

Chief Executive's Department  
Civic Centre  
HARTLEPOOL

21<sup>st</sup> July, 2009

The Mayor (Stuart Drummond)

Councillors Aiken, C Akers-Belcher, S Akers-Belcher, Allison, Atkinson, Barker, Brash, R W Cook, S Cook, Coward, Cranney, Fenwick, Fleet, Fleming, Flintoff, Gibbon, Griffin, Hall, Hargreaves, Hill, Jackson, James, 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,

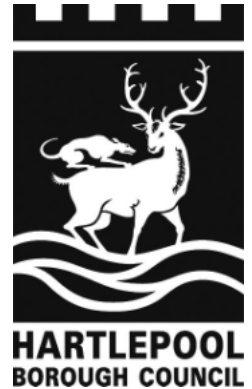
You are hereby summoned to attend a meeting of the COUNCIL to be held on THURSDAY, 30<sup>th</sup> July, 2009 at 7.00 p.m. in the Civic Centre, Hartlepool to consider the subjects set out in the attached agenda.

Yours faithfully

P Walker  
Chief Executive

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# COUNCIL AGENDA



**Thursday, 30<sup>th</sup> July 2009**

**at 7.00 p.m**

**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 Annual meeting of the Council held on 25th June 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 Police Authority held on 17th March 2009 and 19<sup>th</sup> March

2009 and the meetings of the Cleveland Fire Authority held on 27th March 2009 are attached.

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

(i) Special Urgency Decisions – January to June 2009

MEMBERS FROM WHOM CONSENT WAS OBTAINED	SUMMARY OF EXECUTIVE DECISION TAKEN	DECISION TAKER
(i) Inspiring Communities Grant Programme	(i) That Hartlepool's three expressions of interest in the Inspiring Communities grant programme be approved and submitted for consideration. (ii) An accompanying letter from the Director of Children Services be submitted to the Government department outlining the reasons for supporting all three bids.	Cabinet – 18 <sup>th</sup> May 2009

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.

(i) Overview and Scrutiny Annual Report 2008/09 (document attached)

(ii) Review of Publication Arrangements for Members Allowances and Expenses (report to follow)

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 (copy attached)

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
    - (i) Revisions to the Local Development Scheme (copy attached)
    - (ii) Tees Valley Joint Minerals and Waste Development Plan Documents: Draft Submission Documents (copy attached)
  - (b) Proposals for departures from the budget and policy framework
    - (i) Strategy for Funding One Off Business Transformation Costs (copy attached)
    - (ii) 2009/10 Capital Programme and Prudential Borrowing Limits (copy attached)
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 (copy attached)

# **ANNUAL COUNCIL**

## **MINUTES OF PROCEEDINGS**

### **25 JUNE 2009**

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:**

C Akers-Belcher	S Akers-Belcher	Allison
Atkinson	Barker	Brash
R W Cook	Coward	Cranney
Fenwick	Fleet	Fleming
Flintoff	Griffin	Hall
Hargreaves	Hill	Jackson
James	Laffey	Lauderdale
A Marshall	McKenna	Payne
Preece	Shaw	Simmons
Sutheran	Wistow	Wright
Young		

#### **OFFICERS:**

Paul Walker, Chief Executive  
Peter Devlin, Chief Solicitor  
Andrew Atkin, Assistant Chief Executive  
Adrienne Simcock, Director of Children's Services  
Peter Scott, Director of Regeneration and Planning Services  
Dave Stubbs, Director of Neighbourhood Services  
John Mennear, Assistant Director (Community Services)  
Alistair Rae, Public Relations Officer  
Christine Armstrong, Central Services Manager  
Lorraine Bennison, Principal Registration & Members Services Officer  
Olive Anderson, Personal Assistant - Mayor and Chairman  
Amanda Whitaker and Jo Wilson, Democratic Services Team

Prior to the commencement of the main business, the Chairman referred in terms of regret to the very recent death of Councillor Kaiser. Tribute was paid

to his qualities as a Councillor and Members stood in silence as a mark of respect. It was highlighted also that it was the first Annual Council meeting since the sad death of Councillor Johnson.

#### **1. APOLOGIES FOR ABSENT MEMBERS**

Councillors Aiken, S Cook, Gibbon, A Lilley, G Lilley, London, Morris, Tumilty, Turner, Wallace and Worthy.

#### **2. APPOINTMENT OF CHAIR**

Councillor Richardson requested nominations for the office of Chair of the Borough of Hartlepool for the ensuing municipal year.

Motion made by Councillor Hargreaves and seconded by Councillor Simmons.

"That Councillor Richardson be elected as Chair of the Borough of Hartlepool for the ensuing municipal year".

Motion put and agreed.

The Chief Executive reported that the Chairman had signed the Declaration of Acceptance of Office.

#### **3. APPOINTMENT OF VICE-CHAIR**

The Chairman requested nominations for the office of Vice-Chair for the Borough of Hartlepool for the ensuing municipal year.

Motion made by Councillor Young and seconded by Councillor McKenna.

"That Councillor Laffey be elected as Vice-Chair of the Borough of Hartlepool for the ensuing municipal year".

Motion put and agreed.

The Chief Executive reported that the Vice-Chair had signed the Declaration of Acceptance of Office.

#### **4. ADDRESS BY CHAIR**

The Chair addressed the Council thanking his proposer and seconder for their kind words. He also thanked staff and colleagues for their support and contributions in the previous year.

**5. DECLARATIONS OF INTEREST FROM MEMBERS**

None

**6. MINUTES OF PROCEEDINGS**

The Minutes of Proceedings of the Council meetings held on the 16<sup>th</sup> April 2009, 30<sup>th</sup> April 2009 and the Extraordinary meeting of Council held on 11 June 2009 having been laid before the Council.

RESOLVED - That the minutes be confirmed subject to minute 437 of the Council meeting held on 16<sup>th</sup> April being amended to add the Portfolio Holder for Regeneration and Economic Development to the composition of the Director of Place Appointments Panel.

The minutes were thereupon signed by the Chairman.

**7. ANNOUNCEMENTS**

The Chairman announced the funeral of the late Councillor Kaiser on Monday 29th June at St Luke's Church.

**8. EXECUTIVE DELEGATION SCHEME**

Details of each Portfolio Holder and the broad scope of each Portfolio had been circulated.

RESOLVED - That the Executive Delegation Scheme be noted.

**9. ORDINARY MEETINGS OF THE COUNCIL**

A schedule of Council meetings for the municipal year for 2009/10 was submitted for approval.

RESOLVED - That the dates scheduled for Council meetings for the Municipal Year 2009/10 be approved.

**10. APPOINTMENT TO COMMITTEES, FORUMS AND OTHER BODIES**

The proposed membership of Committees, Forums and other bodies had been circulated. An invitation had been extended to leaders of the political groups and independent Members of the Council to make nominations for the list of Chair and Vice-Chairs. These were indicated on the list circulated to Members.

RESOLVED -

- (i) That the Committees, Forums and other bodies, details of which are included in the Council's Minute Book be constituted with the membership indicated in each case "nem com".
- (ii) That the Members indicated as Chair and Vice-Chair in each case be appointed to these offices.

**11. APPOINTMENT TO JOINT COMMITTEES AND OTHER OUTSIDE BODIES**

A list setting out suggested representatives on joint committees and other outside bodies had been circulated. Prior to the meeting the leaders of the political group and independent Members had been invited to make nominations. The Council was requested to agree the suggestions as set out in the document, the format of which reflected the division of outside body list in Part 7 of the Constitution - Schedule C and D were the bodies for which nominations were the responsibility of the Council. Details of the appointments made by the Executive – Schedules A and B - were circulated for Council's information.

RESOLVED –

- (i) That the representations, as detailed in the Council's Minute Book, be appointed as the Council's representatives on joint committees and other outside bodies be approved, including the amended representation on the Association of North East Councils as tabled at the meeting.
- (ii) That Councillor S Akers-Belcher be appointed to the National Association of Councillors General Management Committee and Northern Branch.

The meeting concluded at 7.30 p.m.

C RICHARDSON

CHAIRMAN



### **LEADERSHIP PANEL**

A meeting of the Leadership Panel was held on Tuesday 17 March 2009 in the Chair's office at Police Headquarters.

PRESENT: Miss Pam Andrews-Mawer, Mr Chris Coombs, Cllr Barry Coppinger, Mr Ted Cox JP, Mr Aslam Hanif, Cllr Dave McLuckie (Chair). Cllr Hazel Pearson OBE and Mr Peter Race MBE

### **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **DECLARATIONS OF INTERESTS**

There were no declarations of interests.

### **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 and 3 of Part 1 of Schedule 12A to the Act.

### **LEADERSHIP ISSUES**

The Chair presented the report to Members of the Leadership Panel.

**ORDERED** that:-

1. the recommendations be approved.

## **CLEVELAND POLICE AUTHORITY EXECUTIVE**

The Annual General Meeting of Cleveland Police Authority Executive was held on Thursday 19 March 2009 in the Members Conference Room at Police Headquarters.

**PRESENT: Councillor Members**

Councillor Caroline Barker, Councillor Barry Coppinger, Councillor Paul Kirton, Councillor Mary Lanigan, Councillor Ron Lowes, Councillor Dave McLuckie, Councillor Hazel Pearson OBE, Councillor Victor Tumilty and Councillor Steve Wallace

**Independent Members**

Miss Pam Andrews-Mawer, Mr Chris Coombs, Mr Ted Cox JP, Mr Peter Hadfield, Mr Aslam Hanif, Mr Alf Illingworth TD JP and Mr Peter Race MBE

**OFFICIALS:** Mr Sean Price, Mr Dave Pickard, Mrs Ann Hall and Miss Kate Rowntree (CC)  
Mr Joe McCarthy and Mrs Julie Leng (CE)

**1 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Mr Mike McGrory JP.

**2 DECLARATIONS OF INTERESTS**

There were no declarations of interests.

**3 APPOINTMENT OF CHAIR AND VICE CHAIR**

Nominations and seconders for the role of Chair and Vice Chair had been submitted to the Chief Executive in accordance with Standing Orders.

The Chief Executive confirmed that he had only received one nomination for the position of Chair and one for the position of Vice Chair. The Chief Executive therefore asked Members to agree to vote by show of hands rather than a secret ballot. This was agreed and Councillor Dave McLuckie was nominated and seconded and unanimously voted as Chair for the forthcoming year.

Mr Peter Race MBE was nominated and seconded and unanimously voted as Vice Chair for the forthcoming year.

**ORDERED** that:-

1. Councillor Dave McLuckie be appointed Chair for the ensuing year.
2. Mr Peter Race be appointed Vice Chair for the ensuing year.

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### **COUNCILLOR MEMBERSHIP AND NOMINATIONS FOR ANSWERING QUESTION AT COUNCIL MEETINGS**

The Chief Executive reported the decision that had been made by the Police Authority Joint Committee held on 7 June 2007 regarding the elected membership of the Police Authority. At that Police Joint Committee it was agreed that the Councillor Members from the four Unitary Authorities be elected to serve as Police Authority Members for a period of four years. Therefore there was no change to the elected membership for the Police Authority for the coming year.

**ORDERED** that:-

1. Members noted that the following Councillors be appointed to the Police Authority to serve their third of four years as agreed by the Police Joint Committee on 7 June 2007:-
  - **Hartlepool** – Councillor Caroline Barker, Councillor Victor Tumilty and Councillor Steve Wallace
  - **Middlesbrough** – Councillor Barry Coppinger, Councillor Ron Lowes and Councillor Hazel Pearson OBE
  - **Redcar and Cleveland** – Councillor Mary Lanigan and Councillor Dave McLuckie
  - **Stockton** – Councillor Paul Kirton
2. The above Councillors be appointed as representatives to answer questions on the discharge of the function of the Police

**7 (c)**

Authority at meetings of their relevant councils  
be agreed.



# CLEVELAND FIRE AUTHORITY

## MINUTES OF ORDINARY MEETING HELD ON

**FRIDAY, 27 MARCH 2009**

### PRESENT:

#### CHAIRMAN:

Councillor Porley – Middlesbrough Council

#### HARTLEPOOL BOROUGH COUNCIL:

Councillors Cook, Payne, Wright

#### MIDDLESBROUGH COUNCIL:-

Councillors Clark, Ismail, Williams

#### REDCAR AND CLEVELAND BOROUGH COUNCIL:-

Councillors Briggs, Cooney, Dunning, Forster, Ovens

#### STOCKTON ON TEES BOROUGH COUNCIL:-

Councillors Beall, Cherrett, O'Donnell, Salt, Stoker, Woodhead

#### PROPER OFFICERS:-

Legal Adviser, Treasurer, Deputy Clerk

#### FIRE BRIGADE OFFICERS:-

Chief Fire Officer, Director of Corporate Services, PFI Project Director,  
Head of Fire Engineering

#### AUDIT COMMISSION:-

Ms L Snowball, Ms D Harold

### APOLOGIES FOR ABSENCE:

Councillors Brunton, Rogers (Middlesbrough)

Councillors Fleming (Hartlepool)

Councillor Fitzpatrick (Redcar & Cleveland)

Councillor Dixon (Stockton)

### 165. DECLARATIONS OF MEMBERS INTEREST

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

### 166. MINUTES

**RESOLVED** - that the Minutes of the Cleveland Fire Authority Meetings held on 30 January 2009 and 6 February 2009 be confirmed.

### 167. MINUTES OF COMMITTEES

**RESOLVED** - that the Minutes of the Executive Committees held on 6 March 2009 and 20 March 2009, the Policy Committee held on 6 March 2009, and Standards Committee held on 3 February 2009 be confirmed.

### 168. AUDIT COMMISSION'S ANNUAL AUDIT AND INSPECTION LETTER

Ms L Snowball and Ms D Harold from the Audit Commission presented the Annual Audit and Inspection letter which provided an overall summary of the Audit Commission's assessment of Cleveland Fire Authority. The letter included a review of how well the Authority is performing, the audit of the accounts and value for money, local risk-based and additional work, and looking ahead to the new performance assessment framework, the Comprehensive Area Assessment (CAA).

Ms Snowball reported the Audit Commission's overall judgement was that Cleveland Fire Authority continues to improve well, and following last year's corporate assessment was recategorised from fair to good. Good arrangements are in place to manage its use of

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resources, and in particular its financial standing in light of the reduction of grant income and the current economic climate. Ms Snowball reported the Authority are improving outcomes for local people particularly those most at risk, and remained on track to achieve national targets in relation to reducing fire deaths and deliberate fires. Good progress had been made on equality and diversity, but the Brigade still employed few female firefighters.

She reported that progress had been made on delivery of the regional control centre but risk management arrangements could be strengthened, and there was no contingency plan in the event of a failure to deliver the final system at a national level which presented a risk to service continuity.

Councillor Briggs requested further details regarding the Financial Reporting score which had reduced from 3 the previous year to 2 this year. The Treasurer reported that this item had been affected by national guidance on the Final Audited Accounts relating to the Firefighter Pension Scheme, and confirmed this had now been adjusted and would not therefore have any impact on future assessments. Councillor Forster referred to point 25 and stated that Cleveland are fully prepared for regional control, however handover would not take place until it was known that the systems worked perfectly. Ms Snowball commented this was recognised under point 52. Ms Harold advised that a report had been presented to the RMB in October 2008 and things had moved on since this time.

Councillor Williams referred to the actions needed by the Authority (points 3,4,5 refer) and queried what the Authority needed to do to achieve a score of 4. Ms Snowball replied this was very difficult to answer as a new performance assessment framework, the Comprehensive Area Assessment (CAA) was being introduced which was a risk based approach. CAA would result in reduced levels of inspection and better co-ordination of inspection activity. The first results of work on CAA would be published in the autumn of 2009 and would include the performance data from 2008/09. Councillor Beall queried if the CAA would significantly reduce the costs to the Authority. Ms Snowball advised the Audit Commission could not really answer that question as this would be a joint inspection moving away from cyclic inspection to a more risk based approach.

The Chief Fire Officer referred to the Key Messages and actions taken by the Authority, and stated it was pleasing that Cleveland is designated as 'Good, Improving Well'. However referring to the comment that we have only 4% of women front line firefighters, the Chief Fire Officer queried, notwithstanding the steps taken and processes put in place to address this issue, if the Audit Commission believed there was something further that needed to be done. Ms Harold replied a piece of work had been undertaken on this matter which she had not yet discussed with the Chief Fire Officer. The Chief Fire Officer stated this report, when received, would be shared with Members.

The Chief Fire Officer referred to the evaluation of the partnership approach and value for money, and stated a partnership strategy was being developed to address the challenges coming out of the Audit Commission report.

**RESOLVED- that the Audit Commission's Annual Audit & Inspection Letter be noted.**

**169. REPORTS OF THE CHIEF FIRE OFFICER**

**169.1 Strategic Plan 2009/2010 and 2013/2014**

The Chief Fire Officer reported that Policy Committee Members had received a draft copy of the Strategic Plan at their meeting held on the 16 January 2009. Following the consultation exercise, and in light of the very positive feedback which was presented to the Policy Committee of 6 March 2009, Members of the Policy Committee agreed to recommend to the Cleveland Fire Authority that the draft Strategic Plan 2009/2010 to 2013/2014 be approved for publication. Members unanimously supported the vision and corporate and cross cutting themes which had helped shape our top eight priorities for 2014.

The Chairman commented this was a very comprehensive piece of work, and thanked the Director of Corporate Services for the hard work undertaken in its production.

**RESOLVED – that the Cleveland Fire Authority’s Strategic Plan 2009/2010 to 2013/2014 be approved for publication.**

**169.2 Review of Charges 2009/2010**

The Chief Fire Officer outlined the way in which the Brigade’s scale of charges is currently structured and reported that Section 19 of the Fire and Rescue Services Act 2004 placed constraints on Fire Authorities preventing them from levying charges for special services above the amount of full cost recovery. After taking account of previous years’ trends and known variables, it was estimated that the combined effects of the review of charges would increase budgeted income by an average of 2.23%.

**RESOLVED – that Members approved the Review of Charges 2009/2010 with effect from 1 April 2009 as set out in Appendices 1 and 3.**

**169.3 Chief Fire Officer’s Information Pack – March 2009**

- 169.3.1 Fire & Rescue Service Circulars
- 169.3.2 National Joint Circulars
- 169.3.3 Permanent appointments to the posts of Director of Community Protection and Assistant Director of Partnerships
- 169.3.4 NE Regional Board Meeting – 26 March 2009
- 169.3.5 A & B Pay Points
- 169.3.6 Public Holidays

**RESOLVED – that the report be noted.**

**170. NE FIRE CONTROL COMPANY BOARD UPDATE - LACC**

Councillor Forster updated Members regarding an RCC First Wave Principal Officers meeting which had been held in the East Midlands on 2 March 2009, during which it had been apparent that the other first wave regions were all experiencing similar issues to the North East.

Councillor Forster advised the Fire Minister, Sadiq Khan, had visited the RCC on the 19 March 2009 as part of a planned visit to the region, and Members had found the visit to be both informative and productive.

**RESOLVED – that the report be noted.**

**171. TO RECEIVE THE REPORTS OF THE CLERK TO THE AUTHORITY**

The Chairman reported that unfortunately the Clerk to the Authority, Brian Dinsdale, was unable to attend the meeting. However, on behalf of Members of the Cleveland Fire Authority, Brigade Officers and staff, the Chairman wished to place on record their thanks and appreciation for the dedication and support Brian had given to the Authority over the last 13 years. The Chairman stated Brian had been the Clerk to the Authority since 1996 when Hartlepool were appointed as lead authority, and his advice and guidance had been invaluable in our journey to excellence. On behalf of everyone, the Chairman wished Brian very best wishes for the future.

**171.1 Resignation and Appointment of Elected Member**

The Deputy Clerk reported that Councillor J A Jones had resigned as a Member of the Cleveland Fire Authority on the 27 February 2009, and that Middlesbrough Council had appointed Councillor Janice (Jan) Brunton to Cleveland Fire Authority for the remainder of the current municipal year. Members views were sought regarding the vacancies on Committees and Outside Bodies following the resignation of Councillor Jones. After discussion, Members agreed to defer the appointment to vacancies on Committees and Outside Bodies until the Cleveland Fire Authority Annual General Meeting in June 2009.

**RESOLVED –**

- (i) **that Members noted the resignation of Councillor J A Jones as a Member of the Cleveland Fire Authority**
- (ii) **that Members noted the appointment of Councillor Janice (Jan) Brunton as a Member of Cleveland Fire Authority for the current municipal year**
- (iii) **that the appointment to vacancies on Committees and Outside Bodies be deferred until the Cleveland Fire Authority Annual General Meeting in June 2009.**

**171.2 Cleveland Fire Authority Meetings 2009/2010**

The Deputy Clerk reported that the Member Development Group met on 23 January 2009 and discussed the timing and days that CFA meetings and committees are held. They recommended that CFA meetings continue to be held on a Friday at 2 pm at Cleveland Fire Brigade Headquarters, and the venue and time of committees be agreed by the committee Chairs in consultation with its Members and the Director of Corporate Services. It was also recommended that a summer recess was not required.

**RESOLVED –**

- (i) **that full Cleveland Fire Authority meetings continue to be held at Fire Brigade Headquarters commencing at 2pm**
- (ii) **that the venue and commencement time of committee meetings should be agreed by the Committee Chairs in consultation with its Members and the Director of Corporate Services**
- (iii) **that the schedule of Cleveland Fire Authority meetings for 2009/2010 (Appendix 1 refers) be approved**

**171.3 Member Development**

The Deputy Clerk informed Members that the Member Development Group had discussed this item at great length and agreed that the annual member refresher training continue and in its original format. They also recommended that all new members should undertake an induction and a one-to-one Personal & Professional Development to ensure they were fully aware of their roles and responsibilities.



### 171.3 Member Development contd

The feedback from new members regarding the Induction Seminar was very good and members agreed this format remain unchanged. The Induction would also take place on 12 June 2009.

The Member Development Programme for 2009/2010 was approved in principle and would be linked into the new performance framework.

Members unanimously re-affirmed their commitment to Member Development.

Councillor Cherrett asked that consideration be given to establishing skill certificates for Members, an issue Councillor Beall advised had also been discussed in Stockton. It was agreed this would be considered by the Member Development Group.

Councillor O'Donnell referred to the CAA arrangements, and queried if this training programme would reflect the changes that would be taking place due to CAA.

The Director of Corporate Services advised it was important to look at how the training aligned with the CAA requirements, and this issue would be further explored.

