



North Tyneside Council

Council

To All Members of the Council

Wednesday, 10 January 2024

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, 18 January 2024** for the transaction of the following business.

<u>Agenda</u> <u>Item</u>	<u>Page(s)</u>
Seating Plan	5 - 6
1. Public Questions	7 - 8
1 valid question has been received from a member of the public for this meeting.	
2. Apologies	
3. To receive any Declarations of Interest	

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.

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. | Minutes of the meeting held on 23 November 2023 | 9 - 36 |
| 5. Motions 37 - 44 | | |
| 5 valid Motions on Notice, signed by at least three Members of the Council, have been received for consideration at this meeting. | | |
| 6. | Report of the Independent Remuneration Panel | 45 - 56 |
| Council is asked to consider the report and the recommendations of the Independent Remuneration Panel. | | |
| 7. | Request for Dispensation pursuant to Section 85 of the Local Government Act 1972 | 57 - 62 |
| Council is asked to consider the report to grant a dispensation in respect of Councillor John Hunter, under Section 85(1) of the Local Government Act 1972. | | |
| 8. | Programme of Meetings 2024/25 | 63 - 70 |
| The Council is asked to consider the report and recommendations in relation to the Programme of Meetings for the 2024/25 Municipal Year. | | |

<u>Agenda Item</u>	<u>Page(s)</u>
9. Second Home Council Tax Premium – April 2025	71 – 80
Council is asked to consider the report and recommendations in relation to Council Tax Empty Property Premium.	
10. Chair's Announcements	
To receive any announcements by the Chair of Council.	
11. Elected Mayor's Announcements	
To receive any announcements by the Elected Mayor.	
12. Questions by Members of the Council	81 – 82
3 valid questions on notice have been received for a response at this meeting.	
13. Decisions of Standards Sub-Committee	83 – 118
Council is requested to note the decision of the Standards Sub-Committee from its meeting on 1 December 2023.	

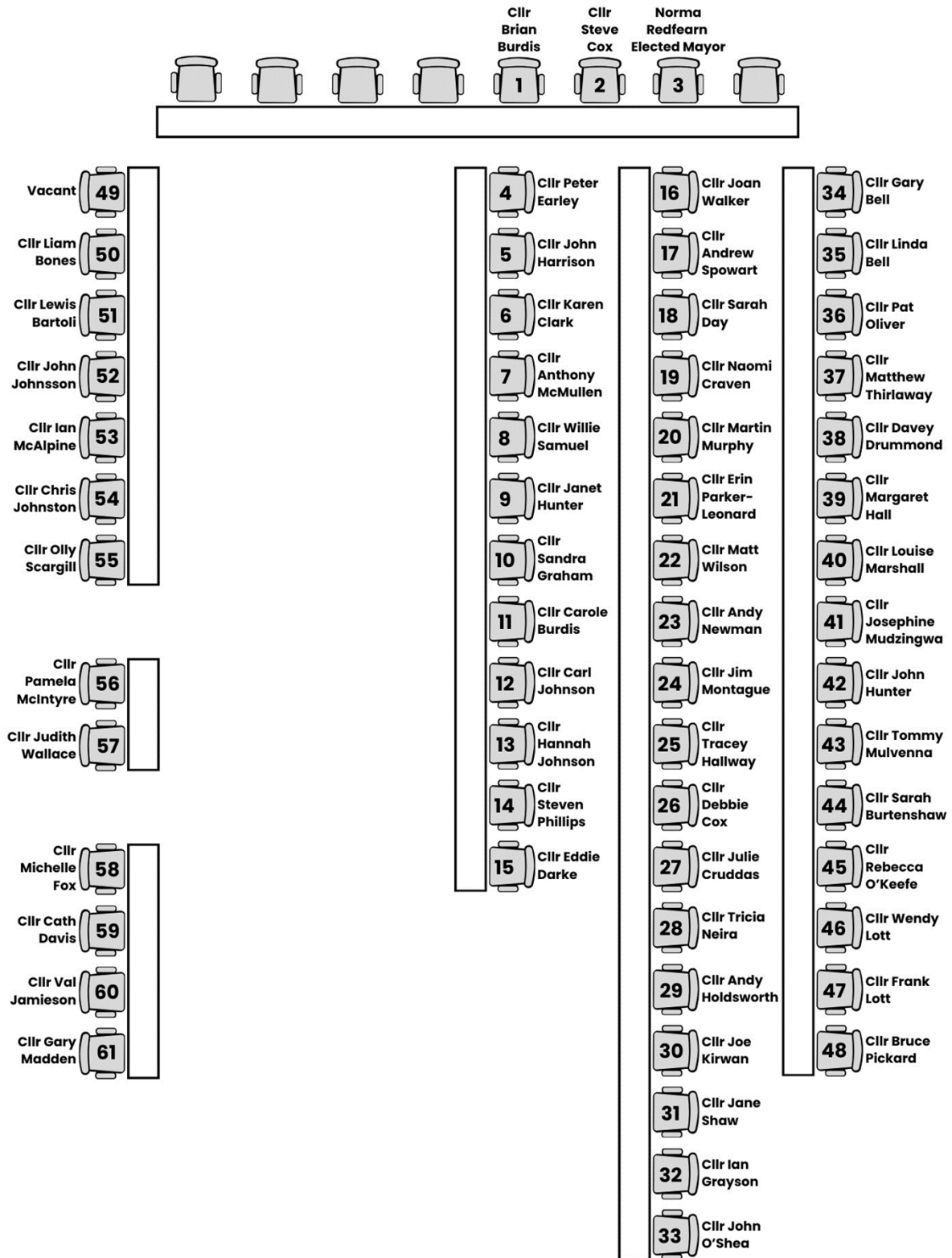
Yours faithfully



Chief Executive

This page is intentionally left blank

Agenda Annex



This page is intentionally left blank

North Tyneside Council Report to Council 18 January 2024

Title: Questions by Members of the Public

Notice has been received of the following question from a member of the public to be put to the Council meeting.

1. Question to the Elected Mayor from Mr Steele of Tynemouth

Hello, I wish to ask the council the following question at the meeting scheduled for 18th January 2024.

In November 2009 the council leased land on which the Rising Sun Farm in Wallsend sits, to the Registered Charity 'The Rising Sun Farm Trading Company' for 25 years on a 'peppercorn' rent.

The last update I can find, dated the 27th March 2023, says that, following the 'Rising Sun Farm Trading Company' filing for insolvency, the farm is now the responsibility of North Tyneside Council and that the authority would be inviting expressions of interest from community-based organisations to take over the running of the farm to ensure the '*Council can work with a new provider who will manage the farm and give it the bright future it deserves*'.

The council also stated that it would be '*continuing to work with both the current and former Board of Trustees to ensure the successful continuation of the lease of the council land, which has an agreement until 2034*' (Chronical Live Oct 2022). I note that, according to Companies House, there is only one active member of the board.

Can the council give an update on the actions being taken to ensure the ecological and financial future of this valuable cultural asset?

This page is intentionally left blank

Local Government Act 1972

Borough of North Tyneside

Thursday, 23 November 2023

At the meeting of the Council of the Borough of North Tyneside duly convened and held on Thursday, 23 November 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)

Councillor L Bartoli	Councillor G Bell
Councillor L Bell	Councillor L Bones
Councillor C Burdis	Councillor S Burtenshaw
Councillor K Clark	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 S Graham	Councillor I Grayson
Councillor M Hall	Councillor T Hallway
Councillor J Harrison	Councillor A Holdsworth
Councillor Janet Hunter	Councillor V Jamieson
Councillor C Johnson	Councillor H Johnson
Councillor J Johnsson	Councillor C Johnston
Councillor J Kirwin	Councillor F Lott
Councillor W Lott	Councillor G Madden
Councillor I McAlpine	Councillor P McIntyre
Councillor A McMullen	Councillor J Montague
Councillor J Mudzingwa	Councillor T Mulvenna
Councillor M Murphy	Councillor A Newman
Councillor P Oliver	Councillor J O'Shea
Councillor E Parker-Leonard	Councillor S Phillips
Councillor B Pickard	Councillor W Samuel
Councillor O Scargill	Councillor J Shaw

Councillor A Spowart
Councillor J Walker
Councillor M Wilson

Councillor M Thirlaway
Councillor J Wallace

Apologies: Councillor M Fox, Councillor John Hunter, Councillor L Marshall, Councillor T Neira, Councillor R O'Keefe and N Redfearn

C48/22 Minute Silence

A minute's silence was observed in respect of the passing of Councillor Linda Arkley OBE, serving councillor for Cullercoats ward. She was first elected as councillor in 1991 for Tynemouth. In 2003 she was the Borough's first female elected Mayor, a position she was elected into again in 2009.

She received an OBE in 2018 for services to politics, as recognition of her dedication.

C49/22 Presentation from the Northumbria Police and Crime Commissioner

Council heard from Northumbria Police and Crime Commissioner (PCC), Kim McGuinness.

Kim advised Council that she was pleased to attend the meeting and to have in attendance with her Vanessa Jardine, the Chief Constable, who has been in post since April of this year.

It was noted that North Tyneside Council and Councillors have been an important partner in the work of the office of the Police and Crime Commissioner and that the region continues to remain a safe region and North Tyneside a safe place to live and work.

However, the Commissioner advised that there are still challenges to face, there is definitely a North / South divide when it comes to recruitment. There was nothing mentioned in the Autumn Statement about public services and whilst other forces report historic numbers we are still fighting for more cops.

However, the force has recently launched a new era of Neighbourhood Policing with 134 new police officers in neighbourhoods and 98 additional PCSOs. There is

a targeted effort on Transport to improve transport safety and NTC have funded extra wardens to target offenders with £1m from the PCC office.

The Police are aware of the issues of Motorcycle Anti-Social behaviour and using intelligence and the introduction of drones are behind the key partnership successes. It was re-iterated that this is a safe Borough and a safe region.

The Chief Constable also advised Council that she too was delighted to be here and has spent her first few months getting out and about to meet people, speaking to her members of staff and getting to know partners and stakeholders. The Chief Constable highlighted three of her key priorities as follows:

1. To be there when needed
2. To make improvements in response
3. With regards to investigations, keeping victims up to date

The Chief Constable advised that the force will continue with their priority based budgeting approach in order to realise some investment opportunities and are looking at an operating model review, work has already started and it is expected that everything will be in place by April 2024. There are and continue to be challenges, including national challenges which can affect us locally. There have been protests on a huge scale, not here in but officers are working hard to reassure the public, we are keeping them safe. The Chief Constable's advised that from her perspective she advised that North Tyneside is a very safe place to live and work and a great place to live and work.

The chair thanked the PCC and the Chief Constable for their attendance and advised members if their questions had not been asked they could send them to the PCC's office via the chairman and responses would be arranged.

C50/22 Public Questions

1. Question from Mr Christie of Wallsend

I would like to thank the Chair of allowing me to bring this question forward to this meeting, which happens to coincide with Road Safety Week. 5 people killed and 76 people seriously injured every day on our roads, every act of road violence has a serious detrimental impact on victims and their families.

On the 21 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 has 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 working 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 as a neutral observer as being disingenuous.

As a result, I am 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 September 2023 to include the hearing of evidence to the Committee?

Councillor H Johnson responded on behalf of the elected mayor as follows:

Thank you Mr Christie for your questions. Following the road safety Motion and subsequent review at the Green Sub Committee, it was agreed that the Council will undertake discussions with emergency services stakeholders. The purpose of which are to review working practices and processes, establish opportunities to share information, promote Community Speed Watch and to review all moving traffic offences.

As part of these discussions, we will also undertake a public consultation exercise to give residents the opportunity to provide comments as how best to deal with road safety and speeding prevention.

The public consultation exercise will commence in January 2024 for 4 weeks and be made available through the Council's website. The results of the consultation will be published and included in the new plan for addressing the Motion.

The final report will be presented at a council meeting in March 2024 for approval.

We will also include evidence from the public in addressing the motion following the consultation exercise.

Consultation on the plan will commence in January 2024, and this will give our residents the opportunity to help shape and influence the plan by providing comments regarding what measures they would like to see being included to address speeding concerns.

This plan will be included as an addition to the Travel Safety Strategy that is currently being updated and refreshed. At this stage members of the public will be given the opportunity to submit comments for inclusion in the document relating to improving road safety and preventing speeding.

Mr Christie asked the following supplementary question:

In relation to the planning processes that entrenches a motoring attitude with wide sweeping corners, junctions, massive multi lane roundabouts and pedestrian barriers, not to protect pedestrians but to allow progression of motors without the threat of inconvenience to motorists, you have the opportunity to design the life out of anti-social motoring behaviour, noting the motion to include speed-watch was mentioned, this is just another loose attempt to show progress without actually doing anything on behaviours.

Hunter S Thompson US Journalist said, we can't expect people to have respect for Law and Order until we teach respect to those we have entrusted to enforce these laws. When will the leadership show actual political will, invest in measures to enforce civil motoring offences within the Borough.

Councillor Johnson responded as follows:

We will be undertaking a consultation and speaking to emergency services which will include Northumbria Police, we will also be consulting with other groups as well, Driving Schools and the British Horse Society to make sure our roads are as safe as possible. I know that you as well are specifically involved in Denbeigh School and School Streets and I am actually going to be meeting with the Head Teacher along with officers over the next week or so and going to be discussing that specifically with her as well.

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?

Councillor C Johnson responded on behalf of the Elected Mayor as follows:

I fully agree that loneliness is a collective challenge that requires action.

While the Office for National Statistics survey highlighted that North Tyneside was in the worst 10% of local authority areas, this survey was carried out during a national lockdown and at a time where North Tyneside had additional local restrictions in place.

More recently the Council's resident survey found that 8% of residents reported feeling lonely or isolated most or all of the time, which is in line with the national average.

We need to note that loneliness isn't just an individual issue; it's a community concern that impacts us all. Loneliness can erode the sense of connection and belonging that is vital for a thriving community.

