



**North Tyneside Council**

# Council

To All Members of the Council

Wednesday, 15 November 2023

You are hereby summoned to attend the Meeting of the Council of the Borough of North Tyneside to be held in **Chamber - Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY** at 6.00 pm on **Thursday, 23 November 2023** for the transaction of the following business.

<u>Agenda</u> <u>Item</u>	<u>Page(s)</u>
<b>Seating Plan</b>	<b>5 - 6</b>
<b>1. Public Questions</b>	<b>7 - 8</b>
Three valid questions have been received from members of the public for this meeting.	
<b>2. Apologies</b>	
<b>3. To receive any Declarations of Interest</b>	
You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.	

Please complete the Declarations of Interests card available at

If you need us to do anything differently (reasonable adjustments) to help you access our services, including providing this information in another language or format, please contact [democraticsupport@northtyneside.gov.uk](mailto:democraticsupport@northtyneside.gov.uk).

the meeting and return it to the Democratic Services Officer before leaving the meeting.

You are also invited to disclose any dispensation from the requirement to declare any registerable and/or non-registerable interests that have been granted to you in respect of any matter appearing on the agenda.

- |     |  |                |
|-----|--|----------------|
| 4.  | <b>Minutes of the meeting held on 21 September 2023</b>  | <b>9 - 24</b>  |
| 5.  | <b>Presentation from the Northumbria Police and Crime Commissioner</b>   |                |
| 6.  | <b>Motions</b>   | <b>25 - 28</b> |
|     | Three valid Motions on Notice, signed by at least three Members of the Council, have been received for consideration at this meeting.  |                |
| 7.  | <b>Appointment of Deputy Chair of Caring Sub-Committee</b>   | <b>29 - 34</b> |
|     | Council is recommended to appoint to the role of Deputy Chair of the Caring Sub-Committee.   |                |
| 8.  | <b>Electric Vehicle Charging</b>   | <b>35 - 46</b> |
|     | Council is requested to consider the report and the findings of the cross-party working group established in accordance with the Motion agreed by full Council on 19 January 2023. |                |
| 9.  | <b>Council Tax Empty Property Premium</b>  | <b>47 - 56</b> |
|     | Council is asked to consider the report and the recommendations in relation to the Council Tax Empty Property Premium.   |                |
| 10. | <b>Request for Dispensation pursuant to Section 85 of the Local</b>  | <b>57 - 62</b> |

**Government Act 1972**

To seek to grant a dispensation in respect of Councillor Carole Burdis, under Section 85(1) of the Local Government Act 1972.

**11. Chair's Announcements**

To receive any announcements by the Chair of Council.

**12. Elected Mayor's Announcements**

To receive any announcements by the Elected Mayor.

**13. Questions by Members of the Council**

**63 - 64**

Three valid questions on notice have been received for a response at this meeting.

**14. Decision of the Standards Sub-Committee**

**65 - 80**

Council is requested to note the decision of the Standards Sub-Committee at its meeting on 28 September 2023.

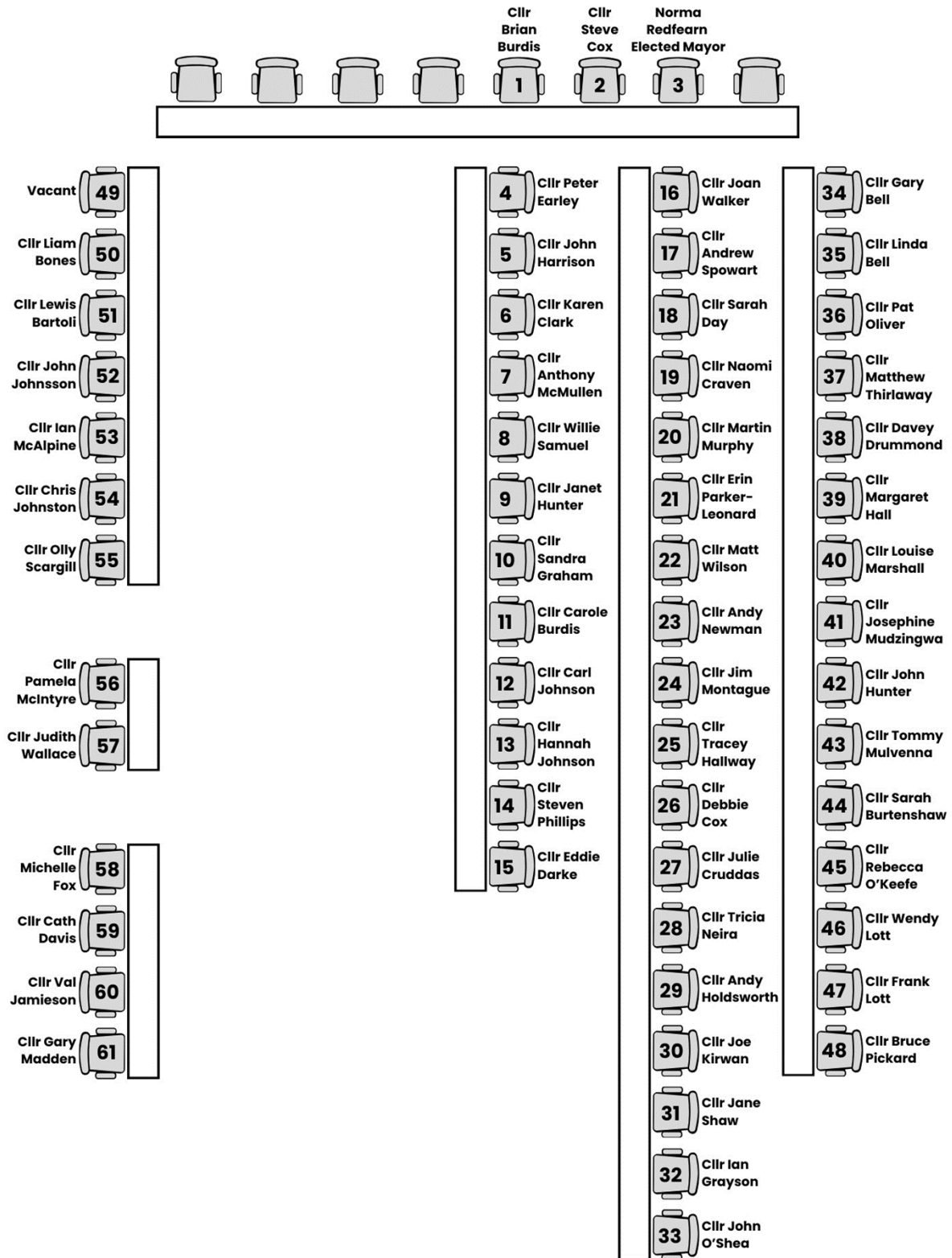
**Yours faithfully**



**Chief Executive**

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# Agenda Annex



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## North Tyneside Council

### Report to Council

23 November 2023

#### Title: Questions by Members of the Public

Notice has been received of the following questions from members of the public to be put to the Council meeting.

##### 1. Question to the Elected Mayor from Mr Christie of Wallsend

On the 21<sup>st</sup> September 2023, during the Meeting of Council, Motion 5 was moved with regards to Road Safety, however, the initiatives provided by this current leadership amounts to nothing more than kicking the can down the road and putting the onus on Northumbria Police to enforce road safety.

To quote paragraph 3 on the amended motion:

“Council also notes other than road and road infrastructure design North Tyneside council has little power to enforce on road safety.”

Central government allows councils to apply for powers to enforce moving traffic offences, which the current leadership have been approached for by individuals, schools and road safety organisations since they became available in May 2022. This includes the ability to enforce School Streets.

To date, the current leadership have actively refused to apply for those powers. Whilst it could be argued that the wording in the motion is accurate, it does hide the matter that the council has powers available to use, but have yet/refused to apply for them. This could be seen by a neutral observer as being disingenuous.

As a result, I'm calling on the Mayor to allow the Committee to hear evidence from the citizens of this Borough, the road safety groups and organisations that have been raising this with councillors and the Mayor directly to aid in the decision making process.

Will the Mayor hear this call and update Motion 5 from 21<sup>st</sup> September 2023 to include the hearing of evidence to the Committee?

## 2. Question to the Elected Mayor from Mr Jones of North Shields

In 2021 it was estimated 11.6% of people in North Tyneside often or always felt lonely. This figure puts North Tyneside in the worst 10% of local authority areas, and clearly represents a serious problem. What action has the council taken since then to address this issue, and how is it monitoring progress made?

Ref: ONS Loneliness rates and well-being indicators by local authority [<https://www.ons.gov.uk/peoplepopulationandcommunity/wellbeing/datasets/lonelinessratesandwellbeingindicatorsbylocalauthority>]

## 3. Question to the Elected Mayor from Mr Steele of Tynemouth

In October this year, 'Climate Emergency UK' published their 'Climate Scorecards for Councils'. North Tyneside Council's overall score of 27% was below the average of 35%. In particular, it scores NTC very poorly in the 'Governance & Finance' (1%) and 'Transport' (4%) categories.

My question relates, however, to the area of 'Planning & Land Use' where NTC scored only 8% against a national average of 35%. This section includes scores for using a 'fabric first approach' and a requirement that 'all new homes be built to be operationally (regulated) net zero'.

What plans and time-scales does the council have to improve on this score, and update the Local Plan, given that the efficient use of energy in buildings is not only one of the most affordable ways to lessen the detrimental effects of climate change, but can also have a positive effect on our physical, psychological, and financial well-being?



## Local Government Act 1972

### Borough of North Tyneside

Thursday, 21 September 2023

At the meeting of the Council of the Borough of North Tyneside duly convened and held on Thursday, 21 September 2023 at 6.00 pm in Chamber – Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY at which a quorum of Members were present, that is to say: -

#### Present

Councillor B Burdis (Chair)  
N Redfearn (Elected Mayor)

Councillor G Bell	Councillor L Bell
Councillor L Bones	Councillor D Cox
Councillor S Cox	Councillor N Craven
Councillor J Cruddas	Councillor E Darke
Councillor C Davis	Councillor S Day
Councillor D Drummond	Councillor P Earley
Councillor M Fox	Councillor S Graham
Councillor I Grayson	Councillor M Hall
Councillor T Hallway	Councillor J Harrison
Councillor A Holdsworth	Councillor Janet Hunter
Councillor C Johnson	Councillor H Johnson
Councillor J Johnsson	Councillor C Johnston
Councillor J Kirwin	Councillor F Lott
Councillor W Lott	Councillor L Marshall
Councillor I McAlpine	Councillor P McIntyre
Councillor A McMullen	Councillor J Mudzingwa
Councillor T Mulvenna	Councillor M Murphy
Councillor T Neira	Councillor A Newman
Councillor P Oliver	Councillor R O'Keefe
Councillor J O'Shea	Councillor S Phillips
Councillor W Samuel	Councillor O Scargill
Councillor J Shaw	Councillor A Spowart
Councillor M Thirlaway	Councillor J Walker

Councillor J Wallace

Councillor M Wilson

**Apologies:** Councillor L Arkley, Councillor L Bartoli, Councillor C Burdis, Councillor S Burtenshaw, Councillor K Clark, Councillor John Hunter, Councillor V Jamieson, Councillor G Madden, Councillor J Montague, Councillor E Parker-Leonard and Councillor B Pickard

**C34/23          To receive any Declarations of Interest**

Declarations of interest were reported as follows:

The following members declared a non-registerable personal interest in Item 4, Motion 4, as a Member of the Tyne and Wear Local Government Pension Scheme

Councillor G Bell  
Councillor S Cox  
Councillor N Craven  
Councillor E Darke  
Councillor D Drummond  
Councillor S Graham  
Councillor I Grayson  
Councillor J Harrison  
Councillor J Johnsson  
Councillor J Kirwin  
Councillor W Lott  
Councillor F Lott  
Councillor A McMullen  
Councillor L Marshall  
Councillor J O'Shea  
Councillor J Shaw  
Councillor J Wallace

The following members declared a registerable interest in Item 4, Motion 4 – spouse or partner is a member of the Tyne and Wear Local Government Pension Scheme:

Councillor L Bell  
Councillor D Cox  
Councillor J Cruddas

Councillor P McIntyre  
Councillor M Murphy  
Councillor M Wilson

Councillor T Mulvenna declared a registerable interest and dispensation as a substitute member of the Tyne and Wear Local Government Pension Committee.

