

Chief Executive's Department
Civic Centre
HARTLEPOOL

2nd April, 2009

The Mayor (Stuart Drummond)

Councillors Aiken, Akers-Belcher, Allison, Atkinson, Barker, Brash, R W Cook, S Cook, Coward, Cranney, Fenwick, Fleet, Fleming, Flintoff, Gibbon, Griffin, Hall, Hargreaves, Hill, Jackson, James, Kaiser, Laffey, Lauderdale, A E Lilley, G Lilley, London, A Marshall, J Marshall, McKenna, 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, 16th April, 2009 at 7.00 p.m. in the Civic Centre, Hartlepool to consider the subjects set out in the attached agenda.

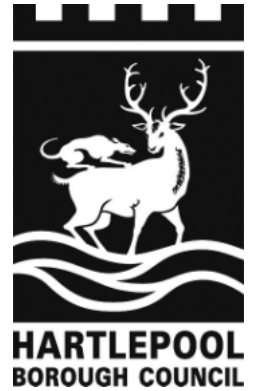
Yours faithfully

A handwritten signature in black ink, appearing to read 'P Walker'.

P Walker
Chief Executive

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COUNCIL AGENDA



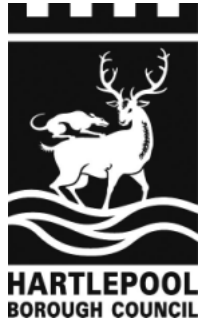
16th April 2009

at 7.00 pm

**in the Council Chamber, Civic Centre
Hartlepool**

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 26th March 2009, 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 Fire Authority held on 30th January 2009 and 6th February 2009 are attached.
8. To deal with any business required by statute to be done.

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
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.



Chief Executive's Department
Civic Centre
HARTLEPOOL

2nd April, 2009

The Mayor (Stuart Drummond)

Councillors Aiken, Akers-Belcher, Allison, Atkinson, Barker, Brash, R W Cook, S Cook, Coward, Cranney, Fenwick, Fleet, Fleming, Flintoff, Gibbon, Griffin, Hall, Hargreaves, Hill, Jackson, James, Kaiser, Laffey, Lauderdale, A E Lilley, G Lilley, London, A Marshall, J Marshall, McKenna, 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, 16th April, 2009 at 7.00 p.m. in the Civic Centre, Hartlepool to consider the subjects set out in the attached agenda.

Yours faithfully

A handwritten signature in black ink, appearing to read 'P Walker'.

P Walker
Chief Executive

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COUNCIL

MINUTES OF PROCEEDINGS

26th February 2009

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

PRESENT:-

The Chairman (Councillor C Richardson) presiding:

The Mayor, Stuart Drummond

COUNCILLORS:

Aiken	Akers-Belcher	Allison
Atkinson	Barker	Brash
R W Cook	S Cook	Coward
Cranney	Fenwick	Fleet
Fleming	Flintoff	Gibbon
Griffin	Hall	Jackson
James	Laffey	Lauderdale
A Lilley	G Lilley	London
A Marshall	Dr. Morris	Payne
Plant	Preece	Rogan
Shaw	Simmons	Sutheran
Tumilty	Turner	Wallace
Worthy	Young	

Officers: Paul Walker, Chief Executive
Adrienne Simcock, Director of Children's Services
Dave Stubbs, Director of Neighbourhood Services
Andrew Atkin, Assistant Chief Executive
Peter Devlin, Chief Solicitor
Alan Dobby, Assistant Director (Support Services)
Stuart Green, Assistant Director (Planning & Economic Development)
Michael Ward, Chief Financial Officer
Julian Heward, Public Relations Officer
Amanda Whitaker, Jo Wilson, Democratic Services Team

Prior to the commencement of the main business, the Chairman referred in terms of regret to the recent death of Councillor Michael Johnson. Members paid tribute to his qualities as a Councillor and as a friend and stood in silence as a mark of respect.

133. APOLOGIES FOR ABSENT MEMBERS

Councillors Hargreaves, Hill, Kaiser, McKenna, Wistow and Wright.

134. DECLARATIONS OF INTEREST FROM MEMBERS

The Mayor declared a prejudicial interest in agenda item 8(i) and left the meeting during discussion of the item.

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

None

136. PUBLIC QUESTION

None

137. MINUTES OF PROCEEDINGS

The Minutes of Proceedings of the Council held on the 12th February 2009, having been laid before the Council.

RESOLVED - That the minutes be confirmed.

The minutes were thereupon signed by the Chairman.

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

Minute 122(b)(ii)- Councillor Allison advised that he had not yet received information from the Mayor in response to the supplementary question which he had asked seeking details relating to the £8.2million savings referred to by the Mayor in respect of Business Transformation.

Minute 122(b)(i) – Councillor Allison informed Council that he had been refused the information which he had requested under the Freedom of Information Act. Councillor Allison had referred the matter to the Information Commissioner.

139. 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

140. BUSINESS REQUIRED BY STATUTE

- (i) Report of the Independent Remuneration Panel

Council considered a report which had been prepared by the Independent Remuneration Panel on the Mayoral Special Responsibility Allowance to apply from June 2009. The report also updated Council on the Panel work programme for 2009/10.

The Council's current scheme included a special responsibility allowance payable to the elected mayor of £61,686 (inclusive of a deemed basic allowance). The Panel and Council had previously reviewed this allowance for the period of the next mayoralty with annual increases linked to the local government pay award. In reviewing the allowance the panel had considered the remit, workload and responsibilities of the post and comparisons with other similar allowances elsewhere. In 2008 the Cabinet requested a review of the allowance (together with the position of the Deputy Mayor) from an external firm. That report had been passed directly to the Independent Remuneration Panel for their consideration. The Panel welcomed the conclusions of that report which endorsed and replicated the previous work and assessments of the Panel and had recommended no change to the level of the allowance. Accordingly the Panel had recommended the continuation of the allowance on the current basis for the next Mayoralty.

Although it had not been part of the work programme, the Panel had received and noted the separate report in relation to the role of Deputy Mayor. The Panel's view was that the report had fundamentally failed to differentiate the role of deputy mayor from the portfolio Holder responsibilities and concluded that at this stage it did not wish to make any recommendation in respect of the role of Deputy Mayor. The Panel did recognise that the Council's current scheme did not make provision for any sustained absence or incapacity of the Mayor and determined to recommend that in such an absence the Panel be reconvened to cover such exceptional situations which were of, or likely to be of a sustained nature.

The Panel welcomed the anticipated appointment of a new member of the Panel, which was considered at Council on the 12th February and the fact that this would help the workload of the panel. The Panel also received at its last meeting the resignation of Brian Beaumont who had been a member of the Panel since its inception. It was noted that Council would need to consider a replacement in due course. In the meantime the continued vacancy would have some constraints on the work of the Panel.

It was noted that the panel wished to review the Basic Allowance during the Summer of 2009 for implementation in April 2010, this being an appropriate interval since the last review in 2006. In relation to Special Responsibilities the Panel were informed of the changes to the remit of the Contracts Scrutiny Committee from December 2008. The panel considered that it was appropriate for it to review the remit of all responsibility allowances in the Autumn of 2009 again for implementation in 2010.

RESOLVED –

- (i) That the continuation of the Mayoral allowance at the current level indexed to the annual local Government pay award be approved.
- (ii) That the future work programme of the Panel be noted.

141. ANNOUNCEMENTS

The Chairman reminded Members that the Annual Chairman's Event would be held on 6th March 2009 in aid of two Hartlepool charities.

142. 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

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

None

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

None

145. REPORT FROM THE EXECUTIVE

- (a) Proposals in relation to the Council's budget and policy framework
- (i) Formal Council Tax Setting 2009/10 – Incorporation of Police and Fire Authority Precepts.

The Chief Executive 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 2009/2010. At the Council meeting held on 12th February, 2009, Members had considered and approved the proposed 2009/2010 Medium Term Financial Strategy and this Authority's own 2009/2010 Council Tax level. In accordance with statutory requirements the Council then needed 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 6th February, 2009 and the Police Authority had set its precept and Council Tax on the morning of 26th February 2009.

Members were reminded that the determination of the overall Council Tax level was a statutory function, which brought together the individual Council Tax levels determined by this Council, Cleveland Police Authority, Cleveland Fire Authority and where applicable Parish Councils. A detailed schedule of the statutory Council Tax calculation incorporating the Police and Fire Authority Council Tax levels for 2009/2010 had been circulated prior to the meeting.

Members of the Council debated issues raised by the report. During the debate, Councillor Wallace declared an interest as Chair of the Primary Care Trust.

The taking of a recorded vote on the following was agreed:-

“That the amount of Council Tax including the Cleveland Police Authority and Cleveland Fire Authority precepts, 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. be approved”.