While the 'loneliness' stereotype is often that of older people, we know the main challenge of loneliness is that it can affect anyone at any stage of life.

As a Council we provide many direct services to help combat loneliness, promote social connections, and build relationships. It is clear that health, education, transport, housing, planning, employment, culture, and leisure can all make a dramatic difference to reducing loneliness.

Our Residents' Survey and national research highlights that there are some circumstances or personal characteristics that can put people at greater or lesser risk of loneliness including life challenges, such as redundancy, retirement, parenthood, bereavement, and caring responsibilities.

Many of the Council services available to support our residents can alleviate loneliness at different life stages including our **Family Hubs** that support new parents, **Adult Skills and Employment service** which provide opportunities to learn new skills, gain confidence and gain employment.

Care and Connect provides residents with opportunities to access activities and groups to support wellbeing and reduce isolation. Our **Warm Welcome spaces** give residents access to free hot drinks, Wi-Fi, and opportunities to do activities such as bingo, crafts and cookery lessons.

Our newly approved **Connecting Communities strategy** will turn four existing Customer First Centres and two community centres into community 'hubs', having inclusive spaces that become a focal point for community activity. Working with partners we will be able to join up the wide range of activities that are provided in our communities.

Mr Jones asked the following supplementary question:

The ongoing review of polling stations have flagged up areas where polling places have had to be placed outside of polling districts because there's not a single communal building within the area, meanwhile there is a number of large housing developments being permitted which include no communal amenities setting up the long term future for more of the same. Does the Council recognise that this is part of the problem and will it commit to finding ways to make sure future developments build communities rather than just maximising the number of houses.

Councillor Johnson responded as follows:

I absolutely do recognise that some developments don't have community facilities and shops on, we will work with the master plans in all of our large developments to make sure that is the case. The reality is that we would need a change in primary legislation in order to enforce that, we would need a change in National Planning Policy Framework in order to ensure that any development built

had to have community facilities on, I absolutely think they should, this is something we will continue to campaign on and I hope Mr Jones will join us in trying to make sure we get a change in primary legislation to try and combat loneliness as there is a real issue and we don't just want large housing estates built that causes huge issues, we need places that are for communities and where communities can thrive.

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

In October this year, 'Climate Emergency UK' published their 'Climate Scorecards for Council'. North Tyneside Council's overall score of 27% was below the average of 35%. In particular, it scores NTC very poorly in the 'Governance and 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?

Councillor S Graham responded on behalf of the Elected Mayor as follows:

Thank you for your question Mr Steele.

We don't agree with the climate scorecards for councils published by 'Climate Emergency UK'.

The evidence we provided in response to initial scoring via volunteer research, does not appear to have been taken into account. We are therefore currently in the process of challenging the findings in the scorecard, with significant supporting evidence.

Climate emergency UK seem to think our net zero target is 2050 when in actual

fact it is 2030 as you and the people in our borough know very well.

Indeed, I am very proud of the Council's Carbon Net-Zero 2030 action plan and the positive results this is producing.

Only last week, the Council was notified of our recent assessment by the Carbon Disclosure Project. This is a well-established global assessment of climate action by cities and regions, resulted in the Council being awarded the highest possible grade - which is a grade 'A'.

Of the 939 applicants in 2023, only 119 were awarded the A grade and this places North Tyneside on the "A list" alongside cities such as New York, Tokyo, London, Barcelona, Paris and Sydney.

Additionally, this year the Council won first prize in the category of Best Local Authority at the North East Energy Efficiency Awards and went on to finish in second place at the National Awards.

In terms of the North Tyneside Local Plan, this was adopted in 2017 following independent examination by an Inspector acting on behalf of the Secretary of State who concluded that it provided policies and proposals capable of securing sustainable development in the Borough.

There is work to do nationally, to ensure the climate and carbon considerations are a clear part of development frameworks. This is currently not the case and a re-working of policy framework is promised by government, when that changes our policies will change accordingly.

In the meantime, we continue to use all of the tools at our disposal to tackle this pressing issue that means so much to the Mayor, Cabinet, Council and the communities we serve. Thank you once again for your question.

Mr Steele asked the following supplementary question.

A number of points of contention there, a lot of Councils have scored well have welcomed the report, I found Sandra's response was kind of defensive, wonder if the council would consider collaborating with other councils that have got different scores in key areas.

Councillor Graham responded as follows:

Responding to Climate Emergency UKs climate scorecards, Councillor Darren Rodwell, Climate spokesperson for the LGA said that as leaders of their communities, leaders of Local Government have a fundamental role to play in tackling climate change, its very complex, bring very unique and inter-connecting and collective challenges to every place. We don't support league tables as they often paint a two dimensional picture of the context that Council's are working within and unfairly compare councils with different challenges. There are many authorities in this region who are challenging the scores, they have lost points like we have because the local plan doesn't include the Net Zero target and the target was set after the plan was produced. We've lost points for not reporting on our own emissions and not reducing our own emissions, both are false, we do. We've lost points for not raising income for climate action from any other sources despite a wealth of evidence to the contrary we gave them around a whole range of successful grants, we lost points for not enabling residents to shape the action plan and work programme, despite evidence to the contrary. We lost points for not having a clean air zone when we don't need one, we then lost points for not charging private vehicles for entering the clean air zone that we don't have. I could go on and on Mr Steele, but thank you again for your question.

C51/22 To receive any Declarations of Interest

Councillor S Cox and Councillor D Cox declared a disclosable pecuniary interest in Item 9 Empty Council Tax Property Premium and indicated that they would leave the meeting during consideration of this item.

C52/22 Minutes of the meeting held on 21 September 2023

RESOLVED – That the minutes of the meeting held on 21 September 2023 be taken as read, confirmed and signed by the Chair.

C53/22 Motion 1

It was moved by Councillor C Davis and seconded by Councillor G Madden that:

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.

An amendment was moved by Councillor K Clark and seconded by Councillor P Earley as follows:

In the second sentence, after Council, to insert 'should seek funding from the Government to',

At the end of the third paragraph, to insert 'However council notes clear guidance from public health England is If you smoke, vaping is much safer; if you don't smoke, don't vape.'

In the fourth paragraph, after North Tyneside, to insert 'agrees to write to the Government to seek funding support' and to delete 'to be considered' from the end of the sentence.

The amended motion therefore read:

North Tyneside welcomes the new Tobacco and Vapes Bill to create a generation which is smoke free. We as a council should seek funding from the Government to 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. However council notes clear guidance from public health England is If you smoke, vaping is much safer; if you don't smoke, don't vape.

With this in mind North Tyneside agrees to write to the Government to seek funding support for the following measures:

- 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.

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

Votes for the Amendment:

Councillors G Bell, L Bell, B Burdis, C Burdis, S Burtenshaw, K Clark, D Cox, S Cox, N Craven, J Cruddas, E Darke, C Davis, S Day, D Drummond, P Earley, S Graham, I Grayson, M Hall, T Hallway, J Harrison, A Holdsworth, Janet Hunter, V Jamieson, C Johnson, H Johnson, J Kirwan, F Lott, W Lott, G Madden, A McMullen, J Montague, J Mudzingwa, T Mulvenna, M Murphy, A Newman, P Oliver, J O'Shea, S Phillips, E Parker-Leonard, B Pickard, W Samuel, J Shaw, A Spowart, M Thirlaway, J Walker, M Wilson.

Votes against the amendment:

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

The amendment was approved by 46 votes to 8 votes.

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

C54/22 Motion 2

(Cllr G Madden left the meeting at this point)

It was moved by Councillor I McAlpine and seconded by Councillor C Johnston that:

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.

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

To add the following to the first paragraph 'Conservative Government mismanaging the economy and'

To remove paragraph 4.

To add the following final paragraph:

'Asks the Mayor to continue with her policy of free weekend and evening parking in our town centres to support more people to shop locally supporting our outstanding small businesses. Note that while introducing 2 hour free parking during the day time would be positive, it wouldn't be possible to enforce this without a TRO in place and we couldn't introduce one at such short notice without consultation. Note that this policy would also need to be fully tested and changing daytime weekday parking arrangements is likely to have a significant

impact on residential parking around the town centres.'

The amended motion therefore read:

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 Conservative Government mismanaging the economy and 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 continue with her policy of free weekend and evening parking in our town centres to support more people to shop locally supporting our outstanding small businesses. Note that while introducing 2 hour free parking during the day time would be positive, it wouldn't be possible to enforce this without a TRO in place and we couldn't introduce one at such short notice without consultation. Note that this policy would also need to be fully tested and changing daytime weekday parking arrangements is likely to have a significant impact on residential parking around the town centres.

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

Votes for the Amendment:

Councillors G Bell, L Bell, B Burdis, C Burdis, S Burtenshaw, K Clark, 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 Kirwan, F Lott, W Lott, A McMullen, J Montague, J Mudzingwa, T Mulvenna, M Murphy, A Newman, P Oliver, J O'Shea, S Phillips, E Parker-Leonard, B Pickard, W Samuel, J Shaw, A Spowart, M Thirlaway, J Walker, M Wilson.

Votes against the amendment:

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

Abstentions:

Councillors C Davis and V Jamieson

The amendment was approved by 43 votes to 8 votes with 2 abstentions.

A further amendment was moved by Councillor C Davis and seconded by Councillor V Jamieson as follows:

In paragraph 1, to remove 'war in Ukraine' and replace with 'obscene profits made by energy companies and banks together with the Government's incompetence and cuts to local authority funding'.

To insert the following as paragraph 4 'Investigate whether the existing costs of car-parking discriminate, in practice, against users in North Shields and whether there should be better provision for disabled drivers.'

The amended motion therefore read:

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 obscene profits made by energy companies and banks together with the Government's incompetence and cuts to local authority funding.
- 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.

Investigate whether the existing costs of car-parking discriminate, in practice, against users in North Shields and whether there should be better provision for disabled drivers.

Asks the Mayor to continue with her policy of free weekend and evening parking in our town centres to support more people to shop locally supporting our outstanding small businesses. Note that while introducing 2 hour free parking during the day time would be positive, it wouldn't be possible to enforce this without a TRO in place and we couldn't introduce one at such short notice without consultation. Note that this policy would also need to be fully tested and changing daytime weekday parking arrangements is likely to have a significant impact on residential parking around the town centres.

The amendment, on being put to the meeting, was approved by 45 votes to 8 votes.

A further amendment was moved by Councillor L Bones and seconded by Councillor C Johnston as follows:

To add the following paragraph: 'Asks the Mayor to introduce 2-hours of free parking from next year, for the duration of December, to support our small businesses each and every Christmas.'

The amendment, on being put to the meeting, was rejected by 45 votes to 8 votes.

A recorded vote on the substantive motion was requested by two members present.

Votes for the Motion:

Councillors G Bell, L Bell, B Burdis, C Burdis, S Burtenshaw, K Clark, D Cox, S Cox, N Craven, J Cruddas, E Darke, C Davis, S Day, D Drummond, P Earley, S Graham, I Grayson, M Hall, T Hallway, J Harrison, A Holdsworth, Janet Hunter, V Jamieson, C Johnson, H Johnson, J Kirwan, F Lott, W Lott, A McMullen, J Montague, J Mudzingwa, T Mulvenna, M Murphy, A Newman, P Oliver, J O'Shea, S Phillips, E

Parker-Leonard, B Pickard, W Samuel, J Shaw, A Spowart, M Thirlaway, J Walker, M Wilson

Votes against the motion:

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

The substantive motion, on being put to the meeting, was approved by 45 votes to 8 votes.

C55/22 Motion 3

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

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.

An amendment was moved by Councillor J Harrison and seconded by Councillor W Samuel as follows:

Bullet point 1 – to add the word 'Conservative' after 'welcomes the'.

To remove bullet point 2 and replace with 'Ask the mayor to write to all members

confirming we already have policies in place for council tenants with regards to animals and any part they may play in anti-social behaviours. But also notes that it is not only council tenants who may cause anti-social behaviour with regards to dogs and it is the police, not the council who have the powers to enforce this under the dangerous dogs act.'

The amended motion therefore read:

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 Conservative 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 write to all members confirming we already have policies in place for council tenants with regards to animals and any part they may play in anti-social behaviours. But also notes that it is not only council tenants who may cause anti-social behaviour with regards to dogs and it is the police, not the council who have the powers to enforce this under the dangerous dogs act.

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

Votes for the Amendment:

Councillors G Bell, L Bell, B Burdis, C Burdis, S Burtenshaw, K Clark, D Cox, S Cox, N Craven, J Cruddas, E Darke, C Davis, S Day, D Drummond, P Earley, S Graham, I Grayson, M Hall, T Hallway, J Harrison, A Holdsworth, Janet Hunter, V Jamieson, C Johnson, H Johnson, J Kirwan, F Lott, W Lott, A McMullen, J Montague, J Mudzingwa, T Mulvenna, M Murphy, A Newman, P Oliver, J O'Shea, S Phillips, E Parker-Leonard, B Pickard, W Samuel, J Shaw, A Spowart, M Thirlaway, J Walker, M Wilson.

Votes against the amendment:

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

The amendment was approved by 45 votes to 8 votes.

A recorded vote on the Substantive motion was requested by two members present.

Votes for the Motion:

Councillors G Bell, L Bell, B Burdis, C Burdis, S Burtenshaw, K Clark, 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 Kirwan, F Lott, W Lott, A McMullen, J Montague, J Mudzingwa, T Mulvenna, M Murphy, A Newman, P Oliver, J O'Shea, S Phillips, E Parker-Leonard, B Pickard, W Samuel, J Shaw, A Spowart, M Thirlaway, J Walker, M Wilson.

Votes against the Motion:

None

Abstentions:

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

The Motion was approved by 45 votes with 8 abstentions.

C56/22 Appointment of Deputy Chair of Caring Sub-Committee

(Councillor E Parker Leonard and Cllr A Holdsworthy left the meeting at this point)

Council sought nominations for the position of Deputy Chair of the Caring Sub-Committee.

