



Chief Executive's Department
Civic Centre
HARTLEPOOL

7th April, 2008

The Mayor (Stuart Drummond)

Councillors

Councillors Akers-Belcher, Allison, Atkinson, Barker, Brash, Clouth, R W Cook, S Cook, Coward, Cranney, Fenwick, Fleet, Fleming, Flintoff, Gibbon, Griffin, Hall, Hargreaves, Henery, Hill, Jackson, James, Johnson, Kaiser, Laffey, Lauderdale, A E Lilley, G Lilley, London, A Marshall, J Marshall, Dr. Morris, Payne, Plant, Preece, Richardson, Rogan, Shaw, Simmons, Sutheran, Tumilty, Turner, Wallace, Wistow, Worthy, Wright, and Young.

Madam or Sir,

You are hereby summoned to attend a meeting of the COUNCIL to be held on THURSDAY, 17th April, 2008 at 7.00 p.m. in the Civic Centre, Hartlepool to consider the subjects set out in the attached agenda.

Yours faithfully

P Walker
Chief Executive

Enc

COUNCIL AGENDA



17 April 2008

at 7.00pm

in the Council Chamber

1. To receive apologies from absent members.
2. To receive any declarations of interest from members.
3. To deal with any business required by statute to be done before any other business.
4. To receive questions from and provide answers to the public in relation to matters of which notice has been given under Rule 10.
5. To approve the minutes of the last meeting of the Council held on 28th February 2008, as a correct record (copy attached).
6. Questions from Members of the Council on the minutes of the last meeting of the Council.
7. To answer questions of members of the Council under Council Procedure Rule 11;
 - (a) Questions to members of the Executive about recent decisions of the Executive (without notice)
 - (b) Questions to members of the Executive and Chairs of Committees and Forums, for which notice has been given.
 - (c) Questions to the appropriate members on Police and Fire Authority issues, for which notice has been given. Minutes of the meetings of the Cleveland Police Authority held on 11th December 2007 and the meetings of the Cleveland Fire Authority held on 25th January 2008 are attached.

8. To deal with any business required by statute to be done.

Report of Independent Remuneration Panel – Members Allowances
9. To receive any announcements from the Chair, the Mayor, members of the Cabinet or the head of the paid service.
10. To dispose of business (if any) remaining from the last meeting and to receive the report of any scrutiny forum or other committee to which such business was referred for consideration.
11. To receive reports from the Council's committees and working groups other than any overview and scrutiny committee and to receive questions and answers on any of those reports;
 - (i) Report of Constitution Committee – Amendments to the Constitution in respect of Resident Representative Elections
 - (ii) Report of Constitution Committee – Proposed Amendments to Contract Procedure Rules
 - (iii) Report of Constitution Committee – Outside Bodies Review
 - (iv) Report of Constitution Committee – Amendments to Constitution – Review and approval of Council Accounts and Audit Committee Membership and Planning Committee Review of Duration and Speaking Rights Of Members
12. To consider any other business specified in the summons to the meeting, including consideration of reports of the overview and scrutiny committees for debate and to receive questions and answers on any of those items;
13. To consider reports from the Executive:-
 - (a) Proposals in relation to the Council's budget and policy framework

None.
 - (b) Proposals for departures from the budget and policy framework

None.
14. To consider any motions in the order in which notice has been received.
15. To receive the Chief Executive's report and to pass such resolutions thereon as may be deemed necessary.

<p style="text-align: center;">COUNCIL</p> <p style="text-align: center;">MINUTES OF PROCEEDINGS</p> <p style="text-align: center;">28th February 2008</p>
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The meeting commenced at 7.00 p.m. in the Civic Centre, Hartlepool

PRESENT:-

The Chairman (Councillor C Richardson) presiding

The Mayor, Stuart Drummond

COUNCILLORS:

Akers-Belcher	Allison	Atkinson
Barker	Brash	RW Cook
S Cook	Cranney	Fleet
Fleming	Flintoff	Gibbon
Griffin	Hall	Henery
Hill	James	Johnson
Laffey	Lauderdale	A Lilley
G Lilley	London	A Marshall
J Marshall	Dr Morris	Preece
Rogan	Shaw	Simmons
Tumilty	Wallace	Worthy
Wright		

Officers: Andrew Atkin, Assistant Chief Executive
Nicola Bailey, Director of Adult and Community Services
Alastair Rae, Public Relations Manager
Paul Walker, Chief Executive
Michael Ward, Chief Financial Officer
Amanda Whitaker, Democratic Services Team Manager
Jo Wilson, Democratic Services Officer

140. APOLOGIES FOR ABSENT MEMBERS

Councillors Clouth, Coward, Ferwick, Hargreaves, Jackson, Kaiser, Payne and Sutheran

141. DECLARATIONS OF INTEREST FROM MEMBERS

None

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

None

143. PUBLIC QUESTION

None

144. MINUTES OF PROCEEDINGS

The Minutes of Proceedings of the Council held on the 21st February 2008, having been laid before the Council.

RESOLVED - That the minutes be confirmed.

The minutes were thereupon signed by the Chairman.

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

None

146. QUESTIONS FROM MEMBERS OF THE COUNCIL

- (a) Questions to Members of the Executive about recent decisions of the Executive

None

- (b) Questions to Members of the Executive and Chairs of Committees and Forums, for which Notice has been given

None

- (c) Questions to the appropriate Members on Police and Fire Authority issues, for which notice has been given.

None

147. BUSINESS REQUIRED BY STATUTE

None

148. ANNOUNCEMENTS

The Chairman advised Members that Announcements would be dealt with at the end of the meeting.

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

None

150. TO RECEIVE REPORTS FROM THE COUNCIL'S COMMITTEES AND WORKING GROUPS

None

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

None

152. REPORT FROM THE EXECUTIVE

- (a) Proposals in relation to the Council's budget and policy framework
- (i) Formal Council Tax Setting 2008/09 – Incorporation of Fire and Police Authorities Precepts

The Mayor presented a report which enabled Council to set the overall level of Council Tax following the notification by the Police and Fire Authority of their Council Tax levels for 2008/09. At the Council meeting on 14th February 2008, Members had considered and approved the proposed 2008/2009 Medium Term Financial Strategy and this Authority's own 2008/2009 Council Tax level. In accordance with statutory requirements the Council was required to approve the overall Council Tax, inclusive of the Police and Fire Authority precepts. The Fire Authority had set its precept and Council Tax on 25th January, 2008 and the Police Authority had set its precept and Council Tax on the morning of the Council meeting.

A detailed schedule of the statutory Council Tax calculation incorporating the Police and Fire Authority Council Tax levels for 2008/2009 was tabled at the meeting.

RESOLVED – That the amount of Council Tax including the Cleveland Police Authority and Cleveland Fire Authority precepts be approved, in

accordance with Section 40 of the Local Government Finance Act 1992 and the relevant inclusion of amounts of Council Tax for each category of dwelling in accordance with Sections 43 to 47 of the Act, as set out in Appendix A, Table 4 circulated at the meeting.

The following Members requested that in accordance with Council Procedure Rule 17.5 their vote against the above resolution be recorded: -

Councillors Allison, Gibbon, A Lilley, G Lilley, J Marshall

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

(i) The Way Forward – Business Transformation Programme

The Mayor presented a report which sought Council approval to a departure from the Budget and Policy Framework to approve the funding for a Business Transformation Programme. The Mayor highlighted the background and rationale for the Programme.

At its meeting of 11 February 2008 Cabinet had considered a report from the Chief Executive on the need for the development of a Business Transformation programme. The report indicated that a budget provision of some £500,000 might be necessary. Provision had not previously been included in either the budget framework for 2007/8 or 2008/9. Funding would be, therefore, a departure from the Budget and Policy Framework requiring Council approval.

The Chief Financial Officer had reported verbally to Cabinet that given expenditure was of a one off nature and no alternative sources of finance were available at this stage in the budget process, it would be appropriate to fund the expenditure from reserves. This amount could be funded by reallocating existing reserves, £250,000 could be provided by rephasing the use of the Budget Support Fund. It was anticipated that this could be achieved without impacting on the existing commitment to support the revenue budget over the next four years, provided the remaining share of RTB income was received when anticipated. A further £250,000 could be taken from the Supporting People Implementation reserves, as the whole of this amount was now unlikely to be needed. Alternatively, £500,000 could be taken as a loan from General Fund Balances. This amount could then be repaid over a three year period by increasing the annual efficiency target. Cabinet had determined “that the whole of the Council’s reserves be examined with a view to creating the above budget with the option of Cabinet being able to repay funds to reserves or invest in services once efficiencies were realised.” At this stage in the financial year no further information on the likely level of reserves at the year end was available and would need to be considered as a specific item in the closure programme for 2007/8.

Motion Moved:-

“That the creation of a one off budget provision of £0.5m to fund the transformation programme initially from reserves with detailed funding options to be determined as part of the closure of accounts be approved.”

Amendment Moved and Seconded:-

- (i) That Council agrees that the £250,000 identified at paragraph 3.2 of the Executive report should be placed in the General Fund.
- (ii) That Council approves the creation of a one off budget provision of £500,000 to fund the Business Transformation Programme as outlined in the Executive's Report, money to be taken from the General Fund.
- (iii) All savings generated shall be returned to the General Fund and shall be utilised to support and expand frontline services and the retraining and re-deployment of staff affected by the Business Transformation Programme.”

Whilst some reservations were voiced, Members generally expressed their support for the Programme.

The Mayor advised that he was happy to accept the amendments.

Substantive Motion put and declared to be carried unanimously.

153. MOTIONS ON NOTICE

None

154. CHIEF EXECUTIVE'S REPORT

None

155. ANNOUNCEMENTS

The Chairman referred to Councillor Kaiser's ill health. It was agreed that the Chairman write to Councillor Kaiser to convey the best wishes of the Council.

The Chairman reminded Members that the Chief Solicitor was retiring at the end of the month and Members took the opportunity to thank Mr Brown for his service to the authority and to wish him a long and happy retirement. It was suggested that a letter be sent by the Chairman, to the Chief Solicitor, to convey comments made by Members.

The Mayor reminded Members of the following forthcoming meetings to discuss closures of Post Offices:-

29 February – 2.00pm – Public Meeting.

6 March – 6.00pm – Scrutiny Co-ordinating Committee

154. MOTIONS ON NOTICE

None

154. CHIEF EXECUTIVE'S REPORT

None

C RICHARDSON

CHAIRMAN

Member questions for Council

Meeting: 17 April 2008

1.	From: Councillor G Lilley
	To: Councillor Payne
	Question: Government policy is encouraging local authorities to make land available for affordable housing. What specific sites are under consideration for this purpose in Hartlepool?
2.	From: Councillor J Marshall
	To: Councillor Hargreaves
	Question: One million pounds was allocated to single status from the General Fund 2006/07. Can the Portfolio Holder tell us if any of that money has been spent, if not why not, and what has happened to it?
3.	From: Councillor Marjorie James
	To: Executive Member - Councillor Peter Jackson
	Question: Can you explain how land held by Children's Services and currently occupied by Brierton School was included in a recently published list of potential housing sites within the town?
4.	From: Councillor G Lilley
	To: Councillor Hill
	Question: Can the Portfolio Holder guarantee there will be the same number of places available for children in the summer play scheme this year as there were last year?

5.	From: Councillor Marjorie James
	To: Executive Member - Councillor Peter Jackson
	Question: Can you confirm the start date for the resurfacing of Greenock Road which was originally scheduled to take place in 2007/08, but was delayed due to housing development in the area?
6.	From: Councillor Marjorie James
	To: Executive Member - Councillor Peter Jackson
	Question: Are you aware, that the working practices of the operatives employed to deliver the external recycling contract are a matter of major concern across the town?

CLEVELAND POLICE AUTHORITY EXECUTIVE

A meeting of Cleveland Police Authority Executive was held on Tuesday 11 December 2007 in the Members Conference Room at Police Headquarters.

PRESENT: Councillor Barry Coppinger, Councillor Paul Kirton, Councillor Ron Lowes, Councillor Dave McLuckie (Chair) and Councillor Hazel Pearson OBE

Lay Justice Members
Mr Ted Cox JP, Mr Keith Fisher JP and Mr Mike McGrory JP

Independent Members
Miss Pam Andrews-Mawer, Mr Alf Illingworth TD JP and Mr Peter Race MBE

OFFICIALS: Mr Joe McCarthy, Mrs Caroline Llewellyn and Mrs Julie Leng (CE)
Mr Sean Price, Mr Ron Hogg, Mr Derek Bonnard, Mrs Ann Hall and Miss Kate Rowntree (CC)

137 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Caroline Barker, Mr Chris Coombs, Mr Aslam Hanif, Councillor Mary Lanigan, Councillor Victor Tumilty and Councillor Steve Wallace

138 **DECLARATIONS OF INTERESTS**

There were no declarations of interests.

139 **QUESTION TIME**

No questions were received from the public.

140 **CLEVELAND POLICE AUTHORITY – REVISED CODE OF CORPORATE GOVERNANCE**

The Head of Strategy and Performance presented the revised Code for Members agreement.

The previous Code (termed “framework”) was accepted by the Police Authority in October 2005 and the recent Best Value Review of Cleveland Police Authority recommended that it be revised, which was accepted at the AGM in June 2007. The revised Code of Corporate Governance (Appendix A) was accepted by the Audit and Internal Control Panel at its meeting

on 15th November 2007. This revised Code was now submitted for acceptance by the full Police Authority.

ORDERED that:-

1. the revised Code of Corporate Governance attached at Appendix A to the report be agreed.
2. this Code of Corporate Governance be issued and become effective from 1 January 2008.
3. the new requirement in England for the preparation and publication of an annual governance statement in accordance with the new CIPFA/SOLACE Framework for Corporate Governance 2007 (see section 1.3 of the revised Code). This would meet the statutory requirement set out in Regulation 4(2) of the Accounts and Audit Regulations 2003, as amended by the Accounts and Audit (Amendment) (England) Regulations 2006 for authorities to prepare a statement of internal control in accordance with 'proper practices'. This governance statement shall incorporate the existing requirement to publish a Statement on Systems of Internal Control in the Authority's annual Statement of Accounts. The Governance Statement would be reported annually to the Police Authority Executive from 2008 onwards.
4. the Annual Governance Statement would include the following be agreed:-
 - An assessment of the performance of each Panel/Committee.
 - An assessment of the effectiveness of the Code of Corporate Governance.
 - (Incorporates) the Statement on Systems of Internal Control
 - Details of minor changes to the Code that had been authorised as detailed in the recommendation below.
5. the Monitoring Officer, in consultation with the Chief Executive and Chair of the Authority be authorised to make minor changes to the Code, as necessary from time to time, in order to ensure that it reflects any changes in legislation or minor alterations to the terms of reference for Panels/Committees, therefore keeping the Code up to date be agreed.

141

ANNUAL GOVERNANCE STATEMENT – REQUIREMENT AND SUPPORTING ARRANGEMENTS

The Head of Strategy and Performance advised members that with effect from the financial year 2007/2008 the requirement to produce a Statement of the Systems of Internal Control ceases. The review of the internal control arrangements now form part of a wider ranging document entitled “Annual Governance Statement” which was referenced in the Code of Corporate Governance at item no. 4 of this agenda.

This report set out what requirements were to be met by the Authority and sought approval to the proposed arrangements for undertaking the work.

ORDERED that:-

1. the requirement to produce from 2007/2008 an Annual Governance Statement be noted.
2. a combined statement for the Authority and the Force, to be signed by the Chair of the Police Authority, the Chief Executive and the Chief Constable be agreed.
3. the arrangements (set out at Paragraph 5.5 and Section 5) for development of the statement, which included review and scrutiny by the Audit and Internal Control Panel be agreed.

142

GOVERNMENT GRANT SETTLEMENT – 2008/09 CONSULTATION & 2009/10 INDICATIVE ALLOCATIONS

The Chief Executive advised Members that the Formula Grant uplift nationally was 2.7%, the uplift for Cleveland was restricted to 2.5% for each of the three Comprehensive Spending Review (CSR) years. This equated to the lowest uplift possible within the minimum funding floor of 2.5%. The majority of forces received uplifts in excess of Cleveland.

Members were asked to note that this was the third year in succession that Cleveland had been awarded the lowest uplift possible. Had Cleveland been awarded the same average increase as the rest of its ‘Most Similar force’ Grouping for that period the Authority would be £1m better off in 2008/09.

The Chairman and Chief Constable were seeking an urgent meeting with the Policing Minister to warn of the consequences of the announcement both in its impact on policing in the area and on local council tax.

A more detailed report on the impact of the settlement on the 2008/09 budget and Long Term Strategy would be presented to Members at their briefing session on 18 December 2007.

ORDERED that:-

1. the contents of the report be noted.
2. the Chairman, in consultation with the Chief Executive and the Chief Constable be authorised to make representations in response to the proposed settlement.

143

PROCUREMENT REPORT FOR THE AWARD OF THE HARTLEPOOL REFURBISHMENT CONTRACT

The Assistant Chief Officer Finance and Commissioning provided Members with a summation of the procurement exercise carried out to award the contract for the Hartlepool Refurbishment.

The procurement process had been completed in line with European Legislation. The use of the Restricted Procedure gave an opportunity for all interested parties to participate, but ensure only those capable of delivering the project were invited to tender.

The tender submission had fully met the specification required by Cleveland Police. The Evaluation Team were confident that the procurement process achieved Best Value.

ORDERED that:-

1. the procurement method used be noted and the recommendation put forward by the Evaluation Team be approved.
2. the details submitted by tenderer 2 be accepted as the best value solution.
3. the awarding of the contract to tenderer 2 be approved.

