

North Tyneside Council

Report to Council

19 January 2023

Title: Motions

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

Motion 1 signed by Councillors L Bartoli, L Bones and O Scargill

Recording of Cabinet and Council Committees

Since the introduction of the recording and publication of Full Council meetings there has been an increased level of scrutiny and accountability. As more residents are able to see discussions for themselves, political debate within the borough has been enriched.

North Tyneside Council would like to further increase levels of transparency and accountability and therefore asks the Mayor and Council to:

1. Commit to the recording and publishing online of all Cabinet meetings and Council committee meetings, before the start of the new municipal year in May 2023, subject to the Members attending those meetings not passing a resolution to exclude the public from such meetings.
2. Invite the Monitoring Officer to advise Members on any copyright issues that might arise from all recordings of public meetings being made available to Members, the public and the press in relation to the sharing of extracts from Cabinet or Council Meetings on Social Media and anywhere else.

Legal Implications

The Openness of Local Government Bodies Regulations 2014 specifically relate to meetings of the Council and its Committees/Sub-Committees called under the Local Government Act 1972 and meetings of the Cabinet and its Committees/Sub-Committees called under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The Public Bodies (Admission to Meetings) Act 1960, the 1972 Act, and the 2012 Regulations are clear that the norm will be for Council/Cabinet meetings to be open to the public.

The Openness of Local Government Bodies Regulations 2014 amend the 1960 Act, 1972 Act and the 2012 Regulations to make it clear that “reporting” of Council/Cabinet meetings (and their Committees/Sub-Committees) that are open to the public includes: -

filming, photographing or making an audio recording of proceedings at a meeting;

using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or

reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present.

It is a matter for Council/Cabinet to decide if recording and publishing online of all Cabinet meetings and Council committee meetings, but there will need to be consideration given to having protocols and safeguards in place if this is to take place.

In addition to the Council/Cabinet meetings (and Committee/Sub-Committee meetings) there are other types of meetings (hearings) that are not convened using the provisions of the Local Government Act 1972 or the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. These are licensing hearings dealt with by the Licensing Committee (and its Sub-Committees) established under the provisions of the Licensing Act 2003.

The Licensing Committee/Sub-Committee has its own Regulations (the Licensing Act 2003 (Hearings) Regulations 2005 and the Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007) that govern its procedure and that of its Sub-Committees. The Regulations, amongst other things, deal with the publication of materials, and the exclusion of the public from all or part of the hearing if the Committee/Sub-Committee considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public. Any such exclusion is made under the Hearings Regulation, not the Local Government Act 1972.

Licensing hearings are quite often held when a representation has been received from a member of the public about a particular licensing application. Any person making a representation is invited to attend the hearing and speak, as is the applicant or member of a Responsible Authority (e.g. police, trading standards, Director of Public Health). Members of the public attending the hearing would need to be informed that the hearing is being filmed/recorded.

The filming of licensing hearings will go beyond the provisions contained in the Openness of Local Government Bodies Regulations 2014. That does not mean that the hearings should not be filmed, if that is what Council decides. However, there will need to be consideration given as to how this will be undertaken. A decision will need to be taken on whether members of the public/applicant will be seen on film, or just heard? Also. how long will the recording of the hearing be held?

Financial Implications

Should there be a decision to record additional meetings then there would be considerable additional staff resources which would have a financial implication but this would need to be explored.

Motion 2 by Councillors M Thirlaway, C Johnson and J Cruddas

Ukraine

North Tyneside Council notes that Friday 24th February 2023 marks the one-year anniversary of Russia's illegal and unprovoked invasion of Ukraine. We reiterate our absolute support for Ukraine and the Ukrainian people. The resulting conflict has had a devastating impact on Ukraine, and we will continue to support all Ukrainian refugees here in North Tyneside.

We ask the Elected Mayor to:

1. Write to the Ukrainian Ambassador in the UK, reiterating North Tyneside Council's support and solidarity, and respect for his nation's sovereignty and freedom.
2. Commit to continue supporting all Ukrainian refugees here in North Tyneside for as long as necessary.

Legal Implications

There are no direct legal implications arising from this motion.

Financial Implications

The current support to Ukrainian refugees is contained within available resources and the Government's external grant regime. The continuation of and the commitment to supporting Ukrainian refugees would be subject to available funding and the continuation of the external grant regime. If the external grant regime was to come to an end, funding support would have to be considered as part of the Authority's Medium-Term Financial Planning process and fully costed in line with any ongoing support that would be proposed.

Motion 3 by Councillors C Davis, R O’Keefe and M Fox

“We are in the middle of a cost-of-living crisis and a crisis in our NHS made by the Conservatives Government.

Council believes all primary school children should get free school meals in response to the rising cost-of-living pressures on families and our shared ambitions of tackling child poverty and ensuring no child goes hungry in school.

Council believes in addition to rising food, fuel and housing costs, childcare costs are increasingly forcing growing numbers of parents out of work and see more children missing out on additional learning, and enriching activities as well as some pupils going hungry at school due to not receiving breakfasts at home, there is a well-established link between adequate food and educational attainment in schools.

Council notes that the Councils Equally Well strategy which works with partners across the borough to improve health and education outcomes recently led to the council adopting the Healthy Weight Declaration.

Up to 500 people a week are dying unnecessarily due to delays in receiving emergency treatment according to the Royal College of Emergency Medicine.