Councillor Gary Bell was nominated. No other nominations were received.

On being put to the meeting, the appointment of Cllr Gary Bell as Deputy Chair of

the Caring Sub-committee was approved by 43 votes with 8 abstentions.

C57/22 Electric Vehicle Charging

Council received a report relating to Electric Vehicle Charging, following a cross-party working group which was established to consider matters raised in a motion agreed by full Council on 19 January 2023.

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

- a) The contents of 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; and
- b) The details of the report, including the actions recommended by the working group set out in the report be submitted to Cabinet for its consideration.

The recommendations, on being put to the meeting were approved unanimously.

C58/22 Council Tax Empty Property Premium

(Cllr D Cox and Cllr S Cox left the meeting for this item. Cllr A Spowatt and Cllr C Davis also left the meeting at this point)

Council received a report on the setting out the proposed changes to the Council Tax Empty Property Premium arising from the Levelling-up and Regeneration Bill which received Royal Assent on 26 October 2023.

It was moved by Councillor A McMullen and seconded by Councillor C Johnson that Council:

- (i) 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;
- (ii) 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 Council's constitution.
- (iii) Notes 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").

On being put to the meeting the report was approved by 45 votes to 2 votes.

C59/22 Request for Dispensation pursuant to Section 85 of the Local Government Act 1972

This item was withdrawn as Councillor Burdis was in attendance at the meeting.

C60/22 Chair's Announcements

Members were reminded that the 25 November marked the 16 days of action against violence against women, members were advised that one of the ways they can support this action is by wearing a white ribbon and that there was a box of white ribbons for those members who needed them at the entrance to the Chamber.

The Chair advised Council of the following events he had attended since the last meeting of Council in September.

The Chair informed Council that he had given out

Citizenship certificates to North Tyneside residents who have come from various part of the world all with different backgrounds who have brought with them the much needed skills that we require in the UK.

The Chair advised that he had been fortunate to be invited to the Salvation International Band concert in the Cultural Quarter in Howard Street in September. Also in September the Chair attended the Battle of Britain Commemoration Service at the War Memorial on the links.

The chair also attended the following events in October and November.

The State of Area Event at the Linskill Centre

He gave out medals and certificates at the Hadrian School Swimming Gala

He attended the Trafalgar Celebrations

He gave out certificates at the Adult Learning Awards in the Council Chamber, He opened a number of poppy appeals for the Royal British Legions of North Shields, Forest Hall and Whitley Bay

He attended Whitley Bay Rotary Club Centenary Lunch with thanks to John Clarkson and the members of the Rotary Club for that invitation

He was privileged to attend the dedication of Fields of Remembrance at Saltwell Park

The Chair advised Council that it was with Great Sadness that he attended the funeral mass of Councillor Linda Arkley.

The Chair advised that he was pleased to attend the Freedom of The Borough presentation to Sting

Finally the chair advised that he attended the 1945 Remembrance Service at the White Heart Centre

He also attended Remembrance Services at North Shields, Whitley Bay and Backworth.

C61/22 Elected Mayor's Announcements

Councillor Carl Johnson on behalf of Dame Redfearn who was very sad she could not be here as Councillor Johnson announced that Mark Longstaff would be retiring from North Tyneside Council after 28 years of service at North Tyneside but starting his working career in Local Government in 1984 and this would be his last council meeting.

Marks been at the sharp end of lots of big issues over the last 10 years in particular and has done a fantastic job and the Council really wants to express its thanks to Mark for that.

Councillor Johnson told Council that he personally was very sad to see Mark go as he had been a great assistance to him from even before he was a Councillor answering lots of questions. Really want to pay tribute to Mark for his service to North Tyneside

C62/22 Questions by Members of the Council

Question 1 – from Cllr 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?

Response from Councillor Clark

Thank you for your question. Like you, and most of us here, I too remember the White Ribbon motion being passed. We should all take pride in the fact it received unanimous support. Our message was therefore clear about the level of seriousness with which we take this issue and the values we want to uphold in North Tyneside.

I am pleased to report that significant progress has been made since the motion was passed.

Following its application, the Authority received formal accreditation from the White Ribbon organisation in November 2021 and therefore endorsement for the required 3-year plan we submitted.

We have:

- Established a growing network of **ambassadors** – those who have signed the White Ribbon pledge, men from across the authority, across partner organisations
- Embedded a group of **champions** – those who have committed to raise awareness, who are women and reflect those groups referred to
- Ensured we have a strong **communications plan**,
- Participated in the annual international **16 days of action** commencing on 'White Ribbon Day' on 25 November, and there is a whole range of actions in place including the Park Run at the Rising Sun Country Park on Sunday 25 November at 9am
- On the 16 days the White Ribbon flags will be flown at Quadrant, in Killingworth and the Lighthouse will be illuminated orange
- There is more ways on the Council website about ways people may want to get involved
- Engaged in developing the Authority's overall work on ensuring **dignity and respect** in working for the council.

We are now at the mid-way point of delivering our 3-year delivery plan and the steering group, chaired by our Director of Regeneration and Economic Development John Sparkes, is reviewing where we have got to and looking to shape the next steps going forward.

Question 2 – from Cllr 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?

Response from Councillor Carl Johnson

Thank you Councillor Newman, much like you I'm very disappointed that the honour this chamber has discussed many times and has received cross party support on, Councillor Gary Bell when he was Veterans Champion brought a number of motions on the Nuclear Test Veterans. We've had representatives from the community in here many times.

The way this was handled from the Government, the way they have organised it doesn't sit well with me Chair so I absolutely agree Nuclear Test Veterans deserve a high recognition for their service and we have spoken with the officer team, who will now make the necessary arrangements to hold a ceremony to celebrate those veterans that have been awarded medals.

Councillor Newman asked the following supplementary question.

Councillor Newman advised that due to the nature of the operations we don't hold any date on eligible veterans and the current policy is that any veteran who believe they are eligible have to apply on line, can I ask that the Council take an active role in advertising how veterans apply and encouraging all eligible veterans to apply for these medals?

Councillor Johnson responded as follows:

Absolutely Councillor Newman we will use all channels that we possibly can to try and promote this as far and wide as we possibly can.

Question 3 – from Councillor Olly Scargill

Will the Mayor provide usage data for Rake Lane, the New York bypass and the roundabout from before and after the introduction of their cycle scheme.

Councillor Sandra Graham provided the following response:

We aim to support people of all ages to take part in cycling as a healthy and sustainable way of getting to workplaces, shops, schools and other local destinations. In our Cycling Strategy we set out how we will support 'everyday cycling'.

We measure numbers of cycle trips through electronic counters at locations throughout the borough, and a summary of this is reported to Cabinet each year as part of the North Tyneside Transport Strategy Annual Report. This showed that cycling in the borough was 18.6% higher than the Authority's target for 2022.

Pre-pandemic data is not available for Rake Lane and the New York Bypass. We have recently installed fixed cycle counters on the route to enable us to monitor cycling growth in this corridor. These fixed counters were installed in April 2023, one just east of the New York by-pass, Billy Mill Lane roundabout works and the other to the west of the Rake Lane Preston North Road roundabout. Data from the cycle counters indicates that the current average daily number of cyclists using this route is 154, however, it should be noted that roadworks associated with the new housing development are currently ongoing on this route.

The Authority has also been successful in securing £11m of external funding to deliver the Sea Front Sustainable Route, which will encourage families and visitors to cycle to and along North Tyneside's coast. I look forward to seeing many more people taking part in cycling, which will help to support people's health, better local air quality and our carbon net-zero goals.

Councillor Scargill asked the following supplementary question.

I don't think that was an answer to the question, given that we aren't going to get the data, had the scheme been put to the vote last year as we asked the scheme would never have gone ahead, people would have voted overwhelmingly against its implementation, it's just another example of an out of touch labour council, splashing our money about like nothing else on big fancy projects whilst getting the basics all wrong. Is it the case that the Mayor is hiding the data because it shows her beloved cycle scheme hasn't increased the number of cyclists around New York or how safe they feel, it's a huge waste of money and caused chaos and disruption like never before.

Councillor Sandra Graham responded as follows:

I have just told you that this data is published and I've given you the daily cycling rates of 154 and its published every year in the Cabinet report. There is nothing hidden, it is all open and transparent, this is Government money, your government who gave us the money that we bid for. This is government money that we bid for to improve cycling infrastructure to allow the Borough to become a Greener and better Net Zero Borough. Thank You.

C63/22 Decision of the Standards Sub-Committee

This report was submitted for Council to note. Council were advised that it would not be appropriate to discuss this report as the decision has already been made and published.

This page is intentionally left blank

North Tyneside Council Report to Council 18 January 2024

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 Councillor M Thirlaway, Councillor J Cruddas and Councillor D Cox

North Tyneside Council acknowledges the devastating consequences of suicide for the individual, their family and friends, and society as a whole. We also acknowledge; that the North East has the highest rate of suicide in England and Wales, that suicide is three times more common among men and boys, and that those living in deprivation also have a higher risk of suicide.

North Tyneside Council is committed to preventing suicide and believes that suicide prevention is a policy priority, and that local government plays a key role in suicide prevention and mental health care.

- We call on the Elected Mayor to work with council officers to ensure that all council staff, including staff working in outsourced services, and Elected Members complete suicide awareness training.
- We call on the Elected Mayor to ask council officers to conduct a comprehensive review of council services, to identify areas of improvement in suicide prevention, and to present their findings and recommendations at a meeting of Council.
- We call on the Elected Mayor to write to the Secretary of State for Health and Social Care requesting increased funding for suicide prevention and mental health care.

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

Motion 2 Signed by Councillors C Johnson, Councillor J Hunter and Councillor A Newman

Recently it was announced that Tyne and Wear Fire and Rescue Service (TWFRS) had proposed plans to close Wallsend fire station between 1800 and 0800, turning Wallsend fire station into a daytime only service. This council notes the financial situation of TWFRS, however, we believe that closing this station during nighttime hours would significantly impact on public safety.

This council therefore asks the mayor to write to TWFRS outlining North Tyneside Council's objections to closing Wallsend fire station at night and urge them to investigate all ways to ensure Wallsend fire station remains operational 24 hours a day.

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

Motion Signed by Councillor H Johnson, Councillor E Parker-Leonard and Councillor K Clark

When the new North East Mayoral Combined Authority (NEMCA) comes into being in 2024, it will be responsible for the aspirations and life chances of over one million women and girls living in County Durham, Sunderland, South Tyneside, Gateshead, North Tyneside, Northumberland and Newcastle.

It can be tempting for policy makers to think that women and men use public services in the same way, but this is often not the case. Considering the specific needs of women and girls from the beginning results in better policy making, that works for everyone.

We call upon the Mayor to support One Million Women and Girls campaign to ensure that NEMCA should explicitly consider the specific impact on women and girls in every policy/strategy developed, seeking to maximize positive and mitigate negative impacts on the one million women and girls who will be directly affected by any decisions.

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

Motion Signed by Councillor L Bones, Councillor L Bartoli and Councillor C Johnston

Roads and pavements are at the top of our residents priorities, and are one of the most basic things that a Council provides for its residents – yet the 2023 Highway Asset Management Plan Annual Information Report shows our roads and pavements are worse than ever.

Council notes that:

- The report states that “The authorities additional £2m investment has made a significant contribution to maintaining the Network. However, the number of yellow and amber roads has increased considerably. This indicates that consideration should now be given to additional investment in the network in order to avoid further decline”.
- In just the last year the percentage of roads deemed to be ‘good’ has plummeted from 37% to just 16%.
- Just 3% of our pavements are deemed to be a ‘good’ standard.
- The Government has provided over £3.3million directly to North Tyneside for pothole repairs and over £14million to the combined authority, including an additional £500,000 just last month.
- The Mayor’s 2024/25 budget does not include any additional funding as requested in the Highway Asset Management Plan Annual Information Report

Council believes:

- The condition of our roads and pavements is now worse than ever.
- The Mayor must take urgent action to prevent this situation escalating further.

Council asks the Mayor to:

- Bring forward an urgent plan to make progress on the roads and pavements backlog and start the vital work to bring our roads and pavements up to scratch.

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

Motion Signed by Councillor M Fox, Councillor C Davis and Councillor G Madden

North Tyneside Council has a strong track record of fighting to reduce violence against women and girls. We can also be proud of our White Ribbon status and the awareness this has allowed us to raise in relation to this important issue.

In 2023, the Liberal Democrat Party made a Freedom of Information (FOI) request to all 43 Police Forces in England and Wales. They found that more than 1,100 Police Officers are currently under investigation for sexual or domestic abuse. Of these (as reported in the Guardian newspaper on 23rd December 2023) one in 7 have been allowed to “carry on working as normal despite the severity of the offences.”

But unfortunately, these figures do not reflect the full picture as only 28 of the 43 Police Forces in England and Wales responded to the FOI request. Disappointingly, Northumbria Police was one of those who did not respond.

We believe that women and girls in North Tyneside have a right to feel safe, especially when they are at their most vulnerable. It is important that our regional police force is transparent about its failings, in order to address them and to gain the trust and confidence of women and girls in North Tyneside. To this end they must be willing to share key information about how many of its Officers are, or have been, under investigation for sexual and domestic violence, and out of those investigations; how many have been suspended from duty, dismissed or prosecuted.

We believe it is essential that women and girls in North Tyneside feel assured that the Police Force, which is meant to protect them, has robust processes in place to ensure that Police Officers themselves are not perpetrators of sexual and domestic violence.

Therefore, this council asks that our Mayor write to the Northumbria Police Chief Constable and the PCC to request that the following information is released

- the number of Police Officers from April 2019 to March 2023 who have been accused of sexual or domestic violence offences;
- Of that number, how many have been investigated;
- Of the officers who have been investigated, how many were allowed to continue in their normal duties during the investigation;
- Following an investigation, how many officers were prosecuted and/or dismissed:
- An explanation of why the FOI submitted by the Liberal Democrat Party was not responded to.