Councillor W Samuel – declared a registerable interest and dispensation as a member of the Tyne and Wear Local Government Pension Committee.

**C35/23            Minutes of the meeting held on 20 July 2023**

**Resolved:** that the minutes of the Council meeting held on 20 July 2023 be taken as read, confirmed and signed by the Chair.

**C36/23            Motion 1**

It was moved by Councillor K Davis and seconded by Councillor M Fox that:

‘North Tyneside Council notes that:

The decision of Cabinet to proceed with the creation of a North East Combined Mayoral Authority.

The North of Tyne Combined Authority Mayor, Jamie Driscoll, and Cabinet delivered on their pledge to deliver this devolution deal.

Council believes that:

The approach of the North of Tyne Combined Authority Mayor and Cabinet in working collaboratively with people from all backgrounds has been welcome.

The creation of a North East Mayoral Combined Authority (NEMCA) can unlock the potential of the people of the North East through continuing collaborative working and innovative solutions to the challenges in our region.

Council resolves to:

Write to the North of Tyne Combined Authority Mayor, Jamie Driscoll, and Cabinet commending them for the work that they have undertaken on behalf of the people of the North of Tyne.”

An amendment was moved by Councillor C Johnson and seconded by Councillor W Samuel as follows:

Paragraph 2 – delete the following wording ‘The North of Tyne Combined Authority Mayor, Jamie Driscoll and’ and replace with ‘The leaders of the 7 NEMCA area authorities and the North of Tyne Cabinet.’

Paragraph 3 – delete the following wording ‘North of Tyne Combined Authority Mayor and Cabinet’ and replace with ‘leaders of the 7 NEMCA area authorities’

Paragraph 5 – delete the following wording ‘North of Tyne Combined Authority Mayor, Jamie Driscoll, and Cabinet’ and replace with ‘The leaders of the 7 NEMCA area authorities and the North of Tyne Cabinet.’

The amended motion therefore read:

“North Tyneside Council notes that:

The decision of Cabinet to proceed with the creation of a North East Combined Mayoral Authority.

The leaders of the 7 NEMCA area authorities and the North of Tyne Cabinet delivered on their pledge to deliver this devolution deal.

Council believes that:

The approach of the leaders of the 7 NEMCA area authorities in working collaboratively with people from all backgrounds has been welcome.

The creation of a North East Mayoral Combined Authority (NEMCA) can unlock the potential of the people of the North East through continuing collaborative working and innovative solutions to the challenges in our region.

Council resolves to:

Write to the leaders of the 7 NEMCA area authorities and the North of Tyne Cabinet commending them for the work that they have undertaken on behalf of the people of the North of Tyne.”

The amendment, on being put to the meeting, was approved by 40 votes to 7 votes with 2 abstentions.

*(Councillor A McMullen Joined the meeting at this point)*

A further amendment was moved by Councillor L Bones and seconded by Councillor O Scargill as follows:

To add the following paragraph to the end of the Motion:

'That Council write to the leader of the Labour Party, Sir Keir Starmer, to condemn his decision to exclude Jamie Driscoll from the Labour shortlist.'

A secret ballot on the amendment was requested by two Members present.

A recorded vote on the amendment was requested by two Members present.

Votes for the amendment:

Councillors L Bones, J Johnsson, C Johnston, I McAlpine, P McIntyre, O Scargill and J Wallace.

Votes against the amendment:

N Redfearn, Elected Mayor and Councillors G Bell, L Bell, B Burdis, D Cox, S Cox, N Craven, J Cruddas, E Darke, S Day, D Drummond, P Earley, S Graham, I Grayson, M Hall, T Hallway, J Harrison, A Holdsworth, Janet Hunter, C Johnson, H Johnson, J Kirwin, F Lott, W Lott, L Marshall, A McMullen, J Mudzingwa, T Mulvenna, M Murphy, T Neira, A Newman, P Oliver, R O'Keefe, J O'Shea, S Phillips, W Samuel, J Shaw, A Spowart, M Thirlaway, J Walker, M Wilson.

Abstentions:

Councillors K Davis and M Fox.

The amendment, on being put to the meeting, was rejected by 41 votes to 7 votes with 2 abstentions.

The substantive motion, on being put to the meeting, was approved by 41 votes to 7 votes with 2 abstentions.

**C37/23          Motion 2**

It was moved by Councillor W Samuel and seconded by Councillor D Drummond that:

Council notes that there are an increasingly wide range of concerns around the NHS directly impacting our residents. After 13 years of Conservative Government outcomes for our residents are increasingly concerning.

Council recently set up the cross-party emergency task and finish group to examine the effectiveness of emergency care, but the issue goes much wider than this. The Government's decision to remove targets for cancer diagnosis and treatment presumably because said targets were not being met is a worrying example of this trend.

Council therefore agrees to widen the remit of the task and finish group to look at all aspects of healthcare provision and policy which impacts on the workload of the NHS emergency response services and the effectiveness of that response.

The motion on being put to the meeting was approved by 41 votes to 5 votes with 4 abstentions.

**C38/23          Motion 3**

It was moved by Councillor H Johnson and seconded by Councillor C Johnson that:

Council welcomes the recent announcement by the Mayor and Cabinet that we are investing further in our estates with the neat streets campaign.

This is a welcome significant investment in staff and financial resources to further improve our area it will see new staff, vehicles and equipment deployed across North Tyneside, with a special focus on keeping housing estates, open spaces, town centres and the coastline neat and tidy.

Council calls upon the Mayor to write to all political groups on North Tyneside

Council urging them to include this funding in their budget proposals for next year.

The motion, on being put to the meeting, was approved unanimously.

**C39/23          Motion 4**

It was moved by Councillor S Graham and seconded by Councillor C Johnson that:

North Tyneside council unanimously voted to declare a Climate Emergency. The council has also since created a net zero action plan and is making sound progress against it.

The Tyne & Wear Local Government Pension Scheme, holds investments in fossil fuel focussed companies.

North Tyneside council calls upon the mayor and our representatives on the pensions committee to

- Urge the pensions committee to reconsider its current investment in companies planning to increase extraction.
- explore shortening the timeframe for total divestment from fossil fuels.

The Motion, on being put to the meeting, was approved by 43 votes to 7 votes.

**C40/23          Motion 5**

It was moved by Councillor O Scargill and seconded by Councillor C Johnston, that:

**Road Safety**

From speeding problems to road markings, we take seriously the complaints we receive from residents about dangerous driving, unsafe roads, and the often inadequate response to these problems.

It is regrettable that the Council's response to road safety issues can be too slow or defeatist – particularly when councillors are told that there is no problem because 'the average driver does not speed' or because 'there has not been a

fatal accident'.

Council asks the Mayor to bring forward a speeding prevention plan, which includes:

- Change the way speeding problem areas are identified, moving away from the average to a system which reflects a mix of incidents numbers, police concerns, resident complaints, councillor reports and maximum speeds recorded
- Develop a strategy for dealing with anti-social driving outside of sociable hours
- Improve the way that Council logs and reports upon residents' speeding complaints and to frequently communicate this data to Northumbria Police
- Work more closely with the police on the installation of 20mph zones to ensure these can be effectively enforced
- Work with Northumbria Police to establish Community Speed Watch schemes in problem areas
- Introduce a system for councillors to request urgent junction protections be installed in areas of their wards where poor visibility is hazardous
- Prioritise the re-painting of faded junction lines over other road markings where the faded junction lines present a danger to drivers' safety

An amendment was moved by Councillor H Johnson and seconded by Councillor C Johnson as follows:

To remove paragraph 2 and replace with

'Road safety is a hugely important issue for the council and we note that the council has invested millions into road safety improvements over the last few years.

Council also notes other than road and road infrastructure design North Tyneside council has little power to enforce on road safety.'

Paragraph 4 - To remove the following sentence 'Council asks the Mayor to bring forward a speeding prevention plan, which includes:', and replace with 'Council asks the cross party Thriving sub-committee to bring forward a road safety plan which considers the below suggestions and which is submitted to cabinet for consideration.'

The amendment, on being put to the meeting, was approved by 43 votes to 7



votes.

A further amendment was moved by Cllr L Bones and seconded by Cllr O Scargill, as follows:

Paragraph 4 - To add 'Before the end of the municipal year'.

The amendment was accepted without a vote.

The amended motion therefore read:

### **'Road Safety**

From speeding problems to road markings, we take seriously the complaints we receive from residents about dangerous driving, unsafe roads, and the often inadequate response to these problems.

Road safety is a hugely important issue for the council and we note that the council has invested millions into road safety improvements over the last few years.

Council also notes other than road and road infrastructure design North Tyneside council has little power to enforce on road safety.

Council asks the cross party Thriving sub committee to bring forward a road safety plan which considers the below suggestions and which is submitted to cabinet for consideration before the end of the municipal year.

- Change the way speeding problem areas are identified, moving away from the average to a system which reflects a mix of incidents numbers, police concerns, resident complaints, councillor reports and maximum speeds recorded
- Develop a strategy for dealing with anti-social driving outside of sociable hours
- Improve the way that Council logs and reports upon residents' speeding complaints and to frequently communicate this data to Northumbria Police
- Work more closely with the police on the installation of 20mph zones to ensure these can be effectively enforced
- Work with Northumbria Police to establish Community Speed Watch schemes in problem areas
- Introduce a system for councillors to request urgent junction protections be

installed in areas of their wards where poor visibility is hazardous

- Prioritise the re-painting of faded junction lines over other road markings where the faded junction lines present a danger to drivers' safety.'

The amended substantive motion, on being put to the meeting, was agreed unanimously.

**C41/23          Motion 6**

It was moved by Councillor I McAlpine and seconded by Councillor L Bones that:

Motion title: Pets as prizes

North Tyneside is privileged to hold a great many funfairs and similar events. In decades past it was considered the norm to win a goldfish or other small animal when in attendance. Contemporary views on animal welfare recognise the problems with unexpectedly handing out small animals to residents, who may be unprepared for the commitment that caring for them entails. Currently, North Tyneside strongly discourages this practice but has no formal provision in place to ban it outright on Council land.

Issuing pets as prizes is now widely acknowledged to be cruel and anachronistic. Above all else, the methods of their interim holding and transportation cause significant trauma to the animals and in some circumstances their death.