Those in favour- The Mayor, Stuart Drummond and Councillors Akers-Belcher, Atkinson, Barker, Brash, R W Cook, S Cook, Coward, Cranney, Fenwick, Fleet, Fleming, Flintoff, Griffin, Hall, Jackson, James, Laffey, Lauderdale, London, A Marshall, Morris, Payne, Preece, Plant, Richardson, Shaw, Simmons, Sutheran, Tumilty, Turner, Wallace, Worthy and Young

Those against – Councillors Aiken, Allison

Those who abstained – Councillors Gibbon, A Lilley and G Lilley

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

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

None

146. MOTIONS ON NOTICE

None

The meeting concluded at 19:55

C RICHARDSON

CHAIRMAN



CLEVELAND FIRE AUTHORITY

MINUTES OF ORDINARY MEETING HELD ON FRIDAY, 30 JANUARY 2009

PRESENT:	<p>CHAIRMAN: Councillor Porley - Middlesbrough</p> <p>HARTLEPOOL BOROUGH COUNCIL: Councillor Payne</p> <p>MIDDLESBROUGH COUNCIL:- Councillors Clark, Is mail, Jones, Rogers, Williams</p> <p>REDCAR AND CLEVELAND BOROUGH COUNCIL:- Councillors Briggs, Cooney, Dunning, Forster, Ovens</p> <p>STOCKTON ON TEES BOROUGH COUNCIL:- Councillors Beall, Cherrett, Dixon, O'Donnell, Salt, Stoker, Woodhead</p> <p>PROPER OFFICERS:- Clerk, Legal Adviser, Treasurer, Deputy Clerk</p> <p>FIRE BRIGADE OFFICERS:- Executive Director, Assistant Director of Performance</p>
APOLOGIES FOR ABSENCE:	<p>Councillors Cook, Fleming, Wright (Hartlepool) Councillor Fitzpatrick (Redcar & Cleveland)</p>

- 129. DECLARATIONS OF MEMBERS INTEREST**
It was noted that no declarations of interest were submitted to the meeting.
- 130. MINUTES**
RESOLVED - that the Minutes of the Cleveland Fire Authority Meeting held on 28 November 2008 be confirmed.
- 131. MINUTES OF COMMITTEES**
RESOLVED - that the Minutes of the Executive Committees held on 5 December 2008, 9 January 2009 and 16 January 2009 and the Policy Committee held on 16 January 2009 be confirmed.
- 132. REPORTS OF THE EXECUTIVE DIRECTOR**
132.1 Cleveland Fire Authority Draft Strategic Plan and Vision 2009/2010 to 2013/2014
The Executive Director referred Members to the Brigade's draft Strategic Plan on the vision and strategic direction of the Authority and its Brigade for the period 2009/10 to 2013/14. The Executive Director advised this Plan tied in with the Comprehensive Spending Review and took into account the financial constraints placed on the Brigade as well as setting out what the Brigade wished to achieve by 2014.

The Executive Director gave a presentation on the Strategic Plan which outlined the key outcomes, and sought input and views from Members, in particular on the vision, values, corporate themes and underpinning ambitions and strategic objectives. Particular attention was drawn to:

- Strategic analysis including extensive consultation from local councils, CLG and independent organisations in the Cleveland area

132.1 Cleveland Fire Authority Draft Strategic Plan and Vision 2009/2010 to 2013/2014 (cont)

- What it was hoped to achieve and how this would be measured
- That Cleveland is a high performing Brigade, being recognised by FRS as being innovative and high performing
- Our partners value our influence and contribution to delivering shared services
- Our ability to reduce risk in business, industry and in the home is internationally recognised
- That Cleveland Fire Brigade is an employer of choice

The Executive Director referred to the Vision statement and the core values which inspired and motivated people to work towards achieving this vision. Members attention was drawn to Section 3, page 10 which outlined the five corporate themes which the Brigade would focus on to achieve their vision – Safer Communities, Children and Young People, Healthier Communities, Neighbourhoods and Employer of Choice. The Executive Director expanded on each Corporate Theme, as well as the three Cross Cutting Themes, namely Partnerships, Diversity and Improvement and Value for Money.

Councillor Forster commented that it was an excellent service delivered to a high standard encompassing the Core Values of PRIDE.

Councillor Briggs asked for an update on the expansion of the Co-responder Service. The Executive Director confirmed that it was still hoped to roll out The Co-responder Scheme but that it involved national negotiations as the duties had been deemed to be outside the role of a Fire Fighter and therefore would be subject to additional payments.

RESOLVED:-

- (i) that the draft Strategic Plan 2009/10-2013/14 for consultation be approved**
- (ii) That the consultation programme for the draft Strategic Plan 2009/10-2013/14 and the consultation summary document be approved**
- (iii) that Members noted that a report outlining the consultation feedback on the draft Strategic Plan 2009/10-2013/14 will be taken to the Policy Committee for Members' consideration on 6 March 2009 prior to a final draft of the Strategic Plan 2009/10-2013/14 being submitted for approval to the Fire Authority on 27 March 2009. If approved, the Plan will be published on 1 April 2009**

132.2 Review of the Cleveland Fire Authority Integrated Risk Management Plan 2008/2011
The Executive Director updated Members on the progress and outcomes of the CFA IRMP 2008/2011.

Regarding the IRMP Review from 2009/10 onwards, the Executive Director informed Members that the Department for Communities and Local Government's FRS National Framework 2008/11 states that each FRS must produce a publicly available IRMP covering at least a three year time span which is regularly reviewed and revised. It also stated that the IRMP should be consulted upon during its development and at all review stages. He reported that the Brigade's SMT had reviewed the IRMP 2008/11 and felt that this current Plan should continue to be progressed and refreshed only to reflect updates to the delivery of community safety issues. It was agreed that the refresh of the IRMP 2008/11 would include an update on existing major projects i.e. the North East Regional Control Centre; Firelink; Equality and Diversity; and the Brigade's Asset Management Strategy. In addition, following evaluation of the effectiveness of current arrangements for delivering services, the

132.2 Review of the Cleveland Fire Authority Integrated Risk Management Plan 2008/2011 (cont)

Plan should provide further actions for the development of the risk reduction programme for road traffic collisions; resilience planning; the development of the performance framework relating to Comprehensive Area Assessment and addressing our environmental impact.

Members noted the contents of the report.

RESOLVED:-

- (i) that Members noted the progress of the IRMP 2008-2011
- (ii) that Members agreed the proposals regarding the IRMP Review 2009/2010 i.e. that, in light of its main intentions to deliver savings, a fundamental review of the IRMP 2008/2011 was not necessary
- (iii) that Members agreed the proposals that the current IRMP 2008/2011 should continue to be progressed and refreshed only to reflect updates to the delivery of community safety services
- (iv) that Members agreed the proposals that the refresh of the IRMP 2008/2011 should include an update on existing major projects i.e. the North East Regional Control Centre; Firelink; Equality & Diversity; sprinkler systems and the Brigade's Asset Management Strategy. In addition, it should provide actions for further development of the risk reduction programme for road traffic collisions; resilience planning; the development of a performance framework relating to Comprehensive Area Assessment and addressing our environmental impact
- (v) that Members agreed the proposals that in light of the extensive consultation associated with the existing IRMP 2008/2011 that there are no requirements for further consultation
- (vi) that Members noted consultation will continue to be undertaken as part of the process for considering the existing savings proposal in the IRMP 2008/2011 and as necessary on proposal implementation
- (vii) that Members noted that, following the refresh, it was proposed to bring the revised IRMP 2008/2011 to CFA Policy Committee on 6 March 2009, for consideration and to the Fire Authority for approval on 27 March 2009

132.3 Information Pack

132.3.1 Fire & Rescue Service Circulars

132.3.2 National Joint Circulars

132.3.3 C & G Fire & Rescue Equality & Diversity Awards 2009

132.3.4 Long Service & Good Conduct Medal

132.3.5 North East Regional Management Board – 20 January 2009

RESOLVED – that the report be noted.

133. NE FIRE CONTROL COMPANY BOARD UPDATE - LACC

Councillor Forster updated Members on the RMB Delegation to Fire Minister Sadiq Khan MP on 21 January 2009. She commented that the Delegation was welcomed warmly by the Minister and was very informative. Councillor Forster thanked the Treasurer for his valued contribution at the delegation. Councillor Forster highlighted that the introduction of Regional Control Centres was to improve national resilience and the safety of the people of this Country was paramount.

RESOLVED – that the report be noted.

134. OVERVIEW AND SCRUTINY CHAIRS INFORMATION PACK

The Chair of the Overview & Scrutiny Committee outlined to Members the Partnership Framework Local Area Agreements and Youth Development which were scrutinised at their meeting on 16 January 2009

RESOLVED – that the report be noted.

135. AUDIT & GOVERNANCE CHAIRS INFORMATION PACK

The Chair of the Audit & Governance Committee informed Members that the following reports were presented and scrutinised at the meeting held on 23 January 2009:

- 2nd Quarter Local Area Agreement Performance Report April-September 2008
- 2nd Quarter Executive Directors Summary Report April –September 2008
- Quarterly update on Co-responder Activity Levels
- Comprehensive Area Assessment
- Direction of Travel & Use of Resources Assessment & Arrangements for 2008 Fire & Rescue Performance Assessment

Referring to Co-responder, Councillor Dunning requested comparison attendance times of the Ambulance Service and the Fire Brigade. The Executive Director stated that all calls received are tracked highlighting the arrival difference between the Brigade and the Ambulance Service and whilst the claim could not be made that we have saved lives we are able via Co-responder to ensure that we can provide oxygen and assurance to the patient.