#### **RESOLVED:**

- (i) that Members noted the Member Development Seminar to be held on 12 June 2009
- (ii) that Members approved the programme of training and development for 2009/2010
- (iii) that the Member Development Group consider the issuing of certificates regarding training and development undertaken by Members of Cleveland Fire Authority
- (iv) that Members agreed the Chairman sign on behalf of Members to reaffirm their pledge made on 22 October 2007 to adopt good practice in member development

### 171.4 Information Pack

- 171.4.1 Standards Committee Annual Report
- 171.4.2 Member attendance at Conferences
- 171.4.3 Referrals to Standards Committee
- 171.4.4 Executive Committee called for 6 March 2009

**RESOLVED – that the report be noted**

## 172. - TO RECEIVE THE REPORT OF THE TREASURER TO THE AUTHORITY

### 172.1 Anti Money Laundering Policy

The Treasurer reported that the Anti Money Laundering Policy was scrutinised by the Audit and Governance Committee at their meeting on 27 March 2009, and recommended that the Policy be put to the CFA for approval. The Treasurer drew Members attention to the legal obligations of the Authority, ie:

- Appoint a Money Laundering Reporting officer (MLRO) to receive disclosures from employees of money laundering activity (their own or anyone else's)
- Implement a procedure to enable the reporting of suspicions of money laundering
- Maintain client identification procedures in certain circumstances
- Maintain record keeping procedures

Members discussed the Anti Money Laundering Policy and agreed that the Treasurer be appointed as the Money Laundering Reporting Officer.

**172.1 Anti Money Laundering Policy contd**

**RESOLVED –**

- (i) that the Anti Money Laundering Policy be approved and included within the Authority's Anti Fraud and Anti Corruption Strategy
- (ii) that the Treasurer be appointed as the Money Laundering Reporting Officer to receive disclosures from employees of money laundering activity (their own or anyone else's)
- (iii) that a procedure be implemented to enable the reporting of suspicious money laundering and that client identification procedures in certain circumstances and record keeping procedures be maintained
- (iv) that all staff are informed and will familiarise themselves of the requirements and procedures set out within the report

**173. AUDIT & GOVERNANCE CHAIRS INFORMATION PACK**

The Chair of the Audit & Governance Committee outlined the current issues being scrutinised by the Committee. He drew Members attention to the Good Governance Standards and Compliance Survey and sought Members endorsement that Members and 1<sup>st</sup> to 3<sup>rd</sup> tier officers complete the survey.

**RESOLVED –**

- (i) that the report be noted
- (ii) that Members endorsed the recommendation that all Members and 1<sup>st</sup> to 3<sup>rd</sup> tier officers complete the Good Governance Standards and Compliance survey

**174. OVERVIEW & SCRUTINY CHAIRS INFORMATION PACK**

The Chair of the Overview and Scrutiny Committee informed Members that Brigade staffing and sickness levels had been closely monitored over the last year, and the Brigade now have below average sickness absence for both corporate staff and firefighters as a result of the improvement measures taken.

A presentation regarding a recent fire fatality had also been given to the meeting of 13 February 2009, and Committee Members had requested this be repeated to the Cleveland Fire Authority at today's meeting. This would therefore be presented under agenda item 15.

**RESOLVED – that the report be noted**

**175. ANY OTHER BUSINESS**

**175.1 Equality and Diversity Network Meeting**

The Deputy Clerk sought Members wishes in respect of the Equality and Diversity Member Champion (or substitute) attending the Equality and Diversity Member Champion Network meeting, to take place on 21 April 2009 at Local Government House, London. After discussion it was agreed that, as Councillor Ismail (the Equality and Diversity Member Champion) was unable to attend on this occasion, Councillor Forster would attend this meeting.

**RESOLVED – that Councillor Forster attend the Equality and Diversity Member Champion Network meeting, to take place on 21 April 2009 at Local Government House, London.**

176. **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 Numbers 177, 178                      Paragraphs 1 and 3  
Minute Numbers 179, 180                      Paragraph 3  
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
177. **CONFIDENTIAL MINUTES**  
**RESOLVED** – that the Confidential Minutes of the Cleveland Fire Authority meeting held on 30 January 2009 be confirmed.
178. **CONFIDENTIAL MINUTES OF COMMITTEES**  
**RESOLVED** – that the Confidential Minutes of the Executive Committee meetings held on 6 March 2009 and 20 March 2009 be confirmed.
179. **PRESENTATION BY THE CHIEF FIRE OFFICER**  
**Fatal Fire in Hartlepool**  
The Head of Fire Engineering outlined to Members details of a recent fire fatality in Hartlepool.  
  
**RESOLVED**- that the report be noted.
180. **ANY OTHER BUSINESS**  
**Estates Management Strategy Private Finance Initiative: Mini Outline Business Case**  
Members considered the recommendations within the report.

**COUNCILLOR PETER PORLEY**  
**CHAIRMAN**

**COUNCIL**  
30 July 2009



**Report of:** Chair of the Scrutiny Coordinating Committee

**Subject:** OVERVIEW AND SCRUTINY ANNUAL REPORT  
2008/09

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**1. PURPOSE OF REPORT**

- 1.1 To present the Authority's Overview and Scrutiny Annual Report for 2008/09 to Council (booklet attached), which outlines how the Overview and Scrutiny Function has developed and highlights the key areas of work undertaken by each of the Scrutiny Forums over the past year.

**2. BACKGROUND INFORMATION**

- 2.1 As outlined in the Authority's Constitution, it is a requirement of the Overview and Scrutiny Function to produce an Annual Report, detailing the work of the Scrutiny Co-ordinating Committee and the five standing Scrutiny Forums that has been undertaken during the last 12 months together with suggested developments etc for the forthcoming year.
- 2.2 In my fifth year as Chair of the Scrutiny Co-ordinating Committee it gives me great pleasure to introduce Hartlepool's third Overview and Scrutiny Annual Report for the 2008/09 Municipal Year for Council's consideration.
- 2.3 The Annual Report will also be despatched to key stakeholders and placed in key venues of public interest for information purposes.

**3. RECOMMENDATION**

- 3.1 That Council considers the Authority's Overview and Scrutiny Annual Report for the 2008/09 Municipal Year (booklet attached).

**COUNCILLOR MARJORIE JAMES**  
**CHAIR OF THE SCRUTINY CO-ORDINATING COMMITTEE**

July 2009

**Contact Officer:-** Joan Wilkins – Scrutiny Manager  
Chief Executive's Department - Corporate Strategy  
Hartlepool Borough Council  
Tel: 01429 284142  
Email: joan.wilkins@hartlepool.gov.uk

## **BACKGROUND PAPERS**

No background papers were used in the preparation of this report.



# Overview & Scrutiny Annual Report 2008/9

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## FOREWORD



Welcome to our fourth annual report. This Annual Report details the work undertaken by the Scrutiny Co-ordinating Committee and the five standing Scrutiny Forums during 2008/09.

The last year has been an interesting and varied one in the continuing development of our Overview and Scrutiny arrangements. Some of our most effective work has involved, throughout the undertaking of all scrutiny investigations, extensive engagement with the wider community and the Council's partners. Of particular note are the investigations into the Marketing of Hartlepool and Improving the Life Chances of Families in Need within Hartlepool, both of which enabled Members, through their community leadership role, to secure improvements by reaching consensus with key players from the public, private and voluntary sectors.

Increased recognition of the importance of the overview and scrutiny process has also been seen during this last year, through the successful separation of the former Adult and Community Services and Health Scrutiny Forum into two Forums and the provision of increased resources within the dedicated Scrutiny Support Team. This growth has enabled Members to further focus their efforts into issues of local concern, such as the much debated Momentum: Pathways to Healthcare project that will result in both the building of a new hospital to serve the North Tees area and the significant transformation of community-based healthcare services.

Since 2005/06 we have monitored the delivery of agreed scrutiny recommendations and to date I am pleased to report that 83% of all Scrutiny Forums' recommendations have been achieved; 11% are expected to be achieved; 1% are not expected to be achieved; 4% have recently been approved by the Executive and are awaiting a progress update; and 1% have either been rejected by the Executive or are no longer deliverable due to circumstances beyond the Authority's control. Overall, this is excellent news and clearly demonstrates the added value to outcomes that Overview and Scrutiny makes in Hartlepool!

Behind the scenes, there has been a lot of preparation to meet the challenges of the new powers and roles for Overview and Scrutiny coming from the Local Government and Public Involvement in Health Act 2007. Such powers will enable Overview and Scrutiny to hold public services providers to account to ensure the concerns of the communities are considered in local decision making.

Looking back over the year as a whole, the volume of work covered, the breadth of issues considered and the quality of recommendations made indicates that our Overview and Scrutiny arrangements here in Hartlepool are vital to ensuring both the Council and its partners are making the improvements to services and to people's lives that they say they are.

I would not want to go on further without acknowledging that we have been fortunate to have had many contributions to our investigations from local residents and partner organisations and I personally, would like to thank every one who has played a part in our Overview and Scrutiny arrangements this year including the Mayor, Cabinet colleagues and officers.

I hope that you enjoy reading about our key achievements during the last 12 months and that you will support us in our continuing efforts to improve public services in Hartlepool in 2009/10.

*MA James*

**Councillor Marjorie James**  
**Chair of Scrutiny Co-ordinating Committee**



## PART ONE

### Introduction to Hartlepool's Overview & Scrutiny Function

Overview and Scrutiny was introduced by the Local Government Act 2000 and seeks to reflect the voice and concerns of the public in challenging the ways in which public services are delivered and Government policy is developed.

Developing this function has been a challenging task. However, since its introduction Overview and Scrutiny has continually evolved and significantly added value to the work of Local Authorities.

Overview and Scrutiny has the following functions:-

- Policy development and review
- Holding the Cabinet to account
- Investigating issues of local concern
- External Scrutiny (Health)

Overview and Scrutiny is objective and constructive, aiming to add value to any area it considers. Scrutiny is based on an evidenced process of exploration and deliberation which leads to Scrutiny Forums constructing reports and putting forward recommendations to the Authority's Cabinet and Council to advise on policies, budget and service delivery.

Overview and Scrutiny in Hartlepool operates in a non party political way and consists of five Scrutiny Forums, each with specific remits linked to the strategic priorities of the Council and local partners.

Our Scrutiny investigations cover a wide range of topics and complex issues, ranging from specific local problems to broader issues of public concern which link to the strategic priorities of the Council and local partners.

The Scrutiny Co-ordinating Committee and the five standing Scrutiny Forums call upon Council Officers, Cabinet Members, expert witnesses, service users and best practice from other Local Authorities to answer questions and provide evidence about the issue being scrutinised.

Each Forum collates evidence to help them make recommendations to the Cabinet or full Council, and the length of a Scrutiny investigation will differ depending upon the issue being scrutinised.

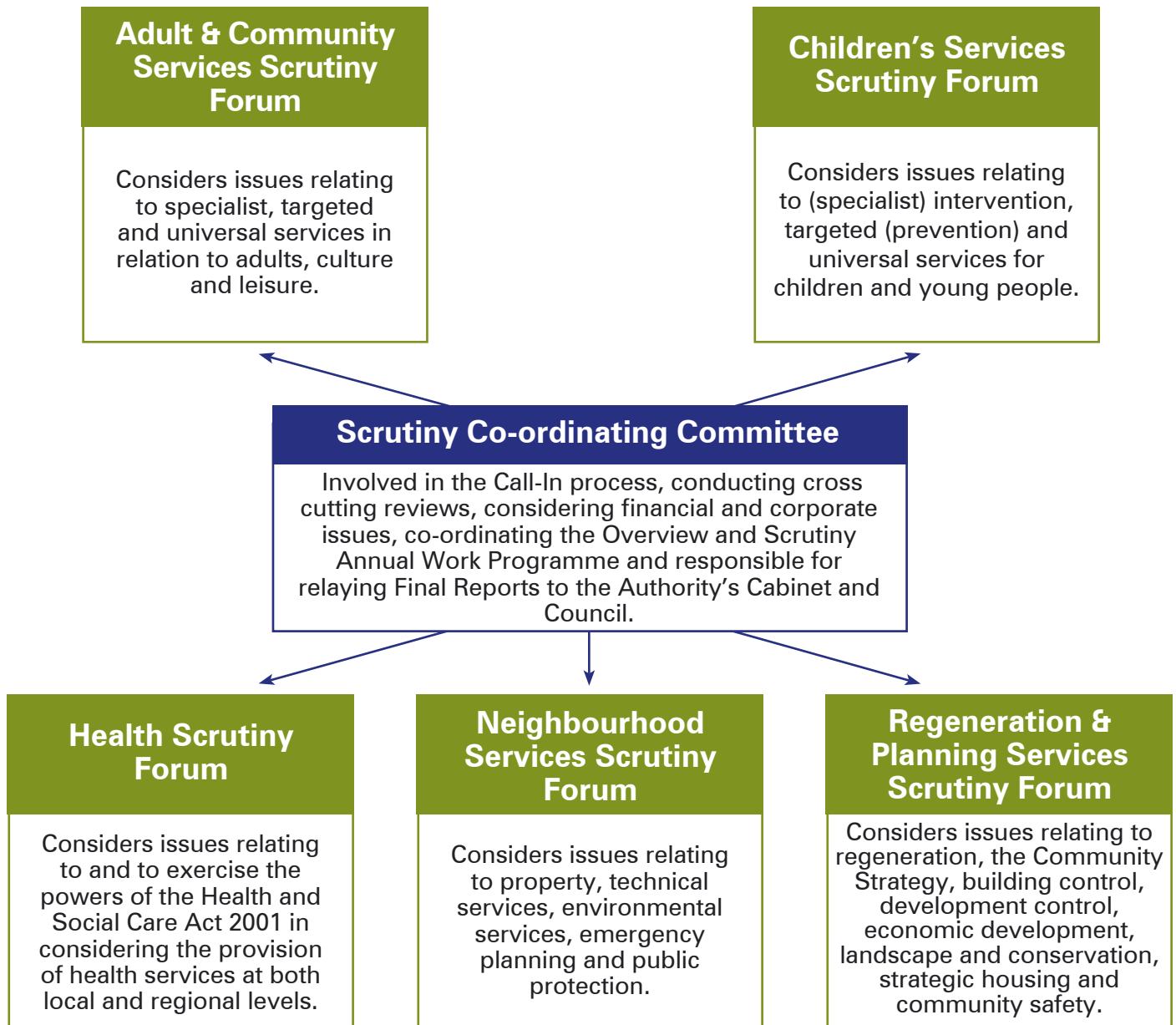
We encourage community involvement at all stages of our Scrutiny investigations and continue to employ a variety of methods to gather residents views.

Overview and Scrutiny here in Hartlepool also engages with external partners and other organisations to obtain evidence in relation to Scrutiny investigations and to develop working arrangements of benefit to the Council and its partners as a whole.

**The diagram on the opposite page details the structure of the Overview and Scrutiny Function in Hartlepool.**



## Overview &amp; Scrutiny in Hartlepool





## PART TWO

### Scrutiny Co-ordinating Committee



The Scrutiny Co-ordinating Committee has a wide ranging remit that includes considering financial and corporate issues, conducting cross cutting reviews and co-ordinating the work of the five standing Scrutiny Forums.

The Committee began the year with the undertaking of an investigation into the Council's use of agency workers, following concerns over the cost of their usage to supplement the workforce during times of peak demand. Whilst the use of agency workers and specialists within the Authority appeared to be fairly extensive with expenditure totalling to approximately £3.2 million during 2007/08, it was evident to Members that agency workers actually made up only a small proportion of the Authority's workforce.

Furthermore, it was recognised that there were various circumstances in which it was necessary for the Council to use agency workers, although significant efforts should be made to reduce any future usage of agency workers together with the length of engagement being restricted to short periods of time. I am pleased to report that the Cabinet accepted the Committee's recommendations in their entirety and a detailed action plan is now in place to centralise and reduce current and future usage.

Detailed consideration was also given to proposals to reduce the number of Departments from five to three. Members concluded that whilst they were not, in principle, against changes which may result in efficiency savings the timing was not appropriate to undertake a further organisational re-structure and that it should be re-visited as part of the Council's ongoing Business Transformation Programme, to help address increasing financial pressures of the Council and maintain and improve services in the future.

The Committee has also taken a keen interest in the operation of the Council's Kerbside Recycling Scheme, following its referral by the Cabinet Portfolio Holder for Neighbourhoods and Communities to this Committee. Under usual circumstances the referral would have been re-directed to the Neighbourhood Services Scrutiny Forum, however, due to their congested workload and the very tight prescribed timescale for its completion, this Committee took the task in hand. To gain an understanding of the operation of the scheme and

to make suggestions for improvement, evidence was sought from a wide range of sources, together with a site visit to the SITA Educational Centre and the involvement of young people's views as part of the 11 Million Takeover Day, a national initiative aimed to get young people involved in shaping local decision making. Members recommended a variety of activities and initiatives to further improve waste disposal and recycling services in Hartlepool, such as increased publicity of the scheme, continuation of the Participation Survey and ways of increasing more local businesses to recycle, all of which were fully accepted by the Cabinet Member and are currently in the process of being implemented.



Building upon the success of recent years, the Committee took a continuing interest in the Council's budget setting process for 2009/10 along with the Local Area Agreement Refresh and the proposed priorities for inclusion in the Council's top-level Corporate Plan for 2009/10.

The Committee has also taken the lead in ensuring our Overview and Scrutiny arrangements are fully prepared to implement the enhanced powers and roles arising from the Local Government and Public Involvement in Health Act 2007.

Again, I would like to pay tribute to everyone who has contributed to the work of this Committee during the year and to the Committee for assisting me throughout the year.

**Councillor Marjorie James**  
**Chair of Scrutiny Co-ordinating Committee**  
 The Adult and Community Services Scrutiny Forum,



a newly formed Forum for the start of the 2008 / 09 municipal year was created specifically to look at issues relating to adult social care, support services and community services. Therefore, the Forum at the beginning of this municipal year was keen to ensure that the topics selected for its 2008 / 09 work programme would help to improve the quality of life for people in Hartlepool and encourage greater partnership working between the Council and key partners. The two topics selected were the Quality of Care Homes Provision in Hartlepool and Access to Recreation Facilities for Vulnerable / Older People.

The enquiry into Quality of Care Homes Provision focused on initiatives and practices which had a measurable impact on improving standards of care and the quality of life of residents in care homes within Hartlepool. We invited key partners along to our meetings including the Commission for Social Care Inspection, the Primary Care Trust and care home managers, residents and relatives to discuss how we as a Council can work in partnership to improve standards of care through the services delivered.

Members thought that it was essential to this enquiry to visit a selection of care homes in the town to gain an understanding of how care homes deliver acceptable standards of care. As Chair of the Forum I am pleased to say that the overall standard of care in Hartlepool is very good and it was obvious that care home managers take pride in their homes and the standards they apply.

As a Forum, we were very pleased to have been able to hold one of our meetings in a local care home which encouraged further participation in the enquiry from care home managers, residents and members of the public.

The enquiry raised awareness both with Members and the public in relation to the minimum standards of care that should be enforced in all care homes and the Forum through discussions with key partners formulated a range of significant recommendations aimed at continuing to improve the life of residents in care homes. These included regularly publicising gradings for individual care homes; the re-establishment of the Hartlepool Care Managers' Forum as requested by care home managers; working in partnership with the Local Involvement Networks to ensure that the statutory

requirements in relation to care home inspection in Hartlepool are fully met; and the alignment of the Council's care home gradings with the Commission for Social Care Inspection quality ratings to provide an overall grading.



The Forum's second investigation was into Access to Recreation Facilities for Vulnerable / Older People and as a Forum we were very keen to hear the views of individuals, groups and clubs with experience of using recreational facilities in Hartlepool and also from individuals who cared for frail, elderly or vulnerable people. The focus of the investigation was principally on those facilities and activities offered by Hartlepool Borough Council and in particular focused on access issues and whether access was or had been a problem when using these facilities. As Chair of the Forum I am very pleased to say that the investigation enabled people to share their experiences, both positive and negative, which undoubtedly helped the Forum formulate recommendations around the need to increase the promotion of the activities available through the Council and develop further partnership working to improve the health and well being of vulnerable people in Hartlepool.

In summary, the Forum has had a very successful year with many achievements and I am delighted that the recommendations we put forward will help improve the quality of life for people in Hartlepool. I look forward to continuing our good work in 2009/10.

**Councillor Chris Simmons**  
**Chair of the Adult and Community Services**  
**Scrutiny Forum**





The Children's Services Scrutiny Forum was again innovative in its work programme for the 2008/09 Municipal Year. After selecting the topic of foster care for its first investigation, Members invited the young people of Hartlepool to decide on the second topic and they provided an excellent presentation on the subject of accommodation for homeless young people, which Members agreed was a worthwhile subject matter and would link into the investigation into foster care.

In tackling the topic of Hartlepool Borough Council's Foster Care Service, Members of the Forum were acutely aware of the emotive and highly sensitive nature of this subject area. Despite facing challenging times, I am pleased to report that the service is continuing to develop, ensuring that those young people in care receive high quality care provision from their Local Authority. I cannot thank the Council's foster carers enough for the hard work and effort that they put into looking after the young people and I was delighted when Cabinet agreed with all the recommendations made by this Forum.

## Foster Carers do care...



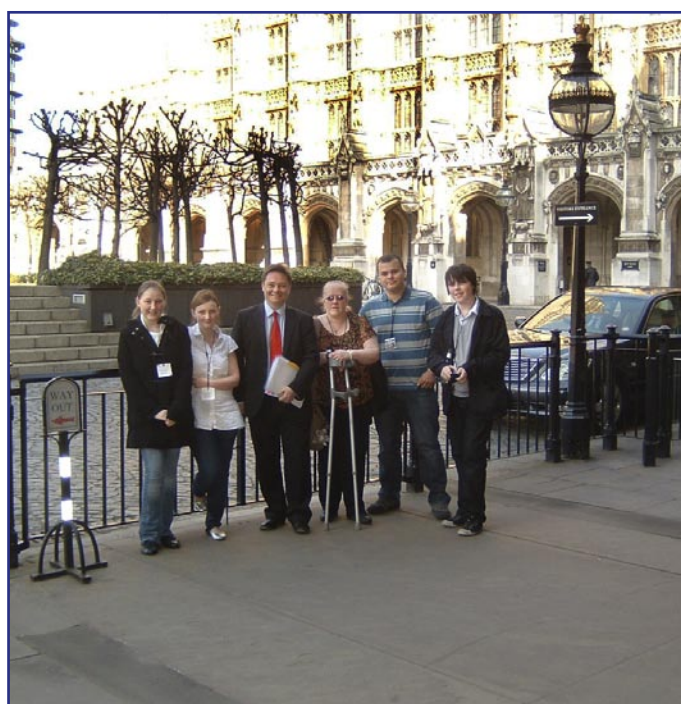
## ...Could you?

We are looking for foster carers for all ages but particularly those who provide care for teenagers

Call us on 01429 28 44 44

This year the Children's Services Scrutiny Forum was asked to undertake a Call-In of a decision made by the Portfolio Holder into the Services Specifications for Children's Centres – Outreach Package. Call-In is not a route we choose lightly and although the final decision was not changed, there was agreement on some of the points raised by Members that will be taken into consideration in the future to improve the decision making process.