Council calls upon the Mayor to write to the Prime Minister calling on him to;

- Implement Universal Free School meals for all Primary School children
- Make all recipients of Universal Credit eligible to receive free school meals
- Implement Labour’s plan for every child to be offered a free place at breakfast clubs.
- Urgently ask the Health Secretary to set out a plan to bring down NHS waiting lists and A&E wait times immediately.

Legal Implications

There are no direct legal implications arising from this motion.

Financial Implications

There are no direct financial implications which are currently part of the motion response.

Motion 4 by Councillors L Bones, L Bartoli and O Scargill

EV on street charging -

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

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

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

North Tyneside Council asks the Mayor to set up a cross-party working group to look at establishing a similar scheme in North Tyneside, particularly looking to reflect the dropped curb scheme (which includes a one-off charge for residents allowing them to have a gully installed). The group should produce a report to be presented to Full Council before the end of 2023 with plans to begin offering this to residents in early 2024.

Legal Implications

A person commits an offence under section 162 of the Highways Act 1980 if they place any rope, wire or other apparatus across a highway [this will include a footpath] in such a manner as to be likely to cause danger to persons using the highway is, unless he proves that he had taken all necessary means to give adequate warning of the danger. A person guilty of such an offence is liable on conviction to a fine of up to £1,000. They could also possibly face a personal injury claim by any individual who trips and injures themselves because of the wire placed across the footpath by them. It is therefore essential that any cable gully is safe and does not impede the safe use of the footpath.

There may also be planning implications and it may be that the Authority will need to adopt a local planning policy to cover the installation of cable gullies. It may also be the case that not all properties will be suitable for the installation of such gullies.

There may also be a need to introduce parking restrictions to ensure that residents are able to park outside their homes to make use of the cable gullies installed outside their homes.

Would the Authority as the Highway Authority be responsible for the maintenance of the gullies? If there were to be an accident caused by a defective gully would the Authority be liable for any such accident? These issues, and no doubt others, would need to be fully explored.

Financial Implications

There are no direct financial implications of setting up the cross party working group. Depending on the outcome of the working groups review the financial implications would need to be part of any business case that would be put forward

for the introduction of EV on street charging which would potentially have both revenue and capital implications and would need to be considered as part of the Authority's Medium-Term Financial Plan.

Motion 5 by Councillors O Scargill, C Johnston and L Bartoli

Motion - litter and dog mess

Litter and dog mess in North Tyneside has got to an unacceptable level after years of neglect by North Tyneside's Labour-run Council. Not only does this ruin how our area looks, but it also poses health and hygiene risks.

Council notes that litter and dog mess has got to an unacceptable standard in North Tyneside.

Council believes new public bins need to be sited across the borough, with many existing public bins needing emptying more often.

Council asks the Mayor to:

- Set up an all party group to establish which bins need emptied more often, where new bins should be sited, which areas are particularly bad for dog mess and what can be done about it
- Set a target for 100 new bins across the borough before the summer, when littering is at its worst
- Introduce a refreshed public awareness campaign about dog mess within North Tyneside
- Increase the number of staff able to issue dog fouling Fixed Penalty Notices (FPNs)

Legal Implications

The Authority has responsibility for controlling both littering and dog fouling in the Borough. The Authority's Environmental Crime and Anti-social Behaviour Policy 2020 sets out the Authority's approach to managing anti-social behaviour and environmental related enforcement matters. It lets the public know what to expect when environmental crime or anti-social behaviour contraventions are found and where resources will be targeted.

Littering

It is an offence under section 87 of the Environmental Protection Act 1990 to throw down, drop or otherwise deposit litter in a place that is open to the air and to which the public have access with or without payment. A person guilty of this offence can be fined up to £2,500.

As an alternative to prosecution for leaving litter, an authorised officer who reasonably believes that a person has committed an offence of leaving litter may issue that person with a Fixed Penalty Notice under section 88 of the 1990 Act, offering that person the opportunity to pay a fixed penalty to the Authority to avoid prosecution. A Fixed Penalty Notice requires payment of £80.00 within 21 days. This amount is reduced to £60.00 if payment is made within 14 days of the issues of the Notice.

If a person does not pay a Fixed Penalty Notice within the requisite period of time, then they are liable to prosecution in the Magistrates' Court for the littering offence. The Authority regularly prosecutes such individuals.

Dog Fouling

In October 2017 the Authority introduced a number of Public Space Protection Orders (PSPOs) across the Borough including the North Tyneside (Dog fouling of Land) Public Spaces Protection Order 2017, which was extended in October 2020 for a further 3 years.

The effect of the PSPO is that if a dog defecates within a public open space in the Borough the person in charge of the dog at that time must remove the faeces forthwith. It is an offence under section 67 of the Anti-social Behaviour, Crime and Policing Act 2014 for a person without reasonable excuse to fail to comply with a requirement of a PSPO. A person can be fined up to £1,000 on conviction of such an offence.

As an alternative to prosecution, an officer of the Authority or a constable who reasonably believes that a person has committed an offence by failing to comply with the requirement to clean up dog faeces can issue the person in charge of the dog with a Fixed Penalty Notice. The Fixed Penalty Notice is £100 payable within 21 days and is reduced to £75.00 if that amount is paid within 14 days of the issue of the Notice.

A failure to pay the Fixed Penalty within the 21 days period will make that person liable to prosecution for failure to comply with the requirement of the PSPO. Individuals have been prosecuted if considered appropriate and fined by the Courts.

Financial Implications

Should the purchase of additional litter bins be required this would have a direct financial implication.