144

ACCOUNTABILITY IN ACTION – POLICE AUTHORITIES ADDING VALUE

The Chief Executive presented to Members the Association of

Police Authorities (APA) report entitled Accountability in Action, as a contribution to the independent review of policing. The purpose of this report was to raise members' awareness of its contents.

Cleveland Police Authority had been recognised by the APA as best practice in two areas, engagement with communities and continuous improvement.

Recognition at a national level of Cleveland Police Authority's achievement should raise the profile of Cleveland Police Authority.

ORDERED that:-

1. the contents of the APA report be noted.

145

**MINUTES OF THE CLEVELAND POLICE AUTHORITY
EXECUTIVE HELD ON 24 SEPTEMBER 2007**

ORDERED that the minutes of the Police Authority Executive Meeting held on the 24 September 2007 were approved and signed by the Chair as a true and accurate record.

146

**MINUTES OF THE STRATEGIC POLICING AND
PERFORMANCE PANEL HELD ON 27 SEPTEMBER 2007**

ORDERED that the following minutes of the Strategic Policing and Performance Panel held on the 27 September 2007 were submitted and approved.

STRATEGIC POLICING & PERFORMANCE

A meeting of the Strategic Policing & Performance Panel was held on Thursday 27 September 2007 commencing at 10.00 am in the Members Conference Room at Police Headquarters.

PRESENT Miss Pam Andrews-Mawer, Mr Chris Coombs (ex officio), Mr Ted Cox JP, Mr Keith Fisher JP, Mr Aslam Hanif (Vice Chair), Mr Alf Illingworth TD JP, Councillor Ron Lowes and Mr Peter Race MBE (Chair).

OFFICIALS Mr Norman Wright and Mrs Julie Leng (CE)
Mr Ron Hogg, Mr Dave Pickard, Ms Anne-Marie Salwey and Miss Kate Rowntree (CC).

ADDITIONAL MEMBERS Councillor Victor Tumilty

147 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Dave McLuckie (ex officio).

148 **DECLARATIONS OF INTERESTS**

There were no declarations of interests.

Action

149 **MINUTES OF THE PERFORMANCE AND AUDIT PANEL HELD ON 30 MAY 2007**

The minutes were agreed as a true and accurate record.

150 **ASSESSMENTS OF POLICING AND COMMUNITY SAFETY (APACS)**

The Temporary Assistant Chief Constable informed Members of Assessments of Policing and Community Safety and advised Members on the current position.

The Home Office and its community safety partners had undertaken to introduce a simpler and more unified performance framework for crime, drugs and policing in 2008.

APACS is the working name for the performance management framework which would provide the Home Office and partners with the capability to monitor and assess performance in policing and community safety by:

- Geographic area – e.g local, regional, national;
- Organisation – e.g. police force;
- Partnership – e.g. crime and disorder reduction partnerships; and
- Policy area – e.g. neighbourhood policing.

The new framework will cover outcomes delivered by the police alone or in partnership with others to address these important areas of community safety. It would replace current Home Office monitoring arrangements and the intention was to reduce by approximately half the number of measures by which the police and others are judged. It would be aligned with the key performance frameworks of community safety partners and provide greater insight into performance on protective services and the more serious end of the crime and disorder spectrum.

ORDERED that:-

1. the content of the report be noted.

151

PERFORMANCE REPORT

The Temporary Assistant Chief Constable presented the update on force performance against the 2007-10 Corporate Policing Strategy and 2007-08 Local Policing Plan.

The performance figures showed that the force continued to work to make good progress in reducing crime and increasing detections. Improvements in 10 of the 13 crime categories had been achieved and the detection rate had improved in 11 of 13 crime categories. Although it is disappointing that overall crime figures had increased by 2%.

The improvements detailed above in relation to recorded crime and sanction detection rates would assist to achieve the vision of Putting People First and making our communities and neighbourhoods safer places to live and work.

ORDERED that:-

1. the force performance against the strategic policing objectives set out in the 2007-10 Corporate Policing Strategy and 2007-08 Local Policing Plan be noted.

152

UPDATE ON LOCAL POLICING PLAN

The Temporary Assistant Chief Constable presented an update on Force progress against the policing priority

activities as presented in the 2007-10 Corporate Policing Strategy and the 2007-08 Local Policing Plan.

This report highlighted the work undertaken to date in delivering the local policing plan. The Force would continue to work towards the achievement of the local policing priorities, and performance against the targets would be monitored through the regular performance reports.

ORDERED that:-

1. the force progress against the local policing priority activities set out in the 2007-10 Corporate Policing Strategy and 2007-08 Local Policing Plan.

153

CIVIL CONTINGENCIES

The Deputy Chief Constable updated Members on the Force's current position on civil contingencies, and advised Members of the impact of the Civil Contingencies Act 2004.

The Civil Contingencies Act 2004 (CCA) had set the framework for all key agencies to deliver statutory preparedness to manage in the event of an emergency.

The CCA had formalised and structured emergency planning requirements in legislation but had highlighted that the current Cleveland multi-agency emergency planning arrangements, established in 2000, within the joint multi-agency planning unit, have been a 'model response' to managing risk.

The unit itself is nationally recognised and the police element leading on key issues such as Control of Major Accident Hazards Regulations (COMAH), Major Incident model response and Major Incident training with the Beacon award for Emergency planning in recognition of this success.

ORDERED that:-

1. the contents of the report be noted.

154

COLLABORATIVE WORKING

The Deputy Chief Constable updated Members on progress made in relation to Collaborative working and requested their comments.

There is considerable and significant collaboration already in existence across the three Forces in the North East. This report informed Members of two further strands that Members

need to be aware of.

On the 30 March 2007 the Home Office invited all Forces to apply for Demonstrator Site Bids to close the Protective Services gap. Cleveland and Durham submitted a joint bid regarding Police Firearms Resources. This bid had been successful.

In addition the Home Office was keen to encourage greater collaboration across Forces generally. The North East has responded to this by establishing a collaborative project in conjunction with Cumbria, Durham and Northumbria.

Both of these initiatives provide considerable scope for the Force to rationalise elements of its service delivery with the project of delivering a range of efficiency savings.

ORDERED that:-

1. the contents of the report be noted.

155

EXCLUSION OF THE PRESS AND PUBLIC

ORDERED that pursuant to Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting under Paragraph 7 of Part 1 of Schedule 12A to the Act.

156

PROTECTIVE SERVICES

The Temporary Assistant Chief Constable informed Members of the baseline position of Protective Services.

ORDERED that:-

1. the contents of the report be noted.

157

COUNTER TERRORISM / DOMESTIC EXTREMISM

The Deputy Chief Constable informed Members of the current position and work of Cleveland Special Branch.

ORDERED that:-

1. the contents of the report be noted.

158

LEVEL 2 OPERATIONS

The Deputy Chief Constable reported on the Level 2 Threat

Assessment and provided an update on the mapping of Organised Crime Groups, detailing Level 2 operational successes and an introduction to the Regional Intelligence Unit.

ORDERED that:-

1. the contents of the report be noted.

159

MINUTES OF THE POLICY & RESOURCES / CORPORATE DEVELOPMENT HELD ON 4 OCTOBER 2007

ORDERED that the following minutes of the Policy & Resources / Corporate Development Panel held on 4 October 2007 were submitted and approved.

POLICY & RESOURCES / CORPORATE DEVELOPMENT

A meeting of the Policy & Resources / Corporate Development Panel was held on Thursday 4 October 2007 commencing at 10.00 am in the Members Conference Room at Police Headquarters.

PRESENT Miss Pam Andrews-Mawer, Councillor Barry Coppinger (Vice Chair), Mr Ted Cox JP, Mr Keith Fisher JP, Mr Aslam Hanif, Mr Alf Illingworth TD JP, Councillor Hazel Person OBE and Councillor Steve Wallace (Chair)

OFFICIALS Mr Joe McCarthy, Mr Paul Kirkham and Mrs Julie Leng (CE) Mr Sean Price, Mr Derek Bonnard, Mrs Ann Hall and Miss Kate Rowntree (CC).

ADDITIONAL MEMBERS Councillor Ron Lowes

160 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr Chris Coombs (ex officio), Councillor Dave McLuckie (ex officio) and Mr Peter Race MBE.

161 DECLARATIONS OF INTERESTS

There were no declarations of interests.

162 MINUTES OF THE POLICY & RESOURCES – CORPORATE DEVELOPMENT PANEL HELD ON 11 SEPTEMBER 2007

Action

The minutes were agreed as a true and accurate record.

163 OUTSTANDING RECOMMENDATIONS

ORDERED that:-

1. the Outstanding Recommendations be noted.

164 BUDGET MONITORING REPORT TO 31 AUGUST 2007

The Assistant Chief Officer Finance and Commissioning presented the report. Members approved a Net Budget Requirement (NBR) of £119,737k and budgeted revenue expenditure of £138,835k, the balance of expenditure being funded by specific grants, other income and transfers from reserves at their meeting on 23 February 2007. This report

sets out the progress against delivery of that budget and was part of the process introduced by the Authority to maintain prudent financial management.

The forecast outturn as at end of August is an underspend of £400k. Members were asked to note that it was still relatively early in the financial year and a number of potential pressures and technical issues that could impact on outturn are still under review, Appendix A to the report referred.

Budgets are being actively managed to ensure that material variances do not develop and that operational objectives are delivered. No material financial risks, other than those set out in the Risk Monitor at Appendix D, had been identified.

ORDERED that:-

1. the contents of the report be noted.

165

CAPITAL MONITORING REPORT TO 31 AUGUST 2007

The Assistant Chief Officer Finance and Commissioning presented the progress against the delivery of the Capital Programme to date. Members had approved the Capital Programme and the Capital Plan for 2008/10 at their meeting on 23 February 2007.

ORDERED that:-

1. the contents of the report be noted.
2. the following schemes/amendments totaling £38.7k be approved:-

- Stockton 2 Storey Build £21.1k
- Van for Covert Operations £17.6k

166

TREASURY MANAGEMENT TO 31 AUGUST 2007

The Assistant Chief Officer Finance and Commissioning updated Members on the status of the Authority's investments and borrowing. Members had agreed an investment strategy for 2007/08 at their meeting on 23 February 2007.

ORDERED that:-

1. the contents of the report be noted.

167

PROCUREMENT REPORT FOR THE SUPPLY,

INSTALLATION AND MONITORING OF TEMPORARY REMOTE SIGNALLING ALARMS

The Assistant Chief Officer Finance and Commissioning provided Members with a summation of the procurement exercise carried out to award a contract for the provision of remote signaling alarms. The purpose of the Tender exercise was to ensure Cleveland Police Authority achieved Best Value for the goods and services procured.

The procurement process had been completed in line with European Legislation. The use of the open procedure gave an opportunity for all interested parties to participate.

The tender submission had fully met the specification required by Cleveland Police Authority. The Evaluation Team were confident that the procurement process had achieved Best Value.

The Force's internal systems had also been evaluated, resulting in the Force's Police Temporary Alarm Scheme Policy & Procedure Document being amended by the Safe in Teesside Inspector responsible for this area of works.

The term of the contract would be for 1 year with the option to extend for a further two years, making a maximum term of 3 years.

The contract was based on 413 temporary alarm installations per annum, a total of 1239 over the term of the contract.

ORDERED that:-

1. the procurement method used be approved and the recommendation put forward by the Evaluation Team be noted.
2. that the details submitted by tenderer 2 as the best value solution be accepted.
3. the awarding of the contract to tenderer 2 be approved.

168

RESPONSE TO LOCAL GOVERNMENT FINANCE FORMULA GRANT DISTRIBUTION CONSULTATION

The Financial Accountant sought Members views on which of the options presented in the Local Government Finance Formula Grant Distribution consultation paper should be implemented.

It is unlikely that there will be an immediate material cash benefit to the Authority from the proposed changes as Cleveland would move from being a recipient of Floor Damping Grant to being a contributor to other forces. However, this was an inherently stronger position to be in as it reduces any risk from proposals to reduce the levels of grant floors.

Members were notified of one amendment to page 3 of the report in relation to POL3 it should read that Cleveland's share would increase by approximately £1m not £1.9m as was detailed.

ORDERED that:

1. the Chief Executive be approved as the Section 151 Officer to make recommendations as outlined in the report, specifically that Cleveland Police Authority support the strategic intention to review the entire system. However, the Authority does not support a piece meal approach e.g. focused only on Floor Damping Grant.
2. the risk to Floor Damping Grant was included in the current Long Term Financial Plan be noted.
3. the Authority calls upon the government to provide additional funding for Floor damping Grant, rather than this continue being self financed from within the existing total of grant funding allocations.

169

MINUTES OF THE COMPLAINTS PANEL HELD ON 31 OCTOBER 2007

ORDERED that the following minutes of the Complaints Panel held on 31 October 2007 were submitted and approved.

COMPLAINTS PANEL

ACTION

A meeting of the Complaints Panel was held on Wednesday 31 October 2007 in the Members Conference Room at Police Headquarters.

PRESENT: Cllr Caroline Barker, Mr Chris Coombs (ex officio), Mr Ted Cox JP (Chair), Mr Keith Fisher JP (Vice Chair), Mr Aslam Hanif, Cllr Paul Kirton and Mr Mike McGrory JP

OFFICIALS: ACC Derek Bonnard, Supt Brian Dunn, Mrs Joanne Monkman, Miss Kate Rowntree (CC).
Mrs Jayne Harpe and Miss Rachelle Kipling (CE)

ADDITIONAL MEMBERS: Cllr Victor Tumilty

170 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr Ron Lowes and Cllr Dave McLuckie (ex officio).

171 **DECLARATIONS OF INTERESTS**

There were no declarations of interests.

172 **CIVIL CLAIM STATISTICS**

The Legal Advisor presented the Civil Claim Statistics for the period 1st April 2007 – 30th September 2007. The Panel were informed of the number and types of civil claims against the Force received during that period, the amount paid out for those claims finalised during the period and the amount recovered. The report also detailed a comparison between the Basic Command Units.

Motor liability claims were unavoidable and here was an IPCC Report of incidents which would be circulated amongst Members.

Jayne
Harpe

The breakdown provided in paragraphs 3.6 and 3.7 would be produced at future meetings.

Joanne
Monkman

ORDERED that:

1. There had been a 10% decrease in the number of claims received when compared with the same period last year be noted. Motor liability was the leading category.

2. There had been a 15.58% decrease in the number of claims finalised when compared with the same period last year be noted.
3. 11.62% of the finalised cases during the period were successfully defended compared with 11.76% successfully defended during the same period last year be noted.
4. The 38 cases settled during the period cost the force £187,450.02 compared with the 45 cases settled during the same period last year at a cost of £571,804. be noted.
5. Headquarters continued to be the area with most claims be noted.

173

COMPLAINTS STATISTICS

The Head of Professional Standards presented the Complaints Against Police for the period 1st July 2007 to 30th September 2007. The Quarterly Progress Report on Complaint Issues for Cleveland Police for the period July to September 2007 was attached to the report. *N.B. paragraph 3.1 of the report should read July to September 2007.*

There had been a 5% decrease in the number of Cases recorded during this period (118 to 112), with a 9% decrease in the number of complaints (up from 184 to 200).

Complaints of Incivility continued to outnumber those of Assault allegations, 49 complaints compared to 28 in the Assault categories.

50% (93) of completed complaints had been locally resolved. During this period 53.8% (50) of locally resolved complaints had been by District and 46.2% (43) by the Professional Standards Unit.

ORDERED that:

1. The contents of the report be noted.

174

DELIBERATE DAMAGE STATISTICS

The Assistant Chief Constable informed Members of the cost to the Force of deliberate damage by way of forced entry into premises, and of the operational results achieved through such forced entry and other premises searches.

Members were informed that the Force had paid out £13,152 in compensation for acts of deliberate damage. Whilst 2846

searches were conducted, only 268 (9.4%) resulted in deliberate damage. The value of property, cash and drugs seized totaled £1,338,826.

Members were also advised that amongst property recovered there had been a caravan to the value of £20,000 and an Audi Q8 to the value of £20,000. These items would be sold by a National Agency and the force could claim a percentage of the value as stated in the proceeds of crime act.

ORDERED that:

1. The contents of the report be noted
2. The operational benefits accruing to the Force in terms of property, drugs and cash seized, outweigh the cost of the damage claims be noted.

175

DIP SAMPLING

3 files per Member per quarter would be examined by the Panel Members. Training would be arranged with input from the IPCC for Members re their process. There was a suggestion from the Head of Professional Standards Department that complaints which had been withdrawn could be involved in the selection.

ORDERED that:

1. A report on the dip sampling process would be submitted to the next Complaints Panel on Wednesday 30 January 2008.

176

EXCLUSION OF THE PRESS AND PUBLIC

ORDERED that pursuant to the Local Government Act 1972 the press and public be excluded from the meeting under paragraphs 1 & 7 of Part 1 of Schedule 12A to the Act.

177

CASES FROM THE COMPLAINTS REGISTER

Members of the Complaints Panel were shown the cases from the Complaints Register which they had previously selected.

178

MINUTES OF THE POLICY & RESOURCES / CORPORATE DEVELOPMENT HELD ON 1 NOVEMBER 2007

ORDERED that the following minutes of the Policy & Resources / Corporate Development Panel held on 1 November 2007 were submitted and approved.

POLICY & RESOURCES / CORPORATE DEVELOPMENT

A meeting of the Policy & Resources / Corporate Development Panel was held on Thursday 1 November 2007 commencing at 10.00 am in the Members Conference Room at Police Headquarters.