The RSPCA campaign actively on this issue with clear guidance, and this motion asks North Tyneside to join more than 50 other Local Authorities in prohibiting this practice at a local level. It is right for every resident to look after small animals if they wish to do so, but with the proper handover and aftercare available from proper pet distributors.

This council asks the Mayor to:

1. Immediately prohibit the practice of giving out pets as prizes.
2. Introduce appropriate measures to communicate, and enforce this, prior to the summer 2024 season.

An amendment was moved by Councillor I McAlpine and seconded by Councillor L Bones to add the following words to the end of bullet point 1 'on council land.'

The amendment was accepted by the meeting without a vote.

The amended motion therefore read:

Motion title: Pets as prizes

North Tyneside is privileged to hold a great many funfairs and similar events. In decades past it was considered the norm to win a goldfish or other small animal when in attendance. Contemporary views on animal welfare recognise the problems with unexpectedly handing out small animals to residents, who may be unprepared for the commitment that caring for them entails. Currently, North Tyneside strongly discourages this practice but has no formal provision in place to ban it outright on Council land.

Issuing pets as prizes is now widely acknowledged to be cruel and anachronistic. Above all else, the methods of their interim holding and transportation cause significant trauma to the animals and in some circumstances their death.

The RSPCA campaign actively on this issue with clear guidance, and this motion asks North Tyneside to join more than 50 other Local Authorities in prohibiting this practice at a local level. It is right for every resident to look after small animals if they wish to do so, but with the proper handover and aftercare available from proper pet distributors.

This council asks the Mayor to:

1. Immediately prohibit the practice of giving out pets as prizes on council land.
2. Introduce appropriate measures to communicate, and enforce this, prior to the summer 2024 season.

The amended motion, on being put to the meeting, was approved unanimously.

**C42/23          Motion 7 - Urgent Motion**

The Chair had agreed an urgent motion on the grounds that the motion related to policies that had been announced after the deadline and it will be two months until the next Council meeting.

It was moved by Councillor C Johnson and seconded by Councillor S Graham that:

### **'Net-Zero**

Council notes

Climate change is an indisputable fact that is changing our planet in unimaginable ways.

Conservative Prime Minister Rishi Sunak yesterday had a bonfire of green pledges.

Successive Conservative Governments have failed to invest in the very pledges the Prime Minister scrapped yesterday. Leading to this complete failure on the climate by the Conservatives.

Council further notes the North Tyneside Conservative budget last year scraped investment in our Net-Zero investment fund. If this had not been saved by the Labour Party, it would have stopped further investment in things like LED streetlights which as well as being better for the environment save the council millions in electricity costs.

Council notes that investment into car battery technology and green technology are crucial to the prosperity of this region. The pledges that the Conservatives made about bringing thousands of jobs to the region with this pledge are now clearly disgracefully disregarded by the Conservatives. The next Labour Government will introduce a green prosperity plan which will invest in these sectors and bring much needed economic growth to our region.

Council reaffirms our commitment to our Net-Zero pledges.

Council calls upon the Mayor to write to Rishi Sunak urging him to express our dismay and reconsider his bonfire of pledges on Net-Zero targets.'

The Motion, on being put to the meeting, was approved by 43 votes to 7 votes.

**C43/23          Review of the North Tyneside Statement of Licensing Policy**

Council received a report that presented the final proposals for the formal approval of the revised Statement of Licensing Policy.

It was moved by Councillor C Johnson and seconded by Councillor M Thirlaway that:

Council approve the draft revised Statement of Licensing Policy attached at appendix 1 to the report, including the delegation scheme included in the policy.

The motion, on being put to the meeting, was approved unanimously.

**C44/23          Review of Allocation of Seats to Political Groups**

Council received a report requesting a review of the allocation of seats to political groups following notification of the formation of a new political group, the Community Independent Group.

It was moved by Councillor C Johnson and seconded by Councillor W Samuel, that Council:

- (1) approves the revised allocations of seats to political groups as shown in the Appendix to this report;
- (2) agrees that the Leaders of the political groups will inform the Monitoring Officer of their respective group's nominations of Members to each of the Committees and Sub-Committees of the Authority by 12 noon on Friday 22 September 2023;
- (3) considers any changes to the appointment of Chairs and Deputy Chairs to the Council's Committees and Sub-Committees; and
- (4) authorises the Head of Law to implement any necessary and consequential actions to affect the change in political balance of the Authority as detailed in the report.

The motion, on being put to the meeting, was approved unanimously.

**C45/23 Chair's Announcements**

The Chair made the following announcements:

The Chair's charity for this year will be the Adventure Playground Trust. This aims to provide play opportunities for children across the borough, providing an environment for children to learn new skills, take risks and innovate.

Since the last meeting he had attended a number of events, including:

Awarding certificates at two citizenship ceremonies.

Attending the Battle of Britain Commemoration Service at the war memorial on The Links in Whitley Bay.

Attending the funeral of David Bavaird, the High Sheriff, and someone many people in the chamber will know, and who will be missed by many.

**C46/23 Elected Mayor's Announcements**

The Mayor highlighted some recent visits she had undertaken, including:

Visits to a number of Community Groups.

A visit to the Whitley Bay hub, The Big Local.

A visit to Cullercoats Watchhouse.

She has recently received a very positive email from a group in Collingwood Ward in relation to help they had received from Council staff on work to make Hilltop Park into a community area.

She thanked staff for the great work they are doing on behalf of the Council.

**C47/23            Questions by Members of the Council**

**1. Question to the Elected Mayor by Councillor M Thirlaway**

As a North Shields area councillor, I welcome the recent opening of the Transport hub and town Square which follows the Howard Street and Northumberland Square developments, can the Mayor provide an update on North Shields regeneration?

*Councillor C Johnson responded as follows:*

Following the recently successful opening of the £12.9m Transport Hub and new town square, the next phases of regeneration of North Shields are well underway.

The Embankment walkway is under construction and will improve linkages between the Town Centre and the Fish Quay. This will help to increase footfall and improve the local economy.

We are also seeking a further £3.8m funding to implement proposals to improve Bedford and Saville Streets and we are continuing to work with Nexus and Transport North East to secure funding for the relocation of the Ferry Landing to the heart of the Western Quay.

A further £1.9 million of investment is going into our cultural quarter, including The Exchange, The Globe Gallery and the Business Centre.

In addition, we are also seeking funding to improve the gateways into North Shields and to develop more active travel routes.

We are also making sure that we are delivering more and affordable housing with excellent progress being made to develop sites at Unicorn House, Tyne Brand and Smiths Dock.

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## North Tyneside Council Report to Council 23 November 2023

### **Title: Motions**

Notice has been received of the following motions from Members of the Council to be put to the Council meeting.

#### **Motion 1 signed by Councillors Cath Davis, Michelle Fox and Gary Madden**

North Tyneside welcomes the new Tobacco and Vapes Bill to create a generation which is smoke free. We as a council should be proactive and implement measures on single use vapes. The health and wellbeing are paramount concerns for North Tyneside Council.

The local economy can benefit from promoting healthier alternatives to smoking, such as smoking cessation programs and support for individuals looking to quit. It is acknowledged that the use of vapes is widely used as a smoking alternative. However, the use of single-use vapes and electronic cigarettes has surged in popularity, especially among young people. Indeed, vapes are packaged, flavoured and promoted in a way that appeals to young people.

There is growing evidence of the health risks associated with vaping, including potential long-term consequences on respiratory health;

With this in mind North Tyneside agrees the following measures to be considered:

- a. provide resources to public awareness campaigns, highlighting the health risks associated with vaping and the importance of smoking cessation programs.
- b. campaign to promote the negative impacts of vaping in schools and resource programmes specifically targeted at young people under 18 to reduce numbers using vapes
- c. Support research initiatives to better understand the long-term health effects of vaping and its impact on our community.

- d. promote responsible disposal practices for vaping products, including designated collection points to reduce litter and environmental pollution.

We believe that by taking these actions, we can help to protect the health of our residents, reduce the environmental impact of single-use vapes, and promote a safer and more sustainable North Tyneside for all.

**Legal and Financial implications in relation to this Motion will be circulated prior to the meeting.**

**Motion 2 signed by Councillors Ian McAlpine, Chris Johnston, Lewis Bartoli**

North Tyneside Council:

- Recognises the importance of small businesses to our local economy and the pressure they are under due to the rising cost of living caused by the war in Ukraine.
- Acknowledges some of the great work that already goes on to encourage residents to shop locally, including the Shop NT project run by the authority and other projects run by the North of Tyne Combined authority through the government's shared prosperity fund.
- Encourages as many residents as possible to shop locally this Christmas, because we know when we support local businesses money is reinvested into our local economy, making our area an even better place to live
- Asks the Mayor to introduce 2-hours of free parking in our town centres for the duration of December, encouraging more visitors to our outstanding small businesses. The scheme should allow all council-run town centre parking to have a 2-hour no return option while also protecting the option to pay for longer for those who use our car parks regularly. Council believes this would deliver a well needed boost to our small businesses.

**Legal and Financial implications in relation to this Motion will be circulated prior to the meeting.**

### **Motion 3 signed by Councillors John Johnsson, Olly Scargill, Liam Bones**

The recent spike in dangerous dog attacks by the so called XL Bully breed, including attacks in North Tyneside, has been shocking. Council welcomes the efforts of responsible dog owners who train their dogs properly resulting in well behaved dogs which offer companionship and enhance our communities.

North Tyneside Council:

- Welcomes the Government's decision to add the XL Bully type to the list of dogs prohibited under the Dangerous Dogs Act. Meaning that from 1 February it will become illegal to own an XL Bully dog if it is not registered on the Index of Exempted Dogs.
- Asks the Mayor to work with Housing to establish any policy areas in relation council housing tenancies that could be tightened to ensure a more robust stance on ownership of dogs where they are found to play in a part in anti-social behaviour.

**Legal and Financial implications in relation to this Motion will be circulated prior to the meeting.**

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## North Tyneside Council Report to Council Date: 23 November 2023

**Title:** Appointment of Deputy Chair of Caring Sub-Committee

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**Portfolio(s):** Elected Mayor

**Cabinet Member(s):** Dame Norma Redfearn DBE

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**Report from Service**

**Area:** Resources

**Responsible Officer:** Stephen Ballantyne, Head of Law and Monitoring Officer (Tel: (0191) 643 5329)

**Wards affected:** All

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### PART 1

#### 1.1 Executive Summary:

To appoint the Deputy Chair of the Caring Sub-Committee.

#### 1.2 Recommendation(s):

It is recommended that Council appoints to the role of Deputy Chair of the Caring Sub-Committee.

#### 1.3 Forward Plan:

Twenty eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 25 October 2023.

#### 1.4 Council Plan and Policy Framework

This report does not relate to any of the following priorities in the 2018/20 Our North Tyneside Plan.