The second topic of 'Appropriate Accommodation for Homeless Young People for Whatever Reason', the Forum looked in great detail at the factors that can result in youth homelessness, the strategies the Authority has to deal with youth homelessness and the fantastic work that goes on in the supported accommodation on offer to our young people. I know at times that we can all have moments of NIMBYism (Not In My Back Yard), but I really cannot stress what an important role that supported accommodation offers to assist with the transition of some of our young people into independent accommodation.



Where appropriate we like to involve our local MP Iain Wright and on the topic of homeless young people we were fortunate that it also came under Iain's remit of Parliamentary under Secretary of State in the Department for Communities and Local Government. Rather than gather Iain's evidence back in the constituency, we were pleased that arrangements could be made for the young people to experience the Parliamentary system of Government, whilst sharing views on youth homelessness with Iain.

As Chair of the Forum I look forward to 2009/10 where I am sure we can continue to work together to improve the lives of all young people in Hartlepool.

**Councillor Jane Shaw**  
**Chair of Children's Services Scrutiny Forum**



2008/09 saw the creation of a new, specifically dedicated, Health Scrutiny Forum. The establishment of this Forum, and its separation from the Adult and Community Services and Health Scrutiny Forum, has this year been a key factor in enabling us to

successfully explore the major health issues facing Hartlepool today, with the flexibility and emphasis they deserve.

I am pleased to be able to say that throughout its inaugural year, the Forum has continued to provide a platform for elected members and residents to discuss, and influence, some of the big changes in health services in the town. As one of these changes, the Forum took an active role in the initial Momentum: Pathways to Healthcare consultation and, in doing so, was successful in ensuring that its unanimous support for the construction of the new world-class hospital at the Wynyard site was fed into the final decision process. The Forum also formulated a clear view on the development of new community services right across the town, perhaps most notably the Park Road development which is now fully underway.



Over and above its involvement in a variety of consultations, the Forum has continued to maintain and develop its working relationships with the Primary Care Trust, Foundation Trust and other partner organisations. A proactive approach has been taken to the involvement of the new Local Involvement Networks (LINKs) in scrutiny and

discussions will be continuing into next year on the externalization of PCT services and provision of Health visitors.



In addition to its other activities, the Forum explored a variety of possible topics for its major 2008/09 investigation, culminating in the selection of the 'Reaching Families in Need' issue. In exploring this topic, the Forum gained an understanding of the issues affecting families who have failed to benefit from the rising tide of living standards and opportunities. The Forum also came to understand that these families remain in real poverty with highly complex needs and multiple problems which range across a broad spectrum of issues.

I am proud to be able to say that our investigation has been successful in examining current practices (across a wide range of bodies) that are in place to reach, help and support these families and has looked at what can be done to improve the situation. This is without question the most ambitious investigation undertaken in my time in scrutiny due to the sheer complexity and difficulty of the issues involved and I do believe its outcomes and recommendations have the potential to make a major difference to those most in need in our town.

It has, all in all, been a busy and challenging first year for the Forum and I look forward to building upon our achievements in the future.

**Councillor Jonathan Brash**  
**Chair of the Health Scrutiny Forum**





This year the Neighbourhood Services Scrutiny Forum selected two topics for its 2008 / 09 work programme. The topics selected were the Condition of the Highways in Hartlepool and Coastal Defences and Shoreline Management.

The Forum's first investigation was into the condition of the roads and pavements in the town and was carried out over a six month period. Members were very keen to investigate this topic in-depth as it was an issue that had received significant press attention and an area that members of the public were concerned with. As Chair of the Forum, I was very keen to engage with the community to hear their views on the condition of the roads and pavements in the town. Therefore, on behalf of the Forum I attended the North and Central Neighbourhood Consultative Forums to encourage residents to participate in this investigation and also gathered a range of views from the 50+ Forum, the Access Audit Group, the South Neighbourhood Consultative Forum and the Headland Conservation Area Advisory Group.

Although, Members were generally aware of the condition of the roads and pavements from their day to day experiences, the Forum thought it would be beneficial to have a look at the varying conditions across the town. Through the findings from the site visit it was reaffirmed that some of the roads and pavements within the town were in poor condition and were in need of repair.

The Forum was very keen to engage with key partners and we therefore encouraged a range of stakeholders from outside organisations to participate in our investigation. The Forum visited Barnsley Metropolitan Borough Council to discuss how they achieved their highways maintenance success; received evidence from the local MP and the Council's Portfolio Holder for Neighbourhoods and Communities; and asked the Highways Agency to contribute their views to the investigation. Looking outward and encouraging outside organisations to contribute to this investigation resulted in the formulation of a range of significant recommendations to improve the Council's approach to highways maintenance. These included strengthening existing working relations with the utility companies; developing formal working arrangements with contractors; the further promotion / publication of future maintenance works of both the Council and the

utility companies; and the integration of the Highways software system 'Confirm' with the Customer Relationship Management System.

The Forum's second investigation into Coastal Defences and Shoreline Management was a subject close to many people's hearts and the investigation was carried out to look at ways of saving the town's coastline from erosion. The Forum was extremely concerned over the potential loss of some of the town's historical areas such as the Town Wall. The Forum gathered evidence from a range of sources, including the Council's Portfolio Holder for Neighbourhoods and Communities, the Environment Agency, Scarborough Borough Council and Scott Wilson Consultancy Firm. A site visit to see the condition of the coastline along with the existing sea defences and structures was attended by Members of the Forum.



The evidence received along with the visit provided Members with a real insight into the problems caused by coastal erosion which assisted Members in formulating their conclusions and recommendations. It was clear from the investigation that in order to maintain and save the coast line, we as a Council need to secure additional funding from Central Government by putting forward Hartlepool's case more strongly.

As Chair of the Forum, I am pleased to say that this has been a very rewarding year with many positive experiences and outcomes. I look forward to 2009 / 10 being another successful year for the Neighbourhood Services Scrutiny Forum.

**Councillor Stephen Akers-Belcher**  
**Chair of the Neighbourhood Services**  
**Scrutiny Forum**



This year the Regeneration and Planning Services Scrutiny Forum looked at two very diverse, but equally very topical subjects of the Closed Circuit Television (CCTV) covering the Town and the Marketing of Hartlepool.

The Community CCTV Provision in Hartlepool had been referred to the Forum by the Authority's Cabinet, with a tight timescale for the investigation to ensure that any recommendations could be considered before the budget for CCTV provision was set for 2009/10. Members of the Forum were indebted to the Scrutiny Co-ordinating Committee who had completed an Interim Report into the Town's CCTV Provision in April 2008 and this gave a basis for the Forum's evidence gathering.

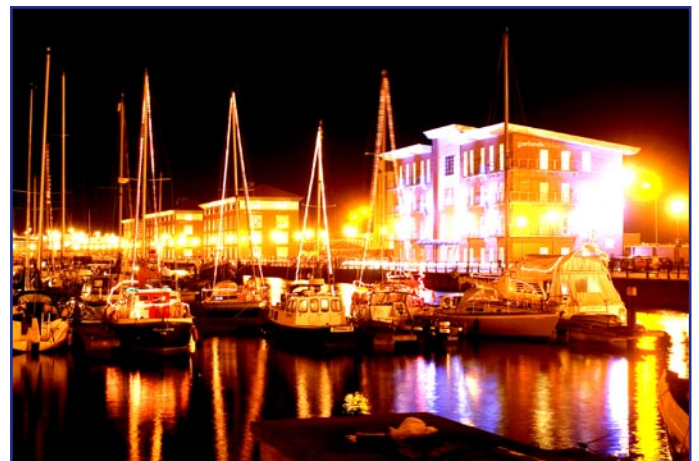


During the investigation into Hartlepool Borough Council's Community CCTV Provision, Members were very grateful to hear the views of not only our fellow colleagues at Darlington and Redcar and Cleveland Borough Councils, but also key stakeholders from Cleveland Fire Brigade, Cleveland Police, Housing Hartlepool and Hartlepool New Deal for Communities. On a visit to the Community Monitoring Centre, Members were impressed by the quality of the images captured by the CCTV Cameras and those Members on the visit could easily recognise themselves from recorded footage, which had been captured earlier outside of

Clavering Shops. In concluding the investigation, the Forum recommended that there be a planned series of events highlighting the importance of the CCTV cameras in the Town, as well as ensuring best value is achieved through the monitoring contract and request for financial contributions from principal users.

The Forum's second investigation focussed on the Marketing of Hartlepool, which Members felt to be particularly important with the Tall Ships Races coming to the Town in 2010. The Forum was interested to learn about the major changes to how Hartlepool is marketed and the importance of partnership working to encourage tourist and business investment into the Tees Valley and the wider North East Region.

Members were particularly indebted to the key business partners in Hartlepool who were able to provide their input from both a sector and individual business perspective. Members were delighted to hear the excellent feedback of the support provided by the Council's staff towards businesses in the Town, particularly in this current difficult economic climate. The recommendations formulated by Members encapsulated a desire to increase the celebration of the attractions that Hartlepool has to offer, as well as ensuring that signage and promotion continues to be appropriate so that both new visitors and businesses are drawn into the Town.



I think Members overriding thoughts at the end of the investigation were that we should be proud of what Hartlepool has to offer and I urge those who are technically minded to seek out the YouTube video 'Hartlepool Talls [sic] Ships Race Official Video', yes our Town really is that good.

**Councillor Shaun Cook**  
**Chair of the Regeneration and Planning**  
**Services Scrutiny Forum**



## PART THREE

People in Hartlepool want choice over the services they receive, influence over those who provide them and higher service standards.

In ensuring this happens, local resident representatives and young people continue to serve on the Council's Overview and Scrutiny Committee as Co-opted Members. Such innovative practice, ensures our Overview and Scrutiny Function is further strengthened, firstly by focussing on the

things that really matter to the people in Hartlepool with a view to improving outcomes and secondly by capturing the strengths and talents of such individuals through greater resident participation.

By way of illustration, outlined below is a selection of views from such dedicated individuals as part of their enhanced role in the Overview and Scrutiny process:-



'I have really enjoyed my first year as a resident representative on the Neighbourhood Services Scrutiny Forum. It is through this year's investigations into the condition of roads and the coastal defences that I've had the opportunity to directly contribute, to ensure that Hartlepool is a better place to live and work.'

Brenda Loynes

'As an active member of the Children's Services Scrutiny Forum and the Scrutiny Co-ordinating Committee I feel confident that the Council values the community contribution when shaping future service delivery.'

Christopher Akers-Belcher

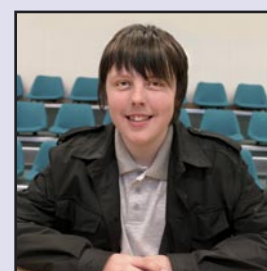


'The important part of the work of the Children's Services Scrutiny Forum is that it empowers the young people. This is my first year on scrutiny and it has been a positive and rewarding process'

Sally Vokes

'This year I've not only been involved with the scrutiny investigations, but also had the opportunity to go down to London to meet up with the Town's MP. Being involved in scrutiny has made me much more aware of what the Council does to help the young people of Hartlepool.'

Arran Frame



## PART FOUR

Overview and Scrutiny in Hartlepool continues to undertake an essential role in ensuring both the Council and its partners are continuously improving services for the residents of Hartlepool. During the course of the 2009/10 Municipal Year there are a range of further initiatives that are planned for implementation to further strengthen the Council's Overview and Scrutiny arrangements. These include:-

- To ensure that Overview and Scrutiny in Hartlepool continues to be a positive and constructive experience to both the Council and its partners and adds values to the services received by the residents of Hartlepool.
- To implement the extended power to Overview and Scrutiny through new legislation, in particular the Councillor Call for Action referral mechanism and holding public service providers to account.
- To further enhance the monitoring of agreed scrutiny recommendations by integrating the current arrangements within the Council's corporate performance management arrangements.
- To identify further opportunities for enhancing the knowledge and skills of Members and co-optees serving on the Overview and Scrutiny Committees.
- To continue to raise the profile of the work of the Overview and Scrutiny Function through tried and untested innovative approaches



For further information about this Annual Report or any aspect of the work of Overview and Scrutiny in Hartlepool please do not hesitate to contact the Scrutiny Support Team.

*'Public Scrutiny is indeed making a difference. Across government and the public sector, Non-Executives in their Scrutiny role are enhancing the accountability of public bodies, improving public services and boosting the wellbeing of the communities they represent'.*

Successful Scrutiny, Centre for Public Scrutiny.

## PART FIVE

### Contacting the Scrutiny Support Team

The Scrutiny Support Team provides independent, innovative and professional support and advice to the Authority's Overview and Scrutiny Committees in ensuring that Overview and Scrutiny is outcome focused and adds value to the work of the Authority and further afield.

You can contact the Scrutiny Support Team with general enquiries by:-

Email: [scrutiny@hartlepool.gov.uk](mailto:scrutiny@hartlepool.gov.uk)

Post: Scrutiny Support Team  
Chief Executive's Department  
Hartlepool Borough Council  
Civic Centre  
Victoria Road  
Hartlepool  
TS24 8AY

Fax: 01429 284009



**Charlotte Burnham - Scrutiny Manager**

Responsible for the management and development of the Overview and Scrutiny Function and the work of the Scrutiny Co-ordinating Committee

T: 01429 523087

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**Laura Starrs - Scrutiny Support Officer**

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All Overview and Scrutiny Final Reports together with further information on Overview and Scrutiny in Hartlepool, can be accessed via our web pages at the following address:  
<http://www.hartlepool.gov.uk/scrutiny> Email: [scrutiny@hartlepool.gov.uk](mailto:scrutiny@hartlepool.gov.uk)

## PART SIX

### Suggest a topic worthy of a Scrutiny Investigation

This Annual Report has outlined what the Overview and Scrutiny Committees in Hartlepool have done in the last 12 months. Perhaps you can influence what the Forums do in the future by suggesting a topic for investigation.

Please bear in mind that Overview and Scrutiny is not a complaints system, but can undertake in-depth reviews making recommendations to the Authority's decision making bodies.

If you live or work in Hartlepool you can play a part in improving the Borough by suggesting a suitable topic for investigation, which would be considered in relation to specific scrutiny review criteria.

If you have any suggestions then please complete the sheet below and return to the following address:-

Scrutiny Manager  
Chief Executive's Department  
Hartlepool Borough Council  
Civic Centre  
Victoria Road  
Hartlepool  
TS24 8AY

Alternatively email your suggestions to:  
**[scrutiny@hartlepool.gov.uk](mailto:scrutiny@hartlepool.gov.uk)**

Name

Address

Tel

Email

Suggestion for Scrutiny Forum





This document is available on request in alternative formats (e.g. large type / Braille / on tape). We can also arrange versions in other languages, If you would like an alternative version please contact us.

## COUNCIL

30 July 2009



**Report of:** Chair of Scrutiny Coordinating Committee

**Subject:** REVIEW OF PUBLICATION ARRANGEMENTS FOR MEMBERS ALLOWANCES, EXPENSES AND ATTENDANCES

### 1. PURPOSE OF REPORT

- 1.1 To present proposals from the Scrutiny Co-ordinating Committee for a review of publication arrangements for members allowances, expenses and attendances.

### 2. BACKGROUND INFORMATION

- 2.1 In light of the increased national profile of expenses claimed by MP's, Members of the Scrutiny Co-ordinating Committee wish to ensure that the reporting of Members expenses, allowances and attendances in Hartlepool is done in the most clear and transparent way possible. On this basis, a meeting of the Scrutiny Co-ordinating Committee was held on the 17 July 2009, at which a detailed report was presented outlining:-

- (i) Statutory requirements for the publication of expenses and allowances;
- (ii) Existing arrangements for the publication of expenses and allowances; and
- (iii) Possible options for changes to supplement existing statutory publication arrangements.

- 2.2 A copy of the report is provided at **Appendix A**.

### 3. PUBLICATION ARRANGEMENTS FOR MEMBERS ALLOWANCES AND EXPENSES

- 3.1 The Committee acknowledged that Hartlepool Borough Council already provides expenses information which exceeds the statutory requirements of the Local Authorities (Members Allowances) (England) Regulations 2003. The authority maintains detailed records of all payments made to each Councillor in relation to the following categories:-

- (a) Basic Allowances\*;
- (b) Special Responsibility Allowances\*;
- (c) Dependent Carers Allowance\*;
- (d) Travelling and Subsistence Allowance\*;
- (e) Co-optees Allowances\*;
- (f) Conference Travel;
- (g) Conference Subsistence;
- (h) Conference Fees;
- (i) Telephone Expenses; and
- (j) Chair/Vice Chair of Council Allowance.

\* Statutory requirement

3.2 In exploring existing publication arrangements, Members were made aware of the statutory requirement for publication each year of expenses and allowances within categories (a) to (e), as shown above. Within Hartlepool, this statutory requirement was currently fulfilled by the publication each year of the total sum paid to each Councillor (categories (a) to (e)) in Hartbeat during the month of September.

3.3 Over and above these arrangements, the Committee discussed in detail options for the development of current practices. These discussions culminated in a proposal from the Committee for an expansion of publication arrangements that further exceed statutory requirements.

3.4 *The Committee recommends:-*

- (i) That, exceeding minimum disclosure requirements, details of all categories of expenses and allowances (a) to (j) as outlined in paragraph 3.1 above be published in Hartbeat (commencing in September 2009);*
- (ii) That detail of expenses and allowances (categories (a) to (j)) are published in the finalised version of the Annual Statement of Accounts at the end of September each year;*
- (iii) That as part of the detailed disclosure of expenses and allowances in Hartbeat and the Annual Statement of Accounts, details of the aggregate annual figure for all Councillors for the previous year also be provided;*
- (iv) That in relation to allowances for those Councillors serving as representatives on the Police Authority and Fire Authority:*
  - Details of allowances paid by these authorities be added as a footnote to the details published in Hartbeat and the Annual Statement of Accounts in September each year\*;*

*\* This footnote will clearly indicate that these allowances are determined by Police and Fire Authorities and paid from those authorities budgets*

*further detailed disclosure of these allowances can be obtained from these authorities.*

- 3.5 During consideration of the evidence provided the Committee received written notification of support for the full disclosure of Members allowances and expenses from the Chair of the Audit Committee, Cllr Jonathan Brash – Leader of the Labour Group, and Cllr Arthur Preece – Leader of the Liberal Democrat Group.

#### **4. RECORDS OF MEMBERS ATTENDANCES**

- 4.1 The Committee noted that whilst there is no statutory requirement for the publication of Members attendances at Council meetings, a database of attendances at ‘formally constituted’ meetings of the Council (i.e. appointed committees / forums and meetings of the Executive) is compiled and managed through the Democratic Services section. Any Councillor can request details of their attendance from the database, as can Group leaders for their own Group. Information contained within this database has also been utilised to respond to Freedom of Information Act requests in the past.
- 4.2 In exploring routes through which the public have access to details of Members attendances, the Committee discovered that details of attendances are available through the formal records of attendance (set out in the minutes / decision records for each meeting) which are published after each meeting. In addition to this, signed attendance sheets are retained by Democratic Services and are available for public inspection.
- 4.3 Whilst the Committee had no issue with the process by which attendances are collated, concern was expressed that the inclusion of only ‘formally constituted’ meetings did not accurately reflect activities and commitment of Elected Members.
- 4.4 It was evident through discussions that there is a clear desire to produce factual useful information for residents of Hartlepool that accurately reflects what their Councillors do. The Committee recognised that the issue of ‘what’ and ‘how’ Members attendances should be recorded and published needed to be explored further. In order to do this, the Committee established a Working Group to look at this issue in greater detail. It was agreed that the membership of this Working Group would be Councillors James, Brash, Preece, Young, J Marshall, Simmons, C Akers-Belcher and Wright.
- 4.5 *The Committee recommended that:-*
- (i) The working group, explore and agree methods of collation of member attendances which would enable the fullest disclosure possible to be made and that member attendances be published alongside expenses claimed from September 2010.*

#### **5. RECOMMENDATION**



- 5.1 That Council notes the content of the report and considers the introduction of recommendations outlined in paragraphs 3.4 and 4.5 for the development / expansion of publication arrangements for Members attendances and allowances.

**COUNCILLOR MARJORIE JAMES  
CHAIR OF THE SCRUTINY CO-ORDINATING COMMITTEE**

**Contact Officer:-** Joan Wilkins – Scrutiny Manager  
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**BACKGROUND PAPERS**

- (i) Review of Publication Arrangements for Members Allowances and Expenses – Report of Chief Solicitor and Assistance Chief Executive – Scrutiny Co-ordinating Committee 17 July 2009.



# SCRUTINY CO-ORDINATING COMMITTEE

17<sup>th</sup> July, 2009

**Report of:** Chief Financial Officer

**Subject:** REVIEW OF PUBLICATION ARRANGEMENTS  
FOR MEMBERS ALLOWANCES AND  
EXPENSES

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## 1. PURPOSE OF REPORT

- 1.1 To enable Scrutiny Co-ordinating Committee to review the existing arrangements for publishing details of Members Allowances and Expenses and to determine if revised arrangements should be referred to Council.

## 2. REVIEW OF EXISTING PUBLICATION ARRANGEMENTS

- 2.1 In accordance with regulations issued by the Government – specifically “Statutory Instrument 2003 Number 1021 – The Local Authorities (Members Allowances) (England) Regulations 2003” all local authorities are required to: -

- Keep a record of the payments made to each Councillor in accordance with the authority’s approved Members Allowance Scheme showing the total sum paid in each financial year for the following categories:

- a) Basic Allowance;
- b) Special Responsibility Allowances;
- c) Dependent Carers Allowance;
- d) Travelling and Subsistence Allowance; and
- e) Co-optees Allowances

- 2.2 As soon as practicable after the end of the financial year the Authority must, in accordance with Statutory Instrument 2003/Number 1021 make arrangements for the publication within the Authority’s area of the total sum paid to each Councillor for the categories (a) to (e) detailed in paragraph 2.1.

- 2.3 In previous years the Council has discharged the above responsibilities by publishing the relevant details in the September

edition of Hartbeat. The details published in Hartbeat have included the following wording to explain the detail shown for each Member.

“The Basic and Special Responsibility Allowances are determined by the Independent Remuneration Panel. These allowances are subjected to Tax and National Insurance. The Basic Allowance is paid to all councillors in respect of their responsibilities and workload as a ward councillor. Special Responsibility Allowances are paid to councillors who have specific additional responsibilities. Travelling and Subsistence is paid to councillors to reimburse costs incurred when performing approved duties (\*including costs incurred when representing the Council on bodies outside Hartlepool). No carers or co-optees allowances were paid during this period.”