RESOLVED – that the report be noted.

136. REPORTS OF THE CLERK TO THE AUTHORITY

136.1 Climate Change Conference – 10 February 2009

The Clerk sought Members confirmation regarding the attendance of Councillor Forster, the Environmental Footprint Champion, at the CFOA Innovations Conference on Climate Change to be held on 10 February 2009 in Manchester.

RESOLVED – that Members confirmed Councillor Forster's attendance at the CFOA Innovations Conference on Climate Change to be held on 10 February 2009 at the City of Manchester Stadium.

137. ANY OTHER BUSINESS

137.1 Appointment by CFA Chair of a Fire Brigade Chaplain

The Executive Director informed Members of the potential for provision of a Fire Brigade Chaplaincy Service. The provision of a Chaplaincy Service within the Brigade would be for anyone who wished to access the Service. The intention of the Service is to ensure that all staff (and their families) have confidential and independent support regardless of their faith or non faith. The Chaplaincy Service in time may comprise of local clergy, religious leaders or pastoral counsellors who may form an interdenominational team.

Councillor Forster expressed her approval of such a service but highlighted the need for the Service to be multi-faith.

137.1 Appointment by CFA Chair of a Fire Brigade Chaplain (cont)

The Chair proposed and Members agreed that Father Glynn Holland of All Saints Church, Middlesbrough be approached regarding being part of the Chaplaincy Service with the Brigade.

RESOLVED: –

- (i) that the contents of the report are noted
- (ii) that Cleveland Fire Brigade should provide a Chaplaincy Service
- (iii) that the appointment of the Fire Brigade Chaplain be made by the Chair and be linked to the tenure of the Chair
- (iv) that Father Glynn Holland of All Saints Church, Middlesbrough be approached in this regard

138. LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) (VARIATION ORDER) 2006

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 the paragraphs below of Part 1 Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006,

Minute No. 139 - Paragraphs 1 and 3

Minute No. 140 – Exec Minutes Paragraph 1, Policy Minutes Paragraph 3

Minute No. 141 – Paragraph 3a

Minute No 142 – Paragraph 1

Paragraph 1 – namely information relating to any individual

Paragraph 3 – namely information relating to the financial or business affairs of any particular person (including the authority) holding that information

Paragraph 3a – namely information furnished to the Authority by a government department upon terms (however expressed) which forbids the disclosure of the information to the public

139. CONFIDENTIAL MINUTES

RESOLVED – that the Confidential Minutes of the Cleveland Fire Authority meeting held on 28 November 2008 be confirmed.

140. CONFIDENTIAL MINUTES OF COMMITTEES

RESOLVED – that the Confidential Minutes of the Executive Committee meeting held on 5 December 2008, 9 January 2009 and 16 January 2009 and the Policy Committee Meeting held on 16 January 2009 be confirmed.

141. CONFIDENTIAL REPORT OF THE EXECUTIVE DIRECTOR

Direction of Travel, Use of Resources Assessment and Arrangements for 2008 Fire and Rescue Performance Assessment

RESOLVED – that the report be noted.

142. CONFIDENTIAL REPORT OF THE CLERK

142.1 Brigade Managers Review

Members considered the recommendations within the report.

**COUNCILLOR PETER PORLEY
CHAIRMAN**



CLEVELAND FIRE AUTHORITY

MINUTES OF ORDINARY MEETING HELD ON

FRIDAY, 6 FEBRUARY 2009

PRESENT:	<p>CHAIRMAN: Councillor Porley – Middlesbrough Council</p> <p>HARTLEPOOL BOROUGH COUNCIL: Councillor Fleming</p> <p>MIDDLESBROUGH COUNCIL:- Councillors Clark, Ismail, Jones, Rogers, Williams</p> <p>REDCAR AND CLEVELAND BOROUGH COUNCIL:- Councillors Briggs, Cooney, Forster, Ovens</p> <p>STOCKTON ON TEES BOROUGH COUNCIL:- Councillors Beall, Dixon, O'Donnell, Salt, Stoker, Woodhead</p> <p>PROPER OFFICERS:- Clerk, Treasurer, Deputy Clerk</p> <p>FIRE BRIGADE OFFICERS:- Chief Fire Officer, Director of Corporate Services</p>
APOLOGIES FOR ABSENCE	<p>Councillors Dunning, Fitzpatrick (Redcar & Cleveland)</p> <p>Councillors Cook, Payne, Wright (Hartlepool)</p> <p>Councillor Cherrett (Stockton)</p>

147 DECLARATIONS OF MEMBERS INTEREST

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

148 REPORT OF THE TREASURER AND CHIEF FIRE OFFICER

148.1 Medium Term Financial Strategy 2008/2009 to 2011/2012 and 2009/2010 Council Tax Level

The Treasurer outlined the Medium Term Financial Strategy (MTFS) and sought Members consideration on the detailed 2009/10 Council Tax proposals.

The Treasurer advised Members that as part of the 2007 Comprehensive Spending Review (CSR07), the Government provided a three year financial settlement for local authorities which was proving extremely challenging for the CFA as grant increases for the three years commencing 2008/2009 had been set at floor level. The table under point 3.8 illustrated how Cleveland's grant allocation compared to other authorities.

The Treasurer reminded Members a detailed review of the current years' revenue budget had been completed and was reported to the CFA in December. These forecasts had been reviewed and the latest indications were that there will be an underspend at the year end of £0.75m compared to an initial forecast of £0.6m. owing to the following factors:

Operational budget – underspend £0.57m:

This variance was due in the main to higher levels of vacancies, and if this trend continued to the year end this variance may increase.

Investment Income – underspend of £0.18m:

The Authority had benefitted from the credit crunch as interest rates on investments had been greater than anticipated when the budget was set, and had also benefitted from higher

148.1 Medium Term Financial Strategy 2008/2009 to 2011/2012 and 2009/2010 Council Tax Level contd

balances and better cashflow than anticipated. It was not expected that the current level of investment income was sustainable as interest rates had already reduced significantly and further reductions would be made in the coming months. In addition investments would reduce as reserves are used to support the revenue budget.

The Treasurer suggested that the 2008/2009 underspend be earmarked to support the budget in 2011/2012 and beyond as it was expected that the financial position would become more challenging, (this was covered later in the report.)

Regarding the Capital Programme, PFI Bid, Prudential Code and Treasury Management Strategy, the Government had previously announced Supported Capital Expenditure (Revenue) for the three year period commencing 2008/2009. The CFAs current allocation for this period are 2008/2009 £535,000; 2009/2010 £598,000; and 2010/2011 £615,000. This had enabled the Authority to develop a three year Capital Programme and the proposals for the next three years were detailed in Appendix B for Members consideration and approval. The Treasurer reported the existing MTFs planned to invest £2m in the Authority's asset base to ensure assets are fit for purpose and sustainable. This investment was partly funded from revenue balances (£1m) and partly from unsupported Prudential Borrowing (£1m). To date only £0.4m of these resources had been committed owing to the lead time for identifying investment needs. It was proposed that no further commitments be approved until the outcome of the PFI Bid was known to avoid expenditure on assets which may be replaced. Also the resources allocated for capital investment, particularly the resources allocated from balances, may need to be reallocated to fund the one-off costs associated with PFI schemes. The Treasurer advised this was the main change to the former plans. The latest design proposals indicated that locally funded Prudential Borrowing would be needed to supplement the available PFI funding.

The Treasurer advised the Government had recently finalised arrangements for distributing £78m of the New Fire Capital grant funding for Fire Authorities. With the exception that the grant can only be used for capital expenditure, the grant would not be ring fenced and would be distributed directly to Fire Authorities without the need for them to apply or bid for it. The CFA would receive £0.625m in 2009/2010 and £0.735m in 2010/2011. The Treasurer therefore suggested that, in view of the uncertainty surrounding the PFI bid, that detailed proposals for using this grant be developed in conjunction with the PFI bid.

In relation to the Treasury Management Strategy 2008/2009, the Treasurer informed Members that in accordance with statutory requirements, the Authority was required to approve the annual Treasury Management Strategy and associated Prudential Indicators as detailed in Appendix C.

Re Revenue Budget 2009/2010 to 2011/2012 and Indicative Forecasts for 2012/2013 and 2013/2014, the Treasurer reported the Authority would also have stable grant levels in 2009/2010 and 2010/2011, although the annual grant increase in these years would only be 0.5% per year in cash terms. Referring to the credit crunch and resulting recession, the Treasurer advised that this would have an adverse impact on public finances as the Government would need to balance expenditure and resources. Against this background the next Comprehensive Spending Review was likely to be more challenging than previously anticipated. The Government had indicated they would review the existing grant formula for the Fire Service. The Treasurer stated therefore for planning purposes it would be appropriate to work on an increase of 0.5%, the current floor level for fire authorities for 2011/2012 and beyond, although even this could be optimistic.