We would also like to stress that this information should be made available to the council within the normal 20 working days timescale that applies when an FOI request is made.

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

This page is intentionally left blank

North Tyneside Council

Report to Council

Date: 18 January 2024

Title: Report of the Independent Remuneration Panel

Portfolio(s): Deputy Mayor

Cabinet Member(s): Cllr Carl Johnson

Report from Service Area: Governance

Responsible Officer: Jon Ritchie,
Director of Resources

Wards affected: All

PART 1

1.1 Executive Summary:

This report requests full Council to consider the recommendation of the Independent Remuneration Panel in relation to the Members' Allowances Scheme for 2024/25.

The Authority is required to have in place a Members' Allowance Scheme and is required to have regard to the recommendations of the Independent Remuneration Panel when determining such a Scheme.

1.2 Recommendation(s):

It is recommended that Council:

- (1) agree the Authority's Members' Allowances Scheme for 2024/25; and
- (2) agree that the Independent Remuneration Panel undertake an in-depth review of the Authority's Members Allowances Scheme and that Council

receives and considers a report in July 2024 following the completion of that review.

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 8 December 2023.

1.4 Council Plan and Policy Framework

This report does not directly relate to the Our North Tyneside Plan priorities or to the Policy Framework, but is required to ensure that the Authority complies with legislative requirements.

1.5 Information:

1.5.1 Background

Independent Remuneration Panel

Each local authority is required to establish and maintain an Independent Remuneration Panel. The purpose of the Panel is to make recommendations to full Council about the allowances to be paid to Elected Members.

The members of the Panel are Mr John Anderson CBE, Mr Les Watson and Dr Rachid Zemouri.

Panel's Recommendation

The Authority is required to renew its Members' Allowance Scheme before the beginning of each financial year.

Under the Local Authorities (Members Allowances) (England) Regulations 2003 the Authority is required to have regard to the recommendations of the Independent Remuneration Panel when considering any changes to its Members' Allowances Scheme.

In November 2022, full Council considered the Independent Remuneration Panel's recommendation that the application of the Members' Allowances Scheme for 2023/24 should remain unchanged but that the level of allowance increase in line with the median pay point of the annual pay award for employees working under the National Joint Council for Local Government Services National

Agreement on Pay and Conditions of Service. Having considered that recommendation, full Council unanimously decided that the Members' Allowance Scheme for 2023/24 would remain unchanged and that allowances paid to Members would continue to be paid at the 2022/23 level.

The Independent Remuneration Panel met on 21 November 2023 to consider the Allowance Scheme in operation, as part of the requirement to review the Allowance Scheme each year. Having done so, the Independent Remuneration Panel was minded to recommend no change to the Authority's existing arrangements for 2024/25. However, the Independent Remuneration Panel proposed that a further in-depth review of the Members Allowances Scheme be undertaken in May 2024, with a report taken to full Council in July 2024 following the completion of that review.

The Independent Remuneration Panel's report following its review of the Members' Allowance Scheme in November 2023 is appended to this report.

1.6 Decision options:

The following decision options are available for consideration by Council:

Option 1

Approve the recommendation set out in paragraph 1.2 of this report

Option 2

Not to approve the recommendation set out in paragraph 1.2 of this report and to refer the matter back to the Independent Remuneration Panel for further consideration of specific issues identified by Council

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

The Authority is required to have in place a Members' Allowances Scheme before 1 April each year having had regard to the recommendations of the Independent Remuneration Panel.

By agreeing to an in-depth review of the Members' Allowance Scheme in 2024 and to receiving a further report at the conclusion of that review, full Council

will be able to consider the issues raised by the Independent Remuneration Panel at the conclusion of its review.

1.8 Appendices:

Appendix: Report of the Independent Remuneration Panel November 2023.

1.9 Contact officers:

Allison Mitchell, Head of Governance (0191) 643 5720

David Mason, Head of Finance (0191) 643 8109

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:

North Tyneside Council Constitution (Version 27 agreed by Council 18 May 2023)

North Tyneside Members' Allowances Scheme as agreed by Council on 24 November 2022

Local Authorities (Members Allowances) (England) Regulations 2003 (as amended).

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

2.1.1 The payment of Members' allowances under the proposed Members Allowance Scheme for 2023/24 and 2024/25 will be met from existing budgets.

2.2 Legal

2.2.1 The report sets out the legal basis for the provision of the Members' Allowance Scheme.

The setting of the Members' Allowance Scheme is a matter for full Council.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

The Elected Mayor, Deputy Mayor and Director of Resources were consulted as part of the Independent Remuneration Panel's preparation of this report.

2.3.2 External Consultation/Engagement

There has been no external consultation or engagement on the report of the Independent Remuneration Panel.

2.4 Human rights

2.4.1 The proposals within this report do not have any direct implications in respect of the Human Rights Act 1998.

2.5 Equalities and diversity

2.5.1 There are no direct equalities or diversity implications arising from this report.

2.6 Risk management

2.6.1 Any risks associated with the matters set out in this report will be managed in accordance with the North Tyneside Council risk management process.

2.7 Crime and disorder

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

2.8 Environment and sustainability

2.8.1 There are no direct environment and sustainability implications 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

Report of the North Tyneside Independent Remuneration Panel

January 2024

Executive Summary

The views of the Independent Remuneration Panel are required to be taken into account by the Council when considering any changes to the Members' Allowances Scheme. The Panel has been requested to consider and make recommendations in relation to the Members' Allowances Scheme for the 2024/25 financial year.

The Panel **recommends** that the Members' Allowances Scheme for 2024/25 remain unchanged. The Panel also recommends that a further detailed review is undertaken in May 2024, with that review reported to Council in July 2024.

1.0 INTRODUCTION

1.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 require all local authorities in England to establish and maintain an Independent Remuneration Panel. The Independent Remuneration Panel must comprise of at least three members, none of whom can be an elected member of the Authority or an individual who would be disqualified from being or becoming a member of the Authority.

1.2 Regulation 21 of the above-referenced regulations states that the Independent Remuneration Panel is responsible for producing a report in relation to the authority or authorities in respect of which it was established, making recommendations relating to the following:

- (a) The responsibilities or duties in respect of which the following allowances should be available:
 - Special Responsibility Allowance
 - Travelling and subsistence allowance
 - Co-optees' allowance
- (b) The amount of such allowances, and the amount of basic allowance
- (c) Whether dependants' carers allowance should be payable to members of an authority and the amount of such an allowance
- (d) Whether, if the scheme is amended at any time so as to affect an allowance payable for the year in which the amendment is made, payment of allowances may be backdated in accordance with regulation 10(6)
- (e) Whether adjustments to an allowance may be determined according to an index and if so which index and how long that index should apply, subject to a maximum of four years, before its application is reviewed

- (f) Which members of an Authority are to be entitled to pensions in accordance with a scheme made under Section 7 of the Superannuation Act 1972
- (g) Whether to treat basic allowances or special responsibility allowance, or both, as amounts in respect of which such pensions are payable in accordance with a scheme made under section 7 of the Superannuation Act 1972.

1.3 The current Panel comprises of Mr John Anderson CBE, Mr Les Watson and Dr Rachid Zemouri.

2.0 BACKGROUND

2.1 The Panel is requested to give consideration to the current Members' Allowances Scheme and to make recommendations on the level of allowance for 2024/25.

3.0 MEMBERS' ALLOWANCE SCHEME

3.1 The Panel considered the Members' Allowances Scheme to determine if it was still set at an appropriate level.

3.2 The Independent Remuneration Panel gave consideration to a range of options in respect of the 2024/25 year. Having done so, the Panel does not consider that there should be any change to the allowances payable.

3.4 The panel proposes that a more detailed consultation on member allowances should takes place at the beginning of the new municipal year in May 2024, with a view to bringing a further report to full Council in July 2024.

4.0 BACKGROUND INFORMATION AND REFERENCES

- The Local Authorities (Members' Allowances) (England) Regulations 2003
- Previous reports of the Remuneration Panel
- Member's Allowances Schemes of Tyne and Wear Authorities.
- Local Government Act 1972
- North Tyneside Council Constitution
- North Tyneside Members Allowances Scheme

This page is intentionally left blank

North Tyneside Council

Report to Council

Date: 18 January 2024

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

Portfolio(s): Elected Mayor	Cabinet Member(s): Dame Norma Redfearn DBE
------------------------------------	---

Report from Service Area: Governance
Responsible Officer: Jon Ritchie, Director of Resources
Wards affected: Howdon

PART 1

1.1 Executive Summary:

On 12 July 2023 full Council agreed a dispensation in respect of Councillor John Hunter, under Section 85(1) of the Local Government Act 1972, on the grounds of his ill-health. The dispensation agreed was for a period up to and including 31 January 2024. The Chief Executive has since received a further request for a dispensation to be considered for Councillor Hunter, again on the grounds of his ill-health. This report recommends that full Council agrees a further dispensation for Councillor Hunter 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 John Hunter pursuant to Section 85(1) of the Local Government Act 1972, for a period up to 7 May 2024, and approves Councillor Hunter's non-attendance at meetings of the Authority during that period on medical grounds; and

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

1.3 Forward Plan:

This report was included on the Forward Plan published on 8 December 2023.

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 (“the 1972 Act”) requires each elected member of a local authority should attend at least one meeting of the Authority within a six month consecutive period, in order to continue in their role as an elected member of the Authority. Should a 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 provisions of the 1972 Act, the Authority, through full Council, is able to approve a period of non-attendance for an elected member where there are appropriate reasons for so doing. This approval must be granted by the Authority before the expiry of the six-month consecutive period since the member’s last attendance at any meeting of the Authority, in order to ensure that the member in question does not cease to be a member of the Authority. Approval cannot be conferred retrospectively.
- 1.5.3 Councillor John Hunter (one of three members representing the Howdon ward) unfortunately remains in ill-health. At the meeting of full Council on 12 July 2023 Council agreed a dispensation under Section 85(1) of the 1972 Act for Councillor Hunter for a period up to and including 31 January 2024 on the basis of his ill-health.

- 1.5.4 As stated, Councillor Hunter remains unwell and the Chief Executive has received a request for full Council to consider approving a further dispensation for Councillor Hunter, enabling Councillor Hunter to remain in office until he is able to resume normal duties.
- 1.5.5 Full Council must consider this request before the expiry of the existing dispensation agreed by full Council on 12 July 2023. Accordingly, full Council must determine this request for a further dispensation in relation to Councillor Hunter by 30 January 2024.
- 1.5.6 The meeting of full Council on 18 January 2024 is the only scheduled meeting of Council before the expiry of the current dispensation. If approval to a further dispensation is not agreed, Councillor Hunter would, in accordance with the provisions of Section 85(1) of the 1972 Act, cease to be a member of the Authority after 31 January 2024.
- 1.5.7 It is therefore recommended that following the request made to the Chief Executive, Council approves a further dispensation for Councillor Hunter pursuant to Section 85(1) of the 1972 Act, for a period up to 7 May 2024 (the last day of Councillor Hunter's current term of office), on the basis of his ill-health. Any dispensation that may be agreed by Council would not prevent Councillor Hunter from returning to meetings at any time before that date should his health allow.

1.6 Decision options:

The following decision options are available for consideration by Council:

Option 1

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

Option 2

Council does not agree to grant a further dispensation to Councillor John Hunter and thus agreeing to his non-attendance at meetings of the Authority for the period of the dispensation.

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 Hunter'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 1972 Act.
- (b) Agreement to a dispensation as outlined above would stop the automatic consequence of Councillor Hunter's non-attendance at meetings of the Authority, namely, his ceasing to be a member of the Authority after 31 January 2024, should he fail to attend a meeting of the Authority by that date.
- (c) Should Council decide not to approve a dispensation for Councillor Hunter, and if he remains unable to attend a meeting before 31 January 2024, he will cease to be a member of the Authority after that date.

1.8 Appendices:

None

1.9 Contact officers:

Allison Mitchell, Head of 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.

The agreement to grant a dispensation under the provisions of the 1972 Act is a matter for full Council.

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 his fellow Howdon councillors. The Committee to which Councillor Hunter has been appointed in the 2023/24 municipal year has sufficient members to ensure that the business of the Committee can continue to be discharged during the temporary absence of one of its members.

Should Councillor Hunter lose office, through his failure to attend a meeting for a six month period, the disqualification cannot be overcome by the member subsequently resuming attendance, nor can retrospective approval be given by full Council.

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

Date: 18 January 2024

Title: Programme of Meetings 2024/25

Portfolio(s): Elected Mayor

Cabinet Member(s): Dame Norma Redfearn

Report from Service

Area: Governance

Responsible Officer: Jon Ritchie, Director of Resources

Wards affected: All

PART 1

1.1 Executive Summary:

This report presents a draft programme of Council and committee meetings for the 2024/25 municipal year. It also requests Council to determine which Council meetings during 2024/25 should be designated for the purposes of public question time.

1.2 Recommendation(s):

It is recommended that Council:

- (1) agree the programme of meetings for 2024/25, as set out in Appendix A to this report; and
- (2) agree that the meetings of the full Council proposed for 18 July 2024, 21 November 2024 and 23 January 2025 be those at which questions will be taken from members of the public.

1.3 Forward Plan:

This report first appeared on the Forward Plan that was published on 1 December 2023.

1.4 Council Plan and Policy Framework

This report does not relate directly to priorities in the Council plan but relates to decision making of the Authority which supports all priorities.

1.5 Information:

1.5.1 The Council is requested to consider a programme of meetings for the Council and its committees for the 2024/25 municipal year, attached as Appendix A to this report. The Authority's Constitution states that where possible the Council will set a programme of ordinary meetings of its committees and sub-committees for each year ahead. The timetable of meetings is normally agreed each year at the January Council meeting to allow Members and officers to plan ahead.

