

# COUNCIL

## MINUTES OF PROCEEDINGS

28 SEPTEMBER 2017

The meeting commenced at 7.00 pm in the Civic Centre, Hartlepool

PRESENT:-

The Ceremonial Mayor (Councillor Beck) presiding:

COUNCILLORS:

C Akers-Belcher	S Akers-Belcher	Belcher
Black	Buchan	Clark
Cranney	Fleming	Hall
Harrison	Hind	Hunter
James	Lauderdale	Lindridge
Loynes	Martin-Wells	McLaughlin
Moore	Dr Morris	Richardson
Riddle	Sirs	Springer
Tennant	Thomas	

Officers: Gill Alexander, Chief Executive  
Peter Devlin, Chief Solicitor  
Chris Little, Director of Finance and Policy  
Dr Paul Edmondson-Jones, Interim Director of Public Health  
Sally Robinson, Children's and Joint Commissioning Services  
Jill Harrison, Director of Adult and Community Based Services  
Hayley Martin, Head of Legal Services (Place)  
Ed Turner, Public Relations Officer  
Angela Armstrong and David Cosgrove, Democratic Services Team

Prior to the commencement of business, the Ceremonial Mayor referred in terms of regret to the recent sad loss of Keith Hewitson, a freeman of the Borough. Members stood in silence as a mark of respect.

Prior to the commencement of business, the Ceremonial Mayor referred in terms of regret to the recent sad loss of Betty Brotherston, former Mayoress of the Borough. Members stood in silence as a mark of respect.

### 30. APOLOGIES FOR ABSENT MEMBERS

Councillors Barclay, Cook, Hamilton and Robinson.

31. DECLARATIONS OF INTEREST FROM MEMBERS

None.

32. BUSINESS REQUIRED BY STATUTE TO BE DONE BEFORE ANY OTHER BUSINESS

None.

33. MINUTES OF PROCEEDINGS

The Minutes of Proceedings of the Council held on the 22 June 2017, having been laid before the Council.

RESOLVED - That the minutes be confirmed.

The minutes were thereupon signed by the Chairman.

34. QUESTIONS FROM MEMBERS OF THE COUNCIL ON THE MINUTES OF THE PREVIOUS MEETING OF THE COUNCIL

None.

35. BUSINESS REQUIRED BY STATUTE

None.

36. ANNOUNCEMENTS

The Ceremonial Mayor informed Council that he would be holding a Civic Dinner at West Hartlepool Rugby Club on the evening of 27 October 2017 to which Councillors and members of the public were invited to attend. Tickets for the event were available from the Members Services Team.

37. TO DISPOSE OF BUSINESS (IF ANY) REMAINING FROM THE LAST MEETING AND TO RECEIVE THE REPORT OF ANY COMMITTEE TO WHICH SUCH BUSINESS WAS REFERRED FOR CONSIDERATION.

None.

### 38. TO RECEIVE REPORTS FROM THE COUNCIL'S COMMITTEES

#### Early Morning Alcohol Restriction Orders – Report of Licensing Committee

The Chair of the Licensing Committee, Councillor Loynes, reported that in February of this year a motion was passed by Council that the Licensing Committee once again consider the benefits and feasibility of introducing an Early Morning Restriction Order (EMRO) in Hartlepool.

An EMRO was a tool that Licensing Authorities can use, in appropriate circumstances, to reduce the terminal hour of premises selling alcohol. The Chair of the Licensing Committee reported that the Licensing Committee had instructed officers to gather evidence and a thorough and detailed report was subsequently presented to the Committee in July.

The Licensing Committee heard that this was the fourth time the imposition of an EMRO had been considered. As with the previous occasions the Committee heard that the adoption of an EMRO must be based on clear and robust evidence that meets the requirements of law and that no Council in the country is yet to adopt one; indeed a recent House of Lords scrutiny into the Licensing Act had recommended that they be removed from the statute book as soon as possible.

Evidence provided by Cleveland Police demonstrated that the level of crime and violence in the Night Time Economy has fallen significantly since the Licensing Act (and subsequent later opening hours) was introduced in 2005 and, therefore, the evidential base required for justifying an EMRO was simply not sufficient.

As such, and taking into consideration that the costs that this Council would incur in defending the adoption of an EMRO through the courts, the Licensing Committee determined that it would not be appropriate to recommend an EMRO to Council. Further, as this was the fourth time that the Committee had considered the matter, it recommended that an EMRO not be considered again for at least five years or until such time as Cleveland Police specifically request one on the basis of it being necessary for crime prevention.

As such, the Chair of the Licensing Committee, therefore, recommended to Council that the adoption of an Early Morning Restriction Order is not appropriate.

