals.

Councillor Sanderson welcomed the report. He thanked staff for their patience and promised that the quadrangle would be returned to a good condition once external works were finished.

Councillor Oliver hoped that some healthy lifestyle provision could be made including cycle facilities, gym facilities and upgraded restaurant provision. Mr Scarr confirmed that these aspects were being taken into account during the design of the interior, as well as the need to improve access for the disabled.

RESOLVED that the proposal and overall budget requirement of £3,976,780 (including £85,600 within 2018-19) be approved, to be met from the existing provision within the Medium Term Capital plan.

Wentworth Leisure Centre – NALS Relocation

Councillor Homer fully welcomed this investment, which had been well planned and would result in many other opportunities of mutual benefit to both services. There would also be opportunities for cost sharing and she welcomed the continued presence of NALS in the town.

Councillor Daley also welcomed the investment into NALS which had recently received a very good Ofsted report. The upskilling of the people of Northumberland was an intrinsic part of the Administration's corporate strategy and attention was being focussed on the NALS service across Northumberland.

RESOLVED that the proposal and overall budget requirement of £230,000 be approved, to be met from the Leisure Remedials provision within the 2018-19 capital programme.

59. REPORT OF THE INTERIM EXECUTIVE DIRECTOR OF PLACE

(1) Improvements and Investment in Parking Provision

The report provided an update on the progress being made against the parking Action Plans agreed for each of the 4 main market towns of Hexham, Berwick, Alnwick and Morpeth, and on progress with other works to improve parking provision across the County.

The report also detailed the proposed means by which the Council would fund its investment in car parks, including through a combination of increasing existing charges and introducing new charges at a number of tourism and railway station car parks.

The report also sought approval to the list of car parks, proposed tariffs, consultation arrangements and outlined the process and timetable for

implementation should the proposal be approved by Full Council when setting the MTFP in February 2019 (copy attached to the signed minutes as Appendix C).

Councillor Sanderson thanked staff for their work on this project over the course of the last year. The proposals in front of members were the result of a year's worth of consultation meetings and represented a major investment, based on what the Council had been asked to provide. An eight week consultation period would now begin with the offer of direct meetings with town and parish councils on the table. However, he advised that with regard to the consultation, the issue would not go to the Local Area Councils, but would be submitted to Scrutiny as part of the process. He then highlighted the main areas of the report.

Regarding the introduction of charges, he accepted that these would not be popular, but they were modest, with the first hour being free in many areas. He reiterated that a significant investment was being made and he believed the charging proposals in tourist areas represented a fair and reasonable way to service the debt. The Council was one of only two in the whole country which did not charge for parking. He also made reference to improve parking facilities at train stations without there being a detrimental effect on surrounding residents as a result.

Member comments included:-

- Councillor Oliver felt this was a thorough piece of work which had involved a detailed assessment of needs and a well considered approach to spending large amounts of capital. The charging proposals were selective and small scale, and he reiterated that they did not mean a wholesale return to charges, as was being mis-reported on social media.
- Councillor Homer referred to the longstanding attempts to get solutions to the parking issues in Hexham under the previous Administration to no effect, which had had a negative impact on the town. Under the current Administration there had been significant efforts to find both a short term solution, and to find more spaces in the long term through a meaningful analysis of the situation. She thanked Councillor Sanderson and his colleagues for this. Regarding tourism, she did not feel there would be a great detrimental effect. There were very few places outside of Northumberland where it was free to park at the coast. The charges were not unreasonable but she supported the intention to consult.
- Councillor Daley felt the proposals were well thought out and demonstrated joined-up thinking. People visited for the coastline, castle and countryside and he did not feel that this would stop them coming. He also referred to the importance of new technology in the implementation arrangements which demonstrated that the Council was a forward thinking Authority.
- Councillor Wearmouth fully supported the proposals which he felt would address a situation which had not been dealt with by the previous

Administration, and would have resulted in further problems up and down the coast and in town centre economies had it been left any longer. Advance Northumberland had been pleased to assist where it could and he supported the work on car parking provision which had been done thus far.

RESOLVED that:-

1. the good progress being made against the action plans for each of the four main market towns of Hexham, Berwick, Alnwick and Morpeth, and the progress with other works to improve parking provision across the County, be noted;
2. approval be given to the allocation from the £10m capital funding provision made in the MTFP for parking improvements, of:-
 - a. £25,000 to enable scheme design and planning application submission to be progressed for the proposed development of a long stay car park on land adjacent to the railway lines on the north side of Berwick Railway Station;
 - b. £50,000 for the implementation of on-street parking improvements in the area under / near to the Royal Tweed Bridge, Tweedmouth to deliver an additional 16 long -stay spaces including 3 disabled bays at a cost of £50,000;
3. the proposed tariff structures for the coastal tourism and railway car parks as outlined in the report be approved, including an increase to the annual parking pass, subject to consultation; and
4. the proposed approach to consultation, as amended, regarding the parking charges and implementation timetable be noted.

(2) Whittington Neighbourhood Plan

The report sought approval to formally 'make' the Whittington Neighbourhood Plan. The Plan passed independent examination on 05 July 2018. A local referendum held in the Parish of Whittington on 04 October 2018 returned a majority vote in favour of using the Plan to make decisions on planning applications. The Council was now obliged by statute to make the Neighbourhood Plan unless it considers that doing so would breach European Union obligations (copy attached to the signed minutes as Appendix D).