1.5.2 The draft programme of meetings provides for:

- (a) A timetable of meetings of the Council, its overview and scrutiny, regulatory and other committees and sub-committees
- (b) A minimal number of meetings being scheduled in August, April and the later weeks in December and no meetings on key religious days
- (c) No Scrutiny meetings scheduled before July, to allow Scrutiny committees to undertake necessary preparatory work for their respective work programmes before Scrutiny meetings begin in earnest
- (d) The commencement times of meetings are based on those agreed for each committee and sub-committee for the 2023/24 Municipal Year
- (e) A Member Briefing session in July, September, January and April
- (f) Member development, including the provision of training for regulatory committees taking place between the Annual Council Meeting and the first meeting of these committees.

1.5.3 The provisional dates of Cabinet meetings are included in the timetable for information. These dates are determined by the Elected Mayor.

1.5.4 The Council is requested to specify those Council meetings during the year at which questions from members of the public will be taken. For Members'

information, in the current municipal year, three meetings were specified for that purpose. Dates for 2024/25 have been suggested based on the meetings at which public questions were invited during 2023/24.

1.6 Decision options:

The following decision options are available for consideration by Council:

- (a) To agree the programme of meetings of the Council and its committees for the 2024/25 municipal year as set out in Appendix A.
- (b) Not to agree the programme of meetings, in which case a further programme of meetings would be prepared and submitted to a future meeting of the Council for approval taking into account the reasons given by Council for not agreeing the suggested programme.

1.7 Reasons for recommended option:

Option (a) is recommended for the following reasons:

To provide certainty by having in place scheduled meeting dates to enable the Authority's committees to transact their business during the forthcoming Municipal Year and to enable elected members and officers to plan ahead for individual committee work programmes.

1.8 Appendices:

Appendix A – Draft Programme of meetings of the Council and its committees for the 2024/25 municipal year.

1.9 Contact officers:

Allison Mitchell, Head of Governance Tel: (0191) 643 5720
Sonia Stewart, Manager: Democratic Services (0191) 643 5359

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:

- (i) Report to Council on the Programme of Council meetings – 19 January 2023

- (ii) The Authority's Constitution Version 27 agreed at Council on 18 May 2023

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The running costs associated with the committee meetings to be held in 2024/25 are expected to be contained within the agreed budgets.

2.2 Legal

In accordance with the Local Government Act 1972 (as amended), the Council is required to give public notice of meetings of the Council and its committees.

The Authority's Constitution requires a programme of ordinary meetings of the Council for the year to be approved by the Council. The Council has agreed that the timetable of meetings of the Council and its committees/sub committees should be agreed each year at the January Council meeting to allow Members and officers to plan ahead and to enable the decision-making processes to be complied with.

2.3 Consultation/community engagement

Consultation on the proposed timetable of meetings for 2024/25 has taken place with the Elected Mayor and Deputy Mayor, Chief Executive, Heads of Service and officers within relevant Directorates.

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 implications arising from this report.

2.6 Risk management

Failure to put in place a schedule of meetings will put at risk the ability of the Authority to transact its business efficiently.

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

This page is intentionally left blank

North Tyneside Council
Programme of Scheduled Meetings 2024/25

	Day	May 2024	June 2024	July 2024	Aug 2024	Sept 2024	Oct 2024	Nov 2024	Dec 2024	Jan 2025	Feb 2025	Mar 2025	Apr 2025	May 2025
Council	Thurs 6.00pm	16 Ann		18		19		21		23	13 & 27*	13		15 Ann
Cabinet	Mon 6.00pm	20	24	29		16	14	25		20 & 27*	3* & 17	24		

Scrutiny Meetings	Day	May 2024	June 2024	July 2024	Aug 2024	Sept 2024	Oct 2024	Nov 2024	Dec 2024	Jan 2025	Feb 2025	Mar 2025	Apr 2025	May 2025
Overview and Scrutiny Co-ordination and Finance Committee	Wed 6.00pm			10		11	09		11	15 30			9	
Caring Sub-Committee	Thurs 6.00pm			25		26		28		23		27		
Family Friendly Sub Committee	Thurs 6.00pm			4		5		14		9		20		
Driving Sub Committee	Tues 6.00pm			23			15	12		28		18		
Green Sub Committee	Tues 6.00pm			30		10		5		7		25		
Secure Sub Committee	Tues 6.00pm			9		24			3	28			01	

Regulatory Meetings	Day	May 2024	June 2024	July 2024	Aug 2024	Sept 2024	Oct 2024	Nov 2024	Dec 2024	Jan 2025	Feb 2025	Mar 2025	Apr 2025	May 2025
Licensing Committee	Thurs 6.00pm												11	
Planning Committee	Tue or Wed 6.00pm		4	2	6 & 27	18	22	26	10	14	12	12	8	6
Regulation and Review Committee	Thurs 6.00pm						17				20			
Regulation and Review Committee (Panels)	Thurs 10.00am	30		25		12		28		9	6	20	17	

Other meetings	Day	May 2024	June 2024	July 2024	Aug 2024	Sept 2024	Oct 2024	Nov 2024	Dec 2024	Jan 2025	Feb 2025	Mar 2025	Apr 2025	May 2025
Audit Committee	Wed 6.00pm	29		24				13				19		
Health & Wellbeing Board	Thurs 10.00am		20			26			5	23		27		
Safer North Tyneside Partnership	Wednesday		TBC											
Standards Committee	Thurs 6.00pm	30						7					3	
Member Briefing	6.00pm			Wed 17		Thurs 12				Thurs 30			Wed 9	

Notes:

- * denotes Extraordinary meetings to be held as part of the budget setting process. Any notices of objection would be considered at the Council meeting on 13 February 2025. The Council meeting on 27 February 2025 is held in reserve in the event that any objections to the Mayor and Cabinet's budget proposals are approved by the Council on 15 February 2025. The Overview and Scrutiny may meet on 13 January 2025 as a Budget Study Group rather than the full Committee meeting (to be determined).
- Additional meetings of regulatory committees such as the Regulation and Review Committee and the Licensing Sub-Committees, will be arranged as and when required.
- Training for regulatory committees to be provisionally held as follows: Regulation & Review 21 May 2024 (10am); Audit 22 May 2024 (6pm); Planning 23 May 2024 (10am); and Licensing 24 May 2024 (10am);
- Member development dates will be determined by the people team and will be communicated in due course.

North Tyneside Council

Report to Council

Date: 18 January 2024

Title: Second Home Council Tax Premium – April 2025

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

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. That Act makes important changes to existing legislation, including to the Local Government Finance Act 1992 (“the 1992 Act”), in relation to Council Tax, namely:

- 1) The period of time whereby a vacant dwelling can be classed as a “long-term empty dwelling” has been reduced from 2 years to 1 year, with effect from the financial years beginning on or after 1 April 2024 and thus attract a Council Tax Premium.
- 2) A Council Tax Premium can 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. The Second Home Premium that can be applied is up to 100% of the Council Tax liability payable on the dwelling.

On 23 November 2023 full Council agreed that with effect from 1 April 2024, the current Long-Term Empty Dwelling Council Tax Premium charged by the Authority be applied to dwellings that have been empty for 1 year rather than 2 years. It was also agreed at that meeting that full Council would receive a further report on the potential application of the power to charge a Council Tax Premium on dwellings that are occupied periodically (“second homes”). This is that further report for consideration by full Council.

Any change to Council Tax Premiums that would apply to second homes requires the agreement of full Council before any such payments can be included in the budget planning process for 2025/26 onwards. If the recommendations in this report are approved by full Council, the receipt of Council Tax Premium payments for second homes will be included in the Council Tax Base report presented to Cabinet in January 2025.

Central Government carried out consultation over the summer of 2023 and guidance is due to be published shortly which will outline the circumstances in which a dwelling, or class of dwelling, may be exempt from the Second Home Premium. As the guidance has not yet been produced, no adjustment has been made to the figures quoted in this report for dwellings that may subsequently become exempt from Second Home Premium Premiums in line with the guidance produced by central government.

1.2 Recommendation(s):

It is recommended that Council:

- (1) agree that with effect from 1 April 2025, the Authority implements a Second Home Premium of 100% of the Council Tax payable, in relation to dwellings that are classed as being occupied periodically; and
- (2) agree that the Director of Resources be given authority to determine if any dwelling or class of dwelling should be exempt from the Second Home Premium as considered appropriate.

1.3 Forward Plan:

- 1.3.1 The required twenty-eight days' notice of this report has been met. This item first appeared on the Forward Plan that was published on 08 December 2023.

1.4 Council Plan and Policy Framework

- 1.4.1 This report indirectly links to all priorities identified in the 2021-2025 Our North Tyneside Plan as the Second Home Premium increases the Council Tax Base which forms part of Budget planning.

1.5 Information:

- 1.5.1 Section 80 of the Levelling-up and Regeneration Act 2023 added section 11C to the 1992 Act which created a new Council Tax Premium that may be applied to dwellings described as being "dwellings occupied periodically". These dwellings are often referred to as "second homes". Such a premium is referred to in this report as the "Second Home Premium".
- 1.5.2 The Second Home Premium that can be applied is up to 100% of the Council Tax liability of any particular periodically occupied dwelling.
- 1.5.3 There is no official definition of a "second home", but generally it is accepted as being an additional habitable dwelling that is not occupied by anyone as their main residence. It may be occupied occasionally, for example as a holiday home.
- 1.5.4 If the Authority were to implement a Second Home Premium of 100%, it would provide a positive financial position as it would generate an increased revenue income by increasing the amount of Council Tax paid by second home owners. This increased income would be taken into account when calculating the Council Tax Base which is a key factor in the budget setting process.
- 1.5.5 Most recent data suggests that there are currently 269 properties in North Tyneside classed as "second homes". However, it is possible that numbers will fall if a Second Home Premium is implemented. Experience shows that owners are likely to change their behaviour when faced with increased Council Tax payments. This was found to be the case when the Long-Term Empty Home Premiums were introduced by the Authority in April 2020. It is therefore envisaged that some owners will either sell or offer their second homes as

residential rental dwellings, thus reducing the overall number of properties classed as “second homes” in the borough. Table 1 below shows the properties that are currently considered to be “second homes” across the borough.

Table 1 - Number of properties considered as “second homes”

Band	Number of Second Homes	Proportion of a band D
A	116	6/9
B	56	7/9
C	56	8/9
D	31	9/9
E	6	11/9
F	4	13/9
Total	269	215

- 1.5.6 Owners of second homes may also decide to transfer their dwellings to Business Rates if they become holiday lets. If the Valuation Office Agency (VOA) considers the dwelling meets the criteria applied to holiday let, it would remove the dwelling from the Council Tax List and would in turn mean that the Council Tax Base would be impacted. This risk is likely to be minimal, as legislation to allow a dwelling to be classed as a holiday let and be subject to Business Rates rather Council Tax requires the owners to provide evidence to the VOA that alongside having their dwelling available for let for at least 20 weeks in a year, it must also have been actually let for at least 70 nights in that year.
- 1.5.7 As can be seen from Table 1 above, the number of second homes across the borough are mostly in the lower Council Tax bands, and they equate to 215 band D equivalents. If full Council approves the implementation of the Second Home Premium at 100% and if no exemptions apply to any dwellings, the application of this Premium would generate £454,000 in increased Council Tax Revenue. After applying the Long-Term Collection Rate, which in 2023/24 is set at 98.5%, the Revenue generated would be £447,000. If a lower percentage than one hundred percent was applied a lower amount of Revenue income would be generated.
- 1.5.8 Additional income generated from this Premium would feed into the budget planning for 2025/26.
- 1.5.9 Where owners do move towards either renting their dwellings as residential rental properties or sell the dwellings, rather than face paying the Second

Home Premium, that will have the beneficial effect of making more dwellings available for people to live in, thus increasing the residential housing stock across the borough.

- 1.5.10 Consultation was carried out by Central Government which sought views on possible categories of dwellings which should be exempt from the Council Tax Premiums (both Long-Term and Second Dwelling Premiums). This was carried out over the Summer 2023. Guidance to local authorities following that consultation has not yet been published, but the questions asked as part of the consultation exercise may give an indication of the circumstances in which the Government may be asking local authorities to exempt dwellings from a Second Home Premium. The government consultation document on Council Tax Premiums is included as a background document to this report.
- 1.5.11 To understand the current position of the 269 properties that have been recorded as “second homes” in the borough, officers have contacted owners to establish the reasons why their dwellings are unoccupied. Once all responses have been gathered the Authority will have accurate data to apply to any exemptions to the Second Home Premium as considered appropriate, should full Council approve the introduction of a Second Home Premium.
- 1.5.12 So far, 45% of owners have responded, 80% of these have confirmed they are still used as a second home with around 20% suggesting a change which will need to be looked into further to confirm the situation. Most of the people spoken to as part of that contact are aware that local authorities need to raise money to deliver services and are accepting of the additional Council Tax to pay through the Premium and are grateful that the Authority has informed them at this time of the potential increase from 1 April 2025. But understandably, a few have felt that charging additional Council Tax for a dwelling that is either unused or used only periodically is unfair.

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:

There is the potential to encourage owners of dwellings classed as “second homes” to change them to residential rental properties or to offer up for sale which will increase the residential housing stock in the borough.

By applying 100% Second Home Premium the maximum Revenue income will be generated which can be used as part of budget planning from 2025/26 onwards.

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) [Consultation on proposals to exempt categories of dwellings from the council tax premiums in England](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

If a decision is made to implement a new Second Home Premium, then an initial projected increase in Council Tax income of circa £447,000 based on recent data will occur.

If this initiative is successful in bringing “second homes” back into residential use, then the amount received from the Council Tax Second Home Premium 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 in January 2025.

2.2 Legal

The amendments made to the Local Government Finance Act 1992 (“the 1992 Act”) by the Levelling-up and Regeneration Act 2023 are referred to in the body of the report. Section 80 of the Levelling-up and Regeneration Act 2023 added a new section 11C into the 1992 Act which applies to “dwellings occupied periodically”. Section 80 came into force on 26 October 2023.