- PRESENT** Councillor Barry Coppinger (Chair), Mr Chris Coombs (ex officio), Mr Ted Cox JP, Mr Keith Fisher JP, Mr Aslam Hanif, Mr Alf Illingworth TD JP, and Mr Peter Race MBE
- OFFICIALS** Mr Joe McCarthy, Mr Norman Wright, and Mrs Julie Leng (CE)
Mr Derek Bonnard, Mr Graeme Slaughter, Mr Jonathan Whitley, Mrs Clare Hunter – Police Authority Advisor and Miss Kate Rowntree (CC).
- ADDITIONAL MEMBERS** Councillor Ron Lowes and Councillor Victor Tumilty

179 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Miss Pam Andrews-Mawer, Councillor Dave McLuckie (ex officio), Councillor Hazel Pearson OBE and Councillor Steve Wallace.

180 **DECLARATIONS OF INTERESTS**

There were no declarations of interests.

181 **MINUTES OF THE POLICY & RESOURCES – CORPORATE DEVELOPMENT PANEL HELD ON 4 OCTOBER 2007**

Action

The minutes were agreed as a true and accurate record.

182 **OUTSTANDING RECOMMENDATIONS**

ORDERED that:-

1. the Outstanding Recommendations be noted.
2. The HR and Training Plan 2007/08 including an update on progress would be produced for the next meeting of the Policy & Resources / Corporate Development Panel.

**ACC
Bonnard**

183 **BUDGET MONITORING REPORT TO 30 SEPTEMBER 2007**

The Head of Corporate Finance presented the report. Members approved a Net Budget Requirement (NBR) of £119,737k and budgeted revenue expenditure of £138,835k, the balance of expenditure being funded by specific grants, other income and transfers from reserves at their meeting on 23 February 2007. This report sets out the progress against delivery of that budget and was part of the process introduced by the Authority to maintain prudent financial management.

The forecast outturn as at end of September is for a break even position following Member's authorisation of £400k in respect of Performance Improvement Initiative at their September meeting. Members were asked to note that a number of potential pressures and technical issues that could impact on outturn were still under review – Appendix A referred.

Budgets are being actively managed to ensure that material variances do not develop and that operational objectives are delivered. No material financial risks, other than those set out in the Risk Monitor at Appendix D, had been identified.

ORDERED that:-

1. the contents of the report be noted.
2. a report in relation to payment of accrued lieu time and annual leave be submitted to a future meeting.

**ACC
Bonnard**

184

CAPITAL MONITORING REPORT TO 30 SEPTEMBER 2007

The Head of Corporate Finance presented the progress against the delivery of the Capital Programme to date. Members had approved the Capital Programme and the Capital Plan for 2008/10 at their meeting on 23 February 2007.

ORDERED that:-

1. the contents of the report be noted.
2. the additional £2.1m of Prudential Borrowing to fund additional spend on the Hartlepool Project was now included in the plan as agreed at the September meeting be noted.
3. the addition of £41.8k to the reserved funding due to an adjustment to the Statement of Accounts for 2007/08 in respect of capital income reported to the Police

Authority Executive on 24 September 2007 be approved.

4. the carry forward of £150k of the Storage Management and Disaster Recovery Capability Project funding to 2007/08 as the project will span 2 financial years be approved.
5. in future Capital Monitoring reports Appendix C would include commentary on the up to date position be agreed.

185

TREASURY MANAGEMENT TO 30 SEPTEMBER 2007

The Head of Corporate Finance updated Members on the status of the Authority's investments and borrowing. Members had agreed an investment strategy for 2007/08 at their meeting on 23 February 2007.

ORDERED that:-

1. the contents of the report be noted.

186

EXEMPTIONS TO FORCE STANDING ORDERS

The Commissioning Manager presented the quarterly report detailing the exemption requests to Force Standing Orders.

Details of each request were included in Appendix A of the report.

ORDERED that:-

1. the Force Standing Orders had been waived and the details of the exemptions were included in Appendix A be noted.

187

SICKNESS ABSENCE REPORTING

The Assistant Chief Constable provided updated projected figures for 2007/08 in relation to Sickness Absence Reporting.

The figures for the first quarter of 2007/08 were encouraging. If they were sustained throughout the year a reduction of 1.35 days absence for Police Officers and a reduction of 1.44 days absence for Police Staff could be anticipated.

The report provided a breakdown in relation to the number of short term and long term sickness for both Police Officers and Police Staff as well as comparative data from the Home Office

in relation to our most similar forces.

Following a request it was agreed that future reports would also include a male / female breakdown.

ORDERED that:

1. the contents of the report be noted.

188

PRICEWATERHOUSECOOPERS (PwC) STRATEGIC PROCUREMENT UPDATE

The Commissioning Manager provided Members with an update on progress to date appertaining to the PwC recommendations which were agreed with Members and last reported on in March 2007.

The report provided a conclusion to the PwC recommendations. A further project, the 'Procure to Pay Project', had already been initiated and would conclude any outstanding issues.

ORDERED that:-

1. the progress to date be noted.
2. the introduction of the 'Procure to Pay Project' which had developed as a result of the PwC recommendations and an internal review of current practices and procedures be acknowledged.
3. the savings to date of approximately £450,000, which exceeds the original savings targets of between £261,250 and £341,750 be noted.
4. a further update at year end to ensure the appropriate momentum is maintained be accepted.

189

CLEVELAND POLICE AUTHORITY AND CLEVELAND POLICE AS FAIRTRADE ORGANISATIONS

The Commissioning Manager advised Members of options available to the Authority and Force to become Fairtrade organisations.

This report advised Members of the implications of adopting a Fairtrade strategy.

ORDERED that:-

1. Members approved supporting achievement of

Fairtrade status for Cleveland Police Authority.

2. immediate adoption of Option 1B as recommended by the Catering User Group with a view to moving towards Option 2, by working together with the catering supplier to encourage greater consumer awareness and choice be approved.
3. the catering service for the Authority and the Force is not subsidized and all incomes are through sales only be noted.

190

POLICE AUTHORITY SERVICE IMPROVEMENT PLAN

The Strategy and Performance Manager presented Police Authority Service Improvement Plan 2007-2010 progress report. The Service Improvement Plan was agreed at the Police Authority Executive on 14 June 2007.

The service improvement planning process provides Members with assurance that the recommendations of audits, inspections and review are being progressed in a systematic and timely manner.

ORDERED that:-

1. the current status of the action items within section 4 of the Service Improvement Plan attached at Appendix A be noted.
2. the Annual Schedule of Reports denoted an update of this document every May and November be noted.

191

POLICE USE OF RESOURCES AUDITOR FEEDBACK REPORT

The Chief Executive presented this Audit Commission Report in the absence of the District Auditor.

This report presented the results of the 2006/07 police use of resources assessment (PURE) at Cleveland Police Authority. The District Auditor had undertaken the review during the period March 2007 and May 2007, as part of their responsibility to examine the economy, efficiency and effectiveness of the Authority's use of resources under section 5(1) (e) of the Audit Commission Act 1998.

Overall the Authority had sustained its performance against the key lines of enquiry, with improvement in financial

management arrangements.

ORDERED that:-

1. the report be noted.
2. the Action Plan attached at Appendix 1 to the report be agreed.

192

**MINUTES OF THE COMMUNITY PROTECTION PANEL
HELD ON 7 NOVEMBER 2007**

ORDERED that the following minutes of the Community Protection Panel held on 7 November 2007 were submitted and approved.

COMMUNITY PROTECTION PANEL

A meeting of the Community Protection Panel was held on Wednesday 7 November 2007 in the Members Conference Room at Police Headquarters.

PRESENT: Miss Pam Andrews-Mawer (Chair), Mr Chris Coombs (ex officio), Mr Ted Cox JP, Cllr Ron Lowes, Mr Mike McGrory JP, Mr Peter Race MBE and Cllr Victor Tumilty

ADDITIONAL MEMBERS Mr Keith Fisher JP

OFFICIALS: Mr Joe McCarthy, Mr Norman Wright, Mrs Joanne Hodgkinson, Mrs Sarah Wilson and Mrs Julie Leng (CE) DCC Ron Hogg, Ms Anne-Marie Sawley and Miss Kate Rowntree (CC)

193 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Paul Kirton, Cllr Dave McLuckie (ex officio), Cllr Hazel Pearson OBE and T/ACC Dave Pickard.

194 DECLARATIONS OF INTERESTS

There were no declarations of interests.

195 MINUTES OF THE PREVIOUS MEETING

The minutes of the Community Safety Panel meeting held on 13 September 2007 were agreed as a true and accurate record.

196 OUTSTANDING RECOMMENDATIONS

The Deputy Chief Constable advised Members that following a review in relation to the increase in recorded Disability Hate Crime it had become apparent that there was a recording problem. Steps have been put in place to rectify this problem and an update report would be provided to Panel Members.

DCC Hogg

ORDERED that:-

1. the outstanding recommendations be noted.

197 DRUGS UPDATE

The Deputy Chief Constable provided Members with an

update in relation to drug treatment, enforcement, recovery and disruption efforts that continue across the Force area.

The report detailed activity during the period July – September 2007.

The Force continued to tackle drugs use and abuse on all fronts in line with Government strategy and the clearly articulated wishes of local people.

ORDERED that:

1. the contents of the report be noted.
2. a future report be submitted to the Community Protection Panel around the number of individuals entering and completing the drugs treatments programme.

DCC Hogg

198

CHILD ABUSE INVESTIGATION

The Deputy Chief Constable provided Members with an overview of the current procedures for child abuse investigation.

The Force continues to work hard to improve the quality of service to victims of such offences. Well trained highly motivated officers working in partnership with many other agencies contributed to this aim. This had culminated in 309 suspects being arrested or interviewed under caution so far this year.

The Force were currently reviewing procedures following the recent HMIC Inspection and now have Detective Sergeants working on a weekend and out of hours to provide additional support to Districts and Child Abuse Investigators.

ORDERED that:-

1. the contents of the report be noted.

199

VULNERABLE ADULTS UNIT

The Deputy Chief Constable updated Members on the current work across the force to tackle abuse caused to and committed by Vulnerable Adults (VA).

The Force is committed to safeguarding vulnerable adults

and striving to improve the contribution in investigating such offences. This was evidenced by the Chief Constable's ongoing support as a signatory to the 'No Secrets' guidance.

The Force have recently reviewed procedures and would continue to do so together with our partner agencies in order to further improve the service that we provide.

ORDERED that:-

1. the contents of the report be noted.

200

COMMUNICATIONS STRATEGY

The Head of Strategy and Performance presented the Communications Strategy for approval for Members.

This Communications Strategy would enable Cleveland Police Authority to systematically raise its profile with both public and partners.

ORDERED that:-

1. the Communications Strategy attached at Appendix A to the report be approved subject to the following one amendment – the Paragraph in relation to 'Style' should read "Alternatives formats, including larger print and foreign languages would be *considered* on request".
2. the Strategy would be reviewed in July 2008. the contents of the report be noted.

201

END OF YEAR POLICE AUTHORITY CONSULTATION REPORT

The Consultation Officer presented the finding of consultation activities undertaken by Cleveland Police Authority during 2007. Engaging with the public and seeking the views of our communities remains a key activity for Cleveland Police Authority.

A Members briefing to select local policing priorities would be arranged this would include a review of our existing strategic objectives and then future policing priorities.

It was recommended that Members take into account key consultation finding detailed in Appendix 1 when setting and approving the local policing priorities for 2008-2009.

This report should be considered along with:

- Cleveland Police Strategic Assessment and Control Strategy
- The National Crime Strategy (Cutting Crime – A New Partnership 2008-11)
- National Community Safety Plan (last update 2006-2009)
- Local CDRP Community Safety Plans
- Public Service Agreement goals for crime and disorder 2008-11
- Delivering Safer Communities: A Guide to Effective Partnership Working (Home Office September 2007)
- Strong and Prosperous Communities – Local Government White Paper

ORDERED that:-

1. Members take cognisance of the Police Authority's consultation findings detailed in Appendix 1 to the report with a view to using the results, along with the Force strategic assessment and the Home Secretary's national policing priorities, to assist in setting the local policing priorities for 2008-2009.

202

VOLUNTEER CADET SCHEME

The Deputy Chief Constable asked Members to consider the implementation of a Volunteer Police Cadet (VPC) Scheme designed to encourage young people to engage positively with the Police Service. To address crime and community safety issues, whilst also gaining skills and accreditation.

The report updated Members on the progress and made recommendations for the introduction of Cadets across the area.

This report also sought support in terms of providing part funding. A contribution from the Police Authority would be required, but had yet to be determined.

ORDERED that:-

1. Cleveland Police and its Partners develop a long-term youth engagement initiative, such as the Volunteer Cadet Scheme, aimed at young people between 12 and 19 years old. A programme which consists of

partners working together to provide a full and varied menu for young people with entry and exit links. The scheme should be designed to provide positive opportunities to improve community cohesion and reduce undesirable behaviour by enhancing key citizenship skills in young people through a structured and varied range of police led activities.

2. the development of an initial Volunteer Cadet Scheme programme targeting 14-19 year olds be supported subject to affordability. This would be followed at a later date with a Junior Volunteers Scheme aimed at 12-13 year olds again subject to affordability.

203

**MINUTES OF THE AUDIT AND INTERNAL CONTROL
PANEL HELD ON 15 NOVEMBER 2007**

ORDERED that the following minutes of the Audit and Internal Control Panel held on 15 November 2007 were submitted and approved.

AUDIT AND INTERNAL CONTROL PANEL

A meeting of the Audit and Internal Control Panel was held on Thursday 15 November 2007 commencing at 10.00 am in the Members Conference Room, Police Headquarters.

PRESENT	Mr Mike McGrory JP (Chair), Councillor Ron Lowes (Vice Chair), Councillor Caroline Barker, Mr Keith Fisher JP, Councillor Hazel Pearson OBE, Councillor Victor Tumilty, Mr Chris Coombs (ex officio).
OFFICIALS	Mr Joe McCarthy, Mr Norman Wright, Mr Paul Kirkham and Mrs Jayne Harpe (CE) ACC Derek Bonnard, Mr Graeme Slaughter and Miss Kate Rowntree (CC)
ADDITIONAL MEMBERS	Mr Peter Race MBE
AUDITORS	Mrs Cath Andrew (Audit Commission) Mr Steve Nicklin (Audit Commission) Mr Ian Wallace (RSM Bentley Jennison)

204 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Mr Aslam Hanif, Cllr Mary Lanigan and Mrs Ann Hall ACO

205 **DECLARATIONS OF INTERESTS**

There were no declarations of interests.

206 **MINUTES OF THE PREVIOUS MEETING HELD 12 SEPTEMBER 2007**

The minutes were agreed as a true and accurate record.

207 **OUTSTANDING RECOMMENDATIONS**

Updates were provided in relation to all the outstanding recommendations.

ORDERED that:-

1. the Outstanding Recommendations were noted and updated.

208 **STATEMENT ON THE SYSTEM OF INTERNAL CONTROL 2006/2007 – PROGRESS AGAINST SIGNIFICANT**

INTERNAL CONTROL ISSUES

The Chief Executive informed the meeting that Members of the Performance and Audit Panel had received a number of reports and briefings on the assurance gathering process and review of internal controls during 2006/07.

The purpose of this report was to update Members on progress made in resolving the significant internal control issues identified in the Statement of Internal Control for 2006/07.

The Chief Executive stated that over the next six months the key priorities would be progressed.

ORDERED that:-

1. the report be noted.

209

ANNUAL AUDIT LETTER

The District Auditor informed Members that the Value For Money was adequate, this was the highest result achievable and the Data Matching Exercise was a key weapon in fraud which should be encouraged.

The Head of Finance informed Members that Cleveland had missed the deadline for Data submission under the National Fraud Initiative which was a bi-annual data gathering exercise to combat fraud related issues. However, a new procedure had been established which was more resilient and would ensure data submission on time in future.

ORDERED that:-

1. the following key recommendations detailed within the report be agreed and actioned.

R1 Continue to develop corporate governance arrangements through the organisational group and the Police Authority Panels.

R2 Receive regular progress reports against the PURE action plan.

R3 The Authority should urgently review the arrangements in place for capital accounting. In particular to ensure:

- accounting policies comply with SORP and financial reporting standards;
- systems for recording information on the asset register complied with accounting policies;

- receipts from disposals and the profit and loss on disposals were accounted for through the ledger in the correct year;
 - government grants deferred were written off to match depreciation; and
 - valuations reflect asset usage and classification.
2. This report be submitted to the full Police Authority on 11 December 2007

210

CLEVELAND POLICE AUTHORITY UPDATED SCHEME OF DELEGATION

The Strategy & Performance Manager presented to Members an updated, current list of delegated authorities agreed by the Police Authority Executive, its Panels and Committees.

ORDERED that:-

1. Members noted the scheme of delegation items (Appendix 1), which were incorporated into the revised Code of Corporate Governance. This list detailed the authorities that Cleveland Police Authority had delegated to the Chief Constable and the Chief Executive to exercise on its behalf. These were in addition to the statutory responsibilities which the Chief Constable and Chief Executive exercised. The list also detailed delegated powers for panels and committees of the Police Authority.
2. the scheme of delegation list be updated on a regular basis.

211

CLEVELAND POLICE AUTHORITY REVISED CODE OF CORPORATE GOVERNANCE

The Strategy & Performance Manager informed Members that the current Code (termed “framework”) was accepted by the Police Authority in October 2005 and it was now an opportune time to update it and streamline it so as to make it more relevant and accessible to members and Stakeholders. This was accepted as a requirement following a recommendation of the Best Value Review of Cleveland Police Authority at its AGM in June 2007.