In accordance with Minute No.57 above, Councillors Dodd and Jones left the room whilst this issue was discussed.

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Members' attention was drawn to a typo on the Regulation 19 Decision Statement included with the report which referred to Longhorsley, rather than Whittington.

Councillor Riddle referred to the recent Planning Inspector's decision on the Willowburn Trading Estate, Alnwick appeal which dispelled the myth that neighbourhood plans had no weight in the planning system.

The Leader expressed his thanks to communities all around the County who put such an effort into bringing these neighbourhood plans to fruition. It was good to see that they were being given credence by the Planning Inspectorate and this should inspire confidence in those involved in delivering them.

RESOLVED that:-

1. the referendum outcome of 04 October 2018 be noted;
2. approval be given to formally 'make' the Whittington Neighbourhood Plan in accordance with section 38A(4)(a) of the Planning and Compulsory Purchase Act 2004;
3. the decision statement (attached at Appendix 1, as amended) required under Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 as amended be approved; and
4. both the Whittington Neighbourhood Plan and the decision statement be published on the Council's website and publicised elsewhere in order to bring it to the attention of people who live, work or carry out business in the neighbourhood area; and the decision statement be sent to the qualifying body and anyone else who asked to be notified of the decision.

Councillors Dodd and Jones returned to the room. In accordance with Minute No.57 above, Councillor Jackson and Mrs Lally left the meeting.

Councillor Daley in the Chair

60. REPORT OF THE LEGAL SERVICES MANAGER

Provision of Indemnities in Respect of Legal Costs

The report sought Cabinet's agreement to grant indemnities in respect of legal costs likely to have to be incurred by Councillor Peter Jackson and Mrs Daljit Lally OBE in respect of the matter outlined in the report (copy attached to the signed minutes as Appendix E).

Councillor Oliver presented the report. This was a very worrying trend, and was virtually unheard of to name individuals as part of an employment claim. He felt strongly that members and officers should be allowed to perform their normal duties without fear of being held personally liable, with, of course, the usual safeguards for the Council being in place.

Councillor Wearmouth commented that when these issues were successfully contested, then such claimants should be pursued for costs. This pursuit of officers in doing their jobs could not be allowed to continue as a pattern of accepted practice.

Councillor Oliver agreed with this and that costs should be sought. These issues distracted those involved from going about the proper business of the Council.

Councillor Homer advised that she had been a Fellow of the CIPD for 18 years and confirmed that this was not common practice. She urged members to support officers in performing their duties.

RESOLVED that an indemnity be provided to Councillor Peter Jackson and Mrs Daljit Lally OBE for the purposes of obtaining legal advice and representation in respect of an employment claim from a current employee of the Council subject to the following terms:

- a. That it covers, retrospectively, and on the terms set out below, the cost of any legal advice which they have obtained in respect of this matter;
- b. That the fees of the legal representatives payable by the Council are capped at a level to be agreed by the Council's Cabinet;
- c. That the indemnity is restricted to £10,000 in the first instance with any further advance in tranches of no more than up to £15,000 on each occasion; which extension is only to be agreed following receipt of Counsel's opinion that it is reasonable for the Council to extend the indemnity;
- d. That any costs recovered via any orders or negotiated settlement made in favour of Councillor Jackson and Mrs Lally are paid to the Council;
- e. That the indemnity will not apply to legal representation for any action committed by Councillor Jackson and Mrs Lally which is outside their authority from the Council; where their actions were fraudulent, deliberately wrong or reckless or not authorised by the Council; were outside the powers of the Council; or where the matter exceeded their own powers and it was not reasonable for them to believe that their actions were within those powers;

f. That if a Court or Tribunal finds that all or any of Councillor Jackson and Mrs Lally behaved improperly, illegally and outside their authority in relation to the developers, then the Council is entitled to be refunded all costs paid out under the indemnity.

g. That, in respect of employment claims only, authority be delegated to each of the Deputy Chief Executives, acting alone in consultation with the Cabinet member for Corporate Services, to grant indemnities, in future, to members and officers in respect of legal costs likely to be incurred by them on such terms as those officers consider reasonable.

61. 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 item on the Agenda as it involves 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
9	3 - Information relating to (the financial or business affairs of any particular person (including the authority holding that information). The public interest in maintaining the exemption outweighs the interest in disclosure because of the need to maintain client confidentiality in land transaction negotiations.

62. REPORT OF THE INTERIM EXECUTIVE DIRECTOR OF PLACE

Acquisition of Land for Improvements in Parking Provision

The report sought funding approval for the proposed acquisition of land at Quayside, Berwick and Turner Street, Amble to enable improved town centre parking provision at both locations, using the £10m capital allocation in the MTFP for improvements to parking provision in the county (copy attached to the signed minutes as Appendix F, coloured pink and marked "Not for Publication").

RESOLVED that approval be given to the allocation of funding for the proposed car park schemes at Berwick and Amble from the £10m capital provision in the MTFP for parking improvements, as detailed in the report. .

CHAIR.....

DATE.....

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