2.4 At a practical level the record of payments made to individual councillors maintained by the Council exceeds the statutory requirements detailed in 3.1 and the Council also records details of:

- Conference Travel;
- Conference Subsistence;
- Conference Fees;
- Telephone Expenses;
- Chair/Vice Chair of Council Allowance

2.5 In view of the increasing national profile of expenses claimed by MPs and to a lesser extent Councillor Expenses, Members may wish to review the Council's existing publication arrangements and to then refer this issue to full Council.

2.6 One proposal which Members may wish to consider would be to include details of Members Allowances and Expenses in the annual Statement of Accounts. This would be in addition to the existing disclosure in Hartbeat. If Members wish to adopt this proposal they would need to determine the level of disclosure for each individual Members and there are two options.

- Option 1 – Disclosure Details required in accordance with Statutory Instrument 2003 Number 1071

This option would provide the following details for each Member:

- Basic Allowance;
- Special Responsibility Allowance (where applicable);
- Travel and Subsistence Allowance (where applicable)
- Option 2 – Exceed the Minimum Disclosure

This option would provide the following details for each Member:

- Basic Allowance;

- Special Responsibility Allowance (where applicable);
- Travel and Subsistence Allowance (where applicable);
- Conference Travel and Conference Fees;
- Conference Subsistence;
- Telephone Expenses;
- Chair/Mce Chair of Council Allowance

If Members adopt this option the details included in the Statement of Accounts would included a description of the payments detailed above as set out in Appendix A.

- 2.7 For Members information the total values disclosed under the two options would be as follows:

	<u>Option 1</u>	<u>Option 2</u>
	<u>£</u>	<u>£</u>
Basic Allowances	273,384.11	273,384.11
Special Responsibility Allowances	145,963.47	145,963.47
Travel & Subsistence Allowances	2,677.11	2,677.11
Conference Travel	*	1,542.20
Conference Fees	*	2,737.45
Conference Subsistence	*	931.87
Telephone Expenses	*	2,270.84
Chair/Deputy Chair Allowance	*	12,695.69

\* Details above minimum statutory requirement would not be disclosed under Option 1.

- 2.8 It is also suggested that Members may wish to support the detailed disclosure for 2008/2009 with details of the annual figure for the previous year.
- 2.9 If Members determine they wish to include additional information in the 2008/2009 Statement of Accounts these details will be included in the final Statement of Accounts which will be referred to the Audit Committee in September, 2004. In future years this additional information will be included in the draft Statement of Accounts which are referred to the Audit Committee at the end of June.
- 2.10 At its meeting on 30<sup>th</sup> June, 2009, the Audit Committee were advised that this issue was being considered by your Committee. The Audit Committee support full disclosure of Members Allowances and Expenses and suggested that this issue be referred to Council.

### **3. RECORDS OF MEMBER ATTENDANCES**

- 3.1 The Democratic Services Team records Members attendances at the 'formally Constituted Meetings of the Council', which are Council, its appointed committees and forums and the meetings of the Executive (Cabinet, Portfolios and any executive committees). These are as set

out in Part 3 of the Constitution in Section B (Council Functions and Delegation Scheme) and Section C (Executive Functions and Delegation Scheme).

- 3.2 The formal record of attendance is that which is set out in the minutes/decision record of a meeting. These attendances are based on the signed attendance sheets and the Democratic Services Officer's own notes. The attendance details from the attendance sheets, including apologies and substitutions, are subsequently transferred to a database of all Members' attendances for the municipal year.
- 3.3 Details from the database are available upon request. Individual Members may request their own attendances for a particular time period. Group leaders can also request details for their own party. However, details of an individual Member's attendances are not released to another Member or Group.
- 3.4 Also, in accordance with standard practice, the signed attendance sheets for meetings are retained and are open to public inspection. The details of the attendances recorded on the database have not been made open to public inspection but have been used to respond to Freedom of Information Act requests in the past.

#### **4. RECOMMENDATION**

- 4.1 It is recommended that Members determine if they wish to recommend changes to supplement the existing statutory publication arrangements for Members Expenses and Allowances and refer this issue to Council.

### **MEMORANDUM NOTES - MEMBERS ALLOWANCES AND EXPENSES**

Note 7 on page 45 of the Core Financial Statements details the total value of Basic Allowances and Special Responsibility Allowances paid in 2008/2009 and the comparative figure for 2007/2008. This note provides a detailed breakdown of the Basic Allowance and Special Responsibility Allowances (SRA's) paid to individual Councillors for 2008/2009, together with other expenses and costs allocated to individual Members.

The detailed arrangements for paying the Basic allowance, SRA's and other expenses are defined by specific rules in the Council's constitution. The key components of these rules are described below:

#### **Basic and Special Responsibility Allowances**

The value of the Basic and Special Responsibility Allowances (SRA's) paid by the Council are based on recommendations made by the Independent Remuneration Panel.

#### **General Travel and General Subsistence**

This covers expenses claimed by Councillors for travel and subsistence with a 35 mile radius of Hartlepool in respect of approved duties as a Councillor.

#### **Conference Travel and Conference Fees**

The Council has an approved list of conferences which specific Members are authorised to attend. The conferences and travel arrangements are booked by officers of the Council on behalf of the Councillor(s) attending the conference. The costs of the conference fee and travel arrangements are then recorded against the individual Councillor who attended the event.

#### **Conference Subsistence**

This covers the cost of overnight hotel accommodation and expenses claimed by Councillors for 'out of pocket expenses' whilst staying away from Hartlepool where meals are not provided for in the overall conference fees. The allowances claimable are based on approved national subsistence rates.

#### **Telephone Expenses**

Councillor can be reimbursed for the cost of line and telephone rental. Councillors are also eligible to claim for installing a telephone line if a line is not already connected. Councillors cannot claim for the cost of telephone calls.

#### **Chair/Vice Chair of Council Allowance**

These specific allowances are paid to the Chair and Vice Chair of the Council to recognise the general costs associated with these positions from representing the Council in a public capacity within the town and region.

#### **Taxation, National Insurance and pensionable status of allowances**

Individual Councillors pay income tax and national insurance on all allowances payable to them. These allowances are not pensionable. When a Councillor loses office all allowances stop with immediate effect and no payments are made for the loss of office.

## COUNCIL

30 July 2009



**Report of:** Constitution Committee

**Subject:** Business Report

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### 1. PLANNING CODE OF PRACTICE

- 1.1 The purpose of this report is to seek the endorsement of Council to the adoption of a Planning Code of Practice. The attached draft (**Appendix 1**) has been considered by Standards Committee, a Planning Working Group (comprising members of the Planning Committee) and by the Constitution Working Group and Committee. If adopted, the Planning Code of Practice would be incorporated under Part 5 (Codes and Protocols) of the Council's Constitution. It should also be noted that draft versions of the attached document have been used for the purposes of on – going Member training.
- 1.2 The attached draft draws upon guidance issued by, amongst others, the Local Government Association, Royal Town Planning Institute and the Audit Commission. The draft code also builds upon the ethical framework established under the Local Government Act 2000, the Local Government and Public Involvement in Health Act 2007 and also general compliance with the provisions of the Human Rights Act 1998.
- 1.3 The main purpose of the code is summarised as follows:-
- Protecting the Council from criticism about the conduct of Members in the planning process.
  - Providing a framework to deal with potential problems.
  - Assisting in making decisions in the public interest.
  - Illustrates the openness and transparency of the decision making process.
  - The Planning Code of Practice seeks to explain and supplement the Members' Code of Conduct for the purposes of planning control.
- 1.4 A failure to abide by the provisions contained within the Planning Code of Practice may lead to:
- The Council being at risk of proceeding on the legality or maladministration of the related decision; and
  - Placing a Member(s) at risk of either being named and a report made to the Standards Committee or Full Council, or if the failure is likely to be a

breach of the Code of Conduct, a complaint being made to the Standards Committee through the local assessment of complaints process.

## RECOMMENDATION

That Members adopt the Planning Code of Practice as appended herewith.

## 2. QUESTIONS ON NOTICE – RULE 11.2 (ii)

- 2.1 At its meeting on the 7<sup>th</sup> November 2008, the Constitution Working Group requested a report to be prepared on the apparent contradiction, relating to questions on notice to the Cleveland Police Authority and to those questions to a member of the Cleveland Fire Authority pursuant to Council Procedure Rule 11.2 (ii).
- 2.2 Members will be aware, that a question on notice at Council, needs to be in writing and given to the Chief Executive Officer before midday on the Friday before the meeting (or, in the case of the meeting held otherwise than on a Thursday, three clear working days before the meeting) and where such a notice is also signed by a Member. Specifically, Rule 11.2(ii) relates a question to a Member appointed on such an outside body, as follows:
- *The person nominated by the Cleveland Police Authority pursuant to Section 20 of the Police Act, 1996 any question on any matter in relation to the discharge by the Police Authority of its functions; or*
  - *A member of the Cleveland Fire Authority the question in relation to any matter contained in minutes of the Fire Authority attached to the agenda of the meeting.*
- 2.2 Members will also be aware, that a response under Rule 11.4 to a question can take the form of either a direct oral answer which will then allow for open debate in Council or where the matter cannot conveniently be given by way of an oral answer, through a written response circulated to all Members of the Council. At the discretion of the Chair, the questioner may ask a supplementary question in accordance with Rule 11.2 at the next ordinary meeting of the Council about the issues related to that written answer.
- 2.3 Under the Fire Services Act, 1947 (as amended through the Fire and Rescue Services Act, 2004), the power given to the establishment of Fire Authorities can be exercised through a combination of representatives appointed on behalf of the constituent local authorities. As is the case with the Police Authority, the statutory requirement of the Fire Authority is to maintain “economy, efficiency and effectiveness” and, in the case of the Fire Authority the maintenance of public safety. Furthermore, such an Authority in operating a fire and rescue service has the following functions;
- promoting fire safety in its area,
  - making provision for the purpose of extinguishing fires in this area and protecting life and property in the event of fires in its area,



- provision for rescuing people in the event of road traffic accidents and protecting people from serious harm, to the extent that it considers it reasonable to do so, in the event of road traffic accidents in its area,
- at the discretion of the Secretary of State, the provision of emergency services.

2.4 Members of the Constitution Working Group at their meeting on 15<sup>th</sup> January 2009, clearly expressed a view that a wider definition of questioning should be available to members of the Borough Council towards representatives of a Council who sit upon the Cleveland Fire Authority. This is not currently the case, with the restriction to questions being related to the minutes of Fire Authority meetings, specifically attached to the agenda of a Council meeting. Members also noted that they would not wish to see a situation whereby Members were providing questions covering the operational and related activities of the Fire Authority and the Cleveland Fire Brigade but the present limited nature and scope of questioning undermined principles of accountability and transparency. This view was also expressed by the Chair of the Cleveland Fire Authority who indicated that the constituent members of the Authority as drawn from the four Borough Councils lent itself to general questioning, comparable to that which existed (albeit under a statutory requirement) to those members serving upon the Cleveland Police Authority. It was therefore his view that such general questions subject to the caveats such questions should not be of a defamatory or otherwise frivolous basis should be allowed under the Council's procedural rules.

2.4 Members must also have regard to matters of procedural fairness with adequate notice being provided to those Members of the Council who represent the Fire Authority through appointment to that particular body. Furthermore, questions should not be given which are of a nature of being defamatory, frivolous or otherwise being offensive and clearly should not relate to matters which could compromise a Member and possibly undermine the relationships between authorities. In addition, there may well be questions particularly of an "operational" nature which should be properly best directed to the Fire Authority as a corporate body, as opposed to questions to a Member of that entity, depending on the nature of the questions and its likely impact.

2.5 It is therefore suggested that an amended wording under Rule 11.2(ii) should relate as follows;

- *"A member of the Cleveland Fire Authority any question on any matter in relation to the discharge by the Fire Authority of its functions".*

## **RECOMMENDATION**

2.6 That Council approve, subject to Council Procedure Rule 24.2 the amendment to Rule 11.2(ii) in accordance with paragraph 2.5 of this report.

### 3. WARD SURGERIES AND THE ‘PURDAH’ PERIOD

- 3.1 Members of the Constitution Working Group and Committee requested a report concerning the pre-election or “Purdah” period and its relationship with the holding of Ward Surgeries. It is generally recognised that the period prior to Parliamentary, European and Local Authority elections can be a time of significant public interest and public scrutiny. There are a number of statutory provisions and also Government issued guidance, governing how candidates, Officers and the Council itself can act and use Council resources and facilities during this period. It has therefore become common practice for guidance to be issued during this sensitive period. Such information has focussed upon the legal and ethical considerations that Members should generally be aware of and be alert to, during this period. This incorporates and affects Members involvement in Council events during this pre-election period and the arrangement for publicity for those events. This not only impacts on the activities of candidates for election but how the Council and its Officers can respond to requests from Members during this period.
- 3.2 Although the connotation behind “Purdah” associated with the pre-election period has resonance for Central Government, the principles behind such restrictions have had increasing resonance and application to Local Government. The Cabinet Office Circular CO(08)3 (28th February 2008) provides specific advice within the Circular upon Government decisions and actions during the pre-election period, comprising advice on;
- Government decision making generally during the pre-election period;
  - making appointments in the pre-election period; and
  - conducting Government advertising campaigns during the election.
- 3.3 The pre-election period has generally been taken to commence on the publication of the notice of elections and concludes on the date of polling. Previous guidance issued to Members and Officers has advised that they must ensure that they;
- avoid – or do not give the impression of – breaching any such guidance, as to do so could have electoral and reputational implications for any Member standing for election;
- and
- if at all possible, improve the Council’s standing and reputation in terms of electoral matters.
- 3.4 The Local Government Act, 1986, imposes;
- (a) a prohibition on Local Authorities publishing “any material which cover in whole or in part what appears to be designated to affect public support for a particular party”; and

- (b) a Code of Practice (issued by the Secretary of State under the Act) to which the Local Authorities must have regard in coming to any decisions on publicity.
- 3.5 The definition of “publicity” is “any communication, in whatever form, addressed to the public at large or to a section of the public”. In determination of whether any material contravenes the above prohibition, the Act provides that regard shall be had to a number of matters including “the time and other circumstances of publication”. It is abundantly clear that any Member or indeed Officer, would not be permitted to use any Council resources for private or party political purposes. To do so would be in breach of the provisions of the Act and the Code of Conduct for Members.
- 3.6 As mentioned in the previous guidance notes issued on the “Purdah” restrictions, the business of the Council needs to continue and indeed must continue during an election period. The Court of Appeal recognised in the case of *Persimmon Homes Teesside Ltd v R (Kevin Paul Lewis) [2008]*, which considered the decision making of a Council’s Planning Committee during the pre-election period, that there were sound logistical reasons for decisions being taken during the period in question. However, publicity around Council business/events must be thoroughly thought through to ensure that Council resources are not used or allowed to be used or manipulated by anyone for private or more so, party political purposes. It would appear, from sight of previous meetings that the current policy of the Council was set out in the minutes of the Resources Committee which met circa 2001. In effect, the Council undertook;
  - (a) the administration involved in arranging of Ward Surgeries, be limited to 10 per Ward per year, such surgeries taking place in venues such as community centres and schools, and
  - (b) publishing notice of the Surgeries in Hartbeat, the Council’s quarterly community magazine published and circulated by the Council to in excess of 40,000 homes in the Borough.
- 3.7 Generally, in relation to Ward Surgeries, any decision is one for the Executive, subject to the requirement of the Council to consent to decisions that are outside the Council’s Budget and Policy Framework. Costs are borne by the Council in relation to the hire of rooms etc., In addition, there are some indirect costs which relate to staff time in making and facilitating such arrangements. It would also appear, that a convention/practice has arisen that no Ward Surgeries would be arranged during an election period ie, again, for the avoidance of doubt that relating to an issue of notice of election to the date of poll. The Chief Solicitor has had the benefit of seeing some initial instructions sent to Counsel by the then Chief Solicitor which indicated although it appeared that several factors could be involved, it was not clear on what basis this “moratorium” had been adopted.
- 3.8 Although the reasonableness of the costs involved and undertakings in making such arrangements and the incurring expenditure in relation thereto

is of consideration, there is the possibility that such costs could also potentially be in breach of the provisions of the Political Parties, Elections and Referendums Act, 2000. This legislation, amongst other provisions, provides the general restrictions relating to incurring campaign expenditure. It is therefore considered, that it is likely, but not inevitable, that costs borne by the Council in relation to arranging and giving public notice of Ward Surgeries could probably be considered to be an election expense insofar as the same relate to Surgeries held within the “Purdah” period. Similar considerations would apply in relation to the restrictions imposed through the provisions of the Local Government Act, 1986. This would be evidenced, for example, if the Surgery was used to promote a candidate, or the policy to which he/she subscribes. Further, it would not be a sufficient argument to indicate that such a Surgery had, in any event, been prearranged prior to the pre-election period.

- 3.9 Following detailed consideration of this item, the Constitution Committee made the recommendations as indicated below;

#### **RECOMMENDATIONS**

- (i) That in the year where a current Member stands for re-election, they should not participate in any ward surgeries held during the pre-election (purdah) period.
- (ii) That up to 12 surgeries may be held in each ward per year and that any budget implications be forwarded to the relevant Portfolio Holder for consideration.
- (iii) That on occasions when only 1 of the 3 ward Councillors wished to hold a ward surgery, then this be allowed subject to sufficient budget being available.
- (iv) That the Hartlepool Mail be approached to ascertain whether an article could be placed in the ‘What’s On’ column to promote dates of all ward surgeries.

#### **4. CHAIR’S ANNOUNCEMENTS**

- 4.1 At the Constitution Committee meeting on 1st May 2009, it was brought to Members’ attention that requests had been made for announcements to be made at Council, by the Chairman immediately prior to the commencement of the meeting. It was suggested that such requests should be formalised through a procedure whereby requests should be made to the Chairman prior to 12 noon on the day of the Council meeting. This should be adhered to at all times, apart from exceptional circumstances at the discretion of the Chairman.

## RECOMMENDATION

- 4.2 That requests for announcements to be made at Council should be received by the Chair of Council no later than 12 noon on the day of the meeting.

## 5. STATE OF THE BOROUGH DEBATE

- 5.1 Members of the Committee have considered Council Procedure Rule 15.1 'Calling of Debate' which presently states;

*'The Mayor will call a state of the Borough debate in the autumn of each year on a date and at a place to be agreed with the Chair.'*

- 5.2 In order to provide more certainty, it was a recommendation of the Committee that an emphasis upon the obligatory nature of this process should be highlighted, given that the results of the debate are designed to assist the formulation of the Budget and Policy Framework (Rule 15.8 refers). Further, that additional certainty would be achieved in specifying a particular month (October) when the Debate should be called and also an indication of the time (7.00 pm).

- 5.3 Accordingly, the following amendment was recommended:

*'The Mayor shall call a State of the Borough Debate in October of each year on a date and at a place to be agreed with the Chair, at 7.00 pm with an additional Debate to be held during the daytime, should The Mayor deem this to be necessary.'*

## RECOMMENDATION

- 5.4 That Council approve, subject to Council Procedure Rule 24.2, an amendment to Rule 15.1 in accordance with paragraph 5.3 of this report.

## 6. CIVIC HONOURS COMMITTEE

- 6.1 The role, remit of the Civic Honours Committee and nomination process relating to the nomination and election of Honorary Freeman and Alderman were recently considered by Constitution Working Group and Constitution Committee. The nomination process as agreed is attached at **Appendix 2**.

- 6.2 In addition, the role and function of the Civic Honours Committee to be included within the Council's Constitution was also considered and is attached at **Appendix 3**.

**RECOMMENDATION**

- 6.3 That the process relating to the nomination and election of Honorary Freeman and Alderman as shown in **Appendix 2** of the report be agreed
- 6.4 That the role and function of the Civic Honours Committee be approved as shown in **Appendix 3** and that this be included within the Council's Constitution Part 3, Section B.

## APPENDIX 2

### Process relating to the nomination and election of Honorary Freeman Aldermen

#### 1. Nominations

##### 1.1. Freeman of the Borough of Hartlepool

##### 1.1.1 Nominations for election as an honorary freeman should

- (a) have been born in the Borough *and/or*;
- (b) reside or have resided in the Borough *and/or*;
- (c) have or have had strong established links to the Borough; *and*
- (d) in some manner have brought distinction upon the Borough.

##### 1.1.2 Nomination for election as honorary freeman may be made by any -

- (a) Hartlepool Borough Councillor
- (b) political party or group connected with the Council
- (c) voluntary organisation operating in the borough
- (d) corporate body with premises in the borough
- (e) public or charitable body, or
- (f) member of the public

##### 1.1.3 The nominee must be either -

- (a) an individual person (not a body corporate), or
- (b) a group of individual persons,

but a person may not nominate him/herself

##### 1.1.4 Nominations must be in writing and may be submitted to the Chairman of the Council, the Mayor or the Chief Executive. A nomination should state the person or body making the nomination and his/her/its address and include an explanation of why the person nominated is considered appropriate to be elected as honorary freeman.

##### 1.1.5 Publicity

Invitation to submit nominations for election as freeman of the borough shall appear in two editions of Hartbeat prior to the closing date for nominations, and shall be posted on the Council's website [www.hartlepool.gov.uk](http://www.hartlepool.gov.uk)

#### 1.2 Honorary Aldermen

##### 1.2.1 Nomination for election as honorary alderman may be made by any -

- Hartlepool Borough Councillor
- Political party or group connected with the Council

- 1.2.2 Nominations must be of a person who has formerly served as a councillor of Hartlepool Borough Council
- 1.2.3 Nominations must be in writing and may be submitted to the Chairman of the Council, the Mayor or the Chief Executive. A nomination should be signed by the person or on behalf of the group making the nomination and include an explanation of why the person nominated is considered appropriate to be elected as honorary alderman.