The following decision was agreed without dissent.

**RESOLVED** - That Council does not proceed with any further consideration of an Early Morning Alcohol Restriction Order for at least four years unless a specific application is made by Cleveland Police.

39. TO CONSIDER ANY OTHER BUSINESS SPECIFIED IN THE SUMMONS OF THE MEETING

None.

40. REPORT FROM THE POLICY COMMITTEES

(a) Proposal in relation to the Council's budget and policy framework

None.

(b) Proposal for Departure from the Budget and Policy Framework

1. Elwick Bypass and Grade Separated Junction – Prudential Borrowing – Report of Finance and Policy Committee

The Chair of the Finance and Policy Committee, Councillor C. Akers-Belcher, reported that the proposal to build an Elwick Bypass and Grade Separated Junction at the northern Elwick Junction on the A19 was presented to the Finance and Policy Committee on 24 July 2017 and a copy of that report was submitted with the Council Agenda papers.

The Chair of the Finance and Policy Committee set out the importance of the scheme and the detailed funding arrangements for the scheme. The funding arrangements set out to Council outlined both the best and worst case scenarios for the local authority depending on the outcome of various funding bids and the potential income streams from Section 106 payments from housing developments in the vicinity of the bypass and junction.

The Chair of the Finance and Policy Committee sought Council's approval to the detailed recommendations within the report.

The motion was seconded by Councillor Cranney.

The following decision was agreed without dissent.

RESOLVED – as follows: -

1. Council approved the Prudential Borrowing of between £8m and £18m, which represents the amount of funding required by the Council to fund the cost of the Elwick Bypass and Grade Separated Junction; depending on the outcome of external funding applications.
2. Council noted the annual loan repayment costs (excluding interest) associated with recommendation (1) will be fully funded from S106 Developer Contributions. Under these arrangements an £8m loan would be repaid by 2024/25 and a £18m loan will be repaid by 2030/31.
3. Council noted that in the event that the S106 monies are not received

the Council will need to repay the Prudential Borrowing from the General Fund Budget over a 40 year period to reflect the lifespan of the new road. For a £8m loan this would commit £0.340m (Annual Loan Repayment plus interest) of the £2.3m recurring Council Tax income achieved from completion of the anticipated housing developments. For an £18m loan this would commit £0.750m (Annual Loan Repayment plus interest) of the £2.3m recurring Council Tax income achieved from completion of the anticipated housing developments.

4. Council noted that if no grant funding is achieved for this scheme the full S106 Developer contributions of £18m will need to be allocated to repay Prudential Borrowing and this would require external funding for a new Primary School.
5. Council noted that if grant funding of £10m is secured this will release £10m of S106 monies to either repay the loan by 2024/25, or provide funding towards other priorities such as a new primary school or affordable housing.
6. Council noted that Prudential Borrowing of £18m will commit the Council to a one-off interest cost for 2018/19 and 2019/20 of £200,000, and provision for this one-off cost will need to be made as part of the 2018/19 budget process.
7. Council noted that annual interest costs from 2020/21, until the loan is repaid, will be funded from Council Tax income generated from the first 200 properties.
8. On the basis of Council approving the above recommendations, Council approved the inclusion of this scheme within the Capital Programme and Prudential Indicators.

#### 41. MOTIONS ON NOTICE

1. This Council condemns the indignities suffered by the people of Hartlepool when undergoing the Department for Work & Pensions 'Work Capability Assessment' (WCA). This Council therefore calls on central Government and the Department for Work and Pensions to scrap the current WCA and seek a replacement assessment, which is a more humane way to treat people with disabilities that robustly considers the advice of medical professionals when assessing individual for Personal Independence Payments.

Signed by  
Councillors Clark, Harrison, Hamilton, Cranney and McLaughlin.

The motion was moved by Councillor Clark and Seconded by Councillor Cranney. Other members spoke in support of the motion.

The motion was carried without dissent.

2. Make fair transitional state pension arrangements for 1950's women.

This Council requests that the Government, without delay recognises the need for a non-means tested bridging pension for women born on or after 6/4/1950 who are affected by the 1995 and 2011 Pension Acts and compensate those at risk of losing up to £45,000, to also give proper notification of any future changes.

The 1995 Conservative Government's Pension Act included plans to increase women's SPA to 65, the same as men's. Women Against State Pension Inequality (WASPI), agree with equalisation, but don't agree with the unfair way the changes were implemented – with little/no personal notice (1995/2011 Acts), faster than promised (2011 Pension Act), and no time to make alternative plans. Retirement plans have been shattered with devastating consequences.