148.1 Medium Term Financial Strategy 2008/2009 to 2011/2012 and 2009/2010 Council Tax Level contd

With reference to provision for Pay Awards, the Treasurer stated that pressure on public sector pay would continue as the Government would wish to restrain pay awards to reduce public sector expenditure, therefore it would not be prudent to reduce the planning assumption for pay awards below 2.5% until the outlook for the economy and pay awards becomes more certain. Regarding Inflation Non Pay Expenditure, it was not proposed that the existing planning assumption 2.5% be changed. Regarding annual efficiency targets, the Authority had previously set these for 2009/2010 and 2010/2011 and it was not proposed to change them.

The current MTFS was based on the phased use of Reserves over the period 2008/2009 to 2011/2012. The Treasurer reported that this strategy partly mitigated the impact of grant increases being capped at 0.5% and provided a period of financial stability pending the implementation of efficiencies. The Treasurer referred to his earlier indication that reserves would increase during the current year by £0.75m and suggested this amount be allocated to support the 2011/2012 to 2013/2014 budget to allow the financial flexibility to meet future pressures arising from the current economic situation.

Referring to Annual Council Tax increases, the Treasurer advised contradictory statements from the Government made it difficult to advise Members on the likely capping limits to be imposed. The Treasurer therefore felt it appropriate to take account of the level of grant increases and also the Authority's Council Tax in relation to other authorities, and recommended a Council Tax increase of 4.9% for 2009/2010 and the following two years. This would result in Band D council tax levels of 2009/2010 - £61.57, 2010/2011 - £64.59, and 2011/2012 - £67.75. The Treasurer drew Members attention to the table under point 6.9 which reaffirms that the Authority faced a challenging financial position. The existing proposals to use balances to support the budget through to 2011/2012 made the position manageable.

The Treasurer advised the Authority's fundamental budget position had not changed. It was therefore essential that the necessary actions were taken to ensure the existing efficiency target of £1.75m is implemented by 1 April 2010. The Chief Fire Officer had indicated within the IRMP that budgets must be looked at critically and areas scrutinised to determine the effective use of funding. The outcome of the IRMP Consultation Process with the community would inform the Authority where there is support for efficiency savings, and Appendix A outlined the timescales associated with the review.

Regarding the robustness of budget forecasts and reserves, the Treasurer reported the Local Government Act 2003 introduced a formal requirement on Local Authorities to consider the proposed level of reserves and the Treasurer give advice on the level of resources. The Treasurer advised Members that in his opinion the budget forecasts and the proposed level of balances suggested in the report for their approval for 2009/2010 were robust, his opinion being based on consideration of the following factors:

- The detailed work undertaken by the Chief Fire Officer and Brigade Officers regarding the preparation of detailed budget forecasts, including the costs and savings of implementing IRMP, income forecasts and Future Pension Forecasts;
- Assurance from the Chief Fire Officer that no material issues have been omitted from the budget forecasts;
- The level of Government Grant to be provided in 2009/2010 to 2010/2011;
- A prudent view of the net costs of the Authority's overall cash flow, including a prudent provision for the repayment of Prudential Borrowing;

148.1 Medium Term Financial Strategy 2008/2009 to 2011/2012 and 2009/2010 Council Tax Level contd

- The establishment of at least a minimum level of reserves consistent with the identified specific risks faced by the CFA and a strategy for using available reserves in the year ahead.

The Treasurer advised the level of reserves was above the target range of 3% to 5% and above the 3% minimum risk assessed requirement (as detailed in Appendix E) of £1m. However a long term view of reserves was needed as there were additional risks to the budget which did not exist in previous years including up front costs of the PFI bid. In the longer term there was also the greater risk that future grant increases could be lower than anticipated, and until these issues were more certain it was prudent to maintain a higher level of reserves. The Treasurer advised the Authority's actual cash reserves temporarily exceed the minimum requirement owing to the phased use of reserves to support the budget over the next four years. This provided a temporary benefit as the available reserves would have a positive benefit on Authority's cashflow and therefore increase the potential investment income. The Authority would also hold an earmarked reserve of £1m to be used to contribute towards any one off costs arising from the proposed PFI scheme.

Referring to the consultation in respect of IRMP, the specific consultation period ended on 19 October 2008 and the first set of five proposals and associated business cases were approved by the Fire Authority on the 28 November 2008.

In conclusion the Treasurer stated there had been significant international and domestic changes since the current years budget was set. In the medium term, the CFA and public sector bodies would be affected by the recession, although this impact was likely to be delayed until the next Comprehensive Spending Review. It was becoming increasingly clear that the next Comprehensive Spending Review would produce lower increases in public expenditure. At the same time the Authority would have less local flexibility as it would have used up its surplus balances to support the revenue budget. The Treasurer stated it was therefore essential that the Authority achieved planned efficiency savings of £1.75m by 1 April 2010, and that a strategy be developed for achieving further efficiencies in 2011/2012 and beyond.

Councillor Williams referred to a previous Authority meeting when the IRMP was discussed, prudent use of the reserves was suggested to cover the possibility of a potential to pay out of voluntary redundancy payments, and queried if that was still the same. The Treasurer advised there were no planned redundancies, as through the IRMP proposals the savings would be achieved through natural wastage. Regarding voluntary redundancy payments, nothing had been built into the budgets as these would have to be cost effective and if this was necessary such short term invest and save costs could be met from the increased reserves.

Councillor Williams referred to the possibility of an increase in National Insurance contributions in 2011 and queried if this was covered. The Treasurer stated that at this moment in time this would not impact on the budget in 2011. Councillors Williams and Ovens also referred to the possibility of the Authority being capped. The Treasurer advised that this was built into the level of reserves should it happen.

Councillor Forster suggested that the council tax increase be quoted as 5½p per week on Band D. The Treasurer advised the council tax increase is stated as the amount of pence per week for each band in the leaflet accompanying bills.

148.1 Medium Term Financial Strategy 2008/2009 to 2011/2012 and 2009/2010 Council Tax Level contd

Councillor Ovens referred to PFI, and that she had heard some concerns regarding PFI Schemes due to the state of the Banks, and queried if there was any likelihood of it not going ahead. The Treasurer advised in terms of the NEFRA 1 PFI there had been a hiccup which was now resolved, and it was hoped that by the time the Authority are at the point of final close we would be coming out of the other side of the recession. The Treasurer reassured Members a close eye would be kept on the situation.

RESOLVED:

- (i) that Members approve the proposed 2009/2010 Capital Programme as detailed in Appendix B**
- (ii) that Members approve the Treasury Management Strategy 2009/ included within Appendix C. This includes Prudential Indicators and limits for 2009/2010 to 2011/2012, the MRP Policy and the Investment Strategy including detailed criteria and counterparty limits.**
- (iii) that Members approve the proposal to fund the existing “backlog property maintenance and IRMP” capital investment commitments of £0.4m from the approved £1m Unsupported Borrowing allocation and suspend further investment pending the outcome of the PFI Scheme.**
- (iv) that Members approve the proposal to reallocate the £1m “backlog property maintenance and IRMP” revenue reserve to meet one-off costs of the PFI scheme and other revenue pressures that may arise over the next three years**
- (v) that Members approve the proposal to determine a detailed programme for using the New Fire Capital Grant in conjunction with the PFI Scheme**
- (vi) that Members approve a Band D Council Tax level for 2009/2010 of £61.57 (a 4.9% increase on 2008/2009) and supporting statutory calculations as detailed at Appendix F and the detailed revenue budget set out at Appendix D**
- (vii) that Members approve indicative Band D Council Tax levels for the following two years as follows:**
 - 2010/2011 = £64.59 (4.9% increase on 2009/2010)**
 - 2011/2012 = £67.75 (4.9% increase on 2010/2011)**

**COUNCILLOR PETER PORLEY
CHAIRMAN**

COUNCIL

16 April 2009



Report of: Constitution Committee

Subject: CONSTITUTIONAL AMENDMENTS REQUIRED TO IMPLEMENT THE COUNCILLOR CALL FOR ACTION MECHANISM DERIVED FROM THE LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

1. PURPOSE OF REPORT

1.1 At the meeting of Constitution Committee on 27 March 2009 consideration was given to the proposed changes to the Constitution arising from arrangements recently approved by the Scrutiny Co-ordinating committee, as outlined in the attached report of the Chair of Scrutiny Co-ordinating Committee.

2. BACKGROUND INFORMATION

2.1 The attached report (**Appendix 1 refers**) describes changes approved, to introduce the Councillor Call for Action mechanism within existing policies and procedures, namely the Selection Criteria for Dealing with Non-Mandatory Scrutiny Topic Referrals outlined within the Constitution with effect from 1 April 2009:

2.2 The approved proposals impact on the provisions of the Constitution in a number of places:

Part 2 – Articles. Article 6 deals with the Overview and Scrutiny function and sets out the functions and remits of the Overview and Scrutiny Committees. These provisions require to be revised to make reference to the new Councillor Call for Action mechanism.

Part 3 – Responsibility for Functions. The table for the existing scrutiny committee requires revision to include reference to the new Councillor Call for Action mechanism.