ORDERED that:-

1. The report be noted and presented to the full Police Authority on 11 December 2007.
2. That Members agreed the revised Code of Corporate Governance (Appendix A), which included terms of reference for the new Panel Structure agreed at the

- Annual General Meeting in June 2007 and the Police Authority Executive on 26 July 2007.
3. That this Code of Corporate Governance be issued and effective from 11 December 2007, subject to any amendments emanating from this Panel.
 4. That Members noted the new requirement in England for the preparation and publication of an annual governance statement in accordance with the new CIPFA/SOLACE Framework for Corporate Governance 2007. This would be necessary to meet the statutory requirement set out in Regulation 4(2) of the Accounts and Audit Regulations 2003, as amended by the Accounts and Audit (Amendment) (England) Regulations 2006 for authorities to prepare a statement of internal control in accordance with 'proper practices'. This governance statement should incorporate the existing requirement to publish a Statement on Systems of Internal Control in the Authority's annual Statement of Accounts. The Governance Statement would be reported annually to the Police Authority Executive from 2008 onwards.
 5. Members agreed that the Annual Governance Statement would include the following:
 - An assessment of the performance of each Panel/Committee.
 - An assessment of the effectiveness of the Code of Corporate Governance.
 - (Incorporated) the Statement on Systems of Internal Control.
 8. Members agreed that the Monitoring Officer, in consultation with the Chief Executive and Chair of the Authority, should be authorised to make minor changes to the Code, as necessary from time to time, in order to ensure that it reflected any changes in legislation or minor alternations to the terms of reference for Panels/Committees, therefore keeping the Code up to date.

212

CLEVELAND POLICE AUTHORITY RISK REGISTER

The Police Authority Technical Accountant informed Members that the 2005/2006 Statement of Internal Control (SIC) identified the following as an action point- *"To develop the risk profile of the CPA to assure the Authority that its own risks were being effectively managed"*. A report to the Performance and Audit Panel on 7 November 2006 outlined a schedule of risks relating to the Police Authority which would be developed into a Risk Register for the Police Authority. Members received a report in March 2007 outlining a schedule of Risks. This report updated Members on the

current position including new register items for Corporate Governance [5] and Equal Pay Claims [6].

The context in which the Risk Register operates is crucial – at the strategic level the template used had an overview of Probability, Impact and Risk Score. Members should note that the Probability of each of the risks does not exceed 2 [1 being low with 4 being the highest]. The main potential impacts on the Authority were in relation to “Reputation”, with no potential for “Risk to Life” and minimal impacts in relation to Service Risk and Financial Risk. There were currently no significant risks identified within the Risk Register.

ORDERED that:-

1. there were no RED (significant) risks identified with the Risk Register be noted.
2. the Police Authority Risk Register as detailed in Appendix A be agreed.
3. the new register items number 5 (Corporate Governance) and number 6 (Equal Pay Claims) be noted.
4. the revised lower risk item number 3 (Diversity and Equality) be noted.
5. the Police Authority Risk Register be subject to six monthly review, reporting to the Audit and Internal Control Panel on progress and proposed changes be agreed.
6. the report be noted.
7. the Chair of the Panel would work with the Force as Risk Champion be noted.
8. The 6 risks identified, none of which are RED, would be discussed on a regular basis with the Chair of the Panel.

213

INTERNAL AUDIT PROGRESS REPORT

The Internal Auditor explained their recent name change to RSM Bentley Jennison. Bentley Jennison had joined the International network of Accountants and Business Advisors (RSMI) in August 2007.

To date, draft reports for payroll, general ledger, treasury management and income and debtors audits have been issued. There were no alerts for anything in these reports.

The Performance Management and Reporting audit scheduled to be undertaken in Quarter 2 had been deferred as HMI had recently examined this area. The Chief Executive indicated that an audit following so soon after the inspection would be of limited benefit to the Authority.

Additional unplanned work had been undertaken, examining expenditure incurred in relation to the Drugs Intervention

programme. The Authority received approximately £250k of funding for which the Home Office had requested independent verification that the funds had been spent as intended.

The Chief Executive would consider how best to utilize any planned days not currently allocated to specific audits and consult with the Chair of the Panel. An amended plan would be brought back to the next meeting for agreement.

ORDERED that:-

1. the change of plan be agreed.

214

**MINUTES OF THE STRATEGIC POLICING &
PERFORMANCE PANEL HELD ON 27 NOVEMBER 2007**

ORDERED that the following minutes of the Strategic Policing & Performance Panel held on 27 November 2007 were submitted and approved.

STRATEGIC POLICING & PERFORMANCE

A meeting of the Strategic Policing & Performance Panel was held on Tuesday 27 November 2007 commencing at 10.00 am in the Members Conference Room at Police Headquarters.

PRESENT	Mr Chris Coombs (ex officio), Mr Ted Cox JP, Mr Keith Fisher JP, Mr Aslam Hanif (Vice Chair), Mr Alf Illingworth TD JP, Councillor Ron Lowes and Mr Peter Race MBE (Chair).
OFFICIALS	Mr Joe McCarthy, Mr Norman Wright and Mrs Julie Leng (CE) Mr Ron Hogg, Mr Dave Pickard, Ms Anne-Marie Salwey and Miss Kate Rowntree (CC).
ADDITIONAL MEMBERS	Councillor Hazel Pearson OBE

215 APOLOGIES FOR ABSENCE

Apologies for absence were received from Miss Pam Andrews-Mawer and Councillor Dave McLuckie (ex officio).

216 DECLARATIONS OF INTERESTS

There were no declarations of interests.

Action

217 MINUTES OF THE STRATEGIC POLICING AND PERFORMANCE PANEL HELD ON 27 SEPTEMBER 2007

The minutes were agreed as a true and accurate record.

218 OUTSTANDING RECOMMENDATIONS

The Temporary Assistant Chief Constable advised Members that he would continue to provide them with an up to date briefing note each month.

The Deputy Chief Constable provided Members with a verbal update on the Governance of the Counter Terrorism Unit. There was no clear role for the Police Authority as yet to be involved in the Governance arrangements of the Counter Terrorism Unit, however, this was something that the APA were currently reviewing.

ORDERED that:-

1. the Outstanding Recommendations be noted.

219

PERFORMANCE REPORT

The Temporary Assistant Chief Constable presented the update to the end of September 2007 on force performance against the 2007-10 Corporate Policing Strategy and 2007-08 Local Policing Plan.

The performance figures showed that the force continued to work to make good progress in reducing crime and increasing detections. Improvements in 9 of the 13 crime categories had been achieved and the detection rate had improved in all 13 crime categories. Although it was disappointing that overall crime figures had increased by 1%.

In addition the Temporary Assistant Chief Constable provided Members with a verbal update on force performance for October and November to date.

The improvements detailed above in relation to recorded crime and sanction detection rates would assist to achieve the vision of Putting People First and making our communities and neighbourhoods safer places to live and work.

ORDERED that:-

1. the force performance against the strategic policing objectives set out in the 2007-10 Corporate Policing Strategy and 2007-08 Local Policing Plan be noted.

220

HMIC INSPECTION OF PERFORMANCE MANAGEMENT

The Temporary Assistant Chief Constable provided Members with an update following the HMIC's inspection of Performance Management, which formed part of the wider Phase 1 review of Neighbourhood Policing and Protecting Vulnerable People, complete in May this year. The full report, including grades, had now been published by the HMIC and was available on the Internet.

Performance Management was an area where there was no single accepted model for the police service, and any such model or framework used by forces needs to be fit for purpose. The HMIC was aware of, and acknowledged the amount of work the force had put into overcoming cultural and physical challenges to improve performance over recent years, which was reflected in the grade awarded to the force, the high number of identified strengths and the small number of Areas for Improvement.

The area of Performance Management would be an underlying theme for every inspection carried out by the HMIC. Each inspection would include a review of the previously identified areas for improvement within the 'theme' in order to check the Force was making satisfactory and continuous progress.

This review of Performance Management was only one element of the Phase 1 inspection and would very shortly result in the formation of a new action plan so identified areas for improvements could be monitored and progressed.

ORDERED that:-

1. the report be noted and where appropriate Members drive improvements.

221

PROCUREMENT REPORT FOR THE REPAIR AND MAINTENANCE OF POLICE FLEET VEHICLES

The Deputy Chief Constable advised Members that the current contract for vehicle repairs and maintenance would expire on the 30th November 2007.

This report advised members of the procurement processes undertaken during the tender exercise for Maintenance and Repair of Police Vehicle Contract and sought their approval of the five successful tenders (one for each District and one for HQ).

ORDERED that:-

1. the procurement method, analysis used and the recommendation put forward by the Evaluation Team be noted.
2. the five submitted tenders (1, 2, 3, 4 and 9) as the best value solution, one supplier per business area be agreed.
3. the suggestions for process change be noted and feedback given.

222

EXCLUSION OF PRESS AND PUBLIC

ORDERED that pursuant to Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting under Paragraph 1 of Part 1 of Schedule 12A to the Act.

223

VERBAL CONFIDENTIAL UPDATE



CLEVELAND FIRE AUTHORITY

MINUTES OF ORDINARY MEETING HELD ON

FRIDAY, 25 JANUARY 2008

PRESENT: **CHAIRMAN:**
Councillor Mrs Brenda Forster – Redcar & Cleveland
HARTLEPOOL BOROUGH COUNCIL:
Councillors Cook, Marshall
MIDDLESBROUGH COUNCIL:
Councillors Porley, Pearson, Williams, Clark
REDCAR AND CLEVELAND BOROUGH COUNCIL:
Councillors Cooney, Dunning, Briggs, Ovens
STOCKTON ON TEES BOROUGH COUNCIL:
Councillors Dixon, Kirton, O'Donnell, Stoker, Salt, Woodhead
AUTHORITY OFFICERS:
Clerk, Deputy Clerk, Treasurer, Legal Adviser, Mr Chris Little (HBC)
FIRE BRIGADE OFFICERS:
Chief Fire Officer, Executive Director
APOLOGIES FOR ABSENCE Councillors Henery, Payne (Hartlepool)
Councillor Roberts (Stockton)
Councillors Ismail, Jones (Middlesbrough)
Councillor Dunning, Fitzpatrick (Redcar & Cleveland)

133. CLACKMANNANSHIRE CRASH

A minute silence as a mark of respect for Firefighter John Noble from Alloa, Scotland who lost his life on 23 January 2008 when his appliance came off the road in Clackmannanshire.

134. DECLARATIONS OF MEMBERS INTEREST

It was noted no declarations of interest were submitted to the meeting.

135. MINUTES

RESOLVED - that the Minutes of the Cleveland Fire Authority Meeting held on 30 November 2007 be confirmed.

136. TO CONFIRM THE MINUTES OF COMMITTEES

RESOLVED - that the Minutes of the Executive Committees held on 14 December 2007, 7 January 2008 and 16 January 2008 be confirmed.

137. REPORTS OF THE CHIEF FIRE OFFICER

REGIONAL MANAGEMENT BOARD MEETING – 14 DECEMBER 2008

137.1 RMB Budget & Constituent Authority Contributions for 2008/09

The Chief Fire Officer reported that the four Constituent Fire Authorities had each contributed £12,000 to the RMB in the 2007/08 financial year (£15,000 in 2006/07) and informed them that the only expenditure charged directly to the RMB each year has been in respect of services provided by the Treasurer and Clerk.

137.1 RMB Budget & Constituent Authority Contributions for 2008/09 continued

This had resulted in an underspend each year culminating in a carried forward balance of £121,000 as at 31st March 2007 and it was anticipated that a similar position will arise during the current financial year.

He reported that at the RMB meeting on 6th October 2006 Members received an update report on FireControl/Firelink project which highlighted a possible underfunding of the regional project by CLG of £61,000 through to 2007/08. It was agreed that whilst representations would continue for full project costs to be supported by DCLG, the net carried forward balance, at that time £87,000, would be utilised as necessary to fund any shortfall on the RCC project in 2006/07 and 2007/08. It was noted that the constituent Authorities currently hold the budgets for individual RMB schemes and any excess costs are then recharged to the other Authorities on a scheme by scheme basis, using cost apportionment models relevant to individual schemes and agreed by the Treasurers.

RESOLVED -

- (i) **That the current methodology in construction of the 2008/09 budget be continued and approved.**
- (ii) **That a RMB budget of £40,000 for 2008/09 be agreed and that the use of balances be available to cover any under funding on the implementation of Regional Control and allow the RMB to pump prime regional working on its own priority areas.**
- (iii) **That the Authority approve a £10,000 contribution to the RMB for 2008/09**

137.2 Regional Improvement & Efficiency Partnership

The Chief Fire outlined the report to Members and requested Members comments on the key priorities for the Regional Improvement and Efficiency Strategy.

RESOLVED - That the Regional Improvement and Efficiency Strategy report be noted and approved.

137.3 Firecontrol/Firelink Progress Update

The Chief Fire Officer noted the recommendations of the report considered by the Regional Management Board (RMB) at its meeting on 14 December 2007 (appendix 1) and members were invited to determine whether they wish to write to the minister relating to: the reducing time spans and the concerns this raises relating to project delivery within currently projected timescale; The need for transparency of the grant element relating to net additional Firelink costs within the overall Revenue Support Grant. Members were also asked to determine whether they would like to express their view to the RCC Company on a pictorial display to be commissioned and used as the focus for a future Ministerial visit and determine whether they wish to consider the role of the RMB in the regional project governance structure during the project delivery process and the future role of the RMB in relation to the interface between FRAs and the RCC after cutover. Comment on the draft framework in respect of the RCC, either through the RMB or via the Cleveland Fire Authority was also sought, as was whether they wish to receive further reports as the project progresses.

RESOLVED - That the recommendations 8.1.1 to 8.1.5 of the RMB report be approved.

137.4 RMB Reports for Information

RMB Minutes of 14 September 2007.

RESOLVED – That the minutes be noted.

138 TO RECEIVE THE REPORTS OF THE EXECUTIVE DIRECTOR

138.1 Absence Management Policy

The Executive Director reported that the FBU had raised concerns relating to trigger levels and returning to work after absence, which had been discussed at length at the Joint Consultative Committee and Policy Committee meetings on 18 January 2008. The Policy Committee had recommended the removal of the 'discretionary powers of the line manager' in relation to trigger levels. He reported that it remains the Brigade's policy to encourage and support staff absent through illness or injury. He also added that, in the case of staff medically certified as fit to return to work, failure to do so may result in pay stoppages. Councillor Pearson reported that she had voted against the stoppage of pay when failing to return to work after being certified medically fit.

RESOLVED - That the Absence Management Policy be approved with the following amendment:- "That in the operation of the trigger levels the 'discretion of line manager' element be removed from sickness arising from on duty injuries".

138.2 Equality Standards for Local Government

The Executive Director reported that the Policy Committee considered the Equality Standard for Local Government Report on 18th January 2008 which outlines the Equality Mark Level 3 Assessment and Validation report from Dr Julian Clarke and the Associated Brigade Action and Improvement Plan.

RESOLVED - That the Assessment & Validation Report be approved.

138.3 Fire & Rescue Service National Framework 2008/11

The Executive Director informed Members that following a Members Workshop on 4 January 2008 and Members comments following the CFA meeting in 30 November 2007, a draft response to the consultation was attached at appendix 1 for Members views.

RESOLVED – that the response as detailed at Appendix 1 to the report be approved and forwarded to CLG.

Fire and Rescue Service Equality and Diversity Strategy 2008

The Executive Director referred to the Draft Fire and Rescue Service Equality and Diversity Strategy 2008, which had been presented to the CFA Meeting on 30 November 2007 and following Members comments sought Members approval to the draft response to the consultation as outlined at appendix 1 to the report. He reported on the Brigade's plans to make a visible change to recruitment, retention and progression by 2013. The strategy includes positive action in recruitment including awareness campaigns, taster days and mentoring - all of which were reported to have made a difference to the success of applicants from traditionally under-represented groups, and to public perceptions. Councillor Pearson expressed concern that the targets were unrealistic and the Brigade needed to maintain the quality of applicants. Councillor Briggs questioned why the Authority is continually put under pressure in spite of all the positive action taken to increase our recruitment of female firefighters and BME.

The Executive Director reported that the previous target of 15 per cent of the workforce by 2009 was set to actively encourage Fire Authorities to do everything they can.

RESOLVED - That the response to the consultation as outlined at Appendix 1 be approved and forwarded to CLG.

138.4 Strategic Management Selection Process

The Executive Director referred to the revised Appointment process of Strategic Management positions which was recently piloted in the recruitment of the Assistant Director of Policy and Performance. It was agreed that the Vice Chair would substitute for the Chair in their absence and that training for the Chairman and Vice Chair be arranged in structured interviewing techniques. Councillor Pearson moved that the structured interview should involve the chairman and vice chairman or substitutes. The motion was defeated by six votes to 9 against.

RESOLVED -

- (i) **That the Strategic Management Selection Process be approved**
- (ii) **That the Chairman and Vice-Chairman receive training in structured interviewing techniques.**

138.5 Centre of Excellence for the Fire & Rescue Service

The Executive Director reported that the consultation period for the Centre of Excellence for the Fire and Rescue Service document closes on 31 January 2008. The consultation required Cleveland Fire Authority to put together a response to specific questions surrounding the need for a Centre of Excellence, the role, functions, status, governance and funding arrangements.

The Chairman expressed concern that a Centre of Excellence would be very expensive and that it may be value for money to be undertaken in-house. The Executive Director reported that the Brigade would always consider cost effectiveness.

RESOLVED - The response to the consultation as outlined at appendix 1 to the report be approved.