## 1.5 Information:

### 1.5.1 Background

1.5.2 At the Annual Council Meeting in May 2023, the Council determined the appointment of Chairs and Deputy Chairs to the Council's Committees and Sub-Committees as follows:

	<b>Committee/Sub Committee</b>	<b>Chair</b>	<b>Deputy Chair</b>
1.	Overview and Scrutiny Co-ordination and Finance Committee	Jim Montague	Debbie Cox
2.	Caring Sub-Committee	Jane Shaw	Michelle Fox
3.	Family Friendly Sub- Committee	Erin Parker- Leonard	Pat Oliver
4.	Green Sub Committee	Martin Murphy	Margaret Hall
5.	Secure Sub-Committee	Andy Newman	Rebecca O'Keefe
6.	Thriving Sub- Committee	Matt Wilson	Joan Walker
7.	Health and Wellbeing Board	Karen Clark	John O'Shea
8.	Licensing Committee	Matthew Thirlaway	Wendy Lott
9.	Planning Committee	Willie Samuel	Julie Cruddas
10.	Regulation and Review Committee	Davey Drummond	Tommy Mulvenna
11.	Standards Committee	Frank Lott	Tracy Hallway

1.5.3 On 29 September 2023, the Deputy Chair of the Caring Sub-Committee, Councillor Michelle Fox, advised Officers of her decision to resign from that role. The role is therefore currently vacant.

1.5.4 The Council is requested following the Councillor's resignation to appoint another Member to the vacant role of Deputy Chair of the Caring Sub-Committee.

1.5.5 Council is requested to note that if more than one nomination is received a vote will be held with the nominee receiving the highest number of votes being appointed to the position.

**1.6 Decision options:**

The following decision options are available for consideration by Council:

Option 1

To appoint a Member of the Council to the position of Deputy Chair of Caring Sub-Committee

Option 2

To not appoint a Member of the Council to the position of Deputy Chair of Caring Sub-Committee.

Option 1 is the recommended option.

**1.7 Reasons for recommended option:**

Option 1 is recommended for the following reasons:

To fill the vacancy in the role of Deputy Chair of Caring Sub-Committee.

**1.8 Appendices:**

There are no appendices.

**1.9 Contact officers:**

Stephen Ballantyne, Head of Law and Monitoring Officer, tel. (0191) 643 5329.

**1.10 Background information:**

No background papers/information have been used in the compilation of this report.

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and other resources**

There are no financial implications arising from this report.

### **2.2 Legal**

There are no legal implications arising from this report. The process to appoint to the role of Deputy Chair of the Caring Sub-Committee is set out in the report.

### **2.3 Consultation/community engagement**

There are no consultation or community engagement matters that are relevant to this report.

### **2.4 Human rights**

There are no human rights implications arising from this report.

### **2.5 Equalities and diversity**

There are no equalities and diversity issues arising from this report.

### **2.6 Risk management**

There are no risk management issues arising from this report.

### **2.7 Crime and disorder**

There are no crime and disorder issues arising from this report.

### **2.8 Environment and sustainability**

There are no environment or sustainability issues arising from this report.



### PART 3 – SIGN OFF

- Chief Executive  x
- Head(s) of Service  x
- Mayor/Cabinet Member(s)  x
- Chief Finance Officer  x
- Monitoring Officer  X
- Head of Corporate Strategy and Customer Service  x

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## North Tyneside Council Report to Council Date: 23 November 2023

**Title:** Electric Vehicle Charging

<b>Portfolio(s):</b> Environment Climate Emergency	<b>Cabinet Member(s):</b> Councillor H Johnson Councillor S Graham
<b>Report from Service Areas:</b>	Regeneration and Economic Development Environment
<b>Responsible Officers:</b>	John Sparkes, Director of Regeneration and Economic Development (Tel: 0191 643 6091) Samantha Dand, Director of Environment (Tel: 0191 643 3442)
<b>Wards affected:</b>	All

### PART 1

#### 1.1 Executive Summary:

Following the Motion agreed by full Council on 19 January 2023 relating to electric vehicle charging, which is appended to this report, a cross-party working group was established to consider matters raised in the Motion.

This report invites Council to consider the findings of the working group and the actions recommended by it in this report, and to agree to the report, including the suggested actions, being submitted to Cabinet for its consideration.

#### 1.2 Recommendation(s):

It is recommended that Council

- a) notes the content of this report and the findings of the cross-party working group established in accordance with the Motion agreed by full Council on 19 January 2023; and
- b) agrees to the details of this report, including the actions recommended by the working group set out in paragraph 1.5.3 of this report, being submitted to Cabinet for its consideration.

### **1.3 Forward Plan:**

Twenty-eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 20 October 2023.

### **1.4 Council Plan and Policy Framework**

The proposals in this report relate to a number of priorities in Our North Tyneside, the Council Plan 2021 to 2025, in particular:

- A green North Tyneside:
  - We will publish an action plan of the steps we will take and the national investment we will seek to make North Tyneside carbon net-zero by 2030

The proposals also support the following priority in the Carbon Net Zero 2030 Action Plan:

- Travel
  - Bid for EV charging infrastructure (on-Street, Fast, HPC)

### **1.5 Information:**

#### **1.5.1 Context**

In the course of its work, the working group:

- i. looked holistically at a range of available options in relation to electric vehicle charging, against the national, regional and local policy backdrop and with the support of industry experts;
- ii. took care to ensure to look at the issue in terms of a mixed economy in which public sector, private sector and individual households all have an important part to play;

- iii. noted the policy context at regional level: this includes the North East Transport Plan, which sets out the overall context for transport in the region, and the proposed major regional bid to the Local Electric Vehicle Infrastructure (LEVI) fund for the provision of further publicly available EV chargepoints;
- iv. considered the policy context at local level, including the North Tyneside Zero Emission Vehicles Strategy (“ZEV Strategy”), which notes that the Authority is not a mainstream fuel provider to the public or businesses. While the Authority is part of the solution, it is expected that the commercial market will provide the substantial majority of payable EV charging;
- v. took on board predictions that:
  - a. transport represents about 30% of the carbon emissions in North Tyneside (Carbon Net Zero 2030 Action Plan 2023/24);
  - b. by 2030 there could be over 35,000 fully electric vehicles in North Tyneside (Transport for the North online tool); and
  - c. this could imply a demand for circa 1,000 publicly accessible chargers alongside circa 30,000 home or workplace chargers (Transport for the North online tool).
- vi. noted that where EV chargers can be installed is dependent on the availability of an electricity grid connection. For on-street locations, this may also be affected by local factors, e.g. some streets have combined ‘pay and display’ and residents’ permit parking;
- vii. recognised that while there is a demand in general for increased EV charging provision, there is uncertainty over how many EV users would take up any particular charging technology;
- viii. appreciated that charging from home can be considerably cheaper than using public charging infrastructure. The group ensured that proper consideration was given to residents who are currently disadvantaged by their type of accommodation (e.g. terraced property, flat or house without private off-street parking) as they are currently unable to take advantage of home charging; and
- ix. recognised that any provision brought forward should minimise risk to the Authority. This must be assessed against the scale of the provision and where the ultimate liability rests.

## 1.5.2 Technologies discussed

The group found it positive to hear that a number of technologies are on the market, with different solutions better suited to different situations, and considered various case studies. The following points were noted:

- a. The cheapest and simplest technology available is running a charging cable from a resident's home to their vehicle and using cable matting, placed across the footway by the resident, to cover the charging cable. However, this is likely to be unpopular with footway users and pose risks related to liability for trips and falls. Different local authorities have taken different approaches to the level of risk. The Authority could not fully understand the risk until it was tested, for example following a personal injury claim, where such decisions would be decided on a case-by-case basis.
- b. Utilising streetlight column charging for EVs was considered to be a potentially viable option. However, as the Authority's Private Finance Initiative (PFI) contract regarding the provision of streetlighting runs until 2029 it may not be a short-term possibility. In addition, it may require a deed of variation to the PFI contract to enable such charging to take place. This should be considered as part of planning when the PFI contract is coming to an end and should be considered when considering subsequent streetlighting column provision.
- c. Bollard type EV chargers are an established technology. However, users of these types of chargers would not benefit from lower household electricity prices (or the lower household rate of VAT). Installing these type of EV chargers could mean a reduction in the amount of car parking availability.
- d. Emerging technologies such as 'lance and connector' models where the connector sits flush with the pavement (after excavation) merit further investigation once results are available from pilot schemes.
- e. The group was interested to review the type of gully system being piloted by Durham County Council (where the provider Kerbocharge is used) owing to its apparent ease of installation, low cost, and safety features for footway users. The group noted that:
  - i. it appeared that this system might have some advantages over comparable products such as the Oxford 'gul-e' system;
  - ii. the Durham pilot involves a cost to households for an annual inspection of the gully, and residents signing up to terms and conditions associated with a licence for its private use;

- iii. the formal evaluation of the Durham pilot will be available in 2024 following completion of the pilot scheme; and
  - iv. further investigation should take place once the evaluation of the Durham pilot is available.
- f. other local authorities have introduced some of the above solutions under licence/permit arrangements, as a means of both seeking to require residents to adhere fully to the terms and conditions and confirm residents' understanding of the terms and conditions (e.g. a parking space on the public highway cannot be reserved for individual use) – this was felt to be something to be considered and explored further.

Following discussion of the above points, the group:

- i. appreciated that EV charging provision is primarily for the market to deliver, and the Authority's role is essentially one of facilitator as the highway authority;
- ii. recognised that residents would appreciate having as much information as possible available on the Authority's website;
- iii. recognised that any charging option would have to be sufficiently attractive to the market;
- iv. acknowledged that the majority of chargers are expected to be provided at homes and workplaces. However, to respond adequately to likely future levels of demand, the Authority is likely to have to ensure that there is a range of provision including both on-street and off-street EV chargers;
- v. recognised that this would pose some challenges around delivery, the ongoing management of the highway network (e.g. residents' expectations around parking enforcement) and highway maintenance (e.g. utility works to the footway), with associated potential for increased maintenance costs;
- vi. recognised that arrangements would have to be made for any charging infrastructure installed to be managed and maintained; and
- vii. noted that some authorities appeared to be further forward with aspects of public EV charging provision and would like to see similar steps taken to move forward in North Tyneside.

### 1.5.3 Actions recommended by the group

The group recommended the following actions:

1. Request that Cabinet consider updating the North Tyneside ZEV Strategy to provide further guidance around on-street EV charging provision.
2. Further analysis should be undertaken around predictions of future EV charging uptake and the prioritisation of potential charging sites within the borough.
3. The Authority's website should be updated providing clear information and guidance on EV matters, including advice for homes without off-street parking.
4. The Authority should continue to seek funding for further EV charging provision in its public car parks.
5. The Authority should, where appropriate, take further steps to encourage others, including major retailers, to provide publicly accessible EV charging in their car parks.
6. As pilots/trials in other areas develop and their findings become available, the Authority should develop a range of solutions and options which could be trialled or implemented in appropriate locations in the borough, as funding opportunities arise. This should be carried out in conjunction with further analysis around predictions and criteria for the prioritisation of locations in the borough.
7. Whilst the group acknowledged that cable matting was the simplest technology, use of this would come with a number of challenges, for example, durability in adverse weather; potential for incorrect installation by residents; accessibility for footway users (particularly the potential cumulative impact of cable mats in the same street/area) and potential conflict with the Authority's aims to encourage walking, wheeling and other sustainable travel. The group recommended that the Authority should develop a policy statement to clarify its position relating to use of cable matting on the highway.

### 1.6 Decision options:

The following decision options are available for consideration by Council:

#### Option 1

To approve the recommendations as set out in paragraph 1.2 above.