2. Consideration of nominations

- 2.1 Nominations for election as honorary freeman and honorary alderman considered by the proper officer to comply with the requirements of para 1 (but for this purpose disregarding para 1.1.1) shall be referred to the next meeting of the Civic Honours Committee. The committee will consider each nomination (including its compliance with para 1.1.1) and may resolve to recommend the nomination to the Council. The committee shall comprise

- The Mayor
- The Chairman
- Seven Members (3 Labour, 1 Conservative, 1 Liberal Democrat, 1 Administrative Group and 1 Independent)
- One Resident Representative, and
- One representative from the Community Empowerment Network

(the Resident Representative and the representative from the Community Empowerment Network, being non-voting members of the committee)

(Note - the proper officer for the purposes of para 2.1 is the Chief Executive or his nominee)

- 2.2 A nominee whose nomination is resolved to be referred to the Council will be invited, on a confidential basis, to indicate whether s/he would accept the relevant honour if offered.
- 2.3 Following confirmation of the nominee's prospective acceptance, at the next ordinary meeting of the Council the Council will determine whether or not they are minded to elect the nominee as honorary freeman or alderman, as the case may be. Before the matter is considered the Chairman will invite the Council to resolve to exclude the press and public pursuant to Local Government Act 1972 sched 12A para 2.
- 2.4 If the Council resolve that they are minded to elect the nominee as honorary freeman or alderman the matter shall be deferred to be dealt with at an extraordinary meeting of the Council convened especially for that purpose.
- 2.5 The date for the extraordinary meeting to confer the honour shall be fixed either by the Council at the meeting referred to in para 3.4 or by the Chairman



## APPENDIX 3

<b>Civic Honours Committee</b>	
<b>Membership:</b>	<p><b>The Mayor, Stuart Drummond</b></p> <p><b>The Chairman of the Council, Councillor Richardson</b></p> <p><b>7 Members</b></p> <p><b>Councillors Aiken, S Akers- Belcher, Brash, Hill, James, Morris and Preece</b></p> <p><b>Non-voting members:</b></p> <p><b>Resident Representative: Ms C Blakey</b></p> <p><b>Community Empowerment Representative: Mr R Foreman</b></p>
<b>Quorum :</b>	<b>6 – A voting majority of 6 Members is required.</b>
<b>FUNCTION</b>	<b>DELEGATION</b>
<ol style="list-style-type: none"> <li>1. Receive, consider and make recommendations to Council in respect of conferment of the Freedom of the Borough upon individuals or organisations.</li> <li>2. Consider nominations for Honorary Alderman and make recommendations to the Council thereon.</li> <li>3. Make recommendations and issue guidance as the Committee may consider appropriate to Council on the conferment of Civic Honours.</li> </ol>	

# **HARTLEPOOL BOROUGH COUNCIL**

## **PLANNING CODE OF PRACTICE**

**Hartlepool Borough Council  
Civic Centre  
Victoria Road  
HARTLEPOOL  
TS24 8AY**

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*The main points of advice about the conduct expected of Members and Officers are emphasised in bold italics, like this sentence.*

## 1. INTRODUCTION

**1.1** The Local Government Act 2000 introduced a new ethical framework to local government, including a Model Code of Conduct for Councillors. Previously the Nolan Committee Report on Standards in Public Life (1997) issued advice to Local Planning Authorities to frame Local Codes of Conduct or Good Practice to cover the question of Probity in Planning. The Code complements and expands on the Model Code and is an annex to it. The Model Code is essentially concerned with the conduct of individual councillor's duties, while the Planning Code is concerned with the integrity of the Planning System and its procedures. The Code of Practice is based on guidance from, eg The Nolan Committee, the Local Government Association, the Royal Town Planning Institute, the Standards Board for England, the Audit Commission and others. The Code sets out practices and procedures designed to avoid allegations of malpractice in the operation of the planning system. The aim is to protect the integrity of the planning system as open and fair to all parties.

**1.2** The Code will be enforced by the Council's Standards Committee. The Code will be a consideration in any investigation of maladministration by the Local Government Ombudsman. The Code refers mainly to the actions of a Planning Committee as the main decision making body, but it applies especially to other forms of decision making, eg Council where planning issues may be discussed. The Code applies to both Councillors and Officers.

**1.3** In terms of Article 6 of the Human Rights Act 1998, (right to a fair trial), the Code, together with the availability of an appeal procedure will meet the requirements of the Article. Ensuring that decisions are properly recorded and supported by adequate reasons. The fundamental basis of the Code is that the Planning System operates in the public interest and therefore decisions affecting private and public interests have to be made openly, impartially, with sound judgement and for justifiable reasons.

**1.4** In addition, the role of elected Councillors on a Planning Committee involves balancing/representing the needs and interests of individual constituents and the community with the need to maintain an ethic of impartial decision making on what can be highly controversial proposals which give rise to great tensions.

## 2. THE NEED FOR A CODE

**2.1** Decisions on planning applications rely on informed judgement within a firm policy context. The determination of planning applications can be highly contentious because the actual decisions affect the daily lives of everyone and the private interests of individuals, landowners and developers. This is heightened by the openness of the system (ie it actively invites public opinion before taking decisions) and the legal status of development plans, decision notices and enforcement action. It is important, therefore, that the planning process is characterised by open, fair, impartial, transparent and defensible decision making.

**2.2** One of the key purposes of the planning system is to control development in the public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. It is important, therefore, that planning authorities should make planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons. The process should be able to show that decisions have been taken in an impartial, unbiased and well-founded way.

## 3. SCOPE OF THE CODE

**3.1** This guidance note sets out the practices which Hartlepool Borough Council follows to ensure that its planning system is fair and impartial, and explains the conduct expected of Borough Council Officers and Members on planning matters.

**3.2** It applies to both Councillors and Officers who are involved in operating the planning system - it is not, therefore restricted

to professional town planners or to Members in Committee meetings. The successful operation of the planning system relies on mutual trust and an understanding of each other's roles. It also relies on each ensuring that they act in a way which is not only fair and impartial but is also clearly seen to be so.

**3.3** Both councillors and officers are guided by codes of conduct. The statutory code of conduct, supplemented by guidance from the Standards Board, provides standards and guidance for councillors. Employees will be subject to a statutory Employees' Code of Conduct. Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct. Breaches of the Code may be subject to disciplinary action by the Institute. However, not all Planning Officers are members of the RTPI, and parts of the Code of Professional Conduct are incorporated into this Code. The Council also has a Code of Conduct for Employees, by which all employees are required to abide. In addition to these Codes, the Council's Rules of Procedure govern the conduct of Council business.

**3.4** Whilst this Code, and the others referred to above, attempt to be as clear as possible, ***if in doubt about how the guidance applies in particular circumstances seek advice***. Officers should seek advice from the Chief Solicitor, who also acts as the Council's Monitoring Officer under the Local Government and Housing Act 1989. Members can seek advice from the Development Control Manager or from a Solicitor within the Legal Services Division as appropriate.

**3.5** Appendix 1 also contains a list of other guidance on planning which is available from the Council.

**3.6** This guidance is mainly about planning applications, but also applies to the ways in which the Council handles all applications, planning enforcement matters and also how the Council prepares a Local Plan and the successor Local Development Frameworks. References to applicants and objectors should therefore generally also be taken to refer to complainants and alleged contravenors in enforcement cases, and to landowners, developers and objectors

involved in plan proposals. The guidance applies to planning matters on which a decision will be taken by the Borough Council.

#### 4. THE ROLE AND CONDUCT OF COUNCILLORS AND OFFICERS

**4.1** Councillors and Officers have different, but complementary, roles. Both serve the public. Councillors are responsible to the electorate, and are elected to represent all people of the Borough. Officers are responsible to the Council as a whole. They advise the Council and its committees, and carry out the Council's work. They are employed by the Council, not by individual Councillors, and it follows that instructions may be given to Officers only through a Council or Committee decision. Any other system which develops is open to question. A successful relationship between Councillors and Officers can only be based upon mutual trust, respect and an understanding of each others roles and positions. This relationship, and the trust which underpins it, must never be abused or compromised.

**4.2** Therefore:

- ***Individual Councillors should not give instructions to Officers on planning matters.***
- ***Officers' actions will follow Council policy and Committee decisions.***
- ***Political group meetings should not be used to decide how Members should vote on applications and enforcement cases and Councillors are not mandated on these matters by a political group.***

**4.3** The Model Code sets out the requirements on councillors in relation to their conduct. It covers issues central to the preservation of an ethical approach to council business, including the need to register and declare interests (see next section), but also appropriate relationships with other members, staff and the public, which will impact on the way in which councillors participate in the planning process. Of particular relevance to councillors who become involved in making a

planning decision is the requirement that a member

**“must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.” (Paragraph 6(a) Model Code of Conduct).**

**4.4** The basis of the planning system is the consideration of private proposals against wider public interests. Much is often at stake in this process, and opposing views are often strongly held by those involved. Whilst Councillors should take account of these views, they should not favour any person, company, group or locality, nor put themselves in a position where they appear to do so. **Councillors who do not feel that they can act in this way should consider whether they are best suited to serve on a planning committee.**

**4.5** Officers must always act impartially. The RTPI Code of Conduct says planners:

- shall not make or subscribe to any statements or reports which are contrary to their own bona fide professional opinions;
- shall act with competence, honesty and integrity;
- shall fearlessly and impartially exercise their independent professional judgement to the best of their skill and understanding;
- shall discharge their duty to their employers, clients, colleagues and others with due care and diligence; and
- shall not discriminate on grounds of race, sex, sexual orientation, creed, religion, disability or age, and shall seek to eliminate such discrimination by others and to promote equality of opportunity.

These guidelines should apply to all Planning Officers. More detailed guidance and requirements are in the Council's own Code of Conduct for Employees. Through the Local Government and Housing Act 1989, restrictions are placed on the outside activities

of senior staff, such as membership of political parties and serving on another Council.

**4.6** Impartiality (particularly crucial in highly contentious matters) is re-enforced by requirements on members in the Model Code. Members are placed under a requirement by the Model Code to:

- treat others with respect; and
- not to do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority.

**4.7** The principles from the Relevant Authorities (General Principles) Order 2001 (as embodied within the preamble to the Council's Code of Conduct) should guide the conduct of all Councillors. These principles are as follows:

- Selflessness
- Honesty and Integrity
- Objectivity
- Accountability
- Openness
- Personal Judgement
- Respect for Others
- Duty to Uphold the Law
- Stewardship
- Leadership

*The actions and conduct of Councillors and Officers should be such as would seem appropriate and above suspicion to an impartial outside observer. Decisions should be taken in the interests of the Borough as a whole, and should not be improperly influenced by any person, company, group or Parish/Town Council. The key is to demonstrate that each Council and Councillor's decision was taken on the facts alone, without any undue outside pressure.*

## 5. WHAT PLANNING DECISIONS ARE BASED ON

**5.1** Planning decisions are based on planning considerations and cannot be based on immaterial considerations. The Town and Country Planning Act 1990, as amended, together with Government guidance and cases

decided by the courts, define what matters are material to planning decisions.

**5.2 *It is the responsibility of Officers in preparing reports and recommendations to Members, and in advising Committees, to identify the material planning considerations and to ensure Members are aware of those matters which are not material to planning decisions.***

**5.3** Section 70 of the Town and Country Planning Act 1990, provides that Members have a statutory duty when determining planning applications, to have regard to the provisions of the development plan where material to the application, and to any other material consideration.

Under Section 38 (6) of the Planning & Compulsory Purchase Act 2004 'If regard is had to the development plans the determination must be made in accordance with the plans unless material considerations indicate otherwise'

The development plan consists of:

- The North East of England Plan, Regional Spatial Strategy (Issued 2008)
- The Hartlepool Local Plan (including Minerals & Waste Policies) (April 2006).

After April 2009 a limited number of Hartlepool Local Plan Policies not specifically saved by the Direction of the Secretary of State will cease to have statutory weight.

The Hartlepool Local Plan will in due course be superseded by the Hartlepool Local Development Framework.

**5.4** Other material planning considerations include:

- Government guidance contained, for example, in Planning Policy Guidance notes (PPGs), Planning Policy Statements (PPSs), Regional Planning Guidance, Regional Spatial Strategies (RSS), Circulars and Ministerial announcements;
- planning briefs and other 'supplementary planning guidance' approved by the Council following public consultation;

- statutory duties in relation to conservation areas and listed buildings;
- representations made by statutory consultees and other people making comments, to the extent that they relate to planning matters;
- the environmental qualities of the surrounding area or the visual character of a street (this includes the scale, design and materials of buildings and the landscaping of a site);
- the amenity and privacy of dwellings;
- the character of an area in other senses (in terms of noise or other forms of pollution);
- road safety (both directly as in the case of a dangerous access or indirectly in terms of car parking and traffic generation);
- public services, such as drainage;
- public proposals for using the same land; and
- legitimate planning gain/community benefit.

**5.5** There is much case law on what are, and are not material planning matters. ***Planning matters must relate to the use and development of land.*** For example, the following are ***not*** normally planning matters and ***cannot be taken into account in planning decisions:***

- personal and financial considerations;
- private property rights and boundary disputes;
- covenants;
- effects on property and land values;
- developers' motives;
- public support or opposition, unless it is founded on valid planning matters;
- the fact that development has already begun (people can carry out development at their own risk before getting permission and the Council has to judge development on its planning merits);
- the fact that an applicant has carried out unauthorised development in the past;
- "trade objections" from potential competitors;
- moral objections such as activities likely to become addictive, for instance betting shops, lottery kiosks or amusement arcades;



- the belief that an application is submitted by an owner with the intention of selling the property at an enhanced value;
- the loss of an attractive private view (for instance when development is proposed on the opposite side of the road to or at the rear of an objector's house);
- the fear that an objector's house or property might be devalued;
- the fact that the applicant does not own the land to which his application relates (this can be overcome by agreement with the owner and, if it is not, the development cannot happen);
- the fact that an objector is a tenant of land where development is proposed; any consequences between landlord and tenant are unrelated to the application;
- allegations that a proposal might affect private rights, eg restrictive covenants; property maintenance; ownership and private rights of way disputes; boundary disputes; (such considerations are legal matters on which objectors should consult their own solicitor or advisor since it will not be possible for Officers of the Council to advise as to such rights);
- arguments of a personal kind in relation to the circumstances of the applicant. It is essential that Members are aware that planning permission goes with the land. The Government inquiry into planning in North Cornwall ('Inquiry into the Planning System in North Cornwall - DoE 1993') makes it plain that personal preferences are not reasons for granting planning permissions. Personal circumstances may, very exceptionally, have a place in the system. Therefore, information about the applicant should not be material to the consideration of a planning application in the vast majority of cases, and personal circumstances cannot therefore, in general, outweigh planning considerations.

## 6. DUTIES AND SANCTIONS

The Council's Planning Committee exercises the Borough Council's statutory Local Planning Authority functions and is the decision maker for the purpose of determining applications other than those matters falling

within the Council's Scheme of delegation (see Appendix 4). Decision makers have a very special responsibility and have a number of statutory duties. There are also sanctions against the Council and Members for a failure to properly discharge the Local Planning Authority function. These duties and sanctions are summarised in Appendix 2.

## 7. THE DECISION MAKING PROCESS

In reaching a decision on a planning application, Members need to:-

- identify the development plan policies which are relevant to the particular development proposal;
- identify any other material considerations;
- if there are other material considerations, the development plan should be taken as a starting point and the other material considerations should be weighed in reaching a decision. Considerable weight should be attached to the relevant policies of an adopted development plan. Exceptionally, paragraph 21 of The Planning System : General Principles, a document published alongside Planning Policy Statement 1: Delivering Sustainable Development advises that the personal circumstances of an occupier, personal hardship, or the difficulties of businesses which are of value to the welfare of a local community may be material. Such arguments will seldom outweigh the more general planning considerations. That means such considerations generally have less weight.

At a fundamental level, Members should go through the following three stage process when making a decision:-

### Stage 1

- Identify the relevant development plan policies and other relevant material considerations (if any) in

respect of the application which need to be taken into account in the decision making process.

- (ii) Identify irrelevant matters which should not be taken into account in the decision making process. These include the applicant's personal qualities such as having a long term family connection with the area, his or her popularity in the community, the fact he/she is a local farmer, the fact that a son or daughter is just about to marry.

### **Stage 2**

Attach sufficient weight to the development plan policies and other material consideration for and against refusal or approval.

Paragraph 21 of The Planning System: General Principles indicates that less weight is generally attached to personal circumstance. When they arise they fall to be considered not as a general rule, but as an exception to a general rule to be met in special cases.

Paragraph 13 of The Planning System: General Principles, indicates that Members must have proper regard to Government Statements of Planning Policy which indicates the weight to be given to relevant considerations. If Members elect not to follow relevant statements of the Government's Planning Policy, they must give clear and convincing reasons.

### **Stage 3**

Weigh the material considerations in reaching a decision.

A failure to follow the proper decision making procedure can give rise to a proceedings for a Judicial Review or a finding of maladministration by the Local Government Ombudsman.

- ***In the decision making process, Members should not take into account irrelevant matters, allow***

***them to outweigh important planning considerations and fail to take fully into account Government guidance on the weight to be attached to relevant considerations.***

- ***Members should determine applications in accordance with the advice given to them by their professional officers unless they have good planning reasons, in the knowledge of all material considerations, to take a decision contrary to the officer's recommendation.***

## **8. LOBBYING OF AND BY COUNCILLORS**

**8.1** It is important to recognise that lobbying is a normal and perfectly proper part of the political process: those who may be affected by a planning decision will often seek to influence it through an approach to their elected Ward Member or to a Member of the Planning Committee. As the Nolan Committee's Third Report states: 'local democracy depends on Councillors being available to people who want to speak to them. It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is via the local elected representative, the Councillors themselves' (paragraphs 285, 288). However, such lobbying can, unless care and common sense are exercised by all the parties concerned, lead to the impartiality and integrity of a Councillor being called into question.

**8.2** Councillors need to take account of the general public's (and the Ombudsman's) expectation that a planning application and other applications will be processed and determined in a transparently open and fair manner, in which Members taking the decision will take account of all the evidence presented before arriving at a decision, and that to commit themselves one way or the other before hearing all the arguments and evidence makes them vulnerable to an accusation of partiality. The determination of a planning application, or of a planning enforcement case,

is a formal administrative process involving rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly, with the added possibility that an aggrieved party may seek Judicial Review of the way in which a decision has been arrived at, or complain to the Ombudsman on grounds of maladministration.; or to the Standards Committee that a member has breached the local code.

**8.3** A Councillor who represents a ward affected by an application is in a difficult position if it is a controversial application around which a lot of lobbying takes place. If the Member responds to lobbying by deciding publicly to support a particular outcome - even campaign actively for it - it will be very difficult for that Member to argue convincingly when the Committee comes to take its decision that he/she has carefully weighed the evidence and arguments presented (perhaps in some respects for the first time) at Committee. Whilst in most circumstances this may not amount to a prejudicial interest in terms of the Model Code of Conduct, **the proper course of action for such a Member would be to make an open declaration and not to vote.** This can be seen, however, as a severe restriction on the Member's wish - duty even - to represent the views of the electorate. In most cases it should be possible for a Member to listen to a particular body of opinion, without engaging in lobbying for a particular outcome, and wait until the Planning Committee, to hear all the evidence presented, before making a final decision.

**8.4** It is very difficult to find a form of words which covers every nuance of these situations and which gets the balance right between the duty to be an active ward representative and what the National Code of Local Government Conduct calls the 'overriding duty as a Councillor ... to the whole local community'. However, the following guidance will be appropriate in most cases.

**8.5 Councillors who are lobbied on a planning matter before the Planning Committee:**

- *may listen to what is being said;*

- *may give procedural advice eg to write to the Director of Regeneration and Planning, the name of the Case Officer, the deadline for comments, whether the application is to be determined by the Planning Committee or delegated to officers how decisions are reached through Officer recommendation /Planning Committee;*
- *should refer the person and any relevant correspondence to the Case Officer, so that their views can be recorded and, where appropriate, summarised in or attached to the report to the Committee;*
- *should take great care about expressing an opinion which may be taken as indicating that they have already made up their mind on the issue before they have considered all the evidence and arguments;*
- *should make it clear that Councillors will only be in a position to take a final decision after having heard all the relevant evidence and arguments at Committee;*
- *should not openly declare which way they intend to vote in advance of the relevant Committee meeting, or otherwise state a commitment to oppose or support the application;*
- *should not negotiate detailed planning matters with applicants, agents, objectors, etc;*
- *should pass relevant correspondence to the Case Officer prior to any Committee meeting;*
- *should report instances of significant, substantial or persistent lobbying to the Development Control Manager or the Director of Regeneration and Planning.*

**8.6 Councillors who have openly declared their voting intention in advance of the relevant Committee meeting should make an open declaration and leave the meeting, taking no part in debate or voting.**

**8.7 To avoid impressions of improper influence which lobbying by Members can create:**

- *Councillors should in general avoid organising support for or opposition to a planning matter to be determined by the Borough Council, and should not lobby*

*other Councillors - such actions can easily be misunderstood by parties to the application and by the general public;*

- *Councillors should not put pressure on Officers for a particular recommendation;*
- *political group meetings should not be used to decide how Members should vote on planning matters;*
- *Councillors should not act as agents or advocates for planning applications or any other applications, enforcement cases or proposals to be determined by the Borough Council. Where a Councillor is involved in a particular planning matter, she/he should take care not to appear to try to influence other Members, and should declare an interest at the relevant Committee meeting.*
- *Whenever a Member is approached or lobbied on any particular application Members should consider distributing the draft letter attached as Appendix 3 which makes clear the neutral stance which Members need to adopt to remain impartial pending consideration of all the material facts at the Committee meeting.*
- *If Members attend private site meetings in their ward at the request of the applicant they should express no opinion on the merits of the application and should normally advise the applicant that the Member may also speak to other interested parties including objectors, again, without expressing any opinion on the merits of the application prior to determination before Planning Committee.*
- *Members should not normally undertake private site inspections in another Member's ward without prior notice to the Ward Member. Again Members should express no opinion on the merits of the application.*

## 9. PRE-APPLICATION AND PRE-DECISION DISCUSSIONS

**9.1** The Council encourages pre-application discussions between Planning Officers and potential applicants. These bring advantages to all parties: they can avoid applications being made which are clearly contrary to policy, and

so avoid unnecessary worries for those who could be affected; they can avoid abortive work for the Council and applicants by giving clear information about applicable policies, etc before proposals are designed; and so they can improve the quality of applications and development.

**9.2** However, discussions might be seen (especially by objectors) as part of a lobbying process. In order to avoid such problems, pre-application discussions should take place within clear guidelines. Although the term 'pre-application' has been used, the same considerations apply to any discussions which take place before a decision is taken:

- *The Officer should always make it clear at the outset that the discussions will not bind a Council to making a particular decision, and that any views expressed are personal and provisional. By the very nature of such meetings, not all relevant information will be to hand, neither will formal consultations with interested parties have taken place.*
- *Advice should be consistent and based upon the development plan and material considerations.*
- *Where the Director of Regeneration and Planning is the decision-maker (for delegated matters - see later), he/she should normally not meet the applicant, agent or objectors to discuss a case without another Officer present. A written note should be made of all discussions. A follow-up letter is advisable, at least when documentary material has been left with the Council. A note should also be taken of telephone discussions.*
- *Whilst Councillors will not normally be involved in pre-application or pre-decision discussions, if a Councillor is present he/she should be accompanied by an Officer. The Councillor should be seen to be advised by the Planning Officer on development plan and other material considerations, and the Officer should take a note of the meeting.*

**9.3** Applicants and potential applicants sometimes ask for advice on whether planning permission will be granted in particular

circumstances. Advice may also be sought on the lawful use of land. For clarity, and to avoid a future decision on a planning application being compromised:

- *Officers should normally ask someone requesting advice to put the request in writing - so that it is clear on what proposal or circumstances advice is being given.*
- *Written replies to such requests will contain a caveat that advice cannot bind a future decision of the Council on any subsequent application.*
- *Persons seeking advice about the lawful use of land should be advised that Parliament has provided a procedure for a Local Planning Authority to certify what a lawful use of land is by means of an application for a Certificate of Lawfulness of Existing Use of Development. Advice from an Officer cannot legally circumvent this procedure.*
- *Officers will be unable to say what their recommendation is on a particular planning matter until all issues have been considered and the papers published for the relevant Committee.*

## 10. REGISTRATION OF INTERESTS

The Local Government Act 2000 and the Model Code place requirements on members on the registration and declaration of their interests and the consequences for the member's participation in consideration of an issue, in the light of those interests. These requirements must be followed scrupulously and councillors should review their situation regularly. Guidance on the registration and declaration of interests will be issued by the Standards Board and advice may be sought from the Council's Monitoring Officer. Ultimate responsibility for fulfilling the requirements rests individually with each Councillor.