138.6 Review of Charges 2008/09

The Executive Director reported that due to the nature of the service provided by the Fire Brigade, which by statute is provided free of charge, new sustainable income was difficult to identify. Despite this, in line with recommendations from the Audit commission and Internal Auditors, new avenues of obtaining additional external income were currently being explored.

Taking account of previous years' trends and known variables, it was reported that estimated combined effects of the revised charges would be to increase the brigade's budgeted income by approximately £7,445, an average of 2.16%. If the contractual agreements were discounted from the equation, the effective increase would be equivalent to 3.27%.

RESOLVED - That the review of charges, outlined in appendices 1 and 3, be approved and take effect from 1st April 2008.

138.7 Information Pack

- 138.7.1 Fire and Rescue Service Circulars
- 138.7.2 National Joint Circulars
- 138.7.3 Employers Circulars
- 138.7.4 Community Cohesion Strategy
- 138.7.5 CLG Fire and Rescue Service Circular 51/2007

RESOLVED - That the report be noted

139 TO RECEIVE THE REPORT OF THE SCRUTINY SERVICE DELIVERY CHAIR

Chair's Information Pack

The Chairman informed Members that the following reports were presented to the Scrutiny Service Delivery Committee Meeting on 11 January 2008.

- 139.1 Safety Improvement Plan Monitoring & Review Framework Third Quarter Performance Indicators.
- 139.2 Scrutiny of Whatever it Takes
- 139.3 Audit Commission Service Performance Reports

RESOLVED - That the report be noted.

140 TO RECEIVE THE REPORT OF THE PERFORMANCE SCRUTINY CHAIR

Chair's Information Pack

The Chairman informed Members that the following reports were scrutinised at the Performance Scrutiny Committee Meeting on 14 December 2007 -

- 140.1 Second Quarter Performance Summary Report 2007/08
- 140.2 Progress against Revenue and Capital Budgets 2007/08
- 140.3 Equality and Diversity Report

The Executive Director referred to the Exceptions Report in appendix 1 and highlighted the Authorities zero tolerance approach to accidental fire deaths. It was reported that Accidental Dwelling Fire Injuries figures were on target and the rise in Accidental Dwelling Fire Fatalities was due to the gas explosion in Hartlepool and compared to 2006/07 when no deaths were recorded, resulted in a 100 per cent increase. The Sickness Absence figures showed a marked improvement and Councillor Briggs confirmed that monitoring would continue.

RESOLVED - That the report be noted.

141 TO RECEIVE THE REPORTS OF THE CLERK TO THE AUTHORITY

141.1 CFA Meetings

The Clerk reported that a revised schedule of CFA Meeting dates for 2008/09 had been recommended at the Member Development Group Meeting on 11 January 2008 which includes a summer recess and a proposal that the Annual meeting take place a week later on 5th June 2008. Councillor Cooney expressed concern about the change of the annual meeting as she would not be able to attend.

RESOLVED - That the dates of for Cleveland Fire Authority Meetings for 2008/09 be approved in principal pending a Governance Review.

141.2 Guide to Members Roles

The Clerk referred to appendix 1 of the report, a Guide to Members' Roles, as considered by the Member Development Group on 7 September 2007 and 11 January 2008. It was noted that the purpose of the guide was to offer role profiles detailing the necessary skills and attributes needed to enable members to fulfil their role and establish training needs.

RESOLVED -

- (i) **That the report be noted.**
- (ii) **That the Guide to Members' Roles be approved.**

141.3 Strengthening Local Democracy

The Clerk reported that a joint LGA and IDeA Conference: Strengthening Local Democracy was to take place on 25 February 2008 in London and sought the Authorities wishes in respect of members' attendance. The Chairman proposed that Members did not attend.

RESOLVED - That Members do not attend the conference.

141.4 CFA Governance Review

The Clerk reported that the Scrutiny Service Delivery Members scrutinised the draft Audit Commission Report of Cleveland Fire Authority's 2007 Direction of Travel and the Use of Resources Assessments. Included within the Action Plan of the Use of Resources was the suggestion that the Authority established an Audit Committee with a remit similar to that of the Performance Scrutiny Committee. The Clerk also advised that Audit Commission Reports entitled Use of Resources 2009, The Fire and Rescue – Use of Resources 2007/08 Key lines of Enquiry and the consultation on the use of Resources Assessment 2008/09 had recently been published and there are new Criteria for Judgements which include consideration of an Audit Committee, a Member Portfolio for Asset Management and the Authority's environmental footprint. The Clerk added that it had been 3 years since the last governance review and in view of new guidance advised Members it would be timely to undertake a full governance review.

RESOLVED - That a full CFA governance review be undertaken.

141.5 Clerk's Information Pack

The Clerk informed members of the urgent items which necessitated calling an Executive Committee Meeting on 14 December 2007 and 16 January 2008.

RESOLVED - The report be noted.

**142 TO RECEIVE THE JOINT REPORT OF THE TREASURER AND CHIEF FIRE OFFICER
Budget Strategy 2008/2009 to 2010/2011 and 2008/09 Council Tax Level**

The Treasurer outlined the Medium Term Financial Strategy (MTFS) and sought Members consideration on the detailed 2008/09 Council Tax proposals. It was noted that the forecasts for 2008/2009 to 2010/2011 were tentative as this period is covered by the Government's 2007 Comprehensive Spending Review (CSR07) which determines the level of public sector expenditure for this period. These forecasts can now be reviewed to reflect the announcement of detailed grant allocations to local authorities for the next three years.

The Treasurer reported that the Government grant allocation, which funds two thirds of the Authorities revenue expenditure, is well below the grant floor, following changes to the formula in 2006/2007. The authority receives a lower 'top up' for being a high risk area since COHMA sites replaced the former 'A' risk. The Authority's reserves have been reviewed and it is anticipated that at March 2008, net uncommitted reserves will be £2.631m. The Treasurer reported that part of these reserves needed to be maintained to cover unforeseen liabilities and a further £1m has been put aside to address backlog property maintenance issues and the investment need through the IRMP.

It was reported that Supported Capital Expenditure (Revenue) Allocations for the next three years would be; 2008/2009 - £507,000, 2008/2009 - 535,000, 2009/2010 - £598,000, 2010/2011 - £615,000. The announcement of allocations for a three-year period will enable the Authority to develop a three-year Capital Programme as detailed in appendix A. Previously approved plan to use £1m of unsupported Prudential Borrowing is anticipated to be spent as outlined in appendix A, Table 2.

142. Budget Strategy 2008/2009 to 2010/2011 and 2008/09 Council Tax Level continued

With reference to the 2008/2009 Local Government Finance Settlement the Treasurer reported that grant allocations announced in December 2007 were disappointing in comparison to other authorities and a detailed written response had been submitted to government highlighting concerns that the floor has been set too low to enable those Fire authorities below the floor to make real improvement to services and at the same time keep council tax increases below 5%.

Regarding the Revenue Budget and Council Tax Levels 2008/2009 to 2010/2011, the Treasurer reported that the previous MTFS indicated that the period covered by CSR07 would be challenging for the Authority as it was anticipated that the CFA would only receive annual grant increases of 1% per annum from 2008/09. On this basis it was anticipated that the annual budgets for 2008/09 to 2010/2011 would be balanced through a combination of annual council tax increases of 5%, the use of £1.525m of balances and the achievement of £1.2m of efficiencies by 2009/2010. The Treasurer reported that the Authority face additional financial pressures from the issues identified in the previous paragraphs and in order to address these issues the level of efficiencies the Authority needs to achieve will increase to £1.85M. These efficiencies will need to be achieved and implemented in full from 1 April 2010 and in order to provide an appropriate timescale for achieving these it is suggested that the available balances of £1.691M be allocated to support the budget from 2008/09 to 2010/2011. The Government has now indicated that Council Tax increases should be significantly below 5%, which contradicts previous forecasts included in CSR07. The Treasurer reported a revised 4.9% increase for the next three years should not be capped, although he could not guarantee this. This would result in the following Band D levels: 2008/2009 - £58.69, 2009/2010 - £61.57 and 2010/2011 - £64.59.

The Treasurer concluded that the outlook for public sector expenditure would be challenging and the formula grant allocations for 2008/2009 and 2010/2011 will necessitate major changes and the achievement of significant efficiencies. He reported that the budget forecasts for the three years to 2010/2011 are based on the phased use of £1.691M of the Authority's reserves to support the revenue budget and £1M to fund capital investment. At the end of this period it is anticipated that net reserves will be £0.940M, which broadly equates to the minimum recommended uncommitted reserves of 3%. This level of reserves is consistent with the assessment of risk facing the CFA as detailed in Appendix E.

Members expressed their deep concern about the funding formula and the devastating effect the cuts in grant allocation could have in the event of a disaster involving nearby COHMA sites and the lives that could be put at risk. Members thanked the local MPs for their support in this matter but added the only way to maintain the current level of service would be to increase funding at twice the level of inflation. Members felt that their concerns had not been taken into consideration and that Ministers were unaware of the uniqueness of the area of Cleveland.

RESOLVED -

- (i) That the 2008/2009 Capital Programme as detailed in appendix A Tables 1 and 2 be approved.
- (ii) That the detailed Prudential Indicators identified at appendix B be approved.
- (iii) That a Band D Council Tax level for 2008/2009 of £58.69 (a 4.9% increase on 2007/2008) and supporting statutory calculations as detailed at appendix G and the detail revenue budget set out at appendix D be approved.
- (iv) That an indicative Band D Council Tax levels for 2009/2010 at £61.57 and 2010/2011 at £64.59 be approved.
- (v) That if any change is made to grant entitlement in the final settlement, approve an adjustment to the contribution from reserves to the budget.

143 ANY OTHER BUSINESS

143.1 Managing Strategic Performance

The Clerk sought the Authority's wishes in respect of member attendance at the Managing Strategic Performance 2008 Conference on Wednesday 23 April in London. Councillor Pearson considered the conference, to be attended by Parmjit Dhanda, an ideal platform for the Cleveland Fire Authority to get its point across regarding the funding formula and moved that a cross party delegation attend which included Councillor Cooney. A vote was taken which was defeated by 4 votes for and 10 against. It was agreed that the Chairman or substitute attend the conference.

RESOLVED - That the Chairman or substitute attend the Managing Strategic Performance 2008 Conference on Wednesday 23 April in London.

143.2. Fire Centennial Conference – 5 March 2008

Member's wishes were sought regarding the Fire Centennial Conference which was to be held in London on 5 March 2008. The conference theme was "Implementing Successful Leadership Strategies within the fire and Rescue Service". It was proposed by Councillor Pearson that the Chair, Vice Chair and Councillor Cooney attend the conference. The motion was defeated by 4 votes to 10 against. It was agreed that the Chairman or Vice Chairman attend.

RESOLVED – that the Chairman or Vice Chair attend the Fire Centennial Conference on 5 March 2008 in London.

144. LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985

RESOLVED - that under Section 100(A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Schedule 12A to the Act namely information regarding an individual; information relating to the financial or business affairs of any particular person (including the authority holding the information)."

145. CONFIDENTIAL MINUTES

RESOLVED – that the Confidential Minutes of Executive Committee Meetings held 14 December 2007, 7 January and 16 January be confirmed.

146 REGIONAL MANAGEMENT BOARD MEETING – 14 DECEMBER 2007

RESOLVED - That the confidential report of the RMB Committee 14 September 2007 and NEFRA Collaboration PFI Project Report be noted.

**COUNCILLOR MRS BRENDA FORSTER JP
CHAIRMAN**

COUNCIL REPORT

17 April 2008



Report of: **The Chief Executive**

Subject: **Report of the Independent Remuneration Panel**

Attached at Appendix A is the Independent Remuneration Panel's report on Members' Allowances. Council's views and instructions are requested.

Report of the Independent Remuneration Panel

Council – 17 April 2008

1. **Background**

The Independent Remuneration Panel was established to advise the Council on the level of Members Allowances under the Local Government Act 2000.

The Panel have made a number of reports to The Council over the years, reviewing various parts of the Members Allowances Scheme, covering the Basic and Special responsibility allowances. The Panel have previously recommended that such allowances be linked to the annual level of increase for Local Government employees. This is due to remain in place until 2009, when the next detailed review is scheduled.

2. **Purpose of the Report**

There remain a number of areas of the Members Allowances Scheme which have not yet been reviewed, these are listed below;

Co-optees Allowances
Dependent Carers Allowance
Telephone Allowances
Special Responsibilities Allowances

In addition to the above The Panel also agreed a work programme for later in 2008/09 financial year, which would review the level of Basic Responsibility and Mayoral Special Responsibility allowances.

3. **Co-optees Allowances**

The Council's current scheme covers travel, subsistence and financial loss for co-optees. The Panel noted that in practice, claims had been few in number and small in size. The Panel recommends that the limits be increased to RPI for future years and a one off adjustment to take account of RPI increases from 2003, for 2008.

4. **Dependant Carers Allowance**

The Panel noted that the current scheme had not been reviewed for some years. No claims in that time has been made. The Panel considered that the allowance in future should be linked to the cost of carers and that the national minimum wage was appropriate. The Panel were also of the view that the wording of the

scheme be clarified to set a maximum of 2 claims per week with each claim being no longer than 7 hours.

The Panel recommends that, the maximum hourly rate claimable, be the national minimum wage and that this be increased annually as the national minimum wage increases and that the scheme be limited to 2 claims per week with each claim being no longer than 7 hours each.

5. Pension Arrangements

The panel noted that Council had previously determined that the Mayoral Special Responsibility Allowance should not be pensionable contrary to the recommendation of the panel at that time. The Panel determined not to consider this, at this time but review as part of the Mayoral Special Responsibility. In relation to other allowances the Panel confirmed their previous views still stand that such allowances should not be pensionable.

6. Telephone Allowances

The Panel considered the current arrangements for telephone allowances and considered the principle of incorporating the allowance into the Basic Allowance. The Panel determined that this was not a course of action it wanted to recommend, and no changes are suggested.

7. Special responsibility Allowance Weightings

The Panel considered the weightings it had previously recommended and whether any changes had occurred. The Panel noted that the role of The Audit Committee might change and determined to review the priorities later in the Autumn.

In relation to the weightings The Panel considered these and determined that there have not been significant changes since their previous report. Accordingly it decided to make no recommendations at this time, but the situation will be reviewed in the Autumn.

8. Recommendations

The Panel recommends the changes set out in Section 3 and 4 above.

COUNCIL REPORT

17 April 2008



REPORT OF: Constitution Committee

**SUBJECT: AMENDMENTS TO THE CONSTITUTION IN
RESPECT OF RESIDENT REPRESENTATIVE
ELECTIONS**

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to invite the council to consider a change to the constitution in relation to the election of Resident Representatives.

2. BACKGROUND

- 2.1 At their meeting on 28 March 2008, the Constitution Committee considered a joint report from the Head of Neighbourhood Management and Chief Solicitor regarding a Constitution Working Party recommendation to amend the requirements for submission of nominations for service as Resident Representatives on the Council's Consultative Forums.
- 2.2 The report described proposed changes to the submission of nominations that are currently required for submission at the meeting at which the nominations are to be considered. An election then takes place, in the event of there being a greater number of nominations than the number of resident representatives to be appointed. The new arrangement was for nominations to be submitted no later than 12 noon on the Friday of the week prior to the elections, thereby avoiding administrative difficulties arising from the receipt of nominations so close to the election process.
- 2.3 The Constitution Working Group also considered that further changes were appropriate, principally in order to ensure that the representatives appointed were truly representative of members of the community. In this respect, they considered that nomination should be conditional upon the endorsement of the nomination paper by ten residents of the area in question. Election rules allow supporters to sign nomination papers up to the number of vacancies, e.g., for three vacancies electors can subscribe three nomination papers.
- 2.4 Members wished the new arrangements to be introduced for the election of Resident Representatives to take place immediately after the May Council elections.

3. PROPOSALS

- 3.1 The proposals of the Constitution Committee will necessitate that the relevant provisions of the Constitution read as follows, the relevant changes are highlighted in italics.

10.11 Co-opted resident members

b) The election process

The election process will be supervised by the *Returning Officer* of the Council and may be conducted by an independent facilitator.

The method of election will be as follows:

- i) Resident representatives will be elected at an open meeting.
- ii) The meeting will be notified to all Hartlepool residents through meetings of the Forums and an advertisement in the local press.
- iii) Three meetings will be held, one in each Forum area.
- (iv) *The nomination period will commence 20 working days prior to the week of the elections and nominations must be delivered to the Returning Officer before 12 noon, 10 working days prior to the week of the elections. A nomination will not be valid unless it is subscribed by ten residents of the neighbourhood forum area ward for which the nomination is made. Both the nominee and the supporting signatories must appear on the current electoral register for the relevant ward. Voting will be by secret ballot.*
- (v) Following the election for the positions of Resident Representatives, the Resident Representatives elected shall elect one of their number to the office of Vice-Chair and another to act as substitute for the Vice – Chair.
- (vi) In the event of a tied vote, a further vote will take place. If there is no outright result following this second vote, the *Returning Officer* will draw lots to decide on the successful candidate.
- vii) At least one resident representative from each Ward will be elected. In the event of there being no nomination for a Ward(s), vacancies will be filled by the remaining

candidates with the highest number of votes regardless of the Ward in which they live.

- (viii) Casual vacancies will be filled at ordinary forum meetings, with all those present at the meeting able to vote (Councillors, Resident Representatives and members of the public).

4. RECOMMENDATIONS

- 4.1 That the amendments proposed by the Constitution Committee as set out in paragraph 10.11 (b) (iv) – (viii) above, be approved and the Constitution amended accordingly.