## Option 2

Not to approve the recommendations as set out in paragraph 1.2 above.

Option 1 is the recommended option.

### **1.7 Reasons for recommended option:**

Option 1 is recommended for the following reasons:

To enable the report including the cross-party working group's suggested actions to be submitted to Cabinet for its consideration in accordance with the Motion agreed by full Council on 19 January 2023.

### **1.8 Appendices:**

Appendix – Motion agreed by full Council on 19 January 2023

### **1.9 Contact officers:**

Paul Watson, Head of Highways and Transportation, 0345 2000 101  
Paul Nelson, Head of Environmental Sustainability, 0191 643 6467  
Andrew Flynn, Senior Manager – Integrated Transport, 0191 643 6083  
Amar Hassan, Principal Accountant, Investment (Capital) and Revenue,  
0191 643 5747

### **1.10 Background information:**

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

- (1) [North Tyneside Transport Strategy](#)
- (2) [North East Transport Plan](#)
- (3) [North Tyneside Zero Emission Vehicles Strategy](#)
- (4) [North Tyneside Transport and Highways SPD](#)
- (5) [North Tyneside Carbon Net-Zero 2030 Action Plan](#)

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and other resources**

There are no financial and resource implications directly arising from this report. This report sets out the outcomes of the cross-party working group and invites Council to agree for details to be submitted to Cabinet.

### **2.2 Legal**

There are no legal implications arising from this report.

However, when future decisions are taken on EV charging, including some of the options that have been discussed in this report, it will be necessary to consider the legal implications of doing so. Such considerations could range from ensuring that procurement legislation is complied with when procuring EV chargers, as well as ensuring the Authority's obligations as a highway authority under the Highways Act 1980 are complied with. Such duties include asserting and protecting the rights of the public to the use and enjoyment of any highway, including footpaths. As stated in the report, some of the options considered could impact on the condition of the highways in the Borough.

### **2.3 Consultation/community engagement**

#### **2.3.1 Internal Consultation**

Internal consultation has involved the Cabinet Member for Environment, the Cabinet Member for the Climate Emergency, the Director of Regeneration and Economic Development and the Director of Environment.

The working group involved Cllr L Bartoli, Cllr L Marshall, Cllr J O'Shea and Cllr M Wilson.

#### **2.3.2 External Consultation/Engagement**

The work of the cross-party working group has involved discussion amongst Members of the group, with advice from officers and industry experts, and hence no external consultation/engagement has been undertaken on this matter.

Subject to approval of the recommendation, the suggested actions would be submitted to Cabinet for its consideration, at which point the potential for external consultation/engagement would be considered further.

## **2.4 Human rights**

There are no human rights implications directly arising from this report.

## **2.5 Equalities and diversity**

The Authority's approach to policy and strategy development is carried out having regard to the public sector equality duty imposed on the Authority by section 149 of the Equality Act 2010.

The cross-party working group's consideration of the policy context, with advice from industry experts, included aspects of good practice relating to the accessibility of EV charging, such as the British Standards Institution's Publicly Available Specification PAS 1899, which sets a new industry standard for making EV chargers accessible to all.

## **2.6 Risk management**

There are no risk management implications directly arising from this report. Strategic and operational risks associated with transport matters are assessed via the established corporate process.

## **2.7 Crime and disorder**

There are no crime and disorder implications directly arising from this report.

## **2.8 Environment and sustainability**

There are potential positive environment and sustainability implications as the outcomes of the working group highlight a number of points for further consideration. These will support the Authority's efforts to encourage the take-up of zero-emission vehicles in preference to petrol or diesel vehicles and alongside the use of public transport or active travel.

### PART 3 – SIGN OFF

- Chief Executive
- Director of Service
- Mayor/Cabinet Member
- Chief Finance Officer
- Monitoring Officer
- Assistant Chief Executive

## Appendix – Motion agreed by full Council on 19 January 2023

### EV on street charging

Electric vehicles are one of the best ways that households can reduce their emissions. Across the country, many people are making the swap to EV – with over 30% of all new car sales being battery powered electric vehicles. However, for many people across North Tyneside without access to off street parking, owning an electric vehicle with the ability to charge it at home is just a pipe dream.

North Tyneside Council believes that finding a sustainable solution to the issue of on-street EV charging is significant in our borough's journey to net zero.

North Tyneside Council notes the scheme which has been set up in Oxford (gul-e) gives residents the opportunity to have gullies installed on the pavement – allowing charging cables to run safely from the property to the roadside without causing a trip hazard.

North Tyneside Council asks the Mayor to set up a cross-party working group to look holistically at all options available to improve EV provision in North Tyneside, particularly looking to reflect the dropped curb scheme. The group should produce a report to be presented to Full Council before the end of 2023 setting out a plan to submit to cabinet.

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## North Tyneside Council Report to Council Members Date: 23 November 2023

### Title: Council Tax Empty Property Premium

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Portfolio(s):	Finance and Resources	Cabinet Member(s):	Councillor Anthony McMullen
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Report from Service			
Area:	Resources		
Responsible Officer:	Jon Ritchie, Director of Resources	(Tel: (0191) 643 5701)	
Wards affected:	All Wards		

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#### PART 1

##### 1.1 Executive Summary:

On 26 October 2023 the Levelling-up and Regeneration Bill received Royal Assent and thereby became the Levelling-up and Regeneration Act 2023 (“the Act”). Within the Act there are two changes made to existing legislation relating to Council Tax, namely:

- 1) Section 79 of the Act which amends section 11B(8) of the Local Government Finance Act 1992 (“the 1992 Act”) so that the time period whereby a vacant property can be classed as a “long-term empty property” and so can have a Council Tax Premium charged against it has been reduced from 2 years to 1 year. The amendments made to section 11B of the 1992 Act have effect for the financial years beginning on or after 1 April 2024.
- 2) Section 80 of the Act which introduces a new section 11C into the 1992 Act which concerns a Council Tax Premium that can now be charged against dwellings that are occupied periodically. Such dwellings are often referred to as “second homes”. The earliest time that a Council Tax premium could

be applied by the Authority in relation to “second homes” is 1 April 2025. This is because the Authority’s first determination on using this power must be made at least one year before the beginning of the financial year to which it relates.

Whereas not all sections of the Act have come into force, sections 79 and 80 of the Act came into force on 26 October 2023, the day the Act was passed.

The Long-Term Empty Property Premium was first introduced in North Tyneside in April 2020 following a decision taken by full Council on the 16 January 2020. The current Long-Term Empty Property Premium allows the Authority to charge 100% of the Council Tax liability as a Premium where a property has been empty and substantially unfurnished for 2 years. Other Long Term Empty Property Premiums apply where a property has been empty for longer periods.

The Government’s policy intention in introducing these changes to Council Tax payments for “long-term empty dwellings” is to encourage the owners of such properties to bring them back into use, either by occupation, renting the property out, or putting it on the market for sale. For the Authority, adoption of the revised timescales now available to it would support the work of its Housing Strategy Team, which has a number of ongoing programmes available to assist owners to reduce long-term empty homes across the borough.

A change such as this requires Council approval before it can be included in the budget planning process for 2024/25 onwards. If the recommendations in this report are approved, the updated position will be included in the Council Tax Base report to Cabinet, which will be considered on 22 January 2024.

The potential introduction of a second homes premium will be considered by officers and a report brought before full Council so that Members can consider if there should be the introduction of a Second Homes Council Tax Premium. As stated, such a Premium cannot be introduced until April 2025 at the earliest and more data is needed at this time to be able to consider the appropriateness of the Authority introducing such a Premium.

## **1.2 Recommendation(s):**

It is recommended that Council:



- (1) agree that with effect from 1 April 2024, the current Long-Term Empty Property Council Tax Premium charged by the Authority be applied to dwellings that have been empty for 1 year rather than 2 years;
- (2) agree that the Director of Resources be given delegated authority to determine if any exemption from the Long-Term Empty Property Council Tax Premium should apply to a particular property as considered appropriate and that this delegation be included in the Officer Delegation Scheme which forms part of the Authority's Constitution.
- (3) Note that a further report will be presented to full Council on the potential application of the power to charge a Council Tax Premium on dwellings that are occupied periodically ("second homes").

### **1.3 Forward Plan:**

- 1.3.1 It has not been possible to give twenty-eight days' notice of this report because the Levelling-up and Regeneration Bill only became an Act on 26 October 2023 which is the date on which sections 79 and 80 of the Act came into force. This item was included in the Forward Plan as soon as possible, and first appeared on the Forward Plan that was published on 7 November 2023.

### **1.4 Council Plan and Policy Framework**

- 1.4.1 This report links directly to priorities identified in the 2021-2025 Our North Tyneside Plan.

A caring North Tyneside: People will be cared for, protected, and supported if they become vulnerable, including if they become homeless.

A thriving North Tyneside: We will reduce the number of derelict properties across the borough.

### **1.5 Information:**

- 1.5.1 In the November 2017 Budget, the Chancellor of the Exchequer announced the Government's intention to legislate to bring the maximum charge for long-term empty properties in England up to 200%.
- 1.5.2 These changes enabled local authorities to increase Council Tax empty property premiums at the rates sets out below.

a) Since 1 April 2019 local authorities have had the discretionary power to charge a 100% Council Tax premium for properties that have been unoccupied and substantially unfurnished for more than two years.

b) Since 1 April 2020 local authorities have had the discretionary power to charge a 200% premium on those properties which have been unoccupied and substantially unfurnished for five years or more.

c) Since 1 April 2021 local authorities have had the discretionary power to charge a 300% premium on those properties which have been unoccupied and substantially unfurnished for ten years or more.

#### Current position in North Tyneside

1.5.3 In North Tyneside, the properties that currently incur an Empty Property Premium are as follows:

- 156 properties incur a premium of 100% because those properties have been empty and substantially unfurnished between 24 and 60 months (2 to 5 years).
- 42 properties incur a premium of 200% because those properties have been empty and substantially unfurnished between 60 and 120 months (5 to 10 years).
- 26 properties incur a premium of 300% because those properties have been empty and unfurnished for over 120 months (10 years).

1.5.4 In North Tyneside, there are estimated to be about 480 empty properties that would attract a Council Tax Premium at some point from April 2024 with the change in legislation referred to above.

1.5.5 The aim behind the introduction of Council Tax Premiums is to encourage owners to bring their long-term empty properties back in to use by providing a financial disincentive for absentee landlords or owners to retain empty properties on a long-term basis. It is therefore expected that if this amendment to policy is successful, the amount of additional Council Tax liability created will diminish. Since the Premium was introduced by the Authority in April 2020, it has had a positive impact on the Borough. At that time, it was estimated that there were around 450 properties empty and unused for a period of two years or more across the Borough. This has since

reduced to around 290 such properties which includes those that are exempt from the Premium, and those properties included at paragraph 1.5.3 above.