A register of members' interests will be maintained by the Council's Monitoring Officer, which will be available for public inspection. A member must provide the Monitoring Officer with written details of relevant interests within 28 days of his

election, or appointment to office. Any changes to those interests must similarly be notified within 28 days of the member becoming aware of such changes.

## 11. DECLARATION OF INTERESTS BY MEMBERS AT COMMITTEE

**11.1** The Model Code abandons the use in the old National Code of the terms 'pecuniary' and 'non-pecuniary' interests. Instead, it uses the terms '**personal**' and '**prejudicial**' interests. The code defines a personal interest in any matter under discussion as:

(1) if the matter relates to an interest in respect of which the member has given notice in the statutory register of members' interests; and

(2) if a decision upon it might reasonably be regarded as affecting to a **greater extent than other council tax payers, ratepayers or inhabitants of the authority's area**, the well-being or financial position of themselves, a relative or a friend, or

- any employment or business carried on by such persons;
- any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
- any body which the member is required to register in the statutory register of interests, in which such persons hold a position of general control or management.

**11.2** Where a member considers he has such a personal interest in a matter, he must always declare it, but **it does not then necessarily follow that the personal interest debars the member from participation in the discussion.**

**11.3** The member then needs to consider whether the personal interest is a **prejudicial** one. The code provides that a personal interest

becomes a prejudicial one “...if the interest is one which a member of the public **with knowledge of the relevant facts** would **reasonably** regard as so significant that it is likely to prejudice the member’s judgement of the public interest”. A member with a prejudicial interest shall declare it and leave the room, **unless members of the public are allowed to make representations, give evidence or answer question about the matter** by statutory right or otherwise. If that is the case, the member can also attend the meeting for that purpose. However, the member must immediately leave the room once they have finished or when the meeting declares that the member has finished (if that is earlier). For the avoidance of doubt, the member should not remain in the public gallery to observe the vote on the matter.

**11.4** The code will include some exceptions to this. For example, if the matter under discussion relates to:

- another authority of which the Councillor is a member;
- another public authority in which the councillor has a position of general management or control;
- a body to which the councillor has been appointed or nominated as a representative of the authority.

Then, in these circumstances, the interest **may not be regarded as prejudicial**. In practice, therefore, the member would need to declare the interest, but could participate.

**11.5** It can be seen that these provisions of the code are an attempt to separate out interests arising from the personal and private interests of the councillor and those arising from the councillor’s wider public life. The emphasis is on a consideration of the status of the interest in each case by the councillor personally, and included in that judgement is a consideration of the perception of the public, acting reasonably and with knowledge of the facts. Whilst the Standards Board, is mandated to provide guidance on the Code of Conduct, the decision in the end will be for the councillor alone to take.

**11.6** Subject to paragraph 11.3, translated to a councillor’s involvement in planning issues, the two stage test of personal and prejudicial interests will, as now, require a councillor to abstain from involvement in any issue the outcome of which might advantage, or disadvantage the personal interests of the councillor, his family, friends or employer.

**11.7** The exceptions made to the definition of prejudicial interests relating to membership of outside bodies mentioned in paragraph 11.4 are attempts to clarify the nature of such interests and to encourage participation in such cases. It appears that too often in the past, members had been prevented from participation in discussions in such circumstances, on the basis that mere membership of another body constituted an interest that required such a prohibition, even in cases where the member was only on that body as a representative of the authority.

**11.8** When considered in the context of planning matters, this approach will require the exercise of particular judgment on the part of the councillor. The use of the term ‘prejudicial’ to describe the interest is helpful here. If a planning matter under consideration relates to another body upon which the councillor serves, the exemption in the Model Code would suggest that the member could participate in a decision on that matter - ie membership of that body could not be considered per se a prejudicial interest, which would bar the member.

**11.9** However, if a member, in advance of the decision-making meeting had taken a firm view on the planning matter (in essence they had ‘pre-determined’ the matter), either in meetings of the other body or otherwise, they would not be able to demonstrate that, in participating in a decision, all the relevant facts and arguments had been taken into account, they would have fettered their discretion. Were they to participate in a decision in those circumstances, they might place their authority in danger of Judicial Review.

**11.10** There will be occasions when members will wish to press for a particular development which the member regards as beneficial to the

development of the area. Should that member be able to vote on any planning application relating to that development? The appropriate action is not clear cut, and may depend on the particulars of the case. However, the general advice would be that a member in such circumstances may well be so committed to a particular development as the result of undertaking the responsibilities of furthering the development of the area, that he or she may well not be able to demonstrate that they are able to take account of counter arguments before a final decision is reached. Indeed, the member may be seen as an advocate on behalf of the authority for the development in question. In that sense, the member becomes almost the ‘internal applicant’. In such circumstances, the appropriate approach is likely to be that the member advocating for the development should not vote on the relevant applications.

## **12. PARISH OR TOWN COUNCIL MEMBERSHIP**

**12.1** The Council consults the relevant Parish or Parish Meeting on every planning application. Planning Officers may, on request, attend a Parish meeting early in the life of an application to explain the facts of the application and any relevant Development Plan policies.

**12.2** Difficulties can arise for Councillors who are members of a Parish Council as well as the Borough Council. By taking part in a Parish Council meeting when their comments on an application are agreed, a Borough Councillor will be seen to have made up her/his mind in advance of hearing all the issues at the decision-making Borough Council Committee. The member could be considered to have fettered his or her discretion. In those circumstances the member should not participate at the Borough Council meeting.

In such cases the member has been excluded not because of the code but because the member’s previous actions had fettered his or her discretion and possibly laid the council open to the objection that the planning process had been tainted. So, a member has to choose whether to form a view at an early stage of the process and campaign for or against the

planning applications but be excluded from the final decision-making; or reserve judgment until all views have been considered and only then form a view.

*‘Dual’ Members should therefore either:*

- *not take part in the discussion of an application at the Parish Council meeting at which comments are agreed; or*
- *not take part in the discussion/decision on the application at the Borough Council’s Planning Committee;*

Furthermore:

- *although the consultation response from a Parish Council is a relevant consideration, Members should not automatically defer to the Parish Council view, because Parish Councils do not have the advice of professional Planning Officers in reaching their decision.*

## **13. UNAUTHORISED DEVELOPMENT OR BREACH OF LISTED BUILDING CONTROL**

**13.1** Members or Officers who are aware of a breach of planning or listed building control on land under their ownership or control should promptly advise the Development Control Manager or the Director of Regeneration and Planning of the breach in writing.

**13.2** Breaches of planning or listed building control involving a Member or an Officer should be promptly investigated by the Development Control Manager and the Director of Regeneration and Planning and be the subject of an enforcement report to Planning Committee.

## **14. OFFICER REPORTS TO COMMITTEE**

**14.1** To ensure that Committees give due consideration to the development plan and other material considerations, all Committee decisions on planning applications, enforcement cases and other proposals will normally be taken only after the Committee



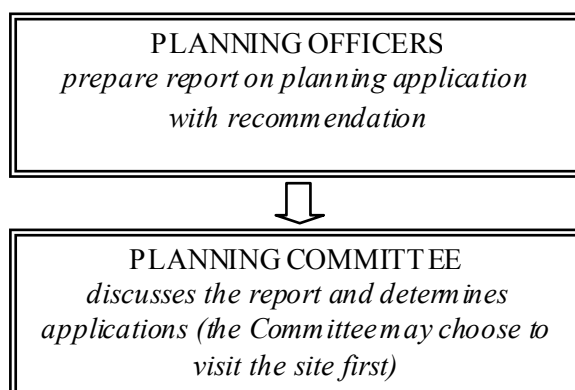
has received a written Officer report. Written Officer reports will be agreed through the Development Control Manager and will reflect the collective view of the Department - not the view of the individual author.

**14.2** Reports should be accurate and should:

- cover, amongst other things, the substance of objections and the views of people who have been consulted;
- include reference to relevant material and applicable policies and their implications for the case; the site or related history (where relevant) and any other material considerations;
- have a written recommendation of action; oral reporting should be rare and be carefully minuted when it occurs;
- contain an appraisal of the planning considerations which clearly justifies the recommendation and broadly indicates the weight which can be given to any opposing considerations;
- if the recommendation is contrary to the provisions of the development plan, clearly state the material considerations which justify this;
- describe the purpose and content of any conditions, planning agreement or obligation proposed in association with the planning permission.

## 15. COMMITTEE PROCEDURES

**15.1** Decisions relating to planning applications (other than those matters dealt with under the Council's Scheme of Delegation) are taken by the Council's Planning Committee. The procedure for processing planning applications may be summarised as follows:



**15.2** Reports are available to the public five working days before the Committee on request. Paragraph 14.2 describes the content of reports. The application files, containing all comments, are also available at that stage. Late letters and other information may be put to Committee and copies of these are normally available for inspection. The public (including applicants and objectors) can attend Committee meetings and may speak under the terms of the Council's public speaking policy.

**15.3** A guidance leaflet on public speaking and the process to be followed is available from the Borough Council. In essence, the officer will explain what is proposed and highlight the key planning issues. An individual wishing to speak on an application can ask to address the Committee for a defined time, ordinarily four minutes, Members may then ask questions of that individual if they wish. If the applicant (or agent) wish to speak or respond to points raised, they can then do so. Again, Members will then debate the merits of the case and arrive at a decision. . For the avoidance of doubt, Members should also be similarly limited to the time constraints mentioned above and should not speak more than once at the 'debate stage' unless the Chair otherwise determines.

**15.4** It is important that Members are present throughout all the debate on an item. **If any Member has to leave the Committee meeting for any reason, thereby missing any part of the proceedings, he/she should take no further part in the voting arrangements for the item(s) considered during their absence.**

**15.5** The Planning Committee may agree or disagree with the report and recommendation (but see sections 18 and 19 below). Having considered all the relevant planning matters, the Committee may:

- grant planning permission ( usually with appropriate planning conditions) with justified planning reasons;
- refuse planning permission, with justified planning reason(s);

- defer the application for further consideration.

**15.6** Planning enforcement decisions are normally taken by the Planning Committee. A written Officer report will normally be prepared in advance of the Committee. The report and the discussion at the Committee on some enforcement matters may not be available to the public, for example if the Council is considering a prosecution in the courts. Schedule 12A of the Local Government Act 1972 as amended sets out what can be considered in private.

**15.7** Decisions on Local Plan/Local Development Plan proposals are referred to the Portfolio Member, following consideration of a written Officer report.

**15.8** The procedures governing the conduct of meetings are set out in the Council's Constitution. However, the general public who attend these meetings will usually not be familiar with the Council's Constitution, or this Code. It is therefore important that decisions are made on relevant grounds and that this is the impression left with the public who attend. Responsibility for this rests primarily with the Chairman of the meeting, assisted where appropriate by officers. To facilitate this:

- *a briefing for the Chairman and Vice-Chairman of the Planning Committee will be held after the Officer reports and recommendations have been published. The purposes of these briefings is to inform the Chairman and Vice-Chairman of the issues, to ensure that the rationale for the Officer recommendation is explained, and to identify any potentially problematic or controversial items;*
- *one or more Chartered Town Planners will be present at all Planning Committee meetings at which planning matters are considered;*
- *a Legal Officer will normally also be present.*

At a briefing and in order to ensure the proper conduct of the Committee meeting and to minimise any inconvenience, the

**Chair and Vice Chair may agree for an item(s) to be withdrawn if circumstances so require, the Committee being notified at the commencement of their meeting, of such withdrawal of the item(s) from the agenda.**

## **16. COMMITTEE SITE VISITS**

**16.1** The Planning Committee may sometimes decide to visit a site prior to determining an application. Site visits sometimes result from a request by a Ward Councillor. It is acknowledged that this is a proper part of the representational role and should normally be acceded to, so long as the Ward Councillor can justify his/her request in relation to material planning considerations. Site visits should not be employed merely to appease local interest in an application.

**16.2** However, site visits cause delay and add costs for the applicant and Council, and should only be used where there are substantial benefits. Therefore:

- *A site visit is likely to be necessary only if the impact of the proposed development is difficult to understand from the plans and any supporting material, including photographs taken by Officers, or if the proposal is particularly contentious.*
- *The reasons for a site visit should be clearly stated and minuted.*
- *All Members of the Planning Committee will be invited and should make every effort to attend, so that they understand the issues when the matter is considered at the following Committee meeting.*

**16.3** Site visit meetings will be conducted in a formal manner:

- *The Chairman should start by explaining the purpose and conduct of the site inspection.*
- *The Officer will describe the proposal and highlight the issues relevant to the site inspection and other material planning considerations.*
- *The Officer will be asked to point out relevant features which can be observed. Members may also wish to point out features which can be observed, or to ask factual questions of the Officer.*

- *To avoid giving an impression of being lobbied, Members should not listen to or talk to any individuals whilst on site, unless being addressed as a group. Any comments should be made to the whole group through the Chair.*
- *The public, applicant or objector may attend the site inspection and will be invited by the Chair to draw Members' attention to any salient features or to any relevant factual information.*
- *Other than to draw Members' attention to any salient feature or to clarify a factual point, the public, applicant and objector will not be allowed to participate.*
- *To avoid Members being spoken to individually, the Chairman should endeavour to keep the Committee together as a group.*
- *No discussion or decision-making will take place on site.*
- *No hospitality will be accepted before, on or after site visits.*
- *Members or Officers who have any declarable interest which means they should not participate at Committee on determining the application should not attend a site inspection.*

## 17. DECISIONS DELEGATED TO OFFICERS

17.1 The Council has generally agreed that decisions on certain types of application can be taken by the Director of Regeneration and Planning through the Development Control Manager or the Assistant Director of Regeneration and Planning, some in consultation with the Chair of the Planning Committee. These are wide ranging but generally less contentious the discharging of planning conditions and breaches of planning conditions. The full list of decisions delegated to the Director of Regeneration and Planning is set out in Appendix 4. The system allows quicker decisions to be taken on straightforward matters. The procedure for processing delegated planning applications may be summarised as follows:

PLANNING OFFICERS  
*prepare report on planning application  
with recommendation*



Development Control Manager  
*discusses the report and determines  
applications (the Development Control  
Manager may choose to visit the site first)*

## 18. DECISIONS CONTRARY TO THE DEVELOPMENT PLAN

18.1 Planning decisions must normally be taken in accordance with the Development Plan (see paragraph 5.3).

18.2 *If Officers are recommending granting planning permission contrary to the development plan:*

- *The decision will always be taken by Committee, and not as a delegated decision.*
- *The Officer's report to the Committee must clearly identify the material planning considerations and how they justify overriding the Development Plan.*
- *The application will have been advertised by a site notice and a local newspaper advertisement, in accordance with the Town and Country Planning (General Development Procedure) Order 1995 Article 8.*

18.3 In some circumstances (as defined by Government Direction) the application will be referred - normally after the Planning Committee has agreed a recommendation - to the Secretary of State for Communities and Local Government to enable him/her to decide whether to 'call in' the application to be decided centrally. More details are set out in Appendix 2(5).

## 19. DECISIONS CONTRARY TO OFFICER ADVICE

19.1 If the Planning Committee makes a decision contrary to the Officers' recommendation on a planning application or enforcement case, then:

- *the proposer of the motion to go against the Officers' recommendation, or the Chairman, should state the planning reasons for the proposed decision before a vote is taken; the Ombudsman has said that the reasons should be clear and convincing, and be material planning considerations (see section 5 above);*
- *the Planning and/or Legal Officer present at the meeting should be given the opportunity to comment upon whether the proposed reasons for the decision are planning matters and, if an approval is proposed, to recommend appropriate planning conditions;*
- *if the decision would be contrary to the Development Plan, then the Officer should comment on the extent to which the other planning considerations could be seen to override the Development Plan, and on whether the decision would require referral (see section 18 above);*
- *where Planning Committee indicates that it is not minded to accept the Officers' recommendation for approval, the planning application should be deferred to the next available meeting of Planning Committee where so requested by the Development Control Manager on behalf of the Director of Regeneration and Planning. This deferral period enables Officers to prepare clear and convincing planning reasons for refusal;*
- *a detailed minute of the Committee's reasons for departing from the recommendation should be taken and a copy placed on the application file; if the decision is contrary to the Development Plan, the minute should state that and clearly set out those planning considerations which override the development plan.*

**19.2** If a Committee wishes to amend or add conditions to an approval, Officers should be requested to draft the detailed wording of the conditions in line with the Committee's wishes. Both reasons for refusal and reasons for supporting conditions need to clearly refer to applicable Development Plan policies, where relevant.

**20.1** One complaint that frequently arises, and has been investigated by the Local Government Ombudsman, is the approval of a planning application where an application for substantially the same development has previously been refused, where there has not been a significant change in circumstances.

**20.2** The principles which can be distilled from Ombudsman cases are as follows:-

- there is perversity and maladministration, if a Local Planning Authority approves a planning application, which has previously been refused, where there has not been a significant change in the planning circumstances;
- the fact that there has been a significant change in the membership of the Planning Committee does not justify inconsistency between current and previous decisions;
- the perversity of approving a planning application, which has been previously refused, where there has been no significant change in the planning circumstances, is maladministration if:-
  - insufficient weight has been given to Officers' recommendations and Central Government guidance; and
  - there is a failure to give and record reasons for the authority's change of mind.

**20.3** Members are advised that a serious risk of challenge is posed by a failure to give and record clear and convincing planning reasons for the approval of planning applications for which there is a history of refusals by the Council and Inspectors appointed by the Secretary of State where there has been no significant change in the planning circumstances.

**20.4** Therefore:

- *If a Committee is minded to approve an application for development previously refused, the proposer of the motion for*

## **20. APPROVING REPEAT APPLICATIONS FOR DEVELOPMENT PREVIOUSLY REFUSED**

*approval or the Chairman should state what the significant change in the planning circumstances justifying approval are before a vote is taken.*

- *If there is a history of refusals by the Council and Inspectors appointed by the Secretary of State, the proposer of the motion for approval or the Chairman should also state why the Inspector's decision should no longer be followed before a vote is taken.*

## **21. DEVELOPMENT PROPOSALS SUBMITTED BY, OR AFFECTING, COUNCILLORS AND OFFICERS**

**21.1** Proposals to their own authority by serving and former Councillors and Officers and their close friends and relatives can easily give rise to suspicions of impropriety. Proposals can take the form of either planning applications or Development Plan proposals, or may involve planning enforcement. It is perfectly legitimate for such proposals to be submitted. However, it is vital to ensure that they are handled in a way which gives no grounds for accusations of favouritism.

**21.2** For planning proposals from Officers and Councillors (which are otherwise deemed by the Director of Regeneration and Planning, or his representative, to be contrary to the principles set out in the scheme of delegation) shall proceed to determination before Planning Committee, subject to the following principles:

- *Serving Councillors and Officers who submit their own proposal to the authority they serve should play no part in the decision-making process for that proposal.*
- *Such proposals will be reported to Committee and not dealt with by the Director of Regeneration and Planning under delegated powers.*
- *The Council's Monitoring Officer should be informed of such proposals by serving Councillors, and the Officers report to the Committee will show that the applicant is a Councillor.*

- *Councillors and Officers should never act as agents for people pursuing a planning matter with their own authority.*

**21.3** For proposals submitted by close relatives and friends of Officers involved with the development control process:

- *The Officer concerned will have no involvement with the application.*
- *The Officer concerned should alert the Director of Regeneration and Planning and/or the Development Control Manager to the proposal.*

**21.4** Where a planning proposal directly affects the property or personal interests of a Councillor, she/he should play no part in the decision-making process. This would apply, for example if a Councillor submitted comments, as a neighbour, on a planning application.

**21.5** Similarly, an Officer should have no involvement in processing a planning proposal which directly affects her/his property or personal interests.

## **22. THE COUNCIL'S OWN DEVELOPMENTS**

**22.1** Proposals for the Council's own development have to be treated in the same way as those by private developers.

- All applications for the Council's own development will be reported to Committee where the application does not accord with the Scheme of Delegation.
- All applications for the Council's own development will be the subject of a written Officer report, as with other applications.

## **23. THE MEDIA**

**23.1** The principles of this Code also apply to press contact. Councillors and Officers when commenting to the media on planning matters should:

- *have regard to the points made in the section on lobbying (Section 8);*
- *ensure that they do not give the impression that they have pre-determined or pre-judged (as opposed to a pre-disposition) the planning application ; and;*
- *make clear that Councillors will retain an open mind until such time as the full facts are available and these are debated by the appropriate Committee;*
- *for delegated applications, make clear that the Director of Regeneration and Planning or his appointed representative will retain an open mind until such time as the full facts are available and presented for decision.*

**23.2** Any Officers can provide facts about a planning matter which are in the public domain and available to the media. However, the media should be referred to the Director of Regeneration and Planning or his appointed representative for attributable comments.

## **24. RECORD KEEPING AND COMPLAINTS**

**24.1** The Council has established its own Complaints Procedure. Complaints are first investigated within the Department by an Officer more senior than the Case Officer. If the complaint cannot be resolved within the Department it will be referred to the relevant Portfolio Holder for consideration in accordance with the Council's Complaints Procedure.

**24.2** So that complaints may be fully investigated and, in any case, as a matter of general good practice, record keeping should be complete and accurate. Omissions and inaccuracies could, in themselves, cause a complaint or undermine the Council's case. It is not possible to keep a full note of every meeting and conversation. However, the guiding rule is that every case file should contain an account of the main events throughout its life. It should be possible for someone not involved with that application to understand what the decision was and how and why it was reached.

- *The main source of this documentation will be the Officer report to Committee and, if the Committee does not agree the recommendation, the Committee minutes.*
- *For delegated applications, a formal note of the main planning considerations is written and kept on file.*
- *These principles apply equally to enforcement and Development Plan matters.*
- *All Committee reports and delegated decision reports will be checked and agreed by the Development Control Manager.*
- *A written note should be kept of all potentially contentious meetings and telephone conversations: this may be in the form of a follow-up letter. Whilst it will be impossible to keep a full note of every meeting, conversation and site visit, a record should be kept of significant events and site visits which have taken place. The extent of the note should be in proportion to the significance of the event.*

**24.3** Section 14 gives more details on what reports contain.

## **25. TRAINING**

**25.1** As section 5 above explains, the planning system is a complex mixture of statute and case law, and of local and national policy, balancing private and public interests. The declaration of interests is also an area which demands the exercise of well-informed judgement.