The new section 11C of the 1992 Act permits the Authority to increase the Council Tax payable in relation to dwellings occupied periodically by up to 100%. provided that there is no resident of the dwelling, and the dwelling is “substantially furnished”.

Section 11C of the 1992 Act makes it clear that the Authority’s first determination under this section must be made at least one year before the beginning of the financial year to which it relates. That is why any Second Home Premiums will only become payable from April 2025.

If full Council decides to apply a higher level of Council Tax charge in relation to second-homes, the Authority must publish a notice of that determination in at least one newspaper circulating in the borough 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 1992 Act and makes it clear that any decision taken under section 11C of the 1992 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.

Initial contact with those potentially impacted has started, so as to understand the current position in relation to their second home and to ensure that the Authority has accurate records in relation to such dwellings. Some feedback has been provided by owners and a summary of this is provided point 1.5.12.

The Authority will carry out further 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 a Second Home Premium effective from 1 April 2025, there would be a negative financial impact on the owners of those properties which the Premium applied to. 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 is a risk that the implementation of a Second Home Premium may encourage Council Tax “avoidance” through people seeking to transfer their properties to Business Rates as holiday lets. This risk should be minimal, as legislation already in place gives a requirement for people to evidence to the Valuation Office Agency (VOA) that alongside having their dwelling available for let for at least 20 weeks in a year, it must also have been actually let for at least 70 nights.

It is the VOA that makes the decision if a property (hereditament) is entered and remains in the Council Tax list or the Business Rates list.

2.7 Crime and disorder

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

2.8 Environment and sustainability

There are no environment and sustainability implications directly 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 18 January 2024

Title: Questions by Members of the Council

1. Question to the Elected Mayor from Councillor Liam Bones

Can the Mayor give an update on the so called 'temporary' 50mph speed limit on the Coast Road and provide the date where she expects works to be complete and the speed limit returned to the national speed limit ?

2. Question to the Elected Mayor from Councillor Olly Scargill

Parking in our estates is a real issue. Many grass verges are churned up in the wet weather, which looks dreadful and can become slippery and dangerous. Making some of these into parking spaces will prove cost effective in the long run. Can the Mayor outline what funding she will make available to convert more of the grass verges to parking spaces across Chirton Grange and the Lynn Estate?

3. Question to the Elected Mayor from Councillor Cath Davis

On the 16th March Council agreed that the licencing committee would give consideration to the options available to the committee of adding a condition to Premises Licences to require the licence holder to provide transport home for staff working late what is the update on this as staff are still expected to travel home late at their own expense .

This page is intentionally left blank

North Tyneside Council

Report to Council

Date: 18 January 2024

Title: Decisions of Standards Sub-Committee

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

PART 1

1.1 Executive Summary:

At its meeting on Friday 1 December 2023 the Standards Sub-Committee considered and determined two complaints 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 decisions of the Standards Sub-Committee at its meeting on 1 December 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 15 December 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 1 December 2023 the Standards Sub-Committee considered and determined two complaints 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 Copies of the Full Decision Notices of the Standards Sub-Committee in relation to these matters are attached at the Appendix. The Full Decision Notices have 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. The 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

Name of Authority:	North Tyneside Council
Member subject of allegation:	Councillor Olly Scargill (not in attendance)
Complainant:	Councillor Willie Samuel
Case Reference Number(s):	NT14.2022-23
Committee Members:	Councillor Frank Lott (Chair); Councillor Lewis Bartoli; Councillor Tracy Hallway (Deputy Chair).
Investigating Officer:	Mr Melvin Kenyon, Kenyon Brabrook Limited
Monitoring Officer:	Mr Stephen Ballantyne
Deputy Monitoring Officer:	Mr John Barton
Democratic Services Officers:	Mrs Sonia Stewart and Mr Scott McKeating
Independent Person:	Dr Stuart Green
Date and Time of Hearing:	1 December 2023 at 1.30p.m.

Summary of Allegation

The complainant, Councillor Willie Samuel, Labour Councillor of the Authority, alleges that:

1. The Subject Member, Councillor Olly Scargill, published on his political Facebook Page "*Cllr Olly Scargill – Your local campaigner*" on or about 26 July 2022 a video clip of remarks made by the Elected Mayor of the Authority, Dame Norma Redfearn, during a Council meeting held on 21 July 2022
2. The video clip was "*heavily edited and doctored*" by Councillor Scargill.

3. The edited video clip omits some the Mayor's remarks in which she was acknowledging the integrity of most of the Conservative Group members of the Council.
4. The editing included the addition of "*sinister music*" and the fading of the original colour footage of the meeting to black and white footage.
5. Councillor Scargill misrepresented on his Facebook page the context in which the Mayor's comments were made. The Mayor's comments were made during a debate on a Motion concerning the issue of "*honesty, integrity and respect*" in politics, and not as implied in the post, during a later Motion proposed by him concerning referenda being held on all new cycling infrastructure in the Borough, and his opposition to the new roundabout at Rake Lane.
6. By editing the video clip, and making the comments accompanying the clip, Councillor Scargill intended to bring the office of Elected Mayor and the Council into disrepute and in doing so "*encouraged expressions of views which were inaccurate and at times offensive*".
7. Wanted to encourage a perception that the Mayor had been offensive in her behaviour and thereby intended to bring the office of Mayor and the Council into disrepute.

Additional Allegations

In addition to the above allegations, the Monitoring Officer at the time of the assessment of the initial complaint, Ms Jacqueline Laughton, identified further potential breaches of the Code of Conduct for members by way of misuse of Council resources and using those resources 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 5 of the Code – Disrepute

As a member:

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

c) Part 1 Paragraphs 7.1 and 7.2 of the Code of Conduct – Use of the Authority’s resources and facilities

As a member:

7.1 You must not misuse the Authority’s resources.

7.2 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 Scargill did not attend the hearing.

Councillor Scargill had declined several suggested dates for the hearing of the complaint made against him, stating that he had work commitments which prevented his attendance. Cllr Scargill had requested the timing of the hearing be in the evening. However, due to the logistics of holding a hearing of this nature and the need to deal with the complex issues contained in this complaint, the Chair was of the view that this was not practical to hold a hearing in the evening. The start time of 1.30pm was the latest time in the day that the Chair considered appropriate for the hearing of the complaint. Councillor Scargill was informed of the reasons why the

hearing could not proceed in the evening. Councillor Scargill had proposed the date of 1 December 2023 for the Hearing.

Councillor Scargill was given notice of the date and time of the hearing when the agenda and hearing papers were delivered to him by Council courier on 15 November 2023. He was fully aware of his right to attend the hearing and make representations.

On the 30 November 2023 the Monitoring Officer was informed by both the Conservative Group Leader and the Deputy Leader on separate occasions that Councillor Scargill would not be attending the hearing.

On 1 December 2023 at 11.57 hours Councillor Scargill submitted to the Monitoring Officer a statement by way of e mail. The opening sentence of the e mail read *"Please see below my statement for **today's committee** to be read out"*. That clearly demonstrated that Councillor Scargill was not only aware of the hearing later that day but also confirmed that he would not be in attendance.

As the Sub-Committee could be satisfied that Councillor Scargill was fully aware of the date and time of the hearing and that he had made a conscious decision not to attend the hearing, the Sub-Committee was satisfied that it would be appropriate to proceed with the hearing in his absence.

Councillor Scargill's statement was read out during the hearing.

Procedural Point

Councillor Bones, the Conservative Group Leader, wrote to the Monitoring Officer on 24 August 2023 on behalf of Councillor Scargill 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 Monitoring Officer 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 by Councillor Scargill on 22 May 2023, and the hearing before the Standards Sub-Committee would be held beyond the 3-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 the Standards Committee 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 had given to the Chair of the Standards Committee during the pre-hearing process meeting. That advice was included in the hearing papers and the legal advice included in pages 27 and 28 of the hearing papers was read out by the Monitoring Officer during the hearing.

The Monitoring Officer in his advice recited that on 26 May 2023 following receipt of the Investigator’s final report, Councillor Scargill wrote to the Monitoring Officer stating that this complaint should not progress to a Standards hearing until the Monitoring Officer had reviewed the outcome of what Councillor Scargill considered to be a similar complaint. The Monitoring Officer, in the spirit of promoting the rules of natural justice, and seeking to achieve a fair hearing, acceded to Councillor Scargill’s request, and *“paused”* the complaint process until he had reviewed matters as requested by Councillor Scargill. The period of the *“pause”* in proceedings was between 26 May and 12 June 2023 (at the earliest) but could arguably have been said to have been as late as the 24 July 2023 because of further correspondence received from Councillor Scargill. The *“pause”* contributed to this hearing not taking place within 3 months of receipt of the Independent Investigator’s final report.

In addition to the request for a pause in the hearing process, it should be noted that the hearing was originally to be heard on 27 October 2023. However, because Councillor Scargill could not attend on that date, the hearing was vacated, and attempts made to re-arrange the hearing. Other dates in October and November 2023 were canvassed but due to Councillor Scargill’s commitments, the earliest, and most convenient date for his attendance was 1 December 2023. Therefore, finding a suitable

hearing date on which Councillor Scargill could attend a hearing also delayed the hearing of the complaint.

It should also be noted that Councillor Scargill failed to return to the Monitoring Officer completed Forms A to E which would have provided his formal response to the Investigation Report as well as dealing with other practical issues relating to the hearing. That is despite the Code of Conduct requiring members to cooperate with any investigation and/or determination of a complaint.

The Monitoring Officer during the Pre-Hearing process and again at the hearing, referred specifically to paragraph 15 of the Local 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 Scargill 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 concluded that there were three reasons why the hearing did not take place within 3-months of the receipt of the final Independent Investigator's report by Councillor Scargill. Firstly, Councillor Scargill's request for the complaint process to be paused. Secondly, the difficulty in arranging a mutually convenient date for the hearing of the complaint at which Councillor Scargill could attend, and thirdly, the failure by Councillor Scargill to cooperate with the pre-hearing process by failing to return Forms A to E, despite repeated requests for him to do so, which 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*'.

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 Scargill as much opportunity as possible to be able to engage in the complaint process and to be able to properly set out his position, whilst on the other hand ensuring that the complainant, Councillor Samuel, had his complaint dealt with as quickly and as fairly as possible. In other words, to ensure that the rules of natural justice were applied equally to both parties.

In the circumstances, the Sub-Committee determined 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 Scargill.

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 Scargill nor the Independent Investigator, Mr Kenyon, requested that the hearing, or parts of the hearing, be dealt with in private.

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 Councillor Samuel and Councillor Scargill by the Monitoring Officer, he asked if they would consider a disposal of the complaint by way of local resolution.

Councillor Samuel indicated that he was not agreeable to the matter being dealt with by way of local resolution. Councillor Scargill 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.

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 Scargill's actions in posting on his Facebook page "*Cllr Olly Scargill – Your local campaigner*" a recording of part of a full Council meeting held on 21 July 2022. Councillor Samuel complained that the recording was heavily edited by Councillor Scargill before he posted it. The recording was said to be only part of the Elected Mayor's speech with conciliatory comments made by her having been omitted from the video clip. The recording was an extract taken from the Council's recording of the meeting which appeared on its Youtube channel. Accompanying the recording was commentary from Councillor Scargill that was said to deliberately take the Mayor's comments out of context.

Councillor Samuel complained that the editing of the recorded footage had shown a lack of respect for the Elected Mayor and was designed to bring the Mayor, and by implication the Council, into disrepute.

The Sub-Committee heard from Mr Melvin Kenyon, the Independent Investigator, who presented his report and answered questions from members of the Sub-Committee and Dr Green, the Independent Person.

Findings of Fact

References in brackets below to paragraph numbers refer to paragraphs in the Independent Investigator's report considered by the Sub-Committee.

The Sub-Committee, following careful consideration of the papers and the submissions made to it by Mr Kenyon and the observations of Dr Green, and the statement submitted by Councillor Scargill, on the day of the hearing finds the following:

Application of the Code

The Sub-Committee finds that: -

1. Councillor Scargill did not dispute that he was responsible for the production of the video clip on or about 26 July 2022 on his Facebook page “Cllr Olly Scargill – Your local campaigner” and the commentary accompanying the clip and the responses he gave to various comments posted on the Facebook page, including those asking about the context in which the Elected Mayor’s comments were made. [Paragraph 8.1.2].
2. The Code of Conduct was engaged by the production of the video clip by Councillor Scargill on his Facebook page and the comments made by him regarding the video clip. This is because the contents of the video clip, (which were an edited extract of the Council’s Youtube footage of the Council meeting) and the comments he made related to a full Council meeting and the business of the Council conducted at that meeting. The clip and commentary therefore relate wholly to “*Council business*” and were therefore produced by Councillor Scargill in his capacity as a Councillor. [Paragraph 8.1.2].

Publication of the Video Clip on the “Cllr Olly Scargill – Your local campaigner” Facebook page.

1. The video clip published by Councillor Scargill on or about 26 July 2022 on his Facebook page was indisputably taken from the Council’s Youtube recording of the Council meeting held on 21 July 2022. [Paragraph 8.2.5].
2. Councillor Scargill submitted to the Independent Investigator that the video clip produced by him “*has no content added or removed*”. That is patently not supported by the evidence. [Paragraph 5.4].

3. It is indisputable that the video clip has had *“special effects”* added to it by Councillor Scargill who said to the Independent Investigator that *“These [the editing of the Youtube footage] are the sort of tactics that are used in politics nationally. They put a lot of people off from going into politics”*. [Paragraph 7.5].
4. The *“special effects”* added in the video clip by Councillor Scargill included: -
 - The adding of subtitles,
 - The introduction of *“sinister”* music part way through the Mayor’s speech which increases in volume to the end of the speech,
 - The abrupt change of the footage from colour to black and white, the video stopping and the zooming in on the Mayor’s image and the clip ending with an *“unflattering”* facial expression.