COUNCIL

17TH April 2008



Report of: Constitution Committee

Subject: PROPOSED AMENDMENTS TO CONTRACT
PROCEDURE RULES

1. PURPOSE OF REPORT

- 1.1 To seek Council approval for implementation of proposed changes to the Contract Procedure Rules (CPRs) and Article 14 of the Constitution.

2. BACKGROUND

- 2.1 The Council's Procurement Strategy is significant in bringing together several national agendas and setting them in a local context. The main drivers are:

- The National Procurement Strategy and Milestones
- The Gershon Efficiency Agenda
- The Council's Way Forward
- The Comprehensive Spending Review 2007.

- 2.2 The changes brought about by the Procurement Agenda have already resulted in a revised Procurement Strategy being adopted by the Council, the adoption of an e-Procurement Strategy, the production of the "Selling to the Council Guide" and the review and re-launching of the procurement guidance as the "Officers Guide to Procurement".

- 2.3 The work carried out to formulate these documents also identified the need to carry out an annual review of the CPRs, which form part of the Council's Constitution, in order to reflect the changing procurement environment brought about by the procurement agenda.

- 2.4 As the CPRs are "Standing Orders" within the Constitution, the Constitution requires any amendments to be referred to full 'Council'.

- 2.5 The amendments have been endorsed by the Finance and Efficiency Portfolio Holder at his meeting on 27th February 2008.
- 2.6 The amendments were subsequently approved by the Constitution Committee at its meeting on 28th March 2008, with an additional recommendation that the tender limit for goods, materials and services be increased from £15,000 to £25,000, rather than to £20,000 as previously proposed by officers. This recommendation has been included in the finalised draft CPRs attached at **Appendix 1**.

3. CONSIDERATIONS

- 3.1 The finalised draft CPRs are attached at **Appendix 1**, with all amendments highlighted, by being typed in red.
- 3.2 An extract from Article 14 of the Constitution is attached at **Appendix 2**, with all amendments highlighted, by being typed in red.

4. RECOMMENDATIONS

- 4.1 That Council approves the implementation of the Contract Procedure Rules and Article 14 of the Constitution.

HARTLEPOOL BOROUGH COUNCIL – CONTRACT PROCEDURE RULES

Approved by Council 13th April 2006

Draft as at 28th March 2008 – Proposed additions / amendments /
deletions in Red.

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CONTRACT PROCEDURE RULES

INTRODUCTION

Contracts covered by the rules

The following procedure rules apply to contracts entered into by the Council whether under authority exercised by the Executive (in respect of executive functions), Full Council (in respect of non-executive functions), a committee of either the Executive or the Council or an officer. The contracts to which they are applicable are contracts for the acquisition of goods, materials or services or for the execution of works, with certain exceptions set out in the rules.

The rules do not represent a total procedure package – rather they stipulate a number of requirements that must be complied with within any contract letting procedures adopted. For further details of the procedures to be followed in the procurement of goods and services, reference should be made to the Procurement Guidance (*Officers Guide to Procurement*), which gives a wider explanation of the Council's procurement policies and practices. Where significant expenditure is contemplated, the rules establish requirements in the context of 3 contract-letting concepts –

- Best Price basis - lowest price where price to be paid by Council; highest price where price to be received by Council;
- Price/Performance – contractor to be selected on basis of combination of price and quality
- Partnering – contract includes:
 - establishment of partnering team
 - pricing policy
 - open-book policy
 - savings sharing formula.

Central Purchasing Contracts

Where goods or services are to be acquired of a nature in respect of which a central contract has been established by the North East Purchasing Organisation (NEPO) or the Council's Procurement Unit, such goods and services will be purchased through that contract unless the Chief Officer, following consultation with the Head of Procurement & Property Services, considers a special exemption can be made. Goods or services for which the Council has accepted a tender submitted to NEPO are outside the scope of the Contract Procedure Rules and will be obtained from the relevant supplier in accordance with the NEPO procedures.

Strategic Partnerships

Where goods or services are to be acquired of a nature in respect of which the Council has established a Strategic Partnership with another provider, such goods and services will be purchased through that Strategic Partnership. Only in exceptional circumstances and following consultation with the Head of Procurement & Property Services and the Chief Solicitor, will exemptions be made.

The rules and an In-house Provider

These rules do not apply when a decision is taken to have work executed by an in-house provider such as Neighbourhood Services, without competitive process. In such circumstances, the provider being a department or division of the Council, there is no contract as it is a fundamental principle of contract law that a party cannot contract with itself. Even where a competitive process has taken place and the work is awarded to the in-house provider on the basis of their bid, there is no contract.

This has the consequence that, when it is necessary for the in-house provider to have some part of the work done by an outside contractor, the contract with the outside contractor is a 'contract', rather than a 'sub-contract' (requiring specific contract provision regulating the relationship between the in-house provider and the external contractor which is outside the scope of this commentary). For the purposes of their bid as part of a competitive process, the in-house provider may wish to include elements of cost for an external contractor and provision is made for a higher limit for Informal/quotations procedures to be followed in such circumstances. Costs established through those informal/quotation procedures can then be used as the basis of the contract with the external contractor without further tendering procedures being followed. In these rules, such contracts are referred to as "In-house Bid Contracts".

Criteria for selection of Price/Performance and Partnering Contracts

Contracts will be of the Best Price type unless a decision has been taken that either a Price/performance contract or a Partnering contract is to be established. Considerations which will inform such a decision are likely to include: -

- Value of contract
- Nature of project - e.g. is the work involved of a specialist nature where the contractor's techniques, design talents, contacts with government departments, national agencies etc are likely to be material to any choice
- Frequency of need for services/work
- Importance of adherence to budget

- Client input throughout the project

Roles and Responsibilities

Responsibility for decision making and action under contract letting procedures and for monitoring of the application of the contract procedures will be spread over the Council, in the interests of both efficiency and probity. Statutory guidance indicates that there should be delegated to officers greater responsibility for discharge of executive functions.

The role of Members

The Executive or the Council

Most contracts will relate to executive functions and regulations provide that those functions may only be discharged by the Executive (either full Cabinet or an individual Portfolio Holder, as the case may be). In respect of contracts relating to their executive functions, the Executive will have the responsibility:

-
- To determine the project including general aims of the construction, or service to be acquired
- To establish the level of expenditure for the project
- To approve lists of selected tenderers prepared under Rule 2
- To determine the nature of the contract – best price, price/performance or partnering
- To determine the Price/Quality ratio in respect of a price/performance Contract or a Partnering Contract or other basis of assessment
- To determine the Budget Price in respect of a Partnering Contract
- To waive any element of the Contract Procedure Rules in the case of an individual contract or class or group of contracts

Occasionally, the necessity for a contract may arise in connection with non-executive functions. In such a case the roles set out above, to the extent that they may be relevant, will be discharged by the Council.

In preparing a report inviting a decision to enter into a contract, the responsible officer should structure the report so as to cover the matters which require decision as set out above thus ensuring that the nature of the action to be taken by officers following the decision is clear.

The Contracts Scrutiny Panel

In order to ensure probity and transparency in the award of contracts, the Contracts Scrutiny Panel will participate in the letting of contracts by monitoring their compliance with the Contract Procedure Rules at a number of stages, both during and after the completion of the contract procedure. In respect of any contract the Panel will have the responsibility:

- To receive and examine tenderers lists
- To open tenders
- To receive and examine reports on the outcome of price/performance and partnering contracts letting procedures

The role of Officers - The Chief Officer/Officer Team

The Chief Officer/Officer Team will have the responsibility:

- To prepare the specification
- To approve use of selected tendering list or, if none available, to determine the tendering list for the contract
- To advertise/issue invitations for expressions of interest
- To determine a marking mechanism for each contract or for categories of contracts
- To select contractors for participation in Price/performance and Partnering contracts procedures
- To interview contractors
- To evaluate proposals & contractors and allocate scores
- To approve the successful contractor

It is presumed that officers responsible for procuring goods, works and services under these rules are familiar with the powers delegated to officers under the Council's delegation scheme, at least to the extent that those powers enable an officer to take action without a specific authority from Members. Where an officer is given power to take action (e.g. to incur expenditure for which budgetary provision has been made), that power includes the power to enter into any contract necessary to secure the goods, works or services involved. In the interests of transparency, the requirement for tenders to be opened by the Contract Scrutiny Panel applies to contracts undertaken by an officer under delegated powers, but the responsible officer, rather than the Chief Solicitor would sign such a contract.

Electronic Procurement (e-Procurement)

The Councils E-procurement Strategy requires that whenever possible procurement shall be carried out electronically. All procurement carried out, on any e-procurement system approved by the Chief Solicitor and the Head of Procurement & Property Services, is subject to these Rules.

General

In the event of conflict between this Introduction and the following Contract Procedure Rules, the latter shall prevail

These rules are made in pursuance of Section 135 of the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Modification of Enactments and Further Provisions) (England) Order 2001.

PART A - SCOPE OF CONTRACT PROCEDURE RULES

1 Application of Contract Procedure Rules

- i) These rules apply to every contract for the supply of goods, materials or services or for the execution of works, so far as they are relevant to a contract of the type determined by the Executive or the Council (as the case may be), except as provided in (ii) below.
- ii) With the exception of (vii) below, these rules do not apply to contracts with professional persons or contractors for the execution of works or the provision of services in which the professional knowledge and skill of these persons or contractors is of the primary importance or where the contract is for the provision of caring services to children or vulnerable persons.
- iii) No exception from any of the rules shall be made otherwise than by direction of the Executive or the Council or in any case of urgency, the Chief Officer after consultation with the Monitoring Officer. A record of any exception from any of the provisions of these procedure rules shall be reported to the Contracts Scrutiny Panel at their next meeting, and shall specify the case or urgency by which the exception shall have been justified.
- iv) For the purposes of any financial limit referred to in the rules, if the application of the rules to a particular contract cannot be identified until after opening of any tender, the value of the contract shall be as estimated by the Chief Officer.
- v) Reference in these rules to any decision, authority or action of the Council, the Executive, the Contracts Scrutiny Panel or an officer shall be deemed to include reference to a decision approval or action of the responsible body or officer prior to as well as after the adoption of these rules.
- vi) The letting of any contract shall also comply with any legislation or regulations relevant to the contract, Health and Safety Regulations, the European Directive on public procurement, the Council's Financial Regulations and the Council's Procurement Strategy.
- vii) In respect of any contract to which, for whatever reason, the procedures set out in these rules do not apply, there shall be followed a procedure which:
 - has been determined and recorded prior to its commencement

- ensures a level of competition consistent with the nature and value of the contract
- is transparent and auditable
- provides value for money, and
- records the reasons for choosing the successful contractor

PART B - SELECTED TENDERERS LISTS

2 Compilation of Selected Tenderers Lists

- i) This rule applies where a decision has been made that a list shall be kept of persons to be invited to tender for contracts for the supply of goods, materials or services of specified categories, values or amounts, or for the execution of specified categories of work and such a list is not to be compiled in accordance with the Constructionline procedure formulated by or on behalf of the Department of Trade and Industry
- ii) The list shall include at least eight persons and shall:
 - be approved by the Executive and (subject to paragraph iv below) be maintained on behalf of the Executive by the Chief Officer;
 - contain the names of all persons who wish to be included in it and are approved by the Executive or Chief Officer/Head of Department, subject to no persons being included until the appropriate technical officer is satisfied that they have the capacity to undertake the contracts envisaged, the Chief Personnel Services Officer is satisfied that they have adequate Health and Safety arrangements and the Chief Financial Officer is satisfied that they are financially sound; and
 - indicate whether a person whose name is included in it is approved for contracts for all or only some of the specified values or amounts of categories.
- iii) At least **six weeks** before the list is first compiled, notices inviting applications for inclusion in it shall be published:
 - in one or more local newspapers circulating in the district,
 - **on the procurement pages of the Council's website,**
 - **on the Government Opportunities Portal - Supply2.gov.uk.**
 - and in one or more newspapers or journals circulating among such persons as undertake contracts of the specified values or amounts or categories.

- iv) The list may be amended by the appropriate Chief Officer as required from time to time and shall be reviewed as follows:
- Review to be carried out at intervals not exceeding 4 years, where an update of the list is carried out and notices inviting applications for inclusion in the list shall be published in the manner provided by paragraph (iii) of this standing order.
 - Update to be carried out at intervals not exceeding 2 years, where each person whose name appears in the list shall be asked whether s/he wishes his/her name to remain therein.

Any such amendment or update shall be reported to the Executive. Any such review shall be presented to the Executive for approval and then reported to the Contract Scrutiny Panel.

PART C - INFORMAL / QUOTATION PROCEDURES

3 Informal Procedure - Contracts under £5,000

For a contract for less than £5,000, reasonable enquiries shall be made to determine that the price is fair and reasonable.

4 Informal Quotations Procedure – Works contracts £5,000 - £20,000

For a contract for the execution of work up to £20,000 three quotations shall wherever possible be obtained.

5 Formal Quotations Procedure – Works contracts £20,000 - £50,000 Goods materials or Services Contracts £5,000 - £25,000 (In-house bid contracts £5,000 - £100,000)

In respect of contracts:

- for the execution of work up to £50,000 (£100,000 for In-house bid contracts [see Introduction to these Contract Procedure Rules]): or
- for the supply of goods materials or services up to £25,000 (£100,000 for In-house bid contracts)

at least three written quotations shall wherever possible be obtained.

PART D - BEST PRICE PROCEDURES

6 Works contracts over £50,000
Goods materials or Services Contracts over £25,000
(In-house bid contracts over £100,000)

- i) Except for contracts described in rule 6(ii), no contracts which exceed £50,000 (£100,000 in the case of an In-house bid contract) in value or amount for the execution of any work, or £25,000 (£100,000 in the case of an In-house bid contract) in value or amount for the supply of goods, materials or services shall be made unless public notice has been given in accordance with the Public Notice provisions (see rule 7).
- ii) Rule 6(i) does not apply to contracts which have been determined should be let under the Selected Tenderer provisions (see rule 8)

~~➤ the Price/Performance contracts provisions (see rule 10) or~~

~~➤ the Partnering contracts provisions (see rule 11)~~

or which relate to the following matters: -

- (a) Purchase by auction;
- (b) Work to be executed, or goods materials or services to be purchased, which are a matter of urgency;
- (c) The work to be executed or the goods, materials or services to be supplied consist of repairs to or parts for existing machinery or plant;
- (d) The goods, materials or services to be purchased are such that a substantial proportion of the price is likely to be attributable to haulage;
- (e) The purchase of goods, materials or services which are obtainable only from a limited number of contractors, but in such case a reasonable number of contractors shall be invited to submit tenders.
- (f) Purchase or repair of patented or proprietary article or articles sold only at fixed price;
- (g) The goods, materials or services to be purchased are such that effective competition is prevented by government control;

(h) The prices of the goods, materials or services to be purchased are controlled by a trade organisation or for other reasons there would be no genuine competition.

7 Public Notice provisions

- i) At least **twenty eight days** public notice shall be given
 - in one or more local new spapers circulating in the district,
 - on the procurement pages of the Council's website,
 - on the Government Opportunities Portal - Supply2.gov.uk.
 - also, wherever the value or amount of the contract exceeds £100,000 in the case of execution of any works or exceeds **£40,000** in the case of supply of goods, materials or services, in one or more new spapers or journals circulating among such persons as undertake such contracts,expressing the nature and purpose of the contract, inviting tenders for its execution and stating the last date (not less than **28 days** after appearance of the public notice) when tenders will be received.
- ii) After the date specified in the public notice, invitations to tender for the contract shall be sent to not less than **four** of the persons who applied for permission to tender, selected by the Chief Officer in the approved manner, either generally or in relation to a particular contract or category of contract or, if fewer than **four** persons have applied and are considered suitable, to all such persons.

8 Selected tenderers provisions

This rule applies where it has been determined that the invitation to tender for a contract is to be limited to persons whose names appear on a Selected Tenderers list compiled under rule 2. An invitation to tender for that contract shall be sent to at least **four** of those persons included in the list as being approved for a contract for that value or amount or of that category, or, if there are fewer than **four** such persons, to all such persons. If there are **four** or more such persons, the persons to whom invitations are sent shall be selected by the Chief Officer in the manner approved, either generally or in relation to a particular contract or to a category of contracts.

9 Acceptance of tender

A tender –

- other than the lowest tender if payment is to be made by the Council or

- other than the highest tender if payment is to be received by the Council,

shall not be accepted without the fact of and reason for the acceptance being recorded and notified to the Contracts Scrutiny Panel at their next meeting.

PART E - PRICE/PERFORMANCE CONTRACTS

10 Price/performance Contracts Provisions

This rule applies when it has been determined by the Executive, that the contractor shall be chosen on the basis of a combination of price and performance and for which a price/performance ratio has been determined.

- i)
 - (a) Where there is a relevant Select List of Contractors for the nature of work or service involved in the project, the Chief Officer shall invite such number of contractors from the list as s/he considers appropriate to indicate whether they are interested in undertaking the proposed works and, if so, to provide a list of all clients for whom they have worked in the 2 years prior to the invitation.
 - (b) Where there is no Select List of Contractors ~~the Chief Officer shall compile for examination by the Contracts Scrutiny Panel a list of contractors to whom the invitation referred to in para (a) above will be submitted~~ public notice requesting expressions of interest from contractors must given in accordance with the Public Notice provisions (see rule 7).
- ii) The Chief Officer shall select from the contractors who confirm their interest and provide relevant details those contractors who will be invited to submit ~~tenders (minimum number four – see rule 7 ii) and shall compile a list of those contractors for examination by the Contracts Scrutiny Panel. unless the list is identical to the one previously reported following para 10(i)(b) above.~~
- iii) Contractors invited to submit tenders will be required to provide method statements relevant to the contract.
- iv) Not fewer than 4 of the contractor's former clients will be requested to complete a Referee's Questionnaire (see Rule 24) except in the case of a contractor for whom Referee's Questionnaires have been obtained during the previous 6 months.
- v) An Agreed Marking Mechanism (see Rule 14) shall be applied to calculate the Price/performance Score of each contractor.