Signed by  
Councillors Harrison, Thomas, James, Clark and Cranney.

The motion was moved by Councillor Harrison and Seconded by Councillor Thomas. Other members spoke in support of the motion.

The motion was carried without dissent.

#### 42. SENIOR LEADERSHIP RESTRUCTURE

The Chief Executive reported that the Finance and Policy Committee, on 9th August 2017, approved her report relating to a senior leadership restructure including the appointment arrangements. The structure will discharge the Council's statutory duties in relation to the functions of the Director of Children's Services, the Director of Adult Social Services and the Director of Public Health.

Council was requested to note that Jill Harrison, as Director of Adults and Community Based Services, would discharge the statutory Proper Officer duties in relation to the functions of the Director of Adult Social Services. Sally Robinson, as the Director of Children's and Joint Commissioning, would retain responsibility for all Children's Social Care Services and would continue to be the statutory Director of Education Services. These appointments were in conformity and consistent with the Local Authority Social Services Act 1970 as amended by the Children Act 2004.

The Monitoring Officer would arrange for the Constitution to be amended accordingly.

RESOLVED – That the report and appointments be noted.

#### 43. DIRECTOR OF PUBLIC HEALTH ANNUAL REPORT 2016/17

The Director of Public Health's Annual Report for 2016/17 had been circulated and Members had been briefed on issues arising from the report. The requirement for the Director of Public Health to write an Annual Report on the health status of the town, and the Local Authority duty to publish it, was specified in the Health and Social Care Act 2012.

Ageing well in Hartlepool was the theme of the Director's fourth Annual Report. The previous three reports had focused on how public health priorities had changed over the past 40 years (2013/14 report), the importance of how work and employment influence health and well being (2014/15) and understanding need (2015/16). It was the view of the Interim Director of Public Health that the time was right to adopt a different approach, so over the next few years the emphasis will be on 'Starting Well' (children and young people), 'Working Well' (working age adults irrespective of their employment status) and 'Ageing Well' (older people). The report for 2016-2017 focused on a key issue that was challenging local authorities, the NHS and other agencies across the country, which is about the demographic challenges of an ageing population.

The Director's report examined, through a series of case studies and reports, how well the Council was working with key stakeholders, partner organisations, communities and residents to promote better health and well-being of our older residents.

RESOLVED – That the Director of Public Health's Annual Report for 2016/17 be received.

#### 44. APPROVAL OF FURTHER ADDENDUM TO ORIGINAL BUSINESS CASE FOR THE AMALGAMATION OF THE HARTLEPOOL AND TEESSIDE CORONER AREAS

The Chief Executive indicated that reports were received by Council on 23 May and 22 June 2017, concerning discussions that had taken place with the Ministry of Justice and a proposed timetable for an amalgamation of the Hartlepool and Teesside Coroner Areas had suggested 'an early December' date for implementation. Council requested that they be kept fully informed of all developments and that Council should approve amendments to the original Business Case, through a 'Further Addendum' document, now submitted as Appendix 1 to the report. Council had approved the appointment of Ms Clare Bailey to allow her to act in the capacity of a Senior Coroner for the Hartlepool Area and letters of appreciation had been passed to Malcolm Donnelly and his staff for their dedicated work.

The Addendum highlights the appointment through 'open competition' of a Senior Coroner for the Teesside Coroner Area, namely Ms Bailey. Further, that the Council had received notification from Malcolm Donnelly of his intention to retire from the position of HM Senior Coroner for Hartlepool with effect from 30 June, 2017. A much earlier consultation exercise on the original Business Case

garnered widespread support for a merger. However, given the passage of time, a further period of consultation would be required on the Addendum (four weeks was envisaged) which would take place through the Ministry of Justice. Council was requested, therefore, to consider and endorse the submitted Addendum. It was likely that any amalgamation of the Coroner Areas would not now take place until early February, once representations had been reviewed and parliamentary approval had been obtained.

The Leader of the Council indicated that he wished to propose an amendment to the recommendations indicating that this Council oppose the proposed amalgamation but note the proposed addendum to allow for consultation to take place. This was seconded by Councillor Cranney.

The following decision was agreed unanimously.

RESOLVED: -

1. That Council opposes the proposed amalgamation of the Hartlepool and Teesside Coroners Service.
2. That Council note the Further Addendum to the earlier Business Case to allow for public consultation through the Ministry of Justice.