[Paragraph 7.2.1]

5. The content that has been removed from the video clip are the comments made by the Mayor at the beginning and end of her speech. The video clip shows 41 seconds of a 91 second speech made by the Mayor. Therefore, 50 seconds of the speech had been omitted from the video clip. [Paragraph 7.2.1].
6. Councillor Scargill chose to leave parts of the Mayor’s speech out of the video clip. He told the Independent Investigator that *“By taking out her complimentary references to Conservative councillors I was taking out footage that didn’t add anything to what I was trying to say though I am sure it would have made her [the Mayor] look a bit better if I had left it in there.”* [Paragraph 7.5].
7. When commenting on the editing of the Youtube footage of the Mayor’s speech, Councillor Scargill told the Independent Investigator *“The fading to black and white and the unflattering photo of the Mayor was just politics. Politicians don’t choose flattering photos of their opponents”*. [Paragraph 7.5].
8. Councillor Scargill when commenting on the Mayor’s speech and the tactics that he used in his May 2022 election campaign told the Independent Investigator that *“Politics is a dirty game and if you want to win you have to do things that some people would find*

distasteful. It is the kind of thing that all of the parties do." [Paragraph 7.5].

9. Councillor Scargill accepted that some of the comments left by individuals about the Mayor after visiting his Facebook page and viewing the video clip such as *"She is appalling", "What a bitter and twisted woman", "Move into the retirement home", "Cantankerous old woman", "This is our Mule Normal Redfanny" and "Is that Biffa's mam?"* might have been *"over the line"*. He said that if comments are *"really nasty"* he or others *"hide them"*. [Paragraphs 7.2.3 and 7.5].
10. Presumably the comments referred to in the Independent Investigator's report at Paragraph 7.2.3 and which the Independent Investigator was able to read in the preparation of the report were not considered by Councillor Scargill to be *"over the line"* otherwise he, or others, would have had those comments *"hidden"*. [Paragraph 7.5].
11. Councillor Scargill did not accept that producing this video clip in the way he did put the Mayor's safety at risk. [Paragraph 7.5].
12. Councillor Scargill did not accept that *"sharing"* an edited version of the Mayor's speech, with *"special effects"* added, which he did not consider to be *"Heavy effects"*, constituted disrespect towards the Mayor. He saw the complaint as being politically motivated and intended to *"ruin my [his] reputation."* [Paragraph 7.5].
13. Councillor Scargill edited the video clip in such a way that presented the Mayor's speech outside the context in which it was originally made. The editing presented her words as if they were made in response to the issues on which he campaigned during his election campaign. However, the Independent Investigator concluded, and the Sub-Committee agreed, that Councillor Scargill *"knew it to be false to suggest to readers that the Mayor was attacking him for "standing up for his residents". There was no factual basis for this and we found no evidence at all to suggest that she was doing that when she spoke"*. [Paragraph 8.2.5].

14. The edited video clip did misrepresent the context of the Mayor's comments as claimed by Councillor Samuel and this was found to be the case by the Independent Investigator. [Paragraph 8.2.5].
15. Councillor Scargill did falsely claim in his Facebook page, and in doing so misled the public, that the Mayor's comments were an attack on him because he was "*standing up for his residents*". [Paragraph 8.2.5].
16. Councillor Scargill suggested that in producing the video clip he was acting "*within the bounds of free speech and fair political comment*" and suggested that a politician such as the Mayor should have a "*thicker skin*" than members of the public. He referred to Article 10 of the European Convention of Human Rights – the right to freedom of expression. [Paragraph 7.5].
17. The competing principles of freedom of expression and the need to treat others with respect in accordance with the Code of Conduct need to be considered having regard to the Judgment given in **Heesom v Public Service Ombudsman for Wales** and the "*Guidance on Local Government Association Model Councillor Code of Conduct*" published by the Local Government Association. [Paragraph 8.2.1].
18. The Judgment in Heesom, amongst other things, makes it clear that Article 10 does not protect individuals from making statements which the publisher knows to be false. [Paragraph 8.2.1].
19. As stated in Paragraph 13 above, there was no basis to the claim made by Councillor Scargill that the Mayor was attacking him for "*standing up for his residents*" or any suggestion that the Mayor was trying to stop him from doing that. Councillor Scargill knew those claims to be false and those comments are not therefore afforded the protection conferred by Article 10 of the European Convention of Human Rights. [Paragraph 8.2.5].
20. The Youtube footage, which the Council has paid for and produced, is a Council resource for the purposes of the Code of Conduct and is produced so as to allow greater public access to the business of full Council. The footage is also a form of Council "*publicity*" as defined by the Local Government Act 1986. The Code of Conduct and the law

therefore prevents the misuse of the Council's Youtube footage and the use of such footage for political purposes. [Paragraph 7.6].

21. The addition of subtitles, music, the change from colour footage to black and white footage and the omission of 50 seconds of footage was the improper manipulation of a Council resource.
22. The presentation of a heavily manipulated excerpt of the Council's Youtube recording of the Council meeting of 21 July 2022 by Councillor Scargill was for political purposes. The omission of some of the Mayor's speech was to support Councillor Scargill's particular stance on a matter. [Paragraph 7.6].

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 Scargill, and having heard from the Independent Investigator, 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 Dr Green, the Independent Person who was in attendance during the hearing and the Sub-Committee's deliberations throughout.

Breaches

The Sub-Committee found that Councillor Scargill **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 not do anything to bring your role or the Authority into disrepute.

The Sub-Committee considered that the actions of Councillor Scargill in publishing a heavily edited video clip of the Mayor's speech with misleading text in his Facebook page "*Cllr Olly Scargill – Your local campaigner*" on or about 26 July 2022 showed a lack of respect towards the Elected Mayor, Dame Norma Redfearn. The way in which the video clip was edited and presented meant that the Mayor's speech was taken out of context and the claims by Councillor Scargill that the Mayor's speech was her attacking him for "*standing up for his residents*" was untrue. Those actions misled the public and brought his role as Councillor into disrepute.

Part 1 Paragraphs 7.1 and 7.2 of the Code – Use of the Authority's Resources and Facilities.

As a member:

- 7.1 You must not misuse the Authority's resources.
- 7.2 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 the office to which you have been elected or appointed.

The way in which the Council's Youtube recording of the Mayor's speech, a Council resource, had been used by Councillor Scargill, namely by heavily editing the recording and by adding special effects and removing parts of the speech amounted to the misuse of a Council resource and in addition was used for political purposes.

Dr Green agreed that there had been breaches of the Code of Conduct outlined above.

Sanctions

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

The Sub-Committee had accepted and agreed with the views of Mr Kenyon, the Independent Investigator and Dr Green, 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 Scargill. In that statement it is clear that Councillor Scargill does not accept that he breached the Code of Conduct for Members. He considers that he has acted legitimately when he posted the edited video clip and the accompanying commentary and responses on his Facebook page. He does say that it was never his intention to "*cause offence to Norma*" and says that the video clip was "*not meant to be offensive*". He said that the complaints are politically motivated.

The Sub-Committee noted that Councillor Scargill did not show any regret or remorse for his actions that had prompted the complaint made against him, which as stated, he saw as being politically motivated.

Mr Kenyon suggested that Councillor Scargill should apologise to the Mayor and be asked to remove the video clip and accompanying commentary from his Facebook page. Dr Green agreed that Councillor Scargill should apologise to the Mayor and suggested that the apology should be as "*public*" as possible. Dr Green also considered that Councillor Scargill would benefit from training on the use of social media and how this could impact on the Code of Conduct.

The Sub-Committee determined that: -

1. A letter of apology be issued by Councillor Scargill to the Elected Mayor.

The letter of apology be supplied to the Monitoring Officer as soon as possible and the contents agreed by the Monitoring Officer (or in his absence one of his team) and the Chair of the Standards Committee before it is sent to the Elected Mayor.

2. That Councillor Scargill be requested to immediately delete the video that is the subject of this complaint and comments thereon from his social media platforms.
3. That Councillor Scargill be required to undertake training on the use of social media in terms of how such use can engage the Council's Code of Conduct; and

4. The decision of the Sub-Committee be reported to a meeting of the full Council for information.

NORTH TYNESIDE COUNCIL STANDARDS SUB-COMMITTEE

HEARING DECISION – FULL DECISION NOTICE

Name of Authority:	North Tyneside Council
Member subject of allegation:	Councillor Olly Scargill (not in attendance)
Complainants:	Mr Frank Austin and Ms Alison Austin
Case Reference Number(s):	NT15.2022-23
Committee Members:	Councillor Frank Lott (Chair); Councillor Lewis Bartoli; Councillor Tracy Hallway (Deputy Chair).
Investigating Officer:	Mr Melvin Kenyon, Kenyon Brabrook Limited
Monitoring Officer:	Mr Stephen Ballantyne
Deputy Monitoring Officer:	Mr John Barton
Democratic Services Officers:	Mrs Sonia Stewart and Mr Scott McKeating
Independent Person:	Dr Stuart Green
Date and Time of Hearing:	1 December 2023 at 1.30p.m

Summary of Allegation

The complainants, Mr Frank Austin and Ms Alison Austin, allege that the Subject Member, Councillor Olly Scargill:

1. Posted on his Facebook *page "Cllr Olly Scargill – Your local campaigner"* an edited video clip of remarks made by the Council's Elected Mayor, Dame Norma Redfearn, when she spoke to a Motion at a full Council meeting held on 21 July 2022 (not 22 July 2022 as

stated in the complaint). That Motion concerned *"Honesty, integrity, and respect in politics"*.

2. In posting the edited video clip, Councillor Scargill had within less than a week failed to act with *"honesty, integrity and respect"* as he and all of the Councillors at the Council meeting, including him, had agreed to do.
3. Edited the video clip in such a way that the Mayor's comments were shown out of their *"true context"* and posted the following message immediately above the edited video clip: -
*"At last week's Full Council meeting, the Mayor attacked me for standing up for my residents.
Throughout my campaign, I had 3 main pledges: to save our green space, to tackle anti-social behaviour and to campaign for 24-hour care at Rake Lane.
Speaking about the last election, the Mayor thought it was appropriate to single me out (as the only new young member) in a clearly ageist outburst.
No amount of nastiness from this Labour Mayor will stop me standing up for my residents"*.
4. Made an *"utterly false"* comment in his Facebook page, namely, that the Mayor's comments were her *"response to my [Councillor Scargill's] election campaign earlier this year, which was against the Dutch-style roundabout and the 3,000 houses on green space, and for 24-hour care at Rake Lane."*
5. Was well aware that the comments made by the Mayor related to the Motion on *"honesty, integrity and respect"* in politics and not a later Motion moved by him and debated at the same Council meeting regarding the roundabout at Rake Lane.
6. Failed to ask commentators making abusive, personal and threatening comments about the Mayor on his Facebook page to stop doing so or to reprimand those who had made such comments.
7. Told a clear lie when he suggested that the Mayor's speech concerned his election campaign.
8. Edited the video clip of the Mayor's speech by adding titles and subtitles, and posted it on his Facebook page, knowingly ascribing a completely false context to her remarks.

9. In posting the video clip had shown total disregard for the safety of Councillors and candidates from online abuse and even physical threats and attacks and had shown total and utter contempt for the Council and elected members as a result.
10. By his actions failed to treat the Mayor with respect and had brought his role as Councillor and the Council into disrepute by publishing *“knowingly false and misleading information”*.

Additional Allegations

In addition to the above allegations, the Monitoring Officer at the time of the assessment of the initial complaint, Ms Jacqueline Laughton, identified further potential breaches of the Code of Conduct for members by way of misuse of Council resources and using those resources 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 5 of the Code – Disrepute

As a member:

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

c) Part 1 Paragraphs 7.1 and 7.2 of the Code of Conduct – Use of the Authority’s resources and facilities

As a member:

7.1 You must not misuse the Authority’s resources.

7.2 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 Scargill did not attend the hearing.

Councillor Scargill had declined several suggested dates for the hearing of the complaint made against him, stating that he had work commitments which prevented his attendance. Cllr Scargill had requested the timing of the hearing be in the evening. However, due to the logistics of holding a hearing of this nature and the need to deal with the complex issues contained in this complaint, the Chair was of the view that this was not practical to hold a hearing in the evening. The start time of 1.30pm was the latest time in the day that the Chair considered appropriate for the hearing of the complaint. Councillor Scargill was informed of the reasons why the hearing could not proceed in the evening. Councillor Scargill had proposed the date of 1 December 2023 for the Hearing.

Councillor Scargill was given notice of the date and time of the hearing when the agenda and hearing papers were delivered to him by Council courier on 15 November 2023. He was fully aware of his right to attend the hearing and make representations.

On the 30 November 2023 the Monitoring Officer was informed by both the Conservative Group Leader and the Deputy Leader on separate occasions that Councillor Scargill would not be attending the hearing.

On 1 December 2023 at 11.57 hours Councillor Scargill submitted to the Monitoring Officer a statement by way of e mail. The opening sentence of the e mail read *"Please see below my statement for **today's committee** to be read out"*. That clearly demonstrated that Councillor Scargill was not only aware of the hearing later that day but also confirmed that he would not be in attendance.

As the Sub-Committee could be satisfied that Councillor Scargill was fully aware of the date and time of the hearing and that he had made a conscious decision not to attend the hearing, the Sub-Committee was satisfied that it would be appropriate to proceed with the hearing in his absence.

Councillor Scargill's statement was read out during the hearing.

Procedural Point

Councillor Bones, the Conservative Group Leader, wrote to the Monitoring Officer on 24 August 2023 on behalf of Councillor Scargill 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 Monitoring Officer 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 by Councillor Scargill on 22 May 2023, and the hearing before the Standards Sub-Committee would be held beyond the 3-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 the Standards Committee 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 had given to the Chair of the Standards of Committee during the pre-hearing process meeting. That advice was included in the hearing papers and the legal advice included in pages 27 and 28 of the hearing papers was read out by the Monitoring Officer during the hearing.