Part 4 – Rules of Procedure. The Overview and Scrutiny Procedure Rules make provision for the processing of referrals to Overview and Scrutiny, along with the selection criteria for dealing with Non-Mandatory Scrutiny Topic Referrals, both of which require revision to include reference to the new Councillor Call for Action mechanism.

- 2.3 I attach two further appendices – **Appendix 2** showing the current provisions extracted from the Constitution as described above, and **Appendix 3** showing the equivalent provisions arising from the approved changes.

3. RECOMMENDATION

That the suggested amendments to the Constitution, as detailed above, in relation to Councillor Call for Action be approved.

4. CONTACT OFFICER

Charlotte Burnham – Scrutiny Manager
Chief Executive's Department - Corporate Strategy
Hartlepool Borough Council
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APPENDIX 1

Report of: Chair of Scrutiny Co-ordinating Committee

Subject: CONSTITUTIONAL AMENDMENTS REQUIRED TO IMPLEMENT THE COUNCILLOR CALL FOR ACTION MECHANISM DERIVED FROM THE LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

1. PURPOSE OF REPORT

- 1.1 To seek endorsement for the necessary constitutional changes from the Constitution Working Group to enable the Authority to implement the Councillor Call for Action mechanism derived from the Local Government and Public Involvement in Health Act 2007 which comes into force on 1 April 2009.

2. BACKGROUND INFORMATION

- 2.1 For some time the Government has been pursuing the aim of giving more power to local people and local ward Councillors. This aim has run through both the 2006's 'Strong and Prosperous Communities' and the 2008's 'Communities in Control' White Papers.
- 2.2 Ward Councillors play a central role in the life of the local authority, as a conduit for discussion between the Council and its residents and as a champion for local concerns. To strengthen Councillors' ability to carryout this second role, the Government has enacted, in the Local Government and Public Involvement in Health Act 2007, at section 119, provisions for a 'Councillor Call for Action (CCfA)', providing Members with the opportunity to ask for discussions on issues where local problems have arisen and where other methods of resolution have been exhausted. This section amended the Local Government Act 2000, with the result that CCfA provisions form section 21A of that Act.
- 2.3 During the last two years, Members have been kept informed of the of the impending Councillor Call for Action mechanism through Members Seminars and progress reports to the Scrutiny Co-ordinating Committee.
- 2.4 At a meeting of the Scrutiny Co-ordinating Committee held on 31 October 2008, Members were further updated on the progress of the CCfA mechanism and pending the receipt of the long-awaited guidance, agreed that the existing selection criteria for determining the appropriateness of

undertaking a scrutiny investigation for non-mandatory referrals be amended to reflect the impending CCfA mechanism.

- 2.5 The Authority is now in receipt of the long awaited guidance and as expected it is not prescriptive and offers local authorities the opportunity to create processes and procedures on how they feel best fit based on good practice. It does, however, come into force on 1 April 2009, hence the need to actively pursue the necessary constitutional changes through this Working Group, Constitution Committee and Council thereafter.

3. PROPOSAL FOR IMPLEMENTING THE COUNCILLOR CALL FOR ACTION MECHANISM IN HARTLEPOOL

- 3.1 Councillors in Hartlepool continue to be successful in raising issues on behalf of the community through a variety of mechanisms, including through our existing Overview and Scrutiny arrangements.

- 3.2 On a practical level, the Scrutiny Co-ordinating Committee has given consideration as to how best to implement the measure to fit in with our existing policies and procedures. At present the Council's Constitution enables a variety of bodies namely the Council, Cabinet, individual Cabinet Members, Neighbourhood Forums, regulatory panels and other committees to make either mandatory and / or non-mandatory referrals to Overview and Scrutiny. Such practice also provides the opportunity for individual Members and the general public to make referrals to Overview and Scrutiny through the non-mandatory selection criteria route, although to date this has not been extensively used.

- 3.3 In response to Members observations raised during the Local Government Bill - Extended Scrutiny Powers Members Seminars held back in April 2007 together with the experiences gained from local authorities who are currently piloting such arrangements, it is proposed that the current procedure used by the above-mentioned bodies remains unchanged and that the process for making referrals of a non-mandatory nature be strengthened to reflect the Councillor Call for Action measure.

- 3.4 As such the existing selection criteria for determining the appropriateness of undertaking a scrutiny investigation triggered either by the non-mandatory / soon to be Councillor Call for Action route has be amended with the insertion of point (a) and the strengthening of point (e) as outlined below:

- (i) *Clear evidence that reasonable attempts have been made to resolve the issue with relevant partners / council departments?*
- (ii) Affects a group of people living within the Hartlepool area;
- (iii) Relates to a service, event or issue in which the Council has direct responsibility for, significant influence over or has the capacity to act as public champion;

- (iv) Not be an issue which overview and scrutiny has considered during the last 12 months;
 - (v) Not relate to an *on-going* service complaint or petition (including the ability to exclude any matter which is vexatious, discriminatory or not reasonable) ;
 - (vi) Not relate to matters dealt with by another Council committee, unless the issue deals with procedure and policy related issues.
- 3.5 For ease, outlined at **Appendix A** is a diagram for the proposed procedure for determining the appropriateness of undertaking a scrutiny investigation triggered either by the non-mandatory / impending Councillor Call for Action referral route.
- 3.6 Furthermore, it should be noted that the introduction of the Councillor Call for Action measure requires **the Councillor to use every available tool to resolve the issue in the first instance without involving the Scrutiny Co-ordinating Committee, therefore any additional burden should be minimal as the mechanism is designed as a last resort after all other avenues have been exhausted.** Whilst the introduction of the Councillor Call for Action measure in many local authorities will be significant, within Hartlepool its impact is more likely to be minimal as a result of existing practices.

4. RECOMMENDATIONS

- 4.1 It is recommended that the Constitution Working Group:-
- (a) endorses the revised non-mandatory referral criteria to accommodate the introduction of the Councillor Call for Action measure;
 - (b) seeks the necessary constitutional changes through the Constitution Committee and Council thereafter.

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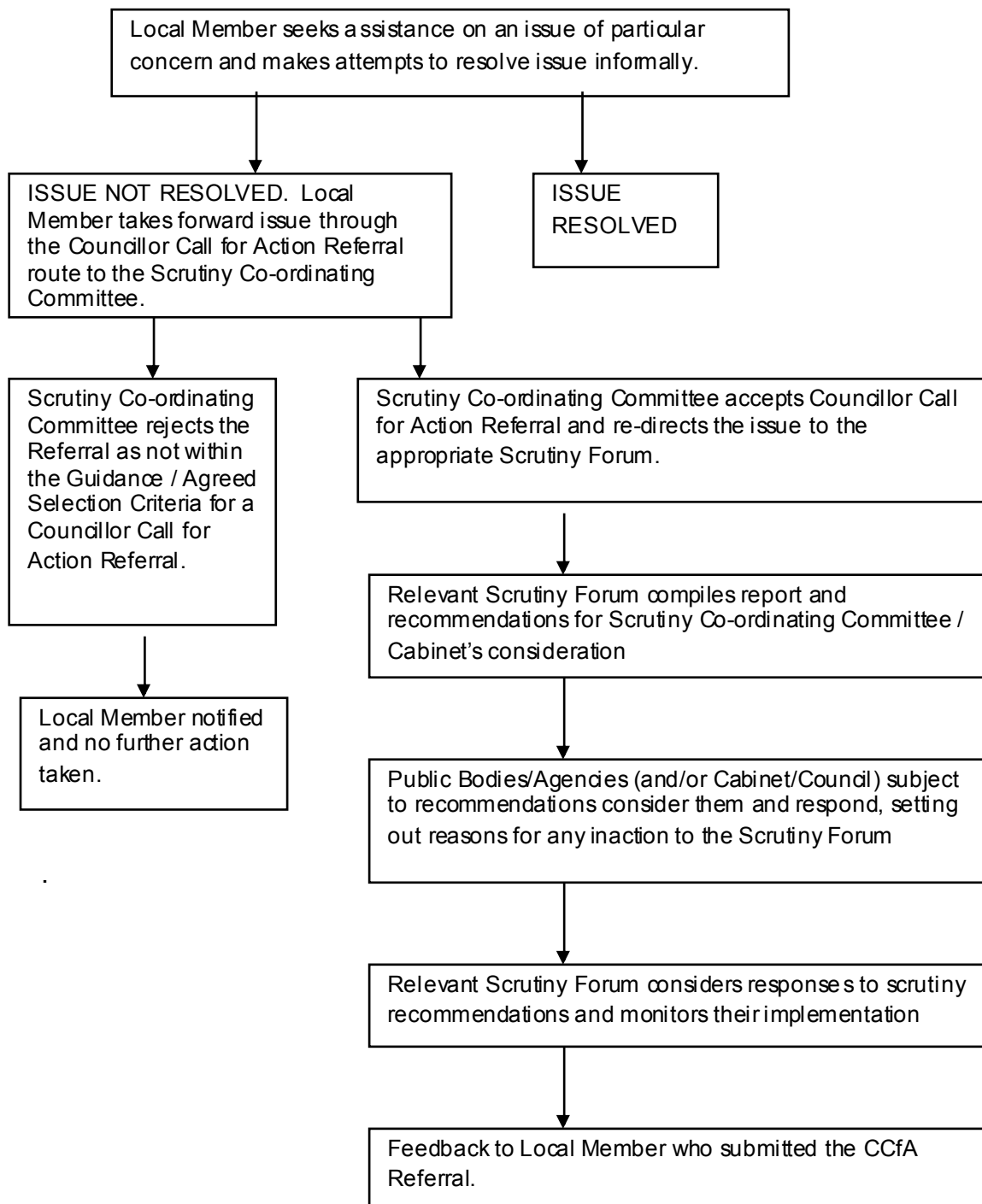
BACKGROUND PAPERS