#### 45. TEES VALLEY JOINT HEALTH SCRUTINY COMMITTEE

The Chief Executive reported that at the meeting of Council held on 23th May 2017, Council appointed the Chair of Audit and Governance Committee as one of the Council's representatives on the Tees Valley Joint Health Scrutiny Committee. Since that meeting the Chair of Audit and Governance Committee had indicated that he wished to give another member of the Committee an opportunity to participate in joint health scrutiny outside Hartlepool and represent the Audit and Governance Committee. It had been suggested that the Vice-Chair of the Committee be appointed as the Chair's replacement on the Committee.

RESOLVED – that approval be given to the appointment of the Vice-Chair of the Audit and Governance Committee as a replacement for the Chair of the Committee on the Tees Valley Joint Health Scrutiny Committee.

#### 46. SPECIAL URGENCY REPORT

Council noted that that there were no special urgency decisions taken in the period May 2017 – July 2017.

#### 47. REPRESENTATION ON THE HEALTH AND WELLBEING BOARD

The Chief Executive reported that she had received a letter from the Chief Executive of North Tees and Hartlepool NHS Foundation Trust which referred to



discussion at a recent Board of Directors meeting in respect of health and wellbeing arrangements. The Chief Executive of the Trust has requested that the representation of the Trust on the Health and Wellbeing Board be reconsidered.

At the meeting of the Health and Wellbeing Board, held on 4 September 2017, Board Members expressed their support for the request and spoke of the benefits of a North Tees and Hartlepool NHS Foundation Trust representative being a member of the Board.

The request was also considered by the Audit and Governance Committee at its meeting on 20 September 2017 and the Chair of the Audit and Governance Committee reported to Council that Members supported the reinstatement of a representative from the Trust on the Health and Wellbeing Board in light of the ongoing discussions around the Sustainability and Transformation Plan, the Better Health Programme and the Hartlepool Matters implementation plan. The Committee was of the view, however, that what was needed to facilitate those discussions was a senior clinician. The Leader of the Council, as Chair of the Health and Wellbeing Board, supported the proposals indicating that the representative needed to be a board level senior clinician or their substitute and not a manager. Other Members spoke in support of the proposal.

RESOLVED – That Council approves the reinstatement of a representative from the Hartlepool and North Tees NHS Foundation Trust on the membership of the Health and Wellbeing Board and indicates to the Trust that their nomination should be a senior board level clinician.

#### 48. RESIGNATION OF COUNCILLOR

Council was requested to note the resignation of Paul Thompson as the Borough Councillor for the Seaton Ward through correspondence received by the Chief Executive dated 4 September, 2017. Mr Thompson was first elected in 2010 and was re-elected in 2012 for a three year term and, most recently in 2015 for a four year term. A notice of vacancy was published on 5 September and a by-election would be held on Thursday 19 October, 2017.

This resignation created vacancies on the Finance and Policy Committee, Regeneration Services Committee and Constitution Committee. There was also a nomination as a member of the Council's Appointments Panel. In addition, vacancies arise in connection with the Hartlepool and District Sports Council and the Teesmouth Field Centre. It was highlighted at the meeting that there was also another outstanding vacancy on the Hartlepool and District Sports Council.

In light of the forthcoming by-election, it was proposed that the vacancies be reconsidered by Council after the conclusion of the by-election.

A number of Members spoke in tribute to Mr Thompson and his service to the Council and the Seaton Ward.

#### 49. RESIGNATION OF COUNCILLOR / RESIGNATION FROM COMMITTEES AND OUTSIDE BODIES

The Chief Executive reported that at the time of the circulation of her initial report Council were informed that, due to caring responsibilities, Councillor Lawton has resigned from the following Committees/Outside Bodies:-

Vice Chair of the Neighbourhood Committee  
Vice Chair of the South and Central Community Forum  
The Fostering and Adoption Panel  
Cleveland Police and Crime Committee  
Heritage Champion.

Subsequently, and as included on the second Chief Executive's report, Trisha Lawton had decided to resign as a Borough Councillor for the Victoria Ward through correspondence received by the Chief Executive dated 25 September, 2017. Mrs Lawton was first elected in 2010 and served a two-year term as Rossmere Ward Councillor. Mrs Lawton was re-elected in 2015 for a four year term as a Victoria Ward Councillor.

A notice of a casual vacancy arising through this resignation will be published through the Returning Officer and a by-election convened within thirty five working days from a request through two local government electors.

It was proposed that the two vice-chair vacancies be appointed at Council and Councillor S Akers-Belcher was proposed as the Vice-Chair of the Neighbourhood Services Committee and Councillor Lindridge was proposed as the Vice-Chair of the South and Central Community Forum. The nominations were seconded by Councillor Cranney. It was also proposed that in light of the forthcoming by-election, that the remaining vacancies be reconsidered by Council after the conclusion of the by-election.