- vi) The contractor with the highest Price/performance Score will usually be awarded the contract.
- vii) The Price/performance Score of each contractor shall be entered into a Price/performance Score Matrix (see Rule 24) which shall be submitted to the Contracts Scrutiny Panel without any indication of the identity of the Contractor to which each Price/performance Score relates at their next meeting.
- viii) No notification of the identity of the successful contractor shall be given to the successful or any other contractor or otherwise made public prior to the meeting of the Contracts Scrutiny Panel to which the Price/performance Score Matrix has been submitted.

PART F - PARTNERING CONTRACTS

11 Partnering Contracts Provisions

This rule applies when it has been determined by the Executive that there shall be a Partnering Contract, namely a contract which includes all of the following provisions: -

- the establishment of a partnering team
 - the stipulation of a Pricing Policy, being a statement of the prices to be charged by the contractor for the purchase of the materials and items set out in the statement
 - a facility for the Council to examine all aspects of the contractors accounts for the contract and
 - a Savings Sharing Formula being a formula for the sharing between the contractor and the Council of savings achieved within a Partnering Contract
- i) (a) Where there is a relevant Select List of Contractors, the Chief Officer shall invite such number of contractors from the list as s/he shall consider appropriate to indicate whether they are interested in undertaking the proposed works under a partnering contract and, if so, to provide a list of all clients for whom they have worked in the 2 years prior to the invitation.
 - (b) Where there is no Select List of Contractors ~~the Chief Officer shall compile for examination by the Contracts Scrutiny Panel a list of contractors to whom the invitation referred to in para (a) above will be submitted~~ public notice requesting

expressions of interest from contractors must given in accordance with the Public Notice provisions (see rule 7).

- ii) The Chief Officer shall select from the contractors who confirm their interest and provide relevant details those contractors who will be given further consideration (minimum number four – see rule 7 ii) and shall compile a list of those contractors for examination by the Contracts Scrutiny Panel. ~~unless the list is identical to the one previously reported following para 11(i)(b) above.~~
- iii) In respect of each of the contractors so selected not less than 4 of the contractor's former clients shall be requested to complete a Referee's Questionnaire except in the case of a contractor in respect of whom Referee's Questionnaires have been obtained during the previous 6 months.
- iv) Responses to the Referee's Questionnaires shall be evaluated according to an Agreed Marking Mechanism and each of the 4 highest scoring contractors (or such greater number as may be determined by the Chief Officer) shall be invited to confirm their ability to complete the project for the project budget.
- v) Contractors who so confirm will be invited to-
 - provide details of the contractor's proposed overhead costs, profit element, contractors net project cost, and preliminaries costs, and
 - to attend interview by an Interview Panel who will allocate an interview score for each contractor.
- vi) The Partnering Score of each Contractor will be calculated by reference to an Agreed Marking Mechanism and entered into a Partnering Score Matrix which shall be submitted to the Contracts Scrutiny Panel without any indication of the identity of the Contractor to which each Partnering Score relates.
- vii) The proposal of the contractor with the highest Partnering Score will usually be accepted.

G - GENERAL PROVISIONS

12 Opening of tenders

- i) Tenders shall be opened at one time and only in the presence of: -
 - at least three members of the Contracts Scrutiny Panel; and

- the Chief Executive or an official of the Council designated by him/her.
- ii) Paragraph (i) of this Order shall not apply to tenders obtained by the In-house Provider for the purpose of compiling a bid as tender for submission by the In-house Provider, which tenders shall be opened by the Head of Procurement & Property Services and the relevant Head of Service or their nominated Officers.

13 Tenders to be returned in sealed envelopes

- i) Every notice of invitation to tender shall state that no tender will be received except in a plain sealed envelope which shall bear the word "Tender" - followed by the subject to which it relates - but shall not bear any name or mark indicating the identity of the sender. Envelopes shall be returned to the Chief Executive and once received shall remain in the custody of the Chief Executive or his/her nominee until the time appointed for their openings.
- ii) The Chief Executive or the Head of Service of the In-house Provider (as the case may be) shall keep a record of all tenders received.
- iii) (a) A Schedule of all tenders received (except tenders to which rule 12(ii) applies) shall be circulated to the Contracts Scrutiny Panel or shall be tabled by the Chief Executive at the Contracts Scrutiny Panel meeting at which they are under consideration;

(b) No information shall be included in such schedule or given to the Panel by which any tenderer may be identified.

14 Agreed Marking Mechanism

No Price/performance procedure or Partnering procedure shall be commenced unless there has been agreed between the Chief Officer and the Council's Chief Internal Auditor, in respect of the particular contract, or in respect of contracts of the nature of the contract in general, an Agreed Marking Mechanism complying with Rule 24. The contractors shall be informed of the elements to be marked and of the comparative importance of each element as a percentage of the available marks.

15 Contracts to be in writing

Every contract ~~other than those involving the use of Procurement Cards and having a value or amount of £2000 or less which exceeds~~

~~£2,000 in value or amount~~ shall be the subject of a Council order or other formal contract and shall specify

- (a) the work, materials, matters or things to be furnished, had or done;
- (b) the price to be paid, with statement of discounts or other deductions; and
- (c) the time or times within which the contract is to be performed.

~~Where the value of the contract exceeds the financial limits which require a tender process to take place (see rule 6) the contract must be the subject of a formal written contract signed in accordance with rule 20.~~

16 Liquidated Damages and Performance bonds

Every contract which exceeds £100,000 in value or amount and is either for the execution of works or for the supply of goods, materials or services, shall, unless the Chief Officer otherwise decides after consultation with the Chief Solicitor, provide for liquidated damages to be paid by the contractor in case the terms of the contract are not duly performed, and the Council shall also require and take sufficient security for the due performance of any such contract. In the case of any such contract for the execution of works such security shall be provided by requiring the retention of a proportion of the contract sums payable until the work has been satisfactorily completed and maintained and, unless the Chief Officer, after consultation with the Chief Solicitor considers it unnecessary in any particular case, additional provision of a bond for due performance.

17 Other remedies for breach

In every contract for the supply of goods, materials or services which exceeds £2,000 in value or amount a clause shall be inserted to secure that, should the contractor fail to deliver the goods, materials or services or any portion thereof within the time or times specified in the contract, the Council, without prejudice to any other remedy for breach of contract, shall be at liberty to determine the contract either wholly or to the extent of such default and to purchase other goods, or materials of the same or similar description to make good (a) such default or (b) in the event of the contract being wholly determined the goods, materials or services remaining to be delivered. The clause shall further secure that the amount by which the cost of so purchasing other goods, materials or services exceeds the amount which would have been payable to the contractor in respect of the goods, materials or services replaced by such purchase if they had been delivered in accordance with the contract shall be recoverable from the contractor.

18 British Standards

Where an appropriate British Standards Specification or British Standard Code of Practice, issued by the British Standards Institution or Euronorm Standard, is current at the date of the tender, every contract shall require that all goods and materials used or supplied and all workmanship shall be in accordance with that Standard.

19 Prevention of Corruption

- i) There shall be inserted in every written contract a clause empowering the Council to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation, in any of the following circumstances: -
 - (a) if the contractor shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward –
 - for doing or forbearing to do, or for having done or forborne to do, anything in relation to the obtaining or execution of the contract or any other contract with the council or
 - for showing or forbearing to show favour or disfavour to any person in relation to the contract or any other contract with the Council; or
 - (b) if the like acts shall have been done by any person employed by him/her or acting on his/her behalf (whether with or without the knowledge of the contractor) orif in relation to any contract with the Council the contractor or any person employed by him/her or acting on his/her behalf shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916 or shall have given any fee or reward the receipt of which is an offence under Section 117 Local Government Act 1972.
- ii) The form of invitation to tender shall include an assurance in writing from the tenderer that s/he will not follow, or has not followed, in relation to that tender, the undermentioned practices: -
 - (a) communicating to a person other than the person calling for tenders for the execution of the work, the amount of any proposed tender in accordance with any agreement or arrangements so to communicate.
 - (b) adjusting the amount of any proposed tender for the execution of the work in accordance with any agreement or arrangement by the proposed tenderer, and any

person other than the person calling for tenders for the execution of such work

20 Signature of contracts

- i) Except for contracts entered into by an officer in exercise of delegated powers, the Chief Solicitor shall be the agent of the Council to sign on behalf of the Council all contracts agreed to be entered into by or on behalf of the Executive or the Council.
- ii) Contracts which are for a value of £100,000 or more shall be either-
 - executed by the Chief Officer and the Chief Solicitor or the Chief Financial Officer or
 - executed under the Council's seal (to be affixed in the presence of the Chief Solicitor (or in his/her absence, ~~the Chief Executive~~ some other person authorised by him/her)).

21 Tenderers withdrawal

In the event of any person or firm withdrawing a tender, or declining to sign a form of contract upon being called on to do so after his/her or their tender has been accepted (whether accepted subject to the Council's approval or not) no further tender from such a person or firm shall, unless the Executive or the Council otherwise resolve, be considered for a period of three years.

22 Post contract variations and negotiations

- i) Except for a variation –
 - (a) which does not substantially affect the nature of the works services goods, materials or services to be supplied to the Council and does not increase the payment to be made by the Council, or
 - (b) is made in accordance with paragraph (ii)

a contract shall not without the authority of the Executive or the Council depart from the description of the works, goods, materials or services for which the quotation or tender was received.
- ii) This paragraph applies where all of the tenders received exceed the budget allocated for the project and the Chief Officer and the Head of Service relevant to the contract consider that amendments may be made to the specification which would result in a price in accordance with the budget. The lowest

tenderer and the next 2 lowest tenderers (if any) whose prices are not more than 125% of the price of the lowest tenderer shall each be provided with a schedule of variations and invited to submit a statement of the reductions to their tender which would apply to the variations.

- iii) Apart from discussions with contractors for the purpose of clarification of any element of a tender, or for the correction of arithmetic or other details, negotiations following receipt of tenders shall only take place in the following circumstances: -
 - (a) where a single tender has been received and the Chief Officer considers that negotiation may lead to more favourable terms to the Council, or
 - (b) when tenders cannot readily be evaluated and compared without discussion with the tenderers or
 - (c) with the approval of the Chief Financial Officer and the Chief Solicitor and the Monitoring Officer (if different) and any negotiations shall be conducted in accordance with paragraph (iv)
- iv) Discussion with tenderers for the purpose of negotiations under paragraph (iii) shall
 - take place only on Council premises
 - take place only with the knowledge of all tenderers
 - be attended by not less than 2 Council officers
 - be at a pre-determined time during normal office hours
 - be the subject of a comprehensive written record, signed by the Council officers in attendance and submitted to the Chief Financial Officer, the Chief Solicitor or the Monitoring Officer (if different) for approval

23 Nominated sub-contractors

This rule applies where a sub-contractor or supplier is to be nominated to a main contractor and the selection of the sub-contractor has not been undertaken in accordance with the Price/performance Contracts provisions (Rule 10) nor within the context of a project undertaken under the Partnering Contracts provisions (Rule 11).

- i) Where the estimated amount of the sub-contract or the estimated value of goods to be supplied by the nominated supplier does not exceed £5,000 then unless the Chief Officer is

of the opinion in respect of any particular nomination that it is not reasonably practicable to obtain competitive tenders: -

- (a) The Chief Officer shall invite not fewer than three tenders for the nomination. The terms of the invitation shall require an undertaking by the tenderer that if s/he is selected s/he will be willing to enter into a contract with the main contractor on terms which indemnify the main contractor against his/her own obligations under the main contract in relation to the work or goods included in the sub-contract;
 - (b) The tenders shall be opened at one time and only in the presence of the Chief Executive or an officer designated by him/her;
 - (c) The Chief Executive shall maintain a record of all such tenders received;
 - (d) The Chief Officer or an officer designated by him/her shall nominate to the main contractor the person whose tender is, in his/her opinion, the most satisfactory one, provided that, where the tender is other than the lowest received, the circumstances shall be reported to the next meeting of the Contracts Scrutiny Panel.
- ii) Where the estimated amount of the sub-contract or the estimated value of goods to be supplied by a nominated supplier exceeds £5,000 then unless the Chief Officer (for reasons to be reported to the Contracts Scrutiny Panel at their next meeting) determines in respect of any particular nomination that it is not reasonably practicable to obtain competitive tenders: -
- (a) Tenders for the nomination shall be invited in accordance with Rules 4, 5, 6, 7 or 8 as the case may be, and Rule 13(i) shall apply as if the tender were for a contract with the Council. The terms of the invitation shall require an undertaking by the tenderer that if s/he is selected s/he will be willing to enter into a contract with the main contractor on terms which indemnify the main contractor against his/her own obligations under the main contract in relation to the work or goods included in the sub-contract;
 - (b) The tenders shall be opened at one time and only in the presence of the Chief Executive or an officer designated by him/her and the Chief Officer or an officer designated by him/her.
 - (c) The Chief Executive or an officer designated by him/her shall maintain a record of all such tenders received.

- (d) The Chief Officer or an officer designated by him/her shall nominate to the main contractor a person on whose tender is in his/her opinion the most satisfactory, provided that where the tender is other than the lowest received, the circumstances shall be reported to the next meeting of the Contracts Scrutiny Panel.
- iii) It shall be a condition of the employment by the Council of any person (not being an officer of the council) to supervise a contract that in relation to such contract s/he shall comply with the requirements of paras. (i) and (ii) of this Rule 23 as if s/he were a Chief Officer of the Council.
- iv) Lists of tenders and quotations received in accordance with this Rule 23 shall be retained by the Chief Officer concerned and shall be available for inspection by the Members of Contracts Scrutiny Panel and the Chief Executive and the Chief Financial Officer.

PART H - GLOSSARY

24 Interpretation

Unless the context otherwise indicates, the following terms used in these rules have the meanings stated: -

“Agreed Marking Mechanism” is the mechanism which (before the issue of any invitation to tender or attend interview) has been agreed between the Chief Officer and the Council’s Chief Internal Auditor for the allocation of marks making up the Price/performance Score. The Agreed Marking Mechanism shall include the composition of an evaluation team being a panel of officers who shall allocate marks according to the Agreed Marking Mechanism. (see also Rule 14)

“Chief Officer” is the Chief Officer of the Council who is responsible for letting and supervising the completion of a contract or of contracts of a particular nature.

“Contractor’s Net Project Cost” is the balance of the budget price after deduction of the aggregate of the contractors expected profit and overheads or any other element of the contract which is identified by the Agreed Marking Mechanism as being deductible for the purpose of assessment of the Contractors Net Project Cost.

“Electronic Procurement (e-Procurement)” is a fully electronic procure-to pay process from initial requisition and ordering through to invoicing and payment, and can include e-Auctions, e-Purchasing, e-Tendering and Procurement Cards.

“e-Auctions” is the means of carrying out purchasing negotiations via the Internet. A real time event that occurs online allowing multiple suppliers in different geographic locations to place and modify bids simultaneously.

“e-Purchasing” is a system to automate and extend manual buying processes from the creation of a requisition through to the payment of suppliers. It encompasses back office systems, e-marketplaces and portals and supplier websites.

“e-Tendering” is systems or solutions to enable the tendering process to be conducted via the Internet. Including advertisement of requirement, documentation production, supplier registration, electronic exchange of documents between supplier and buyer, opening of tenders, evaluation of submissions, contract award and publication.

“Executive” is the executive members of the Council acting together as the Cabinet or individually in accordance with the Executive Delegation Scheme currently applicable.

“Interview Panel” is a panel comprising:

- 2 officers appointed by the Chief Officer
- 2 officers appointed by the Client Department, and
- a representative(s) of any other relevant body or department

and who, when meeting, shall be accompanied by an observer appointed by the Chief Officer.

“Partnering Contract” is a contract which includes all the following provisions: -

- i) the establishment of a partnering team
- ii) the stipulation of a Pricing Policy, being a statement of the prices to be charged by the contractor for the purchase of the materials and items set out in the statement
- iii) a facility for the Council to examine all aspects of the contractors accounts for the contract and
- iv) a Savings Sharing Formula being a formula for the sharing between the contractor and the Council of savings achieved within a Partnering Contract

“Partnering Score Matrix” is a matrix showing in respect of all contractors each element of their Partnership Score and their total scores.

“Price/performance Score Matrix” is a matrix showing in respect of all contractors each element of their Price/performance Score and their total scores.

“Price/performance Contract” is a contract for which the contractor is to be chosen on the basis of a combination of price and performance.

“Price/performance Ratio” is the comparative importance of price and performance of the product or service expressed as a percentage ratio.

“Procurement Cards” are charge cards which work in a similar way to credit cards and can be used to purchase goods and services. Can be open to use by any suppliers or have controls placed upon them by the issuer to limit their use to certain suppliers and/or commodities. They are usually used to process low-value, high-volume transactions.

“Project information” comprises: -

- i) Drawings, if any, showing outline of the construction works required
- ii) A cost plan, if available, indicating the total budget for the project
- iii) A specification of materials from which the cost plan has been prepared
- iv) The timescale for the construction works
- v) The substantial form of the contract
- vi) Any other information necessary to enable the contractor to assess the nature and likely cost of the project

“Referee’s Questionnaire” is a questionnaire addressing the following aspects of a contract, namely:

- performance;
- quality;
- adherence to timetable;
- health and safety issues; and
- any other matters considered by the Chief Officer to be relevant to assessment of the service provided by the contractor.