- 1.5.6 The majority of long-term empty properties in North Tyneside that would be impacted by this amendment to policy are in the lowest Council Tax band (A). Such properties are often in the more deprived areas of the borough. If more long-term empty properties are brought back into occupation, this could be a useful source of affordable housing.
- 1.5.7 However, the potential benefits of the proposals do need to be considered in the context that in some areas where there may currently be a lower demand for rental properties, some owners may feel forced into letting properties to avoid paying the Council Tax Premium.
- 1.5.8 Tackling empty and derelict properties is a key priority for the Authority within the 'Our North Tyneside' Council Plan. The Empty Homes and Private Sector Housing Officer within Housing and Property Services works with owners of empty properties to identify the most appropriate action that they can take to bring such property back into use. A combination of support and guidance and as a last resort enforcement can be used to reach a satisfactory result. Additional services provided include support to become a landlord and help setting up tenancies and finding tenants, advice on how to claim back Value Added Tax on renovation works for long-term empty properties and how to find a suitable builder and access to other Authority services.
- 1.5.9 The Authority operates a range of solutions for the re-use of empty properties This includes the "Empty Homes Leasing Scheme". This offers owners of long-term empty properties the opportunity to voluntarily lease their properties for use as affordable housing. The Authority will repair the empty property, let the property, and manage the tenancy as part of the Authority's housing stock. The Authority recovers the refurbishment costs, a management fee and any day-to-day repair costs through the rental income gained. The scheme is aimed at addressing the issues caused by long-term problematic empty properties which require a high level of investment to return them to occupation.
- 1.5.10 Where appropriate, the Authority and/or its trading company (Aurora Affordable Homes Limited) will consider the purchase and refurbishment of empty homes in the borough as well as introducing owners to property investors that are willing to purchase empty properties.

## 1.6 Decision options:

The following decision options are available for consideration by full Council:

Option 1

To agree the recommendations in paragraph 1.2 of this report.

Option 2

Not to agree the recommendations in paragraph 1.2 of this report.

Option 1 is the recommended option.

**1.7 Reasons for recommended option:**

Option 1 is recommended for the following reason:

The potential to encourage owners of long-term empty properties to bring them back into use should increase the possibility of affordable housing as the majority of these properties are in the lower Council Tax bands.

**1.8 Appendices:**

There are no appendices.

**1.9 Contact officers:**

Jon Ritchie, Director of Resources, tel. (0191) 643 5701

Tracy Hunter, Senior Client Manager, Revenues and Benefits, tel.  
(0191) 643 7228

John Lloyd, Client Manager Revenues and Benefits, tel.  
(0191) 643 7151

**1.10 Background information:**

The following background papers/information has been used in the compilation of this report and are available at the office of the author:

(1) [Local Government Finance Act 1992](#)

- (2) [The Rating \(Property in Common Occupation\) and Council Tax \(Empty Dwellings\) Act 2018](#)
- (3) [The Levelling-up and Regeneration Act 2023](#)
- (4) Equality Impact Assessment

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and other resources**

If a decision is made to implement the amendment to Council Tax Premiums, then an initial projected increase in Council Tax income of circa £540,000 based on figures as at 1 October 2023 will occur. If initiatives are successful in bringing empty properties back in to use, then the amount received from Council Tax Premiums will reduce accordingly. Subject to approval of full Council the new arrangements will be incorporated into the Council Tax Base to be considered by Cabinet on 22 January 2024.

### **2.2 Legal**

The legal implications relating to this decision are dealt with in the body of the report. The amendments brought about by the relevant sections of the Levelling-up and Regeneration Act 2023 specify the maximum percentage of Council Tax Premium that can be applied to properties that have been empty for the relevant period of time as set out in section 11B.

Section 67 of the Local Government Act 1992 states that the function of making a determination under section 11B of the 1992 Act – Higher amount for long-term empty dwellings: England – is matter for full Council.

A billing authority which decides under section 11B of the Local Government Finance Act 1992 to apply a higher level of Council Tax charge must publish a notice of it in at least one newspaper circulating in its area and do so within 21 days of the determination.

Section 80 of the Levelling-up and Regeneration Act 2023 also amends section 67 of the Local Government Finance Act 1992 and makes it clear that any decision taken under section 11C of the 1992 Act relating to a Council Tax Premium to be charged on “second homes” is a matter for full Council.

### **2.3 Consultation/community engagement**

### **2.3.1 Internal Consultation**

Consultation has taken place with the Senior Leadership Team and Lead Members.

### **2.3.2 External Consultation/Engagement**

The Department for Levelling-up Housing and Communities have carried out a consultation, the outcomes of which have not yet been published.

The Authority will carry out appropriate engagement with those Council Tax payers that are affected as required by any subsequent Government guidance.

## **2.4 Human rights**

There are no human rights implications directly arising from this report.

## **2.5 Equalities and diversity**

An Equality Impact Assessment has been carried out. It concluded that should Council decide to implement the amendment to the Long-Term Empty Property Premium from 1 April 2024, there would be a negative financial impact on the owners of those properties which remain unoccupied and substantially unfurnished for over 1 year . There is no evidence to demonstrate a disproportionate impact in relation to those who have a protected characteristic.

Actions are being taken to either reduce or remove any potential negative impacts with regards to age, disability, and ethnicity.

## **2.6 Risk management**

There are no specific risks associated with this proposal.

## **2.7 Crime and disorder**

The reduction of long-term empty properties in the borough may lead to a potential reduction in vandalism and anti-social behaviour associated with these properties.

## 2.8 Environment and sustainability

There are no environment and sustainability implications directly arising from this report.

### PART 3 – SIGN OFF

- Chief Executive
- Director(s) of Service
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer
- Assistant Chief Executive

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## North Tyneside Council Report to Council Date: 23 November 2023

**Title:** Request for Dispensation pursuant to Section 85 of the Local Government Act 1972

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**Portfolio(s):** Elected Mayor

**Cabinet Member(s):** Dame Norma Redfearn DBE

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**Report from Service Area:** Governance

**Responsible Officer:** Jon Ritchie  
Director of Resources

**Tel:** (0191) 643 5720

**Wards affected:** Valley

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### PART 1

#### 1.1 Executive Summary:

The Chief Executive has received a request for a dispensation to be considered in respect of Councillor Carole Burdis, under Section 85(1) of the Local Government Act 1972, based on medical grounds. This report recommends that full Council agrees such a dispensation for Councillor Burdis for a period up to 7 May 2024.

#### 1.2 Recommendation(s):

It is recommended that Council:

- (1) Agrees a grant of dispensation for Councillor Carole Burdis pursuant to Section 85(1) of the Local Government Act 1972, for a period up to 7 May 2024, and approves Councillor Burdis's non-attendance at meetings of the Authority in that period on medical grounds; and

(2)Agrees that the best wishes of the Council are conveyed to Councillor Burdis at this time.

### **1.3 Forward Plan:**

It has not been practicable to give twenty eight days notice of this report. However, the report is required to be considered without the twenty eight days notice being given in order that full Council can consider the recommendation for a dispensation in sufficient time to ensure that Cllr Burdis does not vacate her office by a failure to attend meetings under section 85(1) of the Local Government Act 1972.

### **1.4 Council Plan and Policy Framework**

This report does not align directly to any of the priorities in the Council Plan but is required to ensure compliance with the relevant legislation (Local Government Act 1972) in relation to a request for a dispensation which has been received.

### **1.5 Information:**

#### Background

- 1.5.1 Section 85(1) of the Local Government Act 1972 requires each elected member of a local authority to attend at least one meeting of the authority within a six month consecutive period, in order to continue as an elected member of that authority. Should an elected member fail throughout a period of six consecutive months from the date of his or her last attendance to attend any meeting of the authority, he or she shall (unless the failure was due to some reason approved by the authority before the expiry of that period) cease to be a member of the authority.
- 1.5.2 Under this legislation the authority is able to approve a period of non-attendance for an elected member where there are reasons for so doing. This approval must be granted by the authority before the expiry of the six month consecutive period since the elected member's last attendance at any meeting of the authority, in order to ensure that the elected member in question does not cease to be a member of the authority. Approval cannot be conferred retrospectively, and must be agreed within the six month period since the member's last attendance at a meeting.

- 1.5.3 Councillor Carole Burdis (one of three councillors representing Valley ward) has unfortunately had a period of ill-health and due to medical reasons was last able to attend a meeting of the authority on 20 July 2023 (Council).
- 1.5.4 The Chief Executive has received a request for Council to consider approving an extension to the usual six month attendance rule for Councillor Burdis, enabling Councillor Burdis to remain in office until she is able to resume normal duties.
- 1.5.5 Council can only consider this request before the end of the relevant six month period, i.e. by 19 January 2024.
- 1.5.6 Accordingly, the meeting of full Council on 23 November 2023 presents an opportunity for agreement to be sought for an extension of the time limit for non-attendance at meetings of the Authority. If approval to any extension is not agreed, Councillor Burdis would, under Section 85(1) of the Local Government Act 1972, cease office as a North Tyneside Councillor after 19 January 2024 if she is not well enough to attend a meeting of the authority before that time.
- 1.5.7 It is therefore recommended that further to the request made to the Chief Executive, Council approves a grant of dispensation for Councillor Burdis pursuant to Section 85(1) of the Local Government Act 1972, for a period up to 7 May 2024 (the last day of Councillor Burdis's current term of office), on medical grounds. This would not prevent Councillor Burdis from returning to meetings at any time before that date should her health allow.

## 1.6 Decision options:

The following decision options are available for consideration by Council:

### Option 1

Council agrees to approve a dispensation on medical grounds under Section 85(1) of the Local Government Act 1972 for Councillor Burdis, approving Councillor Burdis's non-attendance at meetings of the Authority for a period up to and including the last day of Councillor Burdis's current term of office (7 May 2024).

## Option 2

Council does not agree to grant such a dispensation to Councillor Burdis for non-attendance at meetings of the Authority.

Option 1 is the recommended option.

### **1.7 Reasons for recommended option:**

Option 1 is recommended for the following reasons:

- (a) It is considered that Councillor Burdis's reasons for being unable to attend a meeting of the Authority at the current time are entirely valid and proper, relating to medical grounds. The recommendations set out in this report seek to manage the specific circumstances which have arisen in a fair way, and ensure compliance with the requirements of the above-referenced legislation
- (b) Agreement to a dispensation as outlined above would stop the automatic consequence of the legislation (i.e. Councillor Burdis ceasing to be a councillor after 19 January 2024), should for medical reasons Councillor Burdis not be able to attend a meeting of the Authority by that date
- (c) Should Council decide not to approve a dispensation for Councillor Burdis, and if she remains unable to attend a meeting before 20 January 2024, she would cease to be a member of the Authority after 19 January 2024 and a vacancy would arise on the Council's membership.

### **1.8 Appendices:**

None

### **1.9 Contact officers:**

Allison Mitchell, Senior Manager: Governance (telephone (0191) 643 5724)

### **1.10 Background information:**

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

- (1) Local Government Act 1972, Section 85(1) – *Vacation of office by failure to attend meetings* (see [here](#))

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and other resources**

There are no direct financial implications to the proposals set out in this report. Agreement of the recommendations would not incur any additional costs to the authority.

### **2.2 Legal**

The requirements of Section 85 of the Local Government Act 1972 are set out in the main body of this report.

### **2.3 Consultation/community engagement**

The request for a dispensation for the elected member has been discussed with the member's Group Leader, who is supportive of the proposal.

### **2.4 Human rights**

There are no specific human rights implications arising from this report.

### **2.5 Equalities and diversity**

There are no specific equalities and diversity implications arising from this report.