RESOLVED – That Councillor S Akers-Belcher be appointed as the Vice-Chair of the Neighbourhood Services Committee and Councillor Lindridge be appointed as the Vice-Chair of the South and Central Community Forum.

#### 50. BOUNDARY COMMISSION FOR ENGLAND - REVISED PROPOSALS FOR NEW PARLIAMENTARY CONSTITUENCY BOUNDARIES.

The Chief Executive reported that Council had previously received notification of the 'initial proposals' for new Parliamentary constituency boundaries in the North East which were published on 13 September, 2016. That publication provided for a 12 week consultation period from that date to 5 December, 2016. Thereafter the Commission were required to consult on the responses received and if persuaded to change those proposals, were obliged to further consult on those further proposals for the areas concerned for a period of eight weeks.

The Chief Executive and the Electoral Registration Officer had been informed

that the Commission intended to publish its Revised proposals for new constituency boundaries on Tuesday 17 October 2017. Consultation would commence on that date and run until 11 December 2017. This would be the last consultation during this review of constituencies under the present 2018 Review. The Commission were required to make recommendations to Parliament in September 2018.

The Council is required to assist in the publication of these revised proposals and all Elected Members would be notified of these further proposals once received.

#### 51. RESIGNATION FROM COMMITTEES AND OUTSIDE BODIES

The Chief Executive reported that she had received notification from Councillor C. Akers-Belcher that he wished to step down from his appointment as Council representative to the Teesside Pension Fund.

In light of the forthcoming by-elections, it was proposed that the vacancy be reconsidered by Council after their conclusion.

#### 52. RESIGNATION FROM COMMITTEES AND OUTSIDE BODIES

The Chief Executive reported that she had received notification from Councillor James that she wished to step down from her appointment as Council representative to the Tees Valley Combined Authority (TVCA) Overview and Scrutiny Committee. In accordance with the required political balance, the vacancy created is a Labour appointment. The nomination must also not be a member of the TVCA Audit and Governance Committee; the Council's current appointees being Councillor Belcher with Councillor Beck as designated substitute.

In light of the forthcoming by-elections, it was proposed that the vacancy be reconsidered by Council after their conclusion.

#### 53. PUBLIC QUESTIONS

None.

#### 54. QUESTIONS FROM MEMBERS OF THE COUNCIL

(a) Questions to the Chairs about recent decisions of Council Committees and Forums without notice under Council Procedure Rule 12.1.

None.

(b) Questions on notice to the Chair of any Committee or Forum under Council Procedure Rule 12.2

1. Councillor Moore to Councillor Hunter, Chair Neighbourhood Services Committee: -

“Can we be given an update on the negotiations with stakeholders to take responsibility for the roads, paths and other land around the marina which are currently not adopted by HBC?”

The Chair of the Neighbourhood Services Committee commented that positive discussions continued to take place with the Crown Estates and the Council was hopeful that a successful resolution would soon be achieved that would allow the Council to adopt and maintain the roads, footpaths and lighting for Harbour Walk. This was, however, an incredibly difficult task and officers were working towards reaching the best solution for Hartlepool. There were still challenges to overcome and a timeline could not be given at this time but once one was available, it would be shared with Members.

2. Councillor Moore to Councillor Kevin Cranney, Chair Regeneration Services Committee: -

“Given the Jacksons Landing/Waterfront area is now high on our priority list for redevelopment and attracting visitors we are failing to maintain the assets currently in location, namely the PSS Wingfield Castle and Cobles moored alongside. Can we be given reassurances that the upkeep of these assets will be given a greater priority and regular maintenance carried out?”

The Chair Regeneration Services Committee stated that the Council had recently commissioned a Wingfield Castle Conservation Management Plan (using external funding from the Museums Resilience Fund via the Arts Council of £25,000) which would identify a repairs programme and future conservation methods to reduce damage to the asset as part of the conservation and maintenance of the vessel going forward. Once a detailed conservation management plan is established the Council could then formulate a maintenance and refurbishment plan which would include seeking external funding from the Heritage Lottery Fund to implement the conservation works required. The Chair of the Regeneration Services Committee indicated that he hoped a report on the matter would be submitted to the Committee in the New Year.

- (c) Questions on notice to the Council representatives on the Police and Crime Panel and Cleveland Fire Authority

None.

- (d) Minutes of the meetings held by the Cleveland Fire Authority and the Police and Crime Panel

Council received the minutes of the meetings held by the Cleveland Fire Authority on 2nd June, 2017 and 9th June, 2017 and the Police and Crime Panel held on 2nd February, 2017 and 4th July, 2017.

The meeting concluded at 7.55 pm

CEREMONIAL MAYOR