Extract from **Part 2 – Articles of the Constitution**

Draft as at 28th March 2008 – **Suggested additions / amendments / deletions in Red.**

Article 14

FINANCE, CONTRACTS AND LEGAL MATTERS

14.02 Contracts

Every contract made by the Council will comply with the Contract Procedure Rules set out in Part 4 of this Constitution.

14.04 Authentication of documents

(2nd paragraph)

~~Any contract with a value exceeding £2000 entered into on behalf of the local authority in the course of the discharge of an Executive functions shall be made in writing. Such contracts must either be signed by at least two officers of the authority or made under the common seal of the council attested by at least one officer.~~

COUNCIL

17 April 2008



Report of: Constitution Committee

Subject: OUTSIDE BODIES REVIEW

1. PURPOSE OF REPORT

The purpose of the report is to invite the Council to approve the review of representation on outside bodies which has been carried out by the Constitution Working Group and approved by the Constitution Committee.

2. BACKGROUND

At the meeting of the Constitution Working Group held on 3rd April 2008, Members considered a report relating to a review of outside bodies. The recommendations of the Working Group were subsequently agreed by the Constitution Committee at its meeting also held on 3rd April 2008. The report to the Working Group set out the extent of nominations to Outside Bodies and the rationale for a review. A number of criteria for assessing Council participation in Outside Bodies was also set out in the report.

3. CLASSIFICATION OF NOMINATIONS

3.1 Members had agreed an approach to classifying nominations to Outside Bodies developed using the following groups:-

- (i) Statutory nominations – where the Council is required by law or by a legal agreement to make nominations to a body. **These appointments were, therefore, not included in the review.**
- (ii) Executive nominations – where participation by a Member of the Executive will be required and/or it is important in the interests of the Council.
- (iii) Community and Other nominations – where participation in the organisation by a Councillor is of significant benefit to both the Council and the local community but where there will be no compulsion on the

Council to nominate a representative. However, political groups or individual members are able to put forward nominations.

(iv) Council administered bodies

(v) Officer nominations

3.2 The Council and Executive currently nominate to over 100 organisations, many of which have multiple nominations. The report to the Working Group dealt with those organisations which comprise Community and other nominations. It was proposed that the Executive appointed bodies be referred to Cabinet for its consideration.

4. FEEDBACK FROM REVIEW

4.1 Summary

Results of recent consultation with Members and organisations were circulated, by way of a series of pro-formas similar to those used in the 2001 review. The pro-formas included comments from representatives about the value of participation in particular bodies and the organisations assessment of the value of Council participation. The Working Group was also requested to comment on continued participation in some of the organisations, using the criteria set out in paragraph 2.2 above.

4.2 It had been identified, as part of the review, that there were a number of organisations which no longer exist. It was agreed that those organisations be deleted from the approved list of outside bodies.

4.3 As part of the review, Members had been asked to put forward organisations for inclusion on the approved list, where participation may be of value to the Council. The suggestions which have been submitted were presented.

Feedback from Members

4.4 Feedback received from Members had been outlined in the pro-formas which were circulated to the Working Group. It was noted that Members, who had returned questionnaires, had considered that it would be beneficial to receive notification of what bodies Members are appointed to. The Working Group also considered the number of representatives appointed to organisations.

4.5 At the meeting of the Working Group, Members expressed concern regarding the number of Members who had advised that they had not received invitations to attend meetings of Outside bodies to which they had been appointed by Council. It was agreed that Officers should pursue those concerns by writing to the organisations concerned.

4.6 It was highlighted also, at the Working Group, that there were a number of representatives appointed to organisations who are not familiar with the relationship which exists with the voluntary sector. It was, therefore, considered

that it would be helpful to include a session in the Member Development training programme on the structures and policies of the voluntary sector.

4.7 The following additional issues were highlighted also by Members which Officers undertook to pursue:-

- Clarify the connection between the Northern Regional Brass Band Trust and the brass band competition held in Hartlepool
- Clarify arrangements in respect of LINKs (Local Involvement Networks) and whether it is appropriate to have Council representation on the organisation.

5. RECOMMENDATIONS

5.1 That the following organisations are deleted from the approved list of outside bodies:-

- Albert Centre
- Connexions
- Forum for Racial Harmony
- One Voice Tees Valley
- Teesside International Eistedford
- NHS Continuing Care Review Panel
- North Regional Home and Leisure Safety Council
- Scope on Teesside
- Tees Valley Community Foundation
- Tees Valley Rail Group – (Replaced by Transport for Tees Valley Board – Executive Member and Chief Officer responsible for Transport are automatic appointments to the Board)
- Tees Valley Joint Strategy Committee – succeeded by new governance arrangements of Tees Valley Unlimited
- Tree Council

5.2 That the following organisations be added to the approved list of outside bodies:-

- Merchant Navy Welfare Board
- North East Rural Affairs Commission

5.3 That consideration of a review of Executive nominations be referred to Cabinet

5.4 That in addition to advising the Outside Bodies of appointments, the Democratic Services Team writes to all Members of the Council, following the Annual meeting of Council, to advise Members of those organisations to which they have been appointed.

5.5 That the impact and potential implications of representation on all organisations who receive Council funding, be reviewed

- 5.6 That the number of nominations made to The Studio Management Committee be reduced from 3 to 1.
- 5.7 That a session on the structures and policies of the voluntary sector be included in the Member Development Training Programme.
- 5.8 That in view of the number of Members who have advised that they are not receiving invitations to attend meetings, a letter be forwarded to the organisations concerned to convey Members' concerns.

6. **CONTACT OFFICER** – Andrew Atkin, Assistant Chief Executive

7. **BACKGROUND PAPERS**

Constitution Committee – 3 April 2008

Constitution Working Group – 3 April 2008

Constitution Working Group - 22 November 2007

Cabinet – 11 May 2001

Questionnaires received from Members and Outside Bodies

COUNCIL

17 April 2008



Report of: Constitution Committee

Subject: AMENDMENTS TO CONSTITUTION

1. REVIEW AND APPROVAL OF COUNCIL ACCOUNTS AND AUDIT COMMITTEE MEMBERSHIP

- 1.1 The Constitution Committee at its meeting on 28th March, 2008 considered changes to the remits of the Audit Committee and the General Purposes Committee and the number of Members of the Audit Committee.
- 1.2 At a series of meetings the General Purposes Constitution Committee and Working Group have considered whether it is appropriate that the approval of the Council's accounts should be within the remit of the General Purposes Committee. It has been accepted that the nature of the task is such that the skills and interests of the Audit Committee are more appropriate. In the course of discussion, it has been noted that the Audit Committee is frequently inquorate and consideration has been given to addressing this issue, either by increasing the membership of the committee or by reducing the quorum. The view has been taken that the quorum should remain the same (being the default quorum for a committee of the Council) but that a small increase in the number of members may have the desired effect of achieving quorate meetings of the committee.
- 1.3 The Constitution Committee, therefore, proposed that the Constitution relating to Part 3 Responsibility for Functions be amended in accordance with the Appendix to this report (Appendix 1). For the avoidance of doubt, the proposed amendments relate to the text which is to be removed scored through and text which is to be added underlined.

2. PLANNING COMMITTEE REVIEW OF DURATION AND SPEAKING RIGHTS OF MEMBERS

- 2.1 The Constitution Committee at its meeting on 28th March, 2008, considered changes to the Constitution arising from concerns expressed by Members regarding the length of some Planning Committee meetings and consequent clashes with other meetings where members' attendance is necessary.

2. BACKGROUND

- 2.2 Following the issue being raised at a meeting of the Constitution Working Group, and it being noted, on the advice of the Chief Solicitor that relating to the duration of Council meetings did not apply to meetings of committees, a working group of the Planning Committee address the issue.

The Planning Working Group considered a variety of features of the meetings of the Planning Committee as set out in the report of the Chair of Planning Committee submitted to the Constitution Working Group at their meeting on 11th March 2008.

The Constitution Working Group accepted the views of the Planning Working Group, but in addition considered that, whilst there should be no limit on a member's right to ask as many questions as they wished (subject always to the ability of the Chair to control abuse of that facility) members should be restricted to 1 speech of not more than 4 minutes during the debate section of the consideration of an application.

Appendix 2 sets out the relevant provisions of the Constitution Part 4 Rules of Procedure, namely the relevant Council Procedure Rules (including the provision applying those rules to meeting of committees. However, it was considered inappropriate to seek to include in the Constitution such variations if the precedent were followed in other committees, this could lead to unnecessary complexity and confusion.

- 2.3 The Constitution Committee therefore, proposed that Rule 26 be amended by the inclusion of words permitting Committees to make their own procedural arrangements.

Accordingly, the Committee proposed that Council Procedure Rule 26.3 be amended to include the insertion at the commencement to Rule 26.3 of the phrase "Subject to any variation approved by a committee for regulating its own proceedings".

In accordance with the Council Procedure Rule 24.2 the amendment to the Council Procedure Rules are moved and seconded at the meeting will stand adjourned without discussion until the next ordinary meeting of Council on 22nd May 2008.

APPENDIX 1

General Purposes Committee	
Membership:	<p>9</p> <p>Chair – Vice Chair of the Council – Councillor J Marshall</p> <p>Councillors: Akers-Belcher, Fleming, Henery, Griffin, Morris, Shaw, Wallace and Wistow.</p>
Quorum :	3
FUNCTION	DELEGATION
<p>1. Functions relating to elections:</p> <p>a) Power to assign officers in relation to requisitions of the electoral registration officer</p> <p>b) Duty to provide assistance at European Parliamentary Elections</p> <p>c) Power to divide electoral divisions into polling districts at local government elections</p> <p>d) Powers in respect of holding elections</p> <p>e) Power to pay expenses properly incurred by electoral registration officers</p> <p>f) Duty to declare vacancy in office in certain cases</p> <p>g) Duty to give public notice of a casual vacancy</p> <p>h) Power to make temporary appointments to parish councils</p>	<p>Chief Solicitor</p> <p>Chief Solicitor</p> <p>Chief Solicitor</p> <p>Chief Solicitor</p> <p>Chief Solicitor</p>

General Purposes Committee (continued)	
Function	Delegation
i) Power to determine fees and conditions for supply of copies of, or extracts from, election documents.	Chief Solicitor
j) Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	
2. Functions relating to local government pensions, etc., except those reserved to the General Purposes (Appeals and Staffing) Committee	
3. Power to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be)	
43. Power to make payments or provide other benefits in cases of maladministration, etc.	Chief Solicitor within agreed thresholds
54. Power to make agreements with other local authorities for the placing of staff at the disposal of those other authorities.	
65. To advise the executive on the appointment of school governors.	

Audit Committee	
Membership:	5-7 Councillors: Preece (Chair), G Lilley (Vice Chair), Hall, Wallace and Wistow
Quorum:	3
FUNCTION	DELEGATION
<ol style="list-style-type: none"> Promote the independent internal audit function and raise awareness of internal control, reviewing controls and financial operations and developing an anti-fraud culture. Focussing and monitoring the Council's audit resources by reviewing the plans of the external auditor and the internal audit team to ensure that audit work is co-ordinated. Monitoring audit performance by including reporting schedules and action on recommendations. <u>Power to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be)</u> 	

APPENDIX 2

Extracts from Constitution

Part 4 – Rules of Procedure

Council Procedure Rules

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14.3 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech by the mover of a motion or an amendment may exceed 10 minutes, and no other speech may exceed 4 minutes without the consent of the Council.

14.4 When a member may speak again

Except under rule 14.1(v) a Member who has spoken on a motion may not speak again whilst it is the subject of debate, except

- i) to speak once on an amendment moved by another Member;
- ii) to move a further amendment if the motion has been amended since s/he last spoke;
- iii) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which s/he spoke was carried);
- iv) in exercise of a right of reply;
- v) on a point of order; and
- vi) by way of personal explanation.

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26 APPLICATION OF PROCEDURE RULES

- 26.1 All of the Council Procedure Rules apply to meetings of full Council.
- 26.2 None of the rules apply to meetings of the executive.
- 26.3 Only Rules 4–8, 11–14 (but not rule 14.5), 16–18, 20–25 (but not Rule 21.1) apply to meetings of committees and sub-committees.

COUNCIL

17 April 2008



Report of: Chief Executive

Subject: BUSINESS REPORT

1. CLEVELAND FIRE BRIGADE – FORMULA GRANT ALLOCATION

I attach, at Appendix 'A', a letter received by the Chairman of the Council in response to his letter regarding the formula grant allocation to Cleveland Fire Brigade.

2. NOTICE OF DECISIONS TAKEN UNDER SCRUTINY PROCEDURE RULE 18 – CALL-IN AND URGENCY

The following decision has been taken by the executive utilising the powers available under Scrutiny Procedure Rule 18. Scrutiny procedure Rule 18 allows that: -

“The call-in procedures [set out above] shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.”

As required under Rule 18, the Chair of the Scrutiny Coordinating Committee was consulted on the issue and gave her agreement to the decision being taken in accordance with the rule and thereby not being subject to call-in.

Children's Services Portfolio, 7th April 2008, minute 41, Admissions to Schools 2009/10 and Co-ordinated Admissions Procedures to Primary and Secondary Schools for 2009/10

The decision was as follows:-

1. That the admissions policy for 2009/10 as set out in the report be approved,
2. That the current partner primary model be adopted as part of the oversubscription criteria for secondary schools, pending the outcome of the Primary Capital Programme planning process,
3. That the previous oversubscription criteria relating to children with special educational needs be removed from both primary and secondary oversubscription criteria,

4. That the revised admission limits be agreed,
5. That the revised co-ordinated admission schemes be approved and
6. that the requirement for urgent action was such that the decision not be subject to call-in in accordance with Part 4 of the Council's Constitution (Overview and Scrutiny Procedure Rules).

The reason for decision being taken under Scrutiny Procedure Rule 18 was to ensure that the Council's co-ordinated scheme for admissions was submitted to the DCSF by 15th April. The Code of Practice for school admissions states in para 1:19:

'If a Local Authority does not notify the Secretary of State that it has adopted a co-ordinated scheme by 15th April each year, the Secretary of State may impose one.'

3. RETIRING MEMBERS

Members will be aware that this is the last Council meeting for Councillor Clouth, and will no doubt wish to make comment.



Communities
and Local Government

OFF EXECUTIVES DEPT.
HARTLEPOOL

25 MAR 2008

PAS. TO TO.....

DEALT WITH.....

Councillor Carl Richardson
Chairman of Hartlepool Borough Council
Civic Centre
Hartlepool
TS24 8AY

Parmjit Dhanda MP
Parliamentary Under Secretary of State

Department for Communities and Local Government

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Our Ref: HB/PD/002953/08
Your Ref: CEMS/CR/OA

18 FEB 2008

Dear Councillor Richardson,

Thank you for your letter of 23 January to the Rt Hon Hazel Blears MP, regarding the formula grant allocation to Cleveland Fire Brigade. I have been asked to reply.

The formula used to calculate the relative needs of fire and rescue authorities within the local government finance distribution system reflects population, deprivation, coastline, high risk sites, property and societal risk and community fire safety, which are then considered relative to all other authorities providing fire and rescue services.

To measure high risk sites, the number of top-tier COMAH sites is used. This indicator was introduced in the 2006-07 settlement to replace the previous measurement of high risk – 'A' risk areas – as this risk assessment method had become obsolete. The number of top-tier COMAH sites was a good statistical match to the distribution of 'A' risk across all authorities. There have been no further changes to the relative needs formula that has been used for the 2008-09, 2009-10 and 2010-11 settlements.

However, the distribution system also takes into account the relative ability for local authorities to raise income locally, a central allocation and a floor damping mechanism. For Cleveland, the floor damping mechanism proposed ensures that they receive increases in formula grant of 1%, 0.5% and 0.5% in 2008-09, 2009-10 and 2010-11 respectively. The protection provided by a floor at these levels gives Cleveland some £800,000, £750,000 and £700,000 more than they would otherwise receive. All that said, the operation of the formula grant system continues to give Cleveland the highest grant settlement per head of population of any single service Fire and Rescue Authority in England.

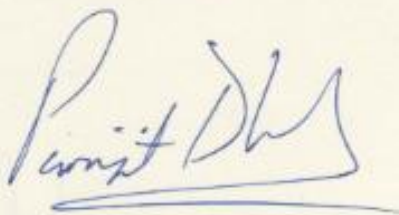
It is also important to note funding in addition to formula grant. We will be distributing a new capital grant in 2009-10 and 2010-11 of £35 and £45 million respectively. We will be consulting on the distribution mechanism shortly. This is a new programme, which we hope will be widely welcomed by the Fire and Rescue Service (FRS).

Through the Fire and Resilience Programme (FiReControl, Firelink and New Dimension), the Department is providing the FRS with the equipment and communications it needs to be better able to respond to major emergencies, including natural disasters, industrial accidents and acts of terrorism.

We are providing specific grants to Cleveland to meet any net new cost arising from the FiReControl project, which will replace 46 current control rooms with an integrated national network of nine resilient regional control rooms. Firelink will provide a wide-area radio capability and will form a critical part of the communications link between control rooms and vehicles. Cleveland has also benefited from the New Dimension programme, receiving new vehicles and equipment for the purpose of responding to major incidents but which can also be deployed locally as the authority deems appropriate.

Finally, looking further to the future, we have announced that we will be carrying out a further review of the Fire formula over the next three years with a view to implementing the resulting new formula in the next three year settlement from 2011-12. We will of course do this in co-operation with authorities with fire and rescue responsibilities, including Cleveland Fire Brigade.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Parmjit Dhanda', with a horizontal line underneath.

PARMJIT DHANDA MP