The following background papers were used in the preparation of this report:-

- (a) Report of the Scrutiny Manager entitled 'Impending Councillor Call for Action Mechanism Update' presented to the Scrutiny Co-ordinating Committee on 31 October 2008.
- (b) Minutes of the Scrutiny Co-ordinating Committee held on 31 October 2008.
- (c) Councillor Call for Action: Best Practice Guidance

APPENDIX A

**PROPOSED PROCEDURE FOR THE CONSIDERATION OF
NON-MANDATORY/ COUNCILLOR CALL FOR ACTION REFERRALS TO
OVERVIEW AND SCRUTINY**



APPENDIX 2

CURRENT PROVISIONS EXTRACTED FROM THE CONSTITUTION

PART 2 ARTICLE 6 – OVERVIEW AND SCRUTINY

6.03 Scrutiny Co-ordinating Committee

(b) Terms of Reference

- (iv) To receive requests from Members, the Executive and/or the full council for items to be considered by overview and scrutiny forums and to allocate them, if appropriate to one or more overview and scrutiny forum.

PART 3 RESPONSIBILITY FOR FUNCTIONS

B Council Functions and Delegation Scheme

Scrutiny Co-ordinating Committee	
Membership:	<p>16</p> <p>Councillors:- James (Chair), Shaw, (Vice-Chair), Akers-Belcher, Atkinson, Brash, R W Cook, S Cook, Kaiser, London, McKenna, A Marshall, Preece, Richardson, Simmons, Wright and Young.</p> <p>3 Resident Representatives:</p> <p>C Akers-Belcher, I Ryder and L Shields</p>
Quorum:	6 (drawn from at least two political groups)
FUNCTIONS	DELEGATIONS
4 To receive requests from Members, the executive and/or the full council for items to be considered by overview and scrutiny forums and to allocate them, if appropriate to one or more overview and scrutiny forum.	

PART 4 RULES OF PROCEDURE

APPENDIX A - Processing Referrals to Overview and Scrutiny

Selection Criteria – Dealing with Non-Mandatory Scrutiny Topic Referrals

Scrutiny Co-ordinating Committee would assess the appropriateness of undertaking a scrutiny investigation of non-mandatory scrutiny topic referrals against the following selection criteria:-

- (i) Affects a group of people living within the Hartlepool area;
- (ii) Relates to a service, event or issue in which the Council has direct responsibility for, significant influence over or has the capacity to act as public champion;
- (iii) Not be an issue which overview and scrutiny has considered during the last 12 months;
- (iv) Not relate to a service complaint; and
- (v) Not relate to matters dealt with by another Council committee, unless the issue deals with procedure and policy related issues.

APPENDIX 3

SUGGESTED CHANGES TO PROVISIONS OF THE CONSTITUTION

PART 2 ARTICLE 6 – OVERVIEW AND SCRUTINY

6.03 Scrutiny Co-ordinating Committee

(b) Terms of Reference

- (iv) To receive requests from Members, the Executive and/or the full council for items (including those referred via the Councillor Call for Action mechanism) to be considered by overview and scrutiny forums and to allocate them, if appropriate to one or more overview and scrutiny forum.

PART 3 RESPONSIBILITY FOR FUNCTIONS

B Council Functions and Delegation Scheme

Scrutiny Co-ordinating Committee	
Membership:	<p>16</p> <p>Councillors:- James (Chair), Shaw, (Vice-Chair), Akers-Belcher, Atkinson, Brash, R W Cook, S Cook, Kaiser, London, McKenna, A Marshall, Preece, Richardson, Simmons, Wright and Young.</p> <p>3 Resident Representatives:</p> <p>C Akers-Belcher, I Ryder and L Shields</p>
Quorum:	6 (drawn from at least two political groups)
FUNCTIONS	DELEGATIONS
4 To receive requests from Members, the executive and/or the full council for items (including those referred via the Councillor Call for Action mechanism) to be considered by overview and scrutiny forums and to allocate them, if appropriate to one or more overview and scrutiny forum.	

PART 4 RULES OF PROCEDURE

APPENDIX A - Processing Referrals to Overview and Scrutiny

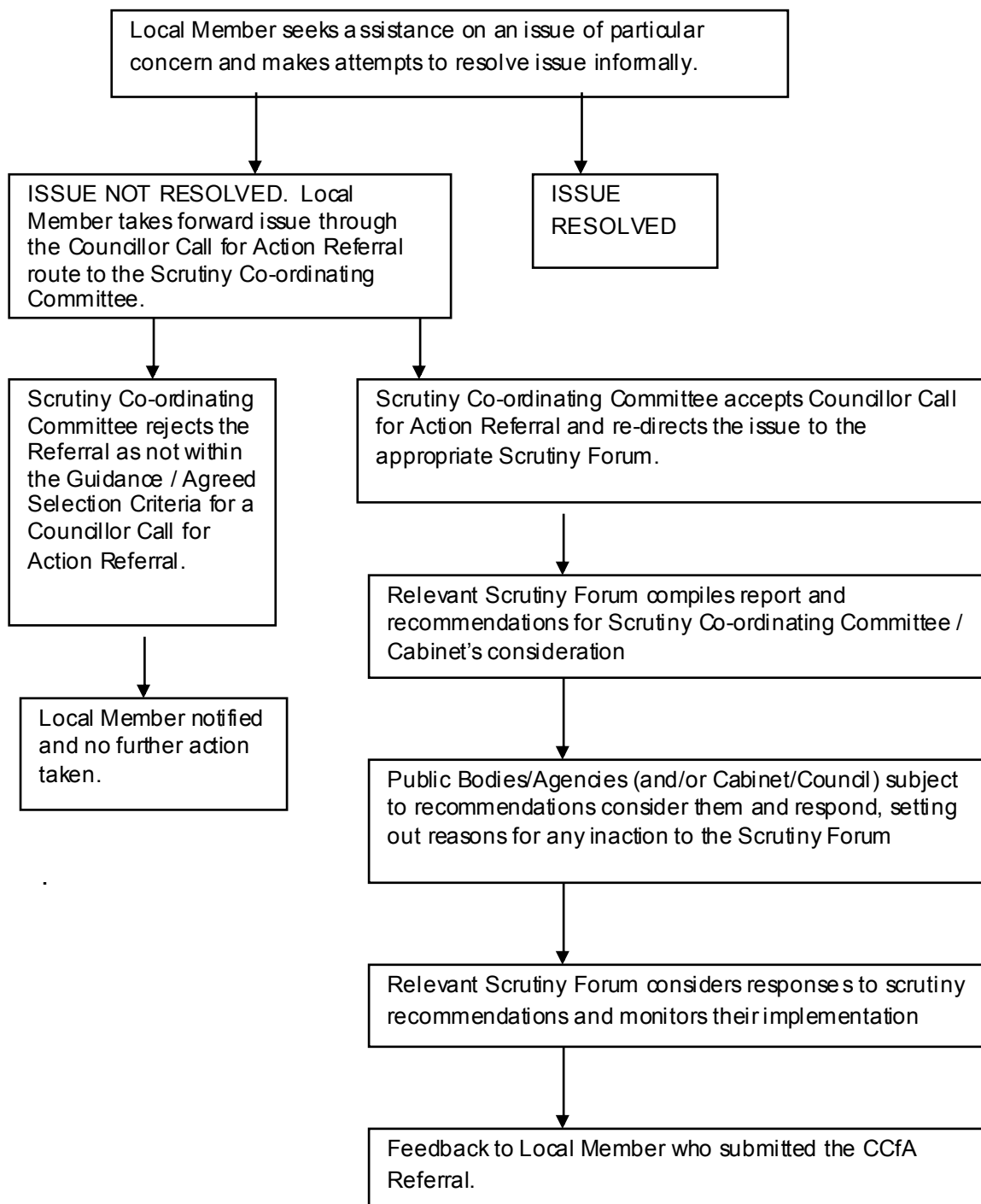
Selection Criteria – Dealing with Non-Mandatory Scrutiny Topic Referrals

Scrutiny Co-ordinating Committee would assess the appropriateness of undertaking a scrutiny investigation of non-mandatory scrutiny topic referrals against the following selection criteria:-

- (i) Clear evidence that reasonable attempts have been made to resolve the issue with relevant partners / council departments?
- (ii) Affects a group of people living within the Hartlepool area;
- (iii) Relates to a service, event or issue in which the Council has direct responsibility for, significant influence over or has the capacity to act as public champion;
- (iv) Not be an issue which overview and scrutiny has considered during the last 12 months;
- (v) Not relate to an on-going service complaint or petition (including the ability to exclude any matter which is vexatious, discriminatory or not reasonable);
- (vi) Not relate to matters dealt with by another Council committee, unless the issue deals with procedure and policy related issues.