### **2.6 Risk management**

Should the dispensation as set out in this report be agreed, the elected member's ward councillor duties will continue to be undertaken by her fellow Valley councillors. The Committee to which the elected member has been appointed in 2023/24 has sufficient members to ensure that business can continue to be discharged during the temporary absence of one member.

Should the elected member lose office, through failure to attend for a six month period, the disqualification cannot be overcome by the member subsequently resuming attendance nor can retrospective approval be sought for an extension in time. This would result in a vacancy on the Council which may result in consequent administration and cost.

## 2.7 Crime and disorder

There are no crime and disorder implications arising from this report.

## 2.8 Environment and sustainability

There are no environment and sustainability implications arising from this report.

### PART 3 – SIGN OFF

- Chief Executive  X
- Director(s) of Service  X
- Mayor/Cabinet Member(s)  X
- Chief Finance Officer  X
- Monitoring Officer  X
- Assistant Chief Executive  X

## North Tyneside Council Report to Council 23 November 2023

### **Title: Questions by Members of the Council**

Notice has been received of the following questions from Members of the Council to be put to the Council meeting.

#### **1. Question to the Elected Mayor by Councillor Matt Wilson**

North Tyneside Council is committed to supporting women, working to ensure they can live free from coercion, abuse, and violence. Please would the Elected Mayor update us on progress made on this issue since we first passed our White Ribbon motion in 2021?

#### **2. Question to the Elected Mayor by Councillor Andy Newman**

Nuclear test veterans have fought long and hard for the recognition they deserve, yet many were left disappointed when their long-awaited medals were unceremoniously sent out in the post, the Government has so far failed to organise any medal ceremonies to honour our nuclear test veterans. Will the Elected Mayor commit to holding medal ceremonies for North Tyneside veterans awarded the nuclear test medal?

#### **3. Question to the Elected Mayor by Councillor Olly Scargill**

Can the Mayor provide usage data for Rake Lane, the New York Bypass and the roundabout from before and after the introduction of the cycle scheme?

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## North Tyneside Council Report to Council Date: 23 November 2023

**Title:** Decision of Standards Sub-Committee

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<b>Portfolio(s):</b> Elected Mayor	<b>Cabinet Member(s):</b> Dame Norma Redfearn, DBE
<b>Report from Service Area:</b> Resources	
<b>Responsible Officer:</b>	Stephen Ballantyne, Head of Law and Monitoring Officer (Tel: (0191) 643 5329)
<b>Wards affected:</b>	All

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### PART 1

#### 1.1 Executive Summary:

At its meeting on Friday 28 September 2023 the Standards Sub-Committee considered and determined a complaint that had been submitted against a Member of the Council under the Authority's Code of Conduct for Members and Co-opted Members.

#### 1.2 Recommendation(s):

Council is requested to note the decision of the Standards Sub-Committee at its meeting on 28 September 2023.

#### 1.3 Forward Plan:

Twenty eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 25 October 2023.

## **1.4 Council Plan and Policy Framework**

This report does not relate to any of the priorities in the 2020/24 Our North Tyneside Plan.

## **1.5 Information:**

### **1.5.1 Background**

1.5.2 At its meeting on Friday 28 September 2023 the Standards Sub-Committee considered and determined a complaint that had been submitted against a Member of the Council under the Authority's Code of Conduct for Members and Co-opted Members.

1.5.3 A copy of the Full Decision Notice of the Standards Sub-Committee in relation to this matter is attached at the Appendix. The Full Decision Notice has also been published on the Authority's website.

1.5.4 This report is for information only.

## **1.6 Decision options:**

There are no decision options available for consideration Council as the decision on this matter has been made by the Standards Sub-Committee. This report is for information only.

## **1.7 Reasons for recommended option:**

Not applicable.

## **1.8 Appendices:**

Appendix: Hearing Decision and Letter of Censure – Full Decision Notice

## **1.9 Contact officers:**

Stephen Ballantyne, Head of Law and Monitoring Officer tel. (0191) 643 5329.

## **1.10 Background information:**

No background papers/information has been used in the compilation of this report.

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and other resources**

There are no financial implications arising from this report.

### **2.2 Legal**

There are no legal implications arising from this report. The legal and procedural matters relating to this matter are set out in the Full Decision Notice.

### **2.3 Consultation/community engagement**

The report is for information purposes only. There is no consultation or community engagement matters.

### **2.4 Human rights**

There are no human rights implications arising from this report.

### **2.5 Equalities and diversity**

There are no equalities and diversity issues arising from this report.

### **2.6 Risk management**

There are no risk management issues arising from this report.

### **2.7 Crime and disorder**

There are no crime and disorder issues arising from this report.

### **2.8 Environment and sustainability**

There are no environment or sustainability issues arising from this report.

### PART 3 – SIGN OFF

- Chief Executive  x
- Director(s) of Service  x
- Mayor/Cabinet Member(s)  x
- Chief Finance Officer  x
- Monitoring Officer  X
- Assistant Chief Executive  x

**NORTH TYNESIDE COUNCIL STANDARDS SUB-COMMITTEE**

**HEARING DECISION – FULL DECISION NOTICE**

<b>Name of Authority:</b>	North Tyneside Council
<b>Member subject of allegation:</b>	Councillor Liam Bones (not in attendance)
<b>Complainant:</b>	Mr James Allan
<b>Case Reference Number(s):</b>	NT09.2022-23
<b>Committee Members:</b>	Councillor Frank Lott (Chair); Councillor Lewis Bartoli; Councillor Eddie Darke
<b>Investigating Officer:</b>	Mr Colin Jones, C A Jones & Associates Ltd.
<b>Monitoring Officer:</b>	Mr Stephen Ballantyne
<b>Deputy Monitoring Officer:</b>	Mr John Barton
<b>Democratic Services Officer:</b>	Ms Joanne Holmes
<b>Independent Person:</b>	Mr Dan Entwisle
<b>Date and Time of Hearing:</b>	28 September 2023 at 10.00a.m.

**Summary of Allegation**

The complainant, Mr James Allan, a former Labour Councillor of the Authority, alleges that:

1. The Subject Member, Councillor Liam Bones, published an article about him that appeared on a Facebook page and website called "North Tyneside Gazette" operated by Councillor Bones which contained "varying inaccuracies".
2. In publishing the article, Councillor Bones had failed to treat him with respect by suggesting that he had failed to undertake any work when he was a North Tyneside Councillor and that he was paid £150,000 in allowances despite his failure to attend any meetings.

3. The contents of the article are an “outright lie” because he continued to undertake “casework” and attend online meetings despite his illness in the 6 months before he lost his seat on the Council and had attended “thousands” of meetings during his time as a Councillor.
4. The article was written in an attempt to degrade his character and his record as a Camperdown Councillor. It was deceitful and dishonest and as a result brought the Authority into disrepute.
5. The article was either written in ignorance of his illness or with a disregard for it.
6. The article was written in the knowledge that the by-election had been called as a result of his non-attendance at an Authority meeting for over 6 months. That knowledge could only have been known by Councillor Bones as a result of confidential information given to him by officers which he then used in the article.
7. The use of his photograph taken when he was a Councillor in the article was the use of an Authority resource for political purposes.

### **Relevant Paragraph(s) of the Code of Conduct for Elected Members**

The relevant paragraphs of the Code are:

#### **a) Part 1 Paragraph 1 of the Code – Treating others with Respect**

As a Member:

You must treat other Members and members of the public with respect.

#### **b) Part 1 Paragraph 4 of the Code – Confidentiality and access to exempt information**

As a Member:

You must not disclose information:

a) given to you in confidence by anyone

b) acquired by you which you believe, or ought reasonably to believe, is of a confidential nature, unless.....

c) Part 1 Paragraph 5 of the Code – Disrepute

As a Member:

You must not do anything to bring your role or the Authority into disrepute.

d) Part 1 Paragraph 7 – Use of the Authority's resources and facilities

As a Member:

You must not misuse the Authority's resources.

You must, when using the Authority's resources or authorising their use by others: -

- a. Act in accordance with the Authority's requirements; and
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Authority or of the office to which you have been elected or appointed.

**Preliminary Issues**

Non-Attendance

Councillor Bones did not attend the hearing.

Councillor Bones was given notice of the date and time of the hearing when the agenda and hearing papers were delivered to him. He was fully aware of his right to attend the hearing and make representations.

On the morning of the hearing, Councillor Bones chose to submit a statement and requested that it be read out during the hearing in his absence.

As the Sub-Committee could be satisfied that Councillor Bones was aware of the date and time of the hearing and had made a conscious decision not to attend, it considered it appropriate to proceed with the hearing in his absence. He had been afforded the right to attend the hearing and address the Sub-Committee.

Procedural Point

Councillor Bones wrote to the Monitoring Officer on 24 August 2023 and referred to Appendix 4 of the 'Arrangements for Dealing with Allegations of Breaches of the Code of Conduct for Members and Co-opted Members'.

The section 'Procedure for Standards Hearings' states therein, amongst other things, that on receipt of Forms A to E from a Subject Member, the Chair of the Standards Committee, in consultation with the legal adviser will then: -

*"confirm a date, time and place for the hearing, which must be within three months from the date that the report was completed".*

As the final Investigation Report was received on 23 May 2023, and the hearing before the Standards Sub-Committee would be held beyond that three-month period referred to in the Arrangements document Councillor Bones was of the view that *"the hearing cannot now take place as it would be specifically against the local arrangements agreed by Full Council"*.

The point raised by Councillor Bones was fully considered by the Monitoring Officer who provided legal advice on the procedural point raised by Councillor Bones to the Chair of the Standards Committee during the Pre-Hearing Assessment meeting with the Chair of Standards on 25 August 2023.

The Monitoring Officer responded to the procedural point raised by Councillor Bones in an email dated 31 August 2023 and set out the legal advice that he gave to the Chair of the Standards of Committee during the pre-hearing process meeting. That advice was included in the hearing papers and was read out during the hearing by the Monitoring Officer.

The Monitoring Officer in his advice recited that Councillor Bones despite repeated requests to do so and the requirement on him to comply with the Code of Conduct process, had failed to return the completed Forms A to E which would have provided his response to the Investigation Report and the findings contained therein. The Monitoring Officer also referred specifically to paragraph 15 of the Arrangements document and the paragraph 'Revision of these arrangements' which states: -

*"The Standards Committee/Sub-Committee, on the advice of the Monitoring Officer, may depart from these arrangements where it is necessary to do so in order to secure the effective and fair consideration of any matter."*

The advice of the Monitoring Officer to the Chair of the Standards Committee was that in the circumstances, it would be improper for the complaint against Councillor Bones to not proceed to a hearing. However,



ultimately, it would be a decision for the Sub-Committee to take as a preliminary matter, after receiving advice from him, on whether or not it should proceed to hear the complaint.

After hearing from the Monitoring Officer, the Sub-Committee determined that it should hear the complaint notwithstanding the three-month period set out in the Arrangements had been exceeded. The failure by Councillor Bones to co-operate with the pre-hearing process by failing to return Forms A to E, despite repeated requests for him to do so, meant that the Monitoring Officer was unable to discuss the responses with the Chair of the Standards Committee in accordance with the process set out in the 'Procedure for Standards Hearings'. That resulted in the delay complained of by Councillor Bones. Had Councillor Bones indicated that he had no intention in returning the Forms then a hearing before Sub-Committee could have been arranged sooner. In fact, on the 5 July 2023 Councillor Bones said that he would return the completed Forms A to E as soon as possible. He failed to do so.