The Monitoring Officer in his advice recited that on 26 May 2023 following receipt of the Investigator's final report, Councillor Scargill wrote to the Monitoring Officer stating that this complaint should not progress to a Standards hearing until the Monitoring Officer had reviewed the outcome of what Councillor Scargill considered to be a similar complaint. The Monitoring Officer, in the spirit of promoting the rules of natural justice, and seeking to achieve a fair hearing, acceded to Councillor Scargill's request,

and “*paused*” the complaint process until he had reviewed matters as requested by Councillor Scargill. The period of the “*pause*” in proceedings was between 26 May and 12 June 2023 (at the earliest) but could arguably have been said to have been as late as the 24 July 2023 because of further correspondence received from Councillor Scargill. The “*pause*” contributed to this hearing not taking place within 3 months of receipt of the Independent Investigator’s final report.

In addition to the request for a pause in the hearing process, it should be noted that the hearing was originally to be heard on 27 October 2023. However, because Councillor Scargill could not attend on that date, the hearing was vacated, and attempts made to re-arrange the hearing. Other dates in October and November 2023 were canvassed but due to Councillor Scargill’s commitments, the earliest, and most convenient date for his attendance was 1 December 2023. Therefore, finding a suitable hearing date on which Councillor Scargill could attend a hearing also delayed the hearing of the complaint.

It should also be noted that Councillor Scargill failed to return to the Monitoring Officer completed Forms A to E which would have provided his formal response to the Investigation Report as well as dealing with other practical issues relating to the hearing. That is despite the Code of Conduct requiring members to cooperate with any investigation and/or determination of a complaint.

The Monitoring Officer during the Pre-Hearing process and again at the hearing, referred specifically to paragraph 15 of the Local 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 Scargill 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 concluded that there were three reasons why the hearing did not take place within 3-months of the receipt of the final Independent Investigator's report by Councillor Scargill. Firstly, Councillor Scargill's request for the complaint process to be paused. Secondly, the difficulty in arranging a mutually convenient date for the hearing of the complaint at which Councillor Scargill could attend, and thirdly, the failure by Councillor Scargill to co-operate with the pre-hearing process by failing to return Forms A to E, despite repeated requests for him to do so, which 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'*.

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 Scargill as much opportunity as possible to be able to engage in the complaint process and to be able to properly set out his position, whilst on the other hand ensuring that the complainants, Mr Austin and Ms Austin, had their complaint dealt with as quickly and as fairly as possible. In other words, to ensure that the rules of natural justice were applied equally to all parties.

In the circumstances, the Sub-Committee determined 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 Scargill.

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 Scargill nor the Independent Investigator, Mr Kenyon, requested that the hearing, or parts of the hearing, be dealt with in private.

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 Austin and Ms Austin and Councillor Scargill by the Monitoring Officer, he asked if they would consider a disposal of the complaint by way of local resolution.

Mr Austin and Ms Austin indicated that they were not agreeable to the matter being dealt with by way of local resolution. Councillor Scargill 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.

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 Scargill's actions in posting on his Facebook page "*Cllr Olly Scargill – Your local campaigner*" a recording of part of a full Council meeting held on 21 July 2022. Mr Austin and Ms Austin complained that the recording was heavily edited by Councillor Scargill before he posted it. The recording was said to be only part of the Elected Mayor's speech. The recording was an extract taken from the Council's recording of the meeting which appeared on its Youtube channel. Accompanying the recording was commentary from Councillor Scargill that was said to deliberately take the Mayor's comments out of context.

Mr Austin and Ms Austin complained that the editing of the recorded footage had shown a lack of respect for the Elected Mayor and was designed to bring the Mayor, and by implication the Council, into disrepute.

The Sub-Committee heard from Mr Melvin Kenyon, the Independent Investigator, who presented his report and answered questions from members of the Sub-Committee and Dr Green, the Independent Person.

Findings of Fact

References in brackets below to paragraph numbers refer to paragraphs in the Independent Investigator's report considered by the Sub-Committee.

The Sub-Committee, following careful consideration of the papers and the submissions made to it by Mr Kenyon and the observations of Dr Green, and the statement submitted by Councillor Scargill on the day of the hearing finds the following:

Application of the Code

The Sub-Committee finds that: -

1. Councillor Scargill did not dispute that he was responsible for the production of the video clip on or about 26 July 2022 on his Facebook page "Cllr Olly Scargill – Your local campaigner" and the commentary accompanying the clip and the responses he gave to various comments on the Facebook page, including those asking about the context in which the Elected Mayor's comments were made. [Paragraph 8.1.2].
2. The Code of Conduct was engaged by the production of the video clip by Councillor Scargill on his Facebook page and the comments made by him regarding the video clip. This is because the contents of the video clip, (which were an edited extract of the Council's Youtube footage of the Council meeting) and the comments he made related to a full Council meeting and the business of the Council conducted at that meeting. The clip and commentary therefore relate wholly to "*Council business*" and were therefore

produced by Councillor Scargill in his capacity as a Councillor.
[Paragraph 8.1.2].

Publication of the Video Clip on the “Cllr Olly Scargill – Your local campaigner” Facebook page.

1. The video clip published by Councillor Scargill on or about 26 July 2022 on his Facebook page was indisputably taken from the Council’s Youtube recording of the Council meeting held on 21 July 2022. [Paragraph 8.2.5].
2. Councillor Scargill submitted to the Independent Investigator that the video clip produced by him *“has no content added or removed”*. That is patently not supported by the evidence. [Paragraph 5.4].
3. It is indisputable that the video clip has had *“special effects”* added to it by Councillor Scargill who said to the Independent Investigator that *“These [the editing of the Youtube footage] are the sort of tactics that are used in politics nationally. They put a lot of people off from going into politics”*. [Paragraph 7.5].
4. The *“special effects”* added in the video clip by Councillor Scargill included: –
 - The adding of subtitles,
 - The introduction of *“sinister”* music part way through the Mayor’s speech which increases in volume to the end of the speech,
 - The abrupt change of the footage from colour to black and white, the video stopping and the zooming in on the Mayor’s image and the clip ending with an *“unflattering”* facial expression.

[Paragraphs 7.2.1]

5. The content that has been removed from the video clip are the comments made by the Mayor at the beginning and end of her speech. The video clip shows 41 seconds of a 91 second speech made by the Mayor. Therefore, 50 seconds of the speech had been omitted from the video clip. [Paragraph 7.2.1].

6. Councillor Scargill chose to leave parts of the Mayor's speech out of the video clip. He told the Independent Investigator that *"By taking out her complimentary references to Conservative councillors I was taking out footage that didn't add anything to what I was trying to say though I am sure it would have made her [the Mayor] look a bit better if I had left it in there."* [Paragraph 7.5].
7. When commenting on the editing of the Youtube footage of the Mayor's speech, Councillor Scargill told the Independent Investigator *"The fading to black and white and the unflattering photo of the Mayor was just politics. Politicians don't choose flattering photos of their opponents"*. [Paragraph 7.5].
8. Councillor Scargill when commenting on the Mayor's speech and the tactics that he used in his May 2022 election campaign told the Independent Investigator that *"Politics is a dirty game and if you want to win you have to do things that some people would find distasteful. It is the kind of thing that all of the parties do."* [Paragraph 7.5].
9. Councillor Scargill accepted that some of the comments left by individuals about the Mayor after visiting his Facebook page and viewing the video clip such as *"She is appalling", "What a bitter and twisted woman", "Move into the retirement home", "Cantankerous old woman", "This is our Mule Normal Redfanny" and "Is that Biffa's mam?"* might have been *"over the line"*. He said that if comments are *"really nasty"* he or others *"hide them"*. [Paragraphs 7.2.3 and 7.5].
10. Presumably the comments referred to in the Independent Investigator's report at Paragraph 7.2.3 and which the Independent Investigator was able to read in the preparation of the report were not considered by Councillor Scargill to be *"over the line"* otherwise he, or others, would have had those comments *"hidden"*. [Paragraph 7.5].
11. Councillor Scargill did not accept that producing this video clip in the way he did put the Mayor's safety at risk. [Paragraph 7.5].
12. Councillor Scargill did not accept that *"sharing"* an edited version of the Mayor's speech, with *"special effects"* added, which he did not consider to be *"Heavy effects"*, constituted disrespect towards the

Mayor. He saw the complaint as being politically motivated and intended to *“ruin my [his] reputation.”* [Paragraph 7.5].

13. Councillor Scargill edited the video clip in such a way that presented the Mayor’s speech outside the context in which it was originally made. The editing presented her words as if they were made in response to the issues on which he campaigned during his election campaign. However, the Independent investigator concluded, and the Sub-Committee agreed, that Councillor Scargill *“knew it to be false to suggest to readers that the Mayor was attacking him for “standing up for his residents”. There was no factual basis for this and we found no evidence at all to suggest that she was doing that when she spoke”*. [Paragraph 8.2.5].
14. The edited video clip did misrepresent the context of the Mayor’s comments as claimed by Mr Austin and Ms Austin and this was found to be the case by the Independent Investigator. [Paragraph 8.2.5].
15. Councillor Scargill did falsely claim in his Facebook page, and in doing so misled the public, that the Mayor’s comments were an attack on him because he was *“standing up for his residents”*. [Paragraph 8.2.5].
16. Councillor Scargill suggested that in producing the video clip he was acting *“within the bounds of free speech and fair political comment”* and suggested that a politician such as the Mayor should have a *“thicker skin”* than members of the public. He referred to Article 10 of the European Convention of Human Rights – the right to freedom of expression. [Paragraph 7.5].
17. The competing principles of freedom of expression and the need to treat others with respect in accordance with the Code of Conduct need to be considered having regard to the Judgment given in **Heesom v Public Service Ombudsman for Wales** and the *“Guidance on Local Government Association Model Councillor Code of Conduct”* published by the Local Government Association. [Paragraph 8.2.1].
18. The Judgment in Heesom, amongst other things, makes it clear that Article 10 does not protect individuals from making statements which the publisher knows to be false. [Paragraph 8.2.1].

19. As stated in Paragraph 13 above, there was no basis to the claim made by Councillor Scargill that the Mayor was attacking him for “*standing up for his residents*” or any suggestion that the Mayor was trying to stop him from doing that. Councillor Scargill knew those claims to be false and those comments are not therefore afforded the protection conferred by Article 10 of the European Convention of Human Rights. [Paragraph 8.2.5].
20. The Youtube footage, which the Council has paid for and produced, is a Council resource for the purposes of the Code of Conduct and is produced so as to allow greater public access to the business of full Council. The footage is also a form of Council “*publicity*” as defined by the Local Government Act 1986. The Code of Conduct and the law therefore prevents the misuse of the Council’s Youtube footage and the use of such footage for political purposes. [Paragraph 7.6].
21. The addition of subtitles, music, the change from colour footage to black and white footage and the omission of 50 seconds of footage was the improper manipulation of a Council resource.
22. The presentation of a heavily manipulated excerpt of the Council’s Youtube recording of the Council meeting of 21 July 2022 by Councillor Scargill was for political purposes. The omission of some of the Mayor’s speech was to support Councillor Scargill’s particular stance on a matter. [Paragraph 7.6].

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 Scargill, and having heard from the Independent Investigator, 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 Dr Green, the Independent Person who was in attendance during the hearing and the Sub-Committee’s deliberations throughout.

Breaches

The Sub-Committee found that Councillor Scargill **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 not do anything to bring your role or the Authority into disrepute.

The Sub-Committee considered that the actions of Councillor Scargill in publishing a heavily edited video clip of the Mayor's speech with misleading text in his Facebook page "*Cllr Olly Scargill – Your local campaigner*" on or about 26 July 2022 showed a lack of respect towards the Elected Mayor, Dame Norma Redfearn. The way in which the video clip was edited and presented meant that the Mayor's speech was taken out of context and the claims by Councillor Scargill that the Mayor's speech was her attacking him for "*standing up for his residents*" was untrue. Those actions misled the public and brought his role as Councillor into disrepute.

Part 1 Paragraphs 7.1 and 7.2 of the Code – Use of the Authority's Resources and Facilities.

As a member:

- 7.1 You must not misuse the Authority's resources.
- 7.2 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 the office to which you have been elected or appointed.

The way in which the Council's Youtube recording of the Mayor's speech, a Council resource, had been used by Councillor Scargill, namely by heavily editing the recording and by adding special effects and removing parts of

the speech amounted to the misuse of a Council resource and in addition was used for political purposes.

Dr Green agreed that there had been breaches of the Code of Conduct outlined above.

Sanctions

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

The Sub-Committee had accepted and agreed with the views of Mr Kenyon, the Independent Investigator and Dr Green, 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 Scargill. In that statement it is clear that Councillor Scargill does not accept that he breached the Code of Conduct for Members. He considers that he has acted legitimately when he posted the edited video clip and the accompanying commentary and responses on his Facebook page. He does say that it was never his intention to "*cause offence to Norma*" and says that the video clip was "*not meant to be offensive*". He says that the complaints are politically motivated.

The Sub-Committee noted that Councillor Scargill did not show any regret or remorse for his actions that had prompted the complaint made against him, which as stated, he sees as being politically motivated.

Mr Kenyon suggested that Councillor Scargill should apologise to the Mayor and be asked to remove the video clip and accompanying commentary from his Facebook page. Dr Green agreed that Councillor Scargill should apologise to the Mayor and suggested that the apology should be as "*public*" as possible. Dr Green also considered that Councillor Scargill would benefit from training on the use of social media and how this could impact on the Code of Conduct.

The Sub-Committee determined that: -

1. A letter of apology be issued by Councillor Scargill to the Elected Mayor.

The letter of apology be supplied to the Monitoring Officer as soon as possible and the contents agreed by the Monitoring Officer (or in his absence one of his team) and the Chair of the Standards Committee before it is sent to the Elected Mayor.

2. That Councillor Scargill be requested to immediately delete the video that is the subject of this complaint and comments thereon from his social media platforms.
3. That Councillor Scargill be required to undertake training on the use of social media in terms of how such use can engage the Council's Code of Conduct; and
4. The decision of the Sub-Committee be reported to a meeting of the full Council for information.