- A copy of this Code of Practice will be given to each Councillor and Officer in the Regeneration and Planning Department, including new Councillors and employees.
- The Council will provide periodic training events for Councillors on planning, which all Members should endeavour to attend as part of their personal development.
- Members newly elected to the Council and those serving upon the Planning Committee without prior training (including substitutes) should not vote upon any planning application or the consideration of enforcement and other

action until they have attended a recognised training event on planning. The Council will employ a Chartered Town Planner as Development Control Manager and will attempt to employ trained or Chartered Town Planners to operate its main planning functions.

- The Council will, as far as possible, assist Officers in carrying out training and development activities which enable them to meet the requirements of their post, and enable them to fulfil the 'continuous professional development' requirements placed on Chartered Town Planners.

## 26. LEARNING FROM PAST DECISIONS

**26.1** The lessons to be learnt from any complaint against the Planning Service should be considered, recorded, and any necessary changes to procedures implemented. There will be an annual review by Planning Officers of a selective number of planning decisions which will be appraised through training and other initiatives, including the visiting of affected sites and so considering where appropriate any complaints to learn from experience.

**26.2** The Council is working towards a more systematic way of learning lessons from a sample of past planning decisions and outcomes.

## 27. HOSPITALITY

**27.1** *Councillors and Officers are advised to treat with extreme caution any offer or gift, favour or hospitality which is made to them personally.*

**27.2** Councillors should also be very cautious about accepting gifts and hospitality. The Model Code requires any members receiving any gift or hospitality, **in their capacity as members**, over the value of £25, to provide within 28 days of its receipt written

notification of the details to the Monitoring Officer of the Council. Such details will go in a register of gifts and hospitality, which will be open to inspection by the public.

**27.3** Similarly, officers, during the course of carrying out their duties, officers may be offered hospitality from people with an interest in a planning proposal. Wherever possible, such offers should be declined politely. If the receipt of hospitality is unavoidable, officers should ensure that it is of the minimal level and declare its receipt as soon as possible. Councils should provide a hospitality book to record such offers whether or not accepted. This book should be reviewed regularly by the Council's Monitoring Officer. The requirement to register any such hospitality is likely to be a feature of the statutory code of conduct for employees.

**27.4** The presumption should be that any gift is normally refused.

## 28. RACIST COMMENTS

**28.1** The Council will follow the procedures in the RTPI note "Planning Authorities and Racist Representations". In particular:

- Letters containing racist comments will be returned to the writer;
- Racist comments will not be referred to in reports to Committees;
- Persistent racist comments will be referred to the Commission for Racial Equality or the Police. This is to ensure that the Council abides by Sections 31 and 33 of the Race Relations Act 1976.

**28.2** Any applicants suggesting that they have been affected by racial abuse in whatever form, will have their application considered by Planning Committee and the Monitoring Officer will be advised of the circumstances and representations received.

## **APPENDIX 1: OTHER GUIDANCE**

### **FROM HARTLEPOOL BOROUGH COUNCIL**

Code of Conduct for Members  
Code of Conduct for Employees  
Council's Constitution  
Statement of Community Involvement (2006)

### **FROM OTHER ORGANISATIONS**

‘Code of Professional Conduct’ The Royal Town Planning Institute, (January 2001).

‘Guidance for Good Practice on Members’ Interests’, the Commission for Local Administration in England, April 1994.

‘Probity in Planning’, Local Government Association, 1997.

‘The Role of Elected Members in Plan Making and Development Control’, RTPI, 1997.

‘Planning Authorities and Racist Representations’, RTPI, July 1996.

‘Probity in Planning (Update)’, Local Government Association (March 2002)

‘Lobby groups’, dual-hatted members and the Code of Conduct – Guidance for members, Standards Board for England (September 2004).

‘Positive Engagement’ – A Guide for Planning Councillors (2005 – updated)

‘Model Members Planning Code of Good Practice – ACSeS (2003 –updated)



**APPENDIX 2: DUTIES AND SANCTIONS****1. DUTIES OF MEMBERS**

In determining applications, Planning Committee are not bound to follow the Officer's recommendation contained in a report. The Committee should form its own views as to whether permission should be granted. However, this should not be interpreted as meaning that there are no possible grounds for challenge in the Courts, by the Ombudsman or some other external agency whatever Members do for example in approving applications contrary to Officer's recommendations, National and Development Plan Policy.

Members of the Local Planning authority have the following duties:-

- (i) Members must at all times act within the law;
- (ii) The overriding duty of Members is to the whole community, not to individual applicants. For example, the avoidance of sporadic development in the open countryside is in the interests of the whole community;
- (iii) Members have a statutory duty when determining planning applications to have regard to the provisions of the development plan where material to the application and to any other material considerations (Section 70 of the Town & Country Planning Act 1990).
- (iv) Members have a statutory duty to determine planning applications in accordance with the development plan, unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004)
- (v) Members have a statutory duty when determining applications for listed building consent to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses: Section 16 of the Planning (Listed Building and Conservation Area) Act 1990.
- (vi) Members have a statutory duty when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest: Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- (vii) Members have a statutory duty when determining planning applications in respect of buildings or other land in a conservation area, to pay special attention to the desirability of preserving or enhancing the special character or appearance of the area: Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## 2. SANCTIONS AGAINST LOCAL PLANNING AUTHORITIES AND MEMBERS

Sanctions against Local Planning Authorities and Members are necessary because duties without sanctions would be potentially unenforceable. This part of the code briefly examines the remedies available to aggrieved persons who consider that the Council has acted unreasonably or unlawfully in making a planning decision and the implications these actions may have for the Council and Members.

The consequences of an unlawful or unreasonable planning decision are that the Council and Members would become subject to the scrutiny of the following external agencies:-

### (1) THE STANDARDS COMMITTEE, THE STANDARDS BOARD FOR ENGLAND AND THE ADJUDICATION PANEL

Part III of the Local Government Act 2000 introduced the Ethical Framework for Local Government. This is a statutory framework within which members must operate. Local Authorities including District Councils, Parish and Town Councils have experienced a significant strengthening of the standards of conduct arrangements within which elected and co-opted members must operate, backed up by an external regulator to ensure compliance.

The Ethical Framework has four key elements:

- (1) Codes of Conduct;
- (2) a national regulatory and advisory organisation called the Standards Board for England;
- (3) the Adjudication Panel which may set up a tribunal to consider cases of misconduct by Members and;
- (4) Local Authority Standards Committees.

The framework is concerned with the proper behaviour of politicians in public life, namely:

- (1) the way in which politicians conduct themselves in decision making;
- (2) their relationships with constituents, officials and outside interests; and
- (3) how conflicts of interest are declared and handled in the decision making environment of a Council.

#### (a) STANDARDS COMMITTEE

Since 8 May 2008 the responsibility for considering complaints that a member may have breached the Code of Conduct rests with the Standards Committees of local authorities. The Local Government Act 2000, as amended by the Local Government and Public Involvement in Health Act 2007, provides that a Standards Committee can refer complaints that a member has breached the Code of Conduct to the Monitoring Officer for investigation or other action. The Standards Committee also has a discretion to refer a complaint to the Standards Board for England for investigation.

#### (b) STANDARDS BOARD FOR ENGLAND

The Board, may instruct an Ethical Standards Officers to conduct an investigation. Ethical Standards Officers have considerable autonomy in deciding the approach they will take, with extensive statutory powers to require Councillors to:

- (a) attend before him or her in person;

- (b) furnish information and produce correspondence.

If a Councillor fails to comply with a request of an Ethical Standards Officer this is an offence with a maximum fine on conviction of £1000.

An Ethical Standards Officers will decide either that:

- (a) there is no evidence of misconduct;
- (b) there is evidence but no action needs to be taken;
- (c) that the matter should be referred back to the Standards Committee, or
- (d) that it should be referred to the President of the Adjudication Panel for adjudication by a Case Tribunal.

In assessing these powers, it is important to remember that they are only concerned with misconduct - not with fraud or corruption.

(c) **ADJUDICATION PANEL**

The Adjudication Panel for England is constituted separately from the Standards Board. It will establish case tribunals to consider matters referred to it by the Ethical Standards Officers. The person subject to the adjudication may appear or be represented before the case tribunal. Where that tribunal finds misconduct, it may suspend a member (up to one year, although this must not extend beyond the person's term of office), disqualify from present or future membership (up to five years) or take no disciplinary action. There is a right of appeal to the High Court.

(2) **DISTRICT AUDITOR**

Section 91 of the Local Government Act 2000 introduces a system of advisory notices. Advisory notices will apply to all bodies subject to audit under the Audit Commission Act 1998.

The advisory notice gives auditors time to seek the opinion of the Courts on the legality of an Authority's actions where they consider that the Authority or a committee is contemplating a decision or course of action that would result in unlawful expenditure or other financial loss. This section gives the auditor power to issue an 'advisory notice' in such circumstances, and specifies the form of the notice and how it should be served on the Authority concerned.

An Authority in receipt of a notice must first consider it. If it then decides that it wants to proceed with the action specified in the notice, this section requires the Authority to provide the auditor with written notice of their intentions. Furthermore, it prevents the Authority from proceeding with the activity for a period (of up to 21 days) specified by the auditor in the advisory notice. During this period, the auditor may then choose to seek an opinion from the Court on the legality of the proposed course of action. The Authority may then only proceed with the action if the Court decides that it is lawful or if the auditor does not seek a Court's opinion within the notice period.

Four extraordinary headings of expenditure which could arise from decisions of the Planning Committee are:

- (a) an ombudsman finding of maladministration and injustice giving rise to recommendations for remedial action and financial recompense;
- (b) costs of litigation and award of costs following an application for Judicial Review in the High Court;

- (c) costs of local public inquiries, including possible award of applicants' costs following use of Secretary of State's call in powers;
- (d) costs of local public inquiries together with landowner's costs and possibly substantial compensation payments following actions by the Secretary of State for revocation, modification or discontinuance.

(3) **LOCAL GOVERNMENT OMBUDSMAN**

Aggrieved individuals who consider that they have been unfairly treated by the Council may refer their complaint to the Local Ombudsman for investigation to see if they have suffered injustice caused by maladministration.

Examples of maladministration would include:-

- (a) failure to follow a Council's agreed policies, rules or procedure;
- (b) failure to have proper procedures; bias or unfair discrimination;
- (c) failure to give due weight to Officer's recommendations and National Policy coupled with a failure to give and record clear and convincing planning reasons for approving a planning application where a planning application for substantially the same development has previously been refused;
- (d) taking into account irrelevant matters, allowing them to outweigh important planning considerations and failing to take fully into account Government guidance on personal circumstances.

If, after investigation, it is found that injustice has been caused by maladministration, the Ombudsman's report will contain recommendations as to what action the Council ought to take, which may include the payment of compensation.

The powers of the Local Government Ombudsman are contained in the Local Government Act 1974, as amended.

(4) **JUDICIAL REVIEW**

If an aggrieved individual or group of individuals believe that the Council's planning decision is wrong in law, they can make application to the High Court for Judicial Review of the decision, which might result in the planning decision being quashed.

In considering an application for Judicial Review the Court has regard to the following factors:-

- (a) whether the Council determined the planning application in accordance with the Development Plan or other material considerations;
- (b) whether the Council has taken into account an irrelevant consideration;
- (c) whether the Council has failed to take into account a relevant consideration;
- (d) whether there is evidence to suggest that if the Council has taken into account all relevant considerations it could not reasonably have taken the decision it arrived at;

- (e) whether all required procedures had been followed or there had been any procedural unfairness.

If the claimant succeeds on an application for Judicial Review, the planning decision may be quashed. In such circumstances it would be normal for the costs of the claimant's action to be awarded against the Council.

(5) **THE “CALL IN” POWERS TO THE SECRETARY OF STATE**

The Secretary of State has call in powers which can be exercised where a Council appears to be making inconsistent decisions which are seriously in conflict with National and Development Plan Policy. Planning applications called in by the Secretary of State, usually require a local public inquiry to be held, a part of the costs of which may be incurred by the Local Planning Authority. This power is contained in Section 77 of the Town & Country Planning Act 1990, as amended. The Town and Country Planning (Consultation) (England) Direction 2009 and accompanying Circular 02/09 should now be read in conjunction with this power. There are now five broad categories of development a Local Planning Authority must refer if it does not propose to refuse the development. These are Green Belt development, large office retail and leisure developments outside town centres, world heritage development, playing field development and flood risk development.

(6) **THE POWERS OF THE SECRETARY OF STATE TO REVOKE OR MODIFY A PLANNING PERMISSION**

Where planning permission has already been granted by the Council, the Secretary of State has powers to revoke or modify planning permission, or to require a discontinuance of a land use. This power is used if the original decision is judged to be grossly wrong. Cases giving rise to intervention include those where some important wider planning objective is at stake, such as protection of fine countryside.

Cases involving revocation and modification almost invariably require a local public inquiry before the Secretary of State's decision is confirmed. In addition to costs falling on the Council for the inquiry, where a planning permission is revoked or modified, there would be a liability for compensation to those with an interest in the land to be paid by the Local Authority.

**APPENDIX 3**

**DRAFT LETTER FOR LOBBYISTS**

Dear Sir/Madam

**The Role of a Councillor in a Planning Application**

Thank you for seeking my advice as a Borough Councillor on a planning application. I will do all that I can to see that the matter is dealt with as fairly and as quickly as possible. My role as a Councillor is to listen and assist you and others through the planning process. The process is complex and involves consulting a number of different people. The views of various people will not always coincide.

The Council has adopted policies on most planning matters and it is important that applications are dealt with firmly in accordance with those policies so that decisions are consistent throughout the Borough.

A large number of applications are dealt with directly by Planning Officers under powers delegated to them. Other applications are dealt with by Planning Committee. If I am a member of the appropriate Committee I will have a vote on this application. If not, I may be able to attend the Committee if the application is within my Ward, but not vote. It is not possible for me to provide any commitment or support for an application or objection until I have heard all the facts presented at Committee. I may also be approached by others who will take a different point of view to you and I will therefore need to weigh up all the conflicting considerations.

Any views that you have on an application should be sent directly to the Council's Director of Regeneration and Planning [ NB: Title to be revised in the light of the Business Transformation Programme] and any correspondence or information that I have received will also be passed on to the appropriate officer.

I am required by the Council's Code of Practice not to lobby or attempt to influence Planning Officers or fellow Councillors. I therefore cannot act as an advocate or agent on your behalf.

If I am a Member of the appropriate Planning Committee I may refer you to another Councillor who will help you make out your case.

If I am involved in making a decision on an application I cannot accept any gifts or hospitality from you or be seen to meet you or to meet you on or off site or otherwise give the impression of influence or bias.

I hope this clarifies my role as Councillor in the planning process.

**APPENDIX 4: SCHEME OF DELEGATION****Development Control Scheme of Delegation**

As of May 2002 Hartlepool Borough Council has operated revised arrangements for dealing with planning applications.

The new arrangements have been introduced with a view to increasing the number of applications dealt with by Officers in accordance with Government guidelines and targets.

<b>Planning Committee</b>	
<b>Membership:</b>	<b>16</b>
<b>Quorum:</b>	<b>7</b>
<b>FUNCTIONS</b>	<b>DELEGATIONS</b>
1. All functions relating to town and country planning and development control (as set out in Part A of Schedule 1 to the Regulations).	<b><i>Director of Regeneration and Planning</i></b>  1. Power to carry out all of the functions of the Committee in paragraphs 1-5 adjacent, subject to the following exceptions:
2. Powers relating to the protection of important hedgerows (as set out in Part I of Schedule 1 to the Regulations).	i) in the case of any relevant application which is submitted to the Council for determination, any matter which any member requests should be referred to the Committee for decision, such request to be received within 21 days of publication of details of the application,
3. Powers relating to the preservation of trees (as set out in Part I, Schedule 1 to the regulations).	ii) any matter which falls significantly outside of established policy guidelines or which would otherwise be likely to be controversial,
4. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.*	iii) the determination of applications submitted by the Council in respect of its own land or proposed development, except those relating to operational development to which there is no lodged objection,

Planning Committee (continued)	
Function	Delegation
5. The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.*	iv) the refusal of an application except with the agreement of the Chair of the Committee.
	v) except in cases of urgency <ul style="list-style-type: none"> <li>a) power to require the discontinuance of a use of land</li> <li>b) power to serve a stop notice</li> <li>c) power to issue an enforcement notice</li> <li>d) power to apply for an injunction restraining a breach of planning control</li> <li>e) power to require proper maintenance of land</li> <li>f) power to serve a building preservation notice and related powers</li> <li>g) power to issue enforcement notice in relation to demolition of unlisted building in conservation area</li> <li>h) powers to acquire a listed building in need of repair and to serve a repairs notice</li> <li>i) power to apply for an injunction in relation to a listed building,</li> </ul> <p>exercise of such powers to be reported for information to the next available meeting of the Committee.</p> 2. Power to formulate decision notices following decisions made in principle by the Committee.



Planning Committee (continued)	
Function	Delegation
6. Powers, related to Commons Registration as set out in part B of Schedule 1 to the Regulations. [1B.37 & 38]	
7 Functions relating to public rights of way (as set out in Part 1 of Part I of Schedule 1 to the 2001 Regulations).	<p><b><i>Director of Neighbourhood Services</i></b></p> <ol style="list-style-type: none"> <li>1. Power to negotiate and set charges for diversion or related matters and to take action regarding blockages or Rights of Way issues other than those related to countryside management.</li> <li>2. Power in cases of urgency to carry out all of the functions of the Planning Committee relating to public rights of way (other than those delegated to the Director of Community Services), following discussion of the issues with the Chair of the Committee.</li> </ol>
	<ol style="list-style-type: none"> <li>1. In relation to matters which are relevant to countryside management, power to negotiate and set charges for diversion or related matters and to take action regarding blockage on Rights of Way issues.</li> <li>2. Power in cases of urgency to carry out all of the functions of the Planning Committee relating to public rights of way which are relevant to countryside management.</li> </ol>

Planning Committee (continued)	
Function	Delegation
	<p><b><i>Chief Solicitor</i></b></p> <ol style="list-style-type: none"> <li>1. Power to confirm without modification unopposed creation, diversion or extinguishment Orders in respect of Public Rights of Way, following the statutory advertising period.</li> <li>2. Power to confirm, without modification, unopposed footpath and footway conversion orders following the statutory advertising period.</li> <li>3. Power to confirm, without modification, all future unopposed Definitive Map Modification Orders following the statutory advertising period.</li> </ol>
<p>8 The licensing and registration functions set out in Part B of Schedule 1 to the regulations at points 41 and 47-55 relating to the New Roads and Street Works Act 1991 and the Highways Act 1980.</p>	<p><b><i>Director of Neighbourhood Services</i></b></p> <p>Power to carry out all of the functions of the Committee with the exception of any matter which falls significantly outside of established policy guidelines or which would otherwise be likely to be controversial.</p>
<p>*This may also arise in connection with the responsibility of the Executive and will be exercised accordingly.</p>	

**COUNCIL**  
**30 July 2009**



**Report of:** The Executive

**Subject:** REVISIONS TO THE LOCAL DEVELOPMENT  
SCHEME

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**1. PURPOSE OF REPORT**

- 1.1 To seek approval to a revision of the current Hartlepool Local Development Scheme to take account of changes arising from new Planning Regulations and to reflect the need for additional requirements to secure a robust evidence base in the preparation of planning documents.

**2. RELEVANCE TO THE COUNCIL**

- 2.1 The Local Development Scheme is a document which forms part of the Local Development Framework (LDF) for the Borough and is part of the budget and policy framework. The Local Development Scheme is of strategic importance to the Borough as it sets out the Council's programme for producing planning documents over the next three years.

**3. Background**

- 3.1 The main purpose of the Local Development Scheme is to identify and to highlight the stages in the preparation of the planning policy documents comprising the Local Development Framework (LDF) particularly with regard to public participation with the community and major stakeholders. It sets out a rolling programme for the next three years.

**4. Preparation of Evidence Base for Planning Documents**

- 4.1 The Local Development Scheme needs to be revised to reflect new requirements under Planning Regulations and the need, on advice from Government Office for the North East, to prepare a robust evidence base. On 21 July 2008 Cabinet was advised that the evidence based used in the LDF preparation needed to be

thoroughly prepared to ensure that it is as robust as possible in the light of experience elsewhere in the country in ensuring LDFs are found to be 'sound'. As a consequence certain key stages in the preparation of the Core Strategy are being re-profiled.

- 4.2 Work has continued in the preparation of the evidence base to support the Local Development Framework. This has included the Employment Land Review, the Central Area Investment Framework and the Southern Business Zone Study which have all now been completed and which will assist in setting out the regeneration priorities to be taken into consideration in the preparation of the Core Strategy.
- 4.3 In addition to these documents, Government Office for the North East (GONE) strongly advised officers to have in place a Strategic Housing Land Availability Assessment (a requirement under Planning Policy Statement 3) together with an update to the 2005 Hartlepool Retail Study prior to the development of the Core Strategy. These two pieces of work are nearing completion and reports will be made to future Cabinet meetings.
- 4.4 Work is also being undertaken on an update to the Strategic Flood Risk Assessment to reflect changes in the methodology used.

## **5. The Local Development Scheme**

- 5.1 Now that there is more clarity on the timetable for completing the evidence base for the Local Development Framework the Local Development Scheme should be revised to reflect the changes in the programme. The Revised Local Development Scheme 2009 is attached at **Appendix 1**.
- 5.2 The timetables for the preparation of the various planning documents are shown in Tables 1-8 of the Local Development Scheme. The Development Plan Documents currently at varying stages of preparation are:
  - Core Strategy Development Plan Document (DPD)
  - Housing Allocations Development Plan Document (DPD)
  - Affordable Housing Development Plan Document (DPD)
  - Joint Minerals & Waste Development Plan Documents (2 DPDs).
- 5.3 The Core Strategy timetable has been revised with the Preferred Options stage now programmed for March 2010. With a re-profiling of the Core Strategy timetable there will be a knock on effect on the Housing Allocations DPD.
- 5.4 Work is well underway in the preparation of the Affordable Housing DPD with an Economic Viability Assessment completed in May 2009 which was an additional stage introduced into the programme on the advice of GONE. It is now intended

that the Preferred Options stage of the Affordable Housing DPD will be published for consultation during September 2009.