The Sub-Committee was also conscious of the overriding need for it to secure the *"effective and fair consideration of the complaint"*. That meant that on the one hand it was appropriate to be seen to be giving Councillor Bones as much opportunity as possible to be able to engage in the process and to be able to properly set out his position, whilst on the other ensuring that the complainant, Mr Allan, had his complaint dealt with as quickly and as fairly as possible. In other words, to ensure that the rules of natural justice are applied.

In the circumstances, the Sub-Committee considered that it was appropriate on this occasion for it to depart from the 'Arrangements for Dealing with Allegations of Breaches of the Code of Conduct for Members and Co-opted Members' and to hear and deal with the complaint submitted against Councillor Bones.

#### Exclusion of the press and public

Consideration was given as to whether a resolution to exclude the press and the public from the hearing was required.

Neither Councillor Bones nor the Independent Investigator, Mr Jones, requested that the hearing, or parts of the hearing be dealt with in private. Mr Allan had indicated that he wished the hearing to be dealt with in an open session.

The 'Procedure for Standards Hearings' states that that Standards hearings of this nature should be open to the public unless there is confidential or exempt information under Schedule 12A of the Local Government Act 1972. There is clearly 'exempt' information in that the hearing papers contain information relating to individuals. In that regard, after considering paragraph 10 of Schedule 12A of the Local Government Act 1972, the Sub-Committee concluded that the public interest would be better served by the hearing being dealt with in open rather than in private session.

There was therefore no resolution passed by the Sub-Committee excluding the press and public from the hearing.

#### Local Resolution

The Arrangements for Dealing with Allegations of Breaches of the Code of Conduct for Members and Co-opted Members is clear that if there is evidence of a failure to comply with the Code of Conduct, there may still be an opportunity for a local resolution and avoid the need for a hearing. However, any local resolution is conditional on a complainant being satisfied with the outcome achieved by a local resolution.

On the final Investigation Report and its findings being sent to Mr Allan and Councillor Bones by the Monitoring Officer, he asked if they would consider a disposal of the complaint by way of local resolution.

Mr Allan indicated that he was not agreeable to the matter being dealt with by way of local resolution. Councillor Bones did not respond to the request to consider a local resolution as a means of resolving matters.

The matter has therefore proceeded to a hearing.

The Chair stated that he was tasked with the responsibility of ensuring that there was a fair and efficient hearing and delay in reaching a decision on the complaint was minimised. The Chair emphasised that the Investigation Report and its findings were focussed on Councillor Bones's actions in publishing an article that appeared on a website operated by him known as "North Tyneside Gazette". The article was published on 9 June 2022 around the time that a by-election was called in Mr Allan's seat (he was a former Councillor) in the Camperdown Ward. Mr Allan was referred to in the article as the "*Laziest Labour Councillor*" and to having allegedly receiving over £150,000 in allowances during his time as Councillor when it

was reported that he *“didn’t think it necessary to attend the meetings he was being paid to go to”*.

Mr Allan complained that the article was deceitful and dishonest and brought the Authority, or Councillor Bones’s office, into disrepute. Mr Allan said in his complaint that despite his illness he had been undertaking countless *“bits of casework”* and claimed that during his period in office he had attended *“thousands”* of meetings as a Councillor. Mr Allan claims that in publishing the article Councillor Bones had failed to treat him with respect and had been an attempt to degrade his reputation as a former Councillor.

Mr Allan also complained that Councillor Bones had used confidential information only known to him as a Councillor to publish the article and that Councillor Bones had also used a photograph of Mr Allan in the article which was the property of the Authority and was therefore an improper use of its resources.

### **Findings of Fact**

References in brackets below to paragraph numbers refer to paragraphs in the investigator’s report considered by the Sub-Committee.

The Sub-Committee, following careful consideration of the papers and the submissions made today by Mr Jones and Mr Entwisle, and the statement submitted by Councillor Bones before the hearing finds the following:

#### Application of the Code

Councillor Bones does not dispute that he was the author of the article that appeared in the ‘North Tyneside Gazette’ (*“the article”*) about Mr Allan on 9 June 2022. (Para 6.1.1).

The Sub-Committee was satisfied that the Code of Conduct for Members was engaged when Councillor Bones published the article in question because the article related wholly to *“Council business”*. He was therefore engaged in business directly related to the Authority and/or its constituents so was acting in his capacity as an elected Member. (Paras 3.6.1 and 3.6.2).

#### Publication of the Story in ‘North Tyneside Gazette’

1. The article published by Councillor Bones on 9 June 2022 included the following passages –

- *“Voters to go to polls after ‘Laziest Labour Councillor’ kicked out”.*
  - *“During his time as a Councillor, Mr Allan received over £150,000 in allowances – but didn’t think it necessary to attend the meetings he was being paid to go to”.*
  - *Labour Councillor Kicked Out.*
  - *“How many elections do we need to have before we get a Councillor who does the job?”*
2. It is not disputed that Councillor Bones was responsible for the publication of the article (paragraph 6.1.1).
  3. Councillor Bones suggested that in accordance with the Heesom v Public Ombudsman of Wales, Mr Allan was subject to wider limits of acceptable criticism than other Members of the public because the article related to a period of time when Mr Allan was a Councillor. (Para 6.1.5).
  4. Councillor Bones also claimed that the statements that he made in the article were made in a political context and therefore, even if untrue, could be “tolerated” because they had some factual basis. Councillor Bones is of the view that the statements contained in the article “all had a factual basis”. (Para 6.1.6.).
  5. When considering whether the statements appearing in the article had a “factual basis”, including the statement that –
 

*“During his time as a Councillor, Mr Allan received over £150,000 in allowances – but didn’t think it necessary to attend the meetings he was being paid to go to.”*
  6. it is the case that Mr Allan during “his time as a Councillor” had in fact attended very many meetings of the Authority. That is verified by the Minutes of a sample of the meetings attended by Mr Allan over the years referred to in the Investigation Report. (Para 6.1.1).

7. The £150,000 estimate of allowances received by Mr Allan referred to in the article could only ever be based on Mr Allan's entire period as a Councillor over many years and not merely for the period of 6 months absenteeism. (Para 6.1.9).
8. The statement appearing in the article relating to Mr Allan's attendance and allowances as set out in paragraph 5 above was not an accurate reflection of the truth. (Para 6.1.10).
9. As part of his role in the Conservative Group, Councillor Bones regularly checked the attendance of Councillors at Authority meetings, including the attendances of Mr Allan. It is in that context, and being aware that Mr Allan had attended very many meetings over the years, that Councillor Bones chose to refer to Mr Allan in the article as the "*Laziest Labour Councillor*". (Paras 6.1.10 and 6.1.11).
10. The right of freedom of expression afforded to Councillor Bones as an elected Member is a qualified right. Therefore, the statements made in the article needed to be justified by him. The claims in the article that Mr Allan had obtained £150,000 in allowances without "*thinking it necessary to attend the meetings he was being paid to go to*" and referring to him as "*lazy*" for not attending any meetings, could not be justified and Councillor Bones knew them to be false. (Para 6.1.14).
11. The information contained in the article regarding Mr Allan's non-attendance at Authority meetings for over 6 months was true. Information in relation to the attendance of Members at meetings is publicly accessible, and the disqualification rules are a matter of law (Para 6.2.1.3).
12. The photograph of Mr Allan included in the article was one which the Authority was likely to hold the copyright of and as such could be seen as its resource. However, the photograph also appears in other publicly available sources, such as the press, and was obtained through one of those sources. (Para 6.2.4.2)

## **Findings as to whether there has been a failure to follow the Code of Conduct**

The Sub-Committee, having read the papers, including the statement from Councillor Bones, and having heard from the Independent Investigating Officer, carefully considered whether one or more breaches of the Code of Conduct had occurred. In reaching its decision the Sub-Committee took account of the views of the Independent Person who was in attendance at the hearing and the Sub-Committee's deliberations throughout.

### **No Breach**

The Committee found that Councillor Bones **had not** breached the following paragraphs of the Code of Conduct for Elected Members:

Part 1 Paragraph 4 of the Code – Confidentiality and access to exempt information

As a Member:

You must not disclose information: -

- a) given to you in confidence by anyone;
- b) acquired by you which you believe, or ought reasonably to believe, is of a confidential nature, unless.....

or;

Part 1 Paragraph 7 of the Code – Use of Authority's Resources and Facilities –

As a Member;

You must not misuse the Authority's resources.....

### **Breaches**

The Sub-Committee found that Councillor Bones **had breached** the following paragraphs of the Code of Conduct for Elected Members:

Part 1 Paragraph 1 of the Code – Respect

As a Member:

You must treat other Members and members of the public with respect.

## Part 1 Paragraph 5 of the Code – Disrepute

As a Member:

You must do anything to bring your role or the Authority into disrepute.

The Sub-Committee considered that the actions of Councillor Bones in publishing the article in the 'North Tyneside Gazette' on 9 June 2022 showed a lack of respect towards Mr Allan. Irrespective of whether Councillor Bones knew about Mr Allan's illness or not, there was no excuse for him to have made the comments he did about Mr Allan, including the statement about Mr Allan's attendance at meetings and the allowances he is said to have received, which were, in the words of the Independent Investigator *"not an accurate reflection of the truth"*.

### **Sanctions**

The Sub-Committee considered the sanctions available to it and heard from the Investigating Officer, the Independent Person and read what Councillor Bones had to say in the statement submitted on the morning of the hearing.

The Sub-Committee had accepted and agreed with the views of Mr Jones, the Independent Investigator and Mr Entwisle, the Independent Person that there had been a breach of the Code of Conduct.

The Sub-Committee had regard to the statement submitted by Councillor Bones. In that statement he said: -

*"Because of the lack of such an 'exemption motion', I incorrectly assumed Mr Allan's absence was due to laziness not illness. This was wrong, and I am sorry."*

He then went on to say: -

*"I would once again like to extend an apology to Mr Allan for my poor language and its subsequent effect. In the time since my comments, I have both reflected on my actions and spoken with the Monitoring Officer, as well as received training on the code of conduct. Since then, no further complaints against me have proceeded."*

The Sub-Committee, and the Independent Person welcomed Councillor Bones's willingness to apologise to Mr Allan and that he had made an

incorrect assumption when publishing the article in the 'North Shields Gazette' and that he has reflected on his actions and has accepted that what he said was wrong.

Both the Mr Jones and Mr Entwisle when asked to comment on any possible sanctions both suggested that given the public nature of the comments made about Mr Allan by Councillor Bones, that any apology given by Councillor Bones to Mr Allan would have to be a "*public*" apology.

The Sub-Committee determined that: -

1. A letter of apology be issued by Councillor Bones to Mr Allan.  
  
The letter of apology be supplied to the Chair of the Standards Committee and Monitoring Officer, and agreed with the Chair of the Standards Committee and the Monitoring Officer, as soon as possible before it is sent to Mr Allan.
2. A letter of censure be issued to Councillor Bones by the Sub-Committee; and
3. The decision of the Sub-Committee be reported to a meeting of the full Council for information.

In reaching its decision the Sub-Committee took account of the views of the Independent Person and the Independent Investigator.