(chart overleaf also to be incorporate into the Constitution)

**PROCEDURE FOR THE CONSIDERATION OF
NON-MANDATORY/ COUNCILLOR CALL FOR ACTION REFERRALS TO
OVERVIEW AND SCRUTINY**



COUNCIL
16th April 2009



Report of: Chief Executive

Subject: BUSINESS REPORT

1. APPOINTMENTS PANELS – DIRECTOR OF PEOPLE AND DIRECTOR OF PLACE

Cabinet agreed on 26th January 2009 to the recruitment of Directors of People and Place, in line with the Council's procedures. As a result the Vacancy Monitoring Panel considered the above posts at its meeting on 11th March 2009 and confirmed the request to fill the posts.

Council is requested, therefore, to approve the establishment of two Appointments Panels. In line with the Officer Employment Procedure Rules, as set out in the Constitution, the Panels will consist of eight members each, as follows:-

- The Mayor
- The Chairman of the Council
- 3 Labour Group nominations
- 1 Administrative Group nomination
- 1 Conservative Group nomination
- 1 Liberal Democrat Group nomination

In addition, as identified in the Officer Employment Procedure Rules, Council is also requested to reflect the gender balance of the Council when nominating to the Panels. It is suggested therefore that Council nominate three female Councillors to each Panel.

Council is requested, therefore, to approve the establishment and nominate members accordingly to –

1. The Director of People Appointment Panel
2. The Director of Place Appointment Panel

2. APPOINTMENTS PANEL – SCRUTINY MANAGER

As Members may be aware Charlotte Burnham is leaving her post as Scrutiny Manager in April. As a result the Vacancy Monitoring Panel considered the above post at its meeting on 25th March 2009 and confirmed the request to fill the post.

Council is requested, therefore, to approve the establishment of an Appointments Panel. In line with the Officer Employment Procedure Rules, as set out in the Constitution, the Panel will consist of eight members, as follows:-

The Mayor
The Chairman of the Council
3 Labour Group nominations
1 Administrative Group nomination
1 Conservative Group nomination
1 Liberal Democrat Group nomination

In addition, as identified in the Officer Employment Procedure Rules, Council is also requested to reflect the gender balance of the Council when nominating to the Panel. It is suggested therefore that Council nominate three female Councillors to the Panel.

Council is requested to approve the establishment of the Appointments Panel and nominate members accordingly.

3. CODE OF GOVERNANCE

In recognition of the fact that good governance leads to good management, attainment of good performance and overall proper stewardship of public monies, a Code of Corporate Governance has been developed. The purpose of the code is to communicate how the Council ensures it is doing things right for the community, in a timely, inclusive, open, honest and accountable manner and it comprises the systems and processes as well as cultures and values by which the Council is directed and controlled and through which it is publicly accountable. The Audit Committee agreed the code, as appended to this report, at its meeting of 19 March 2009 and requests that Council endorses it.

4. HOUSING HARTLEPOOL NOMINATION

Members will recall that at the last meeting of Council in respect of the terms of the appointment to Housing Hartlepool – term of office 2007-10, the Mayor indicated that he would consider the nominations of Councillors Rogan and Gibbon and report back to Council on the appointment made. Following the Council meeting, the Mayor considered the nominations and decided to appoint Councillor Gibbon.

Council is requested to note the appointment.



HARTLEPOOL BOROUGH COUNCIL CODE OF CORPORATE GOVERNANCE

HARTLEPOOL BOROUGH COUNCIL'S

CODE OF GOVERNANCE

1. INTRODUCTION

- 1.1 Hartlepool Borough Council recognises that good governance leads to good management, attainment of good performance and overall proper stewardship of public monies. Additionally, through public engagement and empowerment this should ultimately lead to beneficial outcomes for citizens and service users. Good governance enables local authorities to pursue their visions in an effective and responsive manner, as well as underpinning their visions through appropriate mechanisms for control and effective management of risk.
- 1.2 All public authorities should aim to meet the standards of the best possible governance arrangements which should not only be sound but also seen to be properly robust and effective. Governance is about how local government bodies ensure that they are doing things right for the community they serve, in a timely, inclusive, open, honest and accountable manner and it comprises the systems and processes as well as cultures and values by which local government is directed and controlled and through which it is publicly accountable. Of primary importance, is the way any public body engages with and where appropriate, provides leadership and direction to their communities.
- 1.3 Hartlepool Borough Council is committed to being at the forefront of those local authorities that are able to demonstrate that they have the necessary Corporate Governance to excel in the Public Sector. This Code is a public statement that sets out the way in which the Council will meet that commitment.

2. CODE OF GOVERNANCE FRAMEWORK

- 2.1 Hartlepool Borough Council is committed to applying the core principles as set out in the SOLACE-CIPFA Good Governance Framework which comprises the following key elements;

Focusing on the Council's Purpose and Community Needs

- focussing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area;

Having Clear Responsibilities and Arrangements for Accountability

- Members and Officers working together to achieve a common purpose with clearly defined functions and roles;

Good Conduct and Behaviour

- promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour;

Informed, Transparent Decision Making and Managing Risk

- taking informed and transparent decisions which are subject to effective scrutiny and management of risk;

Developing Skills and Capacity

- developing the capacity and capability of Members and Officers to be effective; and

Engaging Stakeholders

- engaging with local people and other stakeholders to ensure robust public accountability.

2.2 Each of these principles is an important part of Hartlepool Borough Council's Corporate Governance arrangements. This statement describes how the Council will meet and demonstrate its commitment to good Corporate Governance. Also described in this document is how and by whom the Council's Corporate Governance arrangements will be monitored and reviewed.

3. THE COUNCIL'S CORPORATE GOVERNANCE PRINCIPLES

3.1 Focusing on the Council's Purpose and Community Needs

The Council will explain and report regularly on activities, performance and the Council's financial position. Timely, objective and understandable information about the Council's activities, achievements, performance and financial position will be provided.

The Council will do this by annually publishing:

- Council's Corporate Plan;
- Externally audited accounts;
- Independently verified performance information.
- Summary annual report

The Council will aim to deliver high quality services that are value for money.

The Council will do this by:

- Delivering services to meet the needs of the local community, and put in place processes to ensure that they operate effectively in practice;
- Directing resources to those that need services most;
- Developing effective relationships and partnerships with other public sector agencies and the private and voluntary sectors, and consider outsourcing where it is efficient and effective to do so;
- Responding positively to the findings and recommendations of external auditors and statutory inspectors and putting in place arrangements for the implementation of agreed actions;
- Comparing information about our services with services provided by similar organisations and assessing why levels of efficiency, effectiveness and quality are different elsewhere.

3.2 Having clear responsibilities and arrangements for accountability

The Council will ensure that the necessary roles and responsibilities for the Governance of the Council are identified and allocated so that it is clear who is accountable for decisions that are made.

The Council has a directly elected Mayor with powers to:

- Appoint Executive Members with defined executive responsibilities;
- Agree a scheme of delegated executive responsibilities to Officers.

The Council will:

- Appoint Committees to discharge the Council's Regulatory responsibilities;
- Appoint Committees to discharge the Council's Scrutiny responsibilities;
- Have in place a scheme of delegated Council responsibilities to Officers;
- Have in place effective and comprehensive arrangements for the scrutiny of services and for holding the Executive to account.

3.3 Good Conduct and Behaviour

The Council will foster a culture of behaviour based on shared values, ethical principles and good conduct. The Council will do this by establishing and keeping under review:

- The Council's values;
- A Member Code of Conduct;
- An Officer Code of Conduct;
- A Protocol governing Member/Officer relations;
- A Protocol detailing the roles of Members and officers in decision-making;
- Systems for reporting and dealing with any incidents of fraud and corruption, for example, through 'Whistle-blowing' procedures and anti-fraud policies and procedures including a policy relating to combating money laundering.

3.4 Informed, Transparent Decision Making and Managing Risk

The Council will ensure that appropriate legal, financial and other professional advice is considered as part of the decision-making process.

The Council will be transparent about how decisions are taken and recorded.

The Council will do this by:

- Ensuring that all 'Key Decisions' taken by the Executive are made in public and that information relating to those decisions is made available to the public¹.
- Ensuring that all decisions of Regulatory Committees of the Council are made in Public and that information relating to those decisions is made available to the public².
- Recording all decisions that are made by committees and officers³ and making the details publicly available.
- Having rules and procedures which govern how decisions are made.

¹ Except where that information is exempt under the provisions of the Freedom of Information Act or determined as being confidential by Government or otherwise exempt by the Council.

² Except where that information is exempt under the provisions of the Freedom of Information Act or determined as being confidential by Government or otherwise exempt by the Council.

³ For Officers this relates to Key, Major and significant operational decisions only.