- 5.5 The timetable for the Joint Minerals and Waste Development Plan Documents, being prepared on behalf of the Tees Valley authorities, is governed by the need to keep to a unified timetable with the other Tees Valley Authorities in accordance with agreed milestones (A separate report on the preparation of the Joint Minerals and Waste Development Plan Documents appears elsewhere on this Council Agenda).
- 5.6 Three other documents were included in the 2008 Local Development Scheme, namely:
- Victoria Harbour Supplementary Planning Document (SPD)
  - Planning Obligations Supplementary Planning Document (SPD)
  - Transport Assessment & Travel Plan Guidance Supplementary Planning Document (SPD)
- 5.7 As SPDs are not subject to independent examination by the Planning Inspectorate it is no longer necessary to include them in the LDS following changes in 2009 to the Planning Regulations. However it is considered helpful to retain them in the programme to give a full picture as possible. The revised timetables for the production of SPDs are set out in Tables 4, 5 & 6.
- 5.8 The Statement of Community Involvement was not identified in the 2008 Local Development Scheme as it had been previously adopted in October 2006. The Statement of Community Involvement sets out how the Council intends to involve the community and other interested parties in the new planning system and provide standards for involving the community in all the different stages of the planning policy process and in the determination of planning applications.
- 5.9 A review of the SCI is currently being prepared to reflect various changes in the Regulations. A public consultation was held in May and June 2009 and the next stage will involve consultation on the published version, in September 2009. The precise timetable is not required to be included in the LDS but reference is made to the review in the text.

## **6. THE NEXT STEPS**

- 6.1 The Revised Local Development Scheme 2009 needs to be formally agreed with the Planning Inspectorate prior to it being formally submitted to the Secretary of State
- 6.2 Cabinet, at its meeting on 27 July 2009, will have considered the proposed revisions to the Local Development Scheme as set out in this report, which also needs the endorsement of Council.

**7. RECOMMENDATIONS**

- 7.1 That Council approve the revised Local Development Scheme 2009 and that following consultation with the Planning Inspectorate, the revised Local Development Scheme be submitted to the Secretary of State.



# Hartlepool Borough Council Local Development Scheme



July 2009



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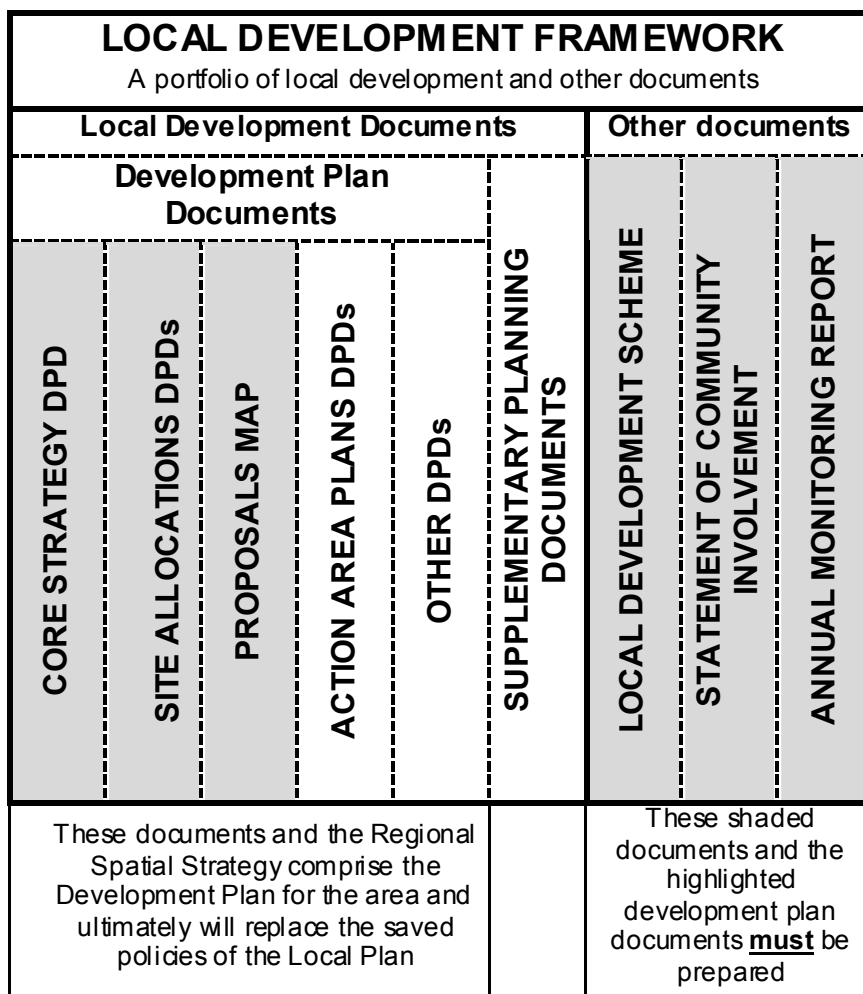
## **1. INTRODUCTION**

- 1.1 This local development scheme sets out a rolling programme for the preparation of documents relating to forward planning in Hartlepool. It is specifically concerned with documents being prepared over the next three years or so, but also highlights those which are likely to be prepared beyond this period into the future. The scheme will be reviewed as necessary as circumstances change (see section 10).
- 1.2 The Local Development Scheme was first published in March 2005. It was subsequently reviewed in July 2006 to take account of the proposal to prepare joint Minerals and Waste Development Plan Documents and also to exclude from the programme, the Hartlepool Local Plan, which had been adopted in April 2006. The 2007 review related to changes to the timetable for the preparation of the Planning Obligations SPD and the preparation of a new SPD on Transport Assessment & Travel Plan Guidance. The 2009 review takes account of the need to include several new documents including the Affordable Housing Development Plan Document and the Victoria Harbour Supplementary Planning Document.
- 1.3 The Local Development Scheme acts as the starting point for the community, key stakeholders and others with an interest in the development process, to find out about the status of existing and emerging planning policies. It sets out the timetable and highlights the key stages for the preparation of new policy documents and when they are proposed to be subject to public consultation. Acronyms and terminology used in this document are explained in Appendix 1.
- 1.4 Statutory planning policies for Hartlepool are presently set out in the saved policies of the Hartlepool Local Plan including Mineral and Waste policies (adopted 2006 with certain policies saved beyond 13 April 2009) and the North of England Plan Regional Spatial Strategy published in July 2008.
- 1.5 The Planning and Compulsory Purchase Act 2004 resulted in major changes to the way the planning policy system operates and how the new types of planning document will be prepared. Local Development Documents (LDDs) contained within Local Development Frameworks (LDF) are progressively replacing the Local Plans and Supplementary Planning Guidance, whilst at the regional level, the Regional Spatial Strategy (RSS) is in place, superseding the Tees Valley Structure Plan.
- 1.6 The Local Development Scheme describes the main features of the new planning system and then sets out the programme for the production of future planning policies. Important aspects related to the process for the development of planning policies are highlighted in sections 4 to 8 of the Scheme and the final section identifies circumstances in which the scheme will be reviewed.

## 2. THE DEVELOPMENT PLANNING SYSTEM

- 2.1 The Local Development Framework comprises a portfolio of Local Development Documents which together deliver the spatial planning strategy for the Hartlepool area (see Diagram 1 below). Initially the Local Development Framework will also include saved policies from the Hartlepool Local Plan 2006.

**Diagram 1: Local Development Framework Documents**



## 13(a)(i) Appendix 1

2.2 The documents comprising the Local Development Framework include:

- This document – the **Local Development Scheme** (LDS) – sets out the details of each of the Local Development Documents to be commenced over the next three years or so and the timescales and arrangements for their preparation.
- **Development Plan Documents** (DPDs) – which together with the Regional Spatial Strategy will comprise the statutory Development Plan and deliver the spatial planning strategy for the area. The Development Plan Documents will be subject to independent public examination. The 2006 Hartlepool Local Plan will be superseded in due course by a number of different types of Development Plan Documents as follows:
  - **Core Strategy** setting out the spatial vision, spatial objectives and core policies for the area;
  - **Site Specific Allocations** of land such as housing and employment sites;
  - **Action Area Plans** (where needed) relating to specific parts of the area where there will be comprehensive treatment or to protect sensitive areas
  - **Proposals Map** which will be updated as each new DPD is adopted;
  - **DPDs** containing waste and minerals policies;
  - together with any other DPDs considered necessary.

The Core Strategy must generally conform with the Regional Spatial Strategy (RSS) and all other DPDs must conform with the Core Strategy.

- **Supplementary Planning Documents** (SPDs) – these are non-statutory documents expanding on or providing further detail to policies in a development plan document – they can take the form of design guides, development briefs, master plans or issue-based documents. Although SPDs will be subject to full public consultation, they will not be independently examined.
- **Statement of Community Involvement** (SCI) – this sets out the policy for involving the community and key stakeholders both in the preparation and revision of local development documents and with respect to planning applications.
- **Annual Monitoring Report** – assessing the implementation of the local development scheme and the extent to which policies in local development documents are being achieved.

### **3. THE LOCAL DEVELOPMENT SCHEME**

- 3.1 The first Local Development Scheme was prepared by the Council in March 2005 with reviews approved in July 2006 and March 2007.
- 3.2 This further review of the scheme sets out the programme for the preparation of a number of new documents to be included in the Local Development Framework. Diagrams 2, 3 and 4 provide an overview of the timetable for the production of these documents covering the next three years or so.
- 3.3 Further details on the role and content of proposed Local Development Documents, key dates relating to their production, arrangements for their preparation and review and monitoring are set out in Tables 1 - 8.

#### **Saved Policies**

- 3.4 The Act allows policies in Local Plans to be 'saved' for a period of at least three years from the date the Act came into force (September 2004) or in the case of plans adopted after then, from the date the plan is adopted (i.e. April 2006 for the Hartlepool Local Plan). New policies in development plan documents will progressively replace those saved in the Local Plan.
- 3.5 Appendix 2 lists the policies of the 2006 Hartlepool Local Plan which the Secretary of State has made a direction to save. These saved policies will thus continue to remain effective until the LDF policies are adopted.
- 3.6 The status of Supplementary Planning Guidance following the commencement of the new planning system remains the same as long as relevant saved policies are in place. It will continue to be a material consideration in terms of determining planning applications. The only currently adopted Supplementary Planning Guidance is the Greatham Village Design Statement. This is included in the 2006 Hartlepool Local Plan as a Supplementary Note and will be saved as part of that plan.

#### **Statement of Community Involvement**

- 3.7 The Borough Council's first document prepared under the new planning system was the Statement of Community Involvement (SCI). The SCI document sets out how the council intends to involve the community and other interested parties in the new planning system and provide standards for involving the community in all the different stages of the planning policy process and in the determination of planning applications.
- 3.8 All other local development documents will be prepared in accordance with the arrangements set out in the SCI.
- 3.9 The SCI was submitted to the Secretary of State in January 2006 and was adopted on 26<sup>th</sup> October 2006. A review of the SCI is currently being prepared. The draft Review was subject to public consultation between 1 April and 1 June 2009. Consultation responses are being assessed. The

## 13(a)(i) Appendix 1

publication document will be subject to a six week formal consultation period in September and October 2009 before being adopted by the Council in December 2009.

### Development Plan Documents

- 3.10 The Borough Council has commenced the preparation of Development Plan Documents despite the 2006 Hartlepool Local Plan still providing an appropriate spatial strategy that accords with the Regional Spatial Strategy. Furthermore the Local Plan has taken forward those elements of the Hartlepool Community Strategy and the Hartlepool Local Transport Plan that concern physical development and use of land.
- 3.11 The preparation of the first Development Plan Documents will fit in with stages of the preparation of the 2008 Regional Spatial Strategy together with the review of the Hartlepool Sustainable Community Strategy "Hartlepool's Ambition" (2008). The proposed Development Plan Documents including the Proposals Map, which will be revised as each new development document is prepared, are as follows:
- Core Strategy Development Plan Document
  - Housing Sites Allocations Development Plan Document
  - Affordable Housing Development Plan Document
  - The Proposals Map
- 3.12 *Core Strategy Development Plan Document:* The Core Strategy DPD is the key element of the new planning system and all other development plan documents should be in conformity with it so it would be appropriate that this DPD be prepared first. The saved policies of the 2006 Hartlepool Local Plan provides a spatial strategy closely aligned both to existing regional and strategic policy and to the Hartlepool Community Strategy and thus should remain relevant for some time. As the Core Strategy is to be in conformity with the Regional Spatial Strategy, work on the Core Strategy DPD is taking full account of the RSS. It will also conform to the review of the Hartlepool Sustainable Community Strategy "Hartlepool's Ambition" (August 2008).
- 3.13 *Affordable Housing Development Plan Document:* The LDF Annual Monitoring Reports 2007 & 2008 identified that the issue of affordable housing has become important in the assessment of the housing market particularly after the Hartlepool Strategic Housing Market Assessment of June 2007 highlighted a shortfall of affordable dwellings. As no policy on affordable housing had been contained in the 2006 Local Plan it is important to put a policy in place as soon as possible. An Affordable Housing Development Plan Document is therefore being prepared to address this shortfall in the Borough. It will identify policies to secure provision of affordable housing as part of residential developments and contribute towards the development of a balanced housing market with maximised housing choice in Hartlepool.

## **13(a)(i) Appendix 1**

- 3.14 *Housing Site Allocations Development Plan Document*: Strategic policy in the 2001 Regional Planning Guidance and 2004 Tees Valley Structure Plan did not take account of the major mixed use regeneration scheme being developed for Victoria Harbour particularly in terms of housing numbers. The 2006 Hartlepool Local Plan, however, identifies Victoria Harbour as a mixed use site including the provision of 1450 dwellings during the plan period to 2016, but included no other housing allocations because of the restrictions of the then strategic policy.
- 3.15 Since July 2008 the Regional Spatial Strategy has made provision for a higher rate of net additional dwellings (about 400 dwellings a year) so a DPD on housing allocations is required identify sufficient land to meet the RSS targets and to update and replace the housing allocations of the 2006 Hartlepool Local Plan.
- 3.16 *Proposals Map*: The Proposals Map for the 2006 Hartlepool Local Plan will be saved until the first development plan document is adopted at which time it will be amended to reflect the new development plan document and become a development plan document in its own right. It will continue to show saved policies and will be amended as each new development plan is adopted or amended.

### **Joint Development Plan Documents**

- 3.17 There has been a need to update the waste policies contained in the 2006 Hartlepool Local Plan at an early date to reflect new priorities for sustainable waste management. Core Strategy and Site Allocations DPDs are being prepared with the other Tees Valley authorities, such joint documents to include also minerals. The Tees Valley Joint Strategic Unit is overseeing the preparation of the Joint Minerals and Waste DPDs on behalf of the Tees Valley Authorities although the preparation of these documents has involved the use of specialist consultants

### **Supplementary Planning Documents**

- 3.18 Existing supplementary planning guidance can be used as the basis for the preparation of new supplementary planning documents. In this respect, however, the Supplementary Planning Guidance for Proposed Housing Redevelopment in West Central Hartlepool was not replaced with a new document as it would have unnecessarily delayed the process of acquiring and redeveloping the sites concerned.
- 3.19 The Greatham Village Design Statement was adopted as supplementary planning guidance in 1999 and is included as a Supplementary Note in the 2006 Hartlepool Local Plan. There are a number of other supplementary notes in the local plan covering a range of topic areas including trees, conservation, wildlife, planning obligations and parking standards.

## **13(a)(i) Appendix 1**

3.20 Supplementary Planning Documents currently under preparation are:

- The Transport Assessment and Travel Plans SPD
- Planning Obligations SPD.
- Victoria Harbour SPD.

3.21 Further Supplementary Planning Documents may be required in the future, details of which may be included in any reviews of the Local Development Scheme.

**Diagram 2: Timetable of Hartlepool Development Plan Documents**

Year	Month	Core Strategy DPD	Affordable Housing DPD	Housing Allocations DPD
2009	M	Preferred Options and Draft Policies	Economic Viability Assessment	Commencement
	J			
	J			
	A			
	S		Preferred Options and Draft Policies	
	O		Consultation on Preferred Options (Reg 25)	
	N			
	D		Consideration of representations	
2010	J	Consultation on Preferred Options (Reg 25)		Preferred Options and Draft Policies
	F			
	M			
	A	Consideration of representations	Publication of DPD (Reg 27)	
	M			
	J			
	J			
	A	Draft Policies approved by Council	Submission of DPD (Reg 30)	
	S	Publication of DPD (Reg 27)		
	O	Consultation on Published document	Pre examination meeting	
	N			
	D		Commencement of Public Examination	
2011	J			Consultation on Preferred Options (Reg 25)
	F	Submission of DPD (Reg 30)		
	M		Inspector's Final Report	
	A			
	M	Pre examination meeting		Consideration of representations
	J	Commencement of Public Examination	Adoption of DPD	
	J			
	A			
	S	Inspector's Final Report		Draft Policies approved by Council
	O	Adoption and revised proposals map		Publication of DPD (Reg 27)
	N			Consultation on Published document
	D			Submission of DPD (Reg 30)
2012	J			
	F			
	M			Pre examination meeting
	A			Commencement of Public Examination
	M			
	J			
	J			Receipt of Inspector's Report
	A			Inspector's Final Report
	S			
	O			Adoption of DPD
	N			
	D			



## 13(a)(i) Appendix 1

**Diagram 3: Timetable of Joint Development Plan Documents**

Year	Month	Joint Minerals and Waste Core Strategy DPD	Joint Minerals and Waste Site Allocations DPD
2008	F	Consultation on Preferred Options (Reg 25)	Consultation on Preferred Options (Reg 25)
	M		
	A	Consideration of representations	Consideration of representations
	M		
	J		
	J		
	A		
	S		
	O		
	N		
	D		
	J		
	F		
2009	M		
	A		
	M		
	J		
	J		
	A	Publication of DPD (Reg 27)	Publication of DPD (Reg 27)
	S	Consultation on Published document	Consultation on Published document
	O		
	N	Submission of DPD (Reg 30)	Submission of DPD (Reg 30)
	D	Pre examination meeting	Pre examination meeting
	J	Commencement of Public Examination	Commencement of Public Examination
	F		
2010	M		
	A		
	M	Inspector's Report Fact Check	Inspector's Report Fact Check
	J	Inspector's Report Final	Inspector's Report Final
	J	Adoption of DPD	Adoption of DPD
	A		
	S		
	O		
	N		
	D		

## 13(a)(i) Appendix 1

**Diagram 4: Timetable of Hartlepool Supplementary Planning Documents**

Year	Month	Victoria Harbour SPD	Planning Obligations SPD	Transport Assessment & Travel Plans SPD
2008	F		Commencement Evidence gathering and initial community and key stakeholder involvement (starting July 2006)	
	M			
	A	Commencement Evidence gathering and initial community and key stakeholder involvement		
	M			
	J			
	J			
	A			
	S			
	O			
	N			
	D			
	J			
2009	F		Associated Appropriate Assessment Scoping Report issued for consultation	
	M			
	A			
	M			
	J			
	J			
	A			
	S	Draft SPD issued for consultation		Draft SPD issued for consultation
	O	Consideration of representations responses		Adoption of SPD
	N			
	D			
	2010	J		
F		Adoption of SPD	Adoption of SPD	
M				
A				
M				
J				
J				
A				
S				
O				
N				
D				

<b>Table 1: CORE STRATEGY DPD</b>	
<b>OVERVIEW</b>	
<b>Role and content</b>	To set out the vision and spatial strategy for Hartlepool and the objectives and primary policies for meeting the vision.
<b>Geographical Coverage</b>	Borough-wide
<b>Status</b>	Development Plan Document
<b>Conformity</b>	With Regional Spatial Strategy but must also reflect the Hartlepool Community Strategy.
<b>TIMETABLE / KEY DATES</b>	
<b>Stage</b>	<b>Date</b>
Production of Preferred Options (including Draft Policies) and sustainability report	March 2009 - December 2009
Consultation on Preferred Options (Six Weeks) (Reg 25)	January – March 2010
Consideration of representations including further discussions with community and key stakeholders	April – June 2009
Draft Policies approval by Council	August 2010
Publication of DPD and final sustainability report (Reg 27)	September 2010
Consultation on Published document	September – October 2010
Submission to Secretary of State of Core strategy (Reg 30)	February 2011
Pre examination meeting	May 2011
Commencement of Public Examination	June 2011
Receipt of Inspector's Report for checking	September 2011
Inspector's Final report	September 2011
Adoption of DPD and revised proposals map	October 2011
<b>ARRANGEMENTS FOR PRODUCTION</b>	
<b>Lead Organisation</b>	Hartlepool Borough Council
<b>Management arrangements</b>	To be determined (see section 8)
<b>Resources Required</b>	Primarily internal staffing resources with use of consultants if necessary for any special studies required
<b>Community and Stakeholder Involvement</b>	In accordance with the Statement of Community Involvement
<b>POST PRODUCTION / REVIEW</b>	
<p>The effectiveness of the primary policies in relation to the vision and objectives of the core strategy will be assessed in the Annual Monitoring Report and where necessary reviewed. The Core Strategy DPD will be reviewed as a whole in the following circumstances:</p> <ul style="list-style-type: none"> <li>• A review of the RSS/ RIS</li> <li>• A further review of the Community Strategy</li> <li>• A significant amendment to the Council's Corporate Vision</li> </ul>	

<b>Table 2: Affordable Housing DPD</b>	
<b>OVERVIEW</b>	
<b>Role and content</b>	The Affordable Housing Development Plan Document aims to address the shortfall of affordable housing in the Borough. It will identify policy(s) to secure provision of affordable housing on residential developments and contribute towards the development of a balanced housing market with maximised housing choices in Hartlepool.
<b>Geographical Coverage</b>	Borough-wide
<b>Status</b>	Development Plan Document
<b>Conformity</b>	With the Core Strategy DPD when adopted
<b>TIMETABLE / KEY DATES</b>	
<b>Stage</b>	
<b>Commencement</b> – evidence gathering and initial community and key stakeholder involvement	November 2007- Feb 2008
Consultation on Issues and Options and initial sustainability analysis	March 2008- May 2008
Economic Viability Assessment	May 2009
Preferred Options & Draft Policies	September 2009
<b>Consultation on Preferred Options (Reg 25)</b>	October – November 2009
Consideration of representations including further discussions with community and key stakeholders	November – December 2009
<b>Publication of Draft DPD (Reg 27)</b>	April 2010
<b>Submission of DPD &amp; final sustainability report (Reg 30)</b>	August 2010
<b>Pre examination meeting</b>	October 2010
<b>Commencement of Public Examination</b>	December 2010
<b>Inspector's Report Fact Check</b>	March 2011
<b>Final Inspector's Report</b>	March 2011
<b>Adoption of DPD</b>	June 2011
<b>ARRANGEMENTS FOR PRODUCTION</b>	
<b>Lead Organisation</b>	Hartlepool Borough Council (Policy Team)
<b