The Council will operate a risk management system that aids the achievement of its strategic objectives, protects the Council's

reputation and other assets and is compliant with statutory and regulatory obligations. The Council will ensure that the risk management system:

- Formally identifies and manages risks;
- Involves elected members in the risk management process;
- Maps risks to financial and other key internal controls;
- Incorporates service continuity planning;
- Incorporates all significant partnerships; and
- Reviews and, if necessary, updates its risk management processes at least annually.

3.5 Developing Skills and Capacity

The Council will ensure that those charged with the governance of the Council have the skills, knowledge and experience they need to perform well. The Council will do this by:

- Implementing a Member Development Strategy;
- Achieving and maintaining the Investor in People Standard;
- Cascading regular information to Members and staff.

3.6 Engaging Stakeholders

The Council will seek and respond to the views of stakeholders and the community. The Council will do this by:

- Forming and maintaining relationships with the leaders of other organisations, for example, the Local Strategic Partnership,
- Publishing a Forward Plan of Key Decisions;
- Having a policy on consultation and using a range of consultation methods, and by being inclusive to all our diverse communities.
- Encouraging and supporting the public in submitting requests for Scrutiny;
- Providing and supporting ways for Citizens to present community concerns to the Full Council and Neighbourhood Consultative Forums as well as through the mechanisms of Local Area Agreements.

4. MONITORING AND REVIEW

The Council has Committees that are responsible for monitoring and reviewing the Council's Corporate Governance arrangements. These Committees and their functions are set out below. In addition, the Council has an Independent Remuneration Panel to advise and make recommendations to the Council on the scheme of allowances for Council members.

4.1 The Audit Committee is responsible for the Council's arrangements relating to:

- Approving the Council's Accounts;
- External audit;
- Policies and practices that ensure compliance with statutory and other guidance;
- Internal audit.

4.2 The Standards Committee has responsibility for promoting and maintaining high standards of conduct by the mayor, councillors, co-opted members and Parish Council Members.

The Council has a Standards Committee with the following roles and functions;

- (i) promoting and maintaining high standards of conduct by the Mayor, Councillors, co-opted members and church and parent governor representatives;
- (ii) assisting the Mayor, Councillors, co-opted members and church and parent governor representatives to observe the Members' Code of conduct;
- (iii) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (iv) monitoring the operation of the Members' Code of Conduct;
- (v) advising, training or arranging to train the Mayor, Councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- (vi) granting dispensations to the Mayor, Councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the members' Code of Conduct;
- (vii) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an ethical standards officer to the Monitoring Officer; and
- (viii) the exercise of (i) to (vii) above in relation to the Parish Councils wholly or mainly in its area and the members of those parish councils.

4.3 The Constitution Committee is responsible for the review and monitoring of the Council's Constitution, and able to make

recommendations for changes, where reviewing the Constitution to full Council. The Committee is supported in this role through the work of the Constitution Working Group.

Through these Committees the Council will ensure that these arrangements are kept under continual review by:

- The work of Internal Audit;
- Reports prepared by managers with responsibility for aspects of this Code;
- External Audit opinion;
- Other review agencies and Inspectorates;
- Opinion from the Council's Statutory Officers.

4.4 Contract Scrutiny Committee with responsibility to oversee the contract tender process and the evaluation thereof, as set out within the Committee's functions;

1. To receive and examine tender lists.
2. To open tenders.
3. Functions relating to the scrutiny of contracts;
 - (a) The monitoring of contracts (at the discretion of the Committee) subject to the formal quotation procedures under the Council's Contract Procedure Rules relating to;
 - (i) Best Price Procedures
 - (ii) Price/Performance Contracts
 - (iii) Partnering Contracts
 - (b) To receive and examine reports on the outcome of best price contracts when the contract is not awarded to the tenderer with the 'best price'.
 - (c) To receive and examine reports on the outcome of price/performance and partnering contracts letting procedures.
 - (d) To receive and examine reports on any exception from the Contract Procedure Rules.
4. To act as a consultee on the annual review of the Council's sustainable procurement strategy and 5 year procurement plan.
5. Power to consider and make recommendations on the risk management of procurement of contracts in accordance with the Council's Contract Procedure Rules.

6. Power to monitor contract register and the maintenance of select lists.

4.5 Scrutiny Co-ordinating Committee primary responsibility to co-ordinate the work of the scrutiny forums and to be a lead in the overview and scrutiny of the decision making process and in the development of plans and strategies that form the Council's policy framework.

The Committee has the following roles and functions;

- 1 To work with the four forums to decide an annual overview and scrutiny work programme, including the programme of any ad-hoc forum that it appoints, to ensure that there is efficient use of the forums and that the potential for duplication of effort is minimised.
- 2 To lead the involvement of overview and scrutiny in the development of the budget and the plans and strategies that make up the policy framework and to delegate issues for consideration to the forums.
- 3 Where matters fall within the remit of more than one overview and scrutiny forum, to determine which of them will assume responsibility for any particular issue and to resolve any issues of dispute between overview and scrutiny forums.
- 4 To receive requests from Members, the executive and/or the full council for items to be considered by overview and scrutiny forums and to allocate them, if appropriate to one or more overview and scrutiny forum.
- 5 To put in place and maintain a system to ensure reports from overview and scrutiny to the executive are managed efficiently and do not exceed any limits set out in this constitution (this includes making decisions about the priority of reports, if the volume of such reports creates difficulty for the management of executive business or jeopardises the efficient running of the council business).
- 6 To exercise the power of call-in in relation to Executive decisions made as set out in Section 21 (3) of the Local Government Act 2000, or allocate them to the appropriate overview and scrutiny forum for consideration.
- 7 Assessing, monitoring and advising on the role of the Council's central support services in supporting the Council's progress towards the Community Strategy's priority aims, including:-

- General policies of the Council relating to the efficient use of resources (people, money, property, information technology); and
- District Auditor performance reports, the District Auditor's Annual Audit Letter and health and safety issues.

5. THE CORPORATE GOVERNANCE STATEMENT

- 5.1 Each year the Council will publish an Annual Governance Statement. This will provide an overall assessment of the Council's Corporate Governance arrangements and an appraisal of the key controls in place to manage the Council's principal governance risks. The Statement will also provide details of where improvements need to be made⁴.
- 5.2 The Annual Governance Statement will be published as part of the Council's Annual Statement of Accounts and will be audited by our External Auditors.

⁴ Incorporating the Council's duties to publish an Annual Governance Statement in accordance with the Accounts and Audit Regulations 2006 (Amended).

6. CONTACT

The underlying purpose of this "code of governance" is ostensibly to provide a statement of the Borough council's commitment to proper and effective governance and to reference a variety of documents relating to governance within the Borough Council the same being documented below and available for public access at www.hartlepool.gov.uk.

For any further information on the Borough Council's good governance arrangements please contact one of the following Council Officers;

Peter Devlin,
Chief Solicitor and Monitoring Officer of Hartlepool Borough Council,
Civic Centre, Hartlepool TS24 8AY

Mike Ward,
Chief Financial Officer, Hartlepool Borough Council, Civic Centre,
Hartlepool TS24 8AY

Andrew Atkin
Assistant Chief Executive, Chief Executive's Department, Hartlepool
Borough Council, Civic Centre, Hartlepool TS24 8AY

KEY DOCUMENTS

A - The Constitution

Part 1 – Summary and Explanation

Part 2 – Articles of the Constitution

Part 3 – Responsibilities for Functions

Part 4 – Rules of Procedure

Part 5 – Codes and Protocols

Part 6 – Members Allowances Scheme

Part 7 – Appointment to Outside Organisations and other bodies

Part 8 – Management Structure

B - Essential Documents supporting the Council's Constitution

- Policy framework plans and strategies (*including published minutes of meetings*)
- Code of Conduct for Members
- Draft Code of Conduct for Employees
- Whistleblowing Procedure Document
- Draft Planning Code of Practice

C - Key Policy Documents

- Corporate Plan
- Sustainable Community Strategy
- Local Area Agreement
- Council's Communication Strategy
- Customer Communication

D - Key Budget and Risk Management Documents

- Council's Annual Budget
- Medium Term Financial Strategy
- District Auditor's Annual Statement and Accounts
- Council's Risk Management Strategy (incorporating Departmental and Divisional strategies)
- Council's Anti-Fraud and Corruption Policy
- Annual Governance Statement

E - Key Member, Officer Decision Making

- Annual Report of Overview of the Scrutiny Committee
- Members Training and Development Programme
- Register of Member Interests
- Members Gifts and Hospitality Registration
- Officers Gifts and Hospitality Registration

F – Miscellaneous Documents

- Council's Partnership Strategy
- Complaints Procedures



Report of: Chief Executive

Subject: BUSINESS REPORT (2)

1. APPOINTMENTS PANELS – DIRECTOR OF PEOPLE AND DIRECTOR OF PLACE - SUPPLEMENTAL

Cabinet at its meeting on 6 April 2009 considered a further report on the Business Transformation Programme, in which reference was made to the process for the appointment of the Directors of People and Place. Cabinet Members expressed the view that it would be of great benefit if appropriate Cabinet Members could be involved in the appointment process for these two key posts. Cabinet therefore requests that Council consider its wish that appropriate Cabinet Members be appointed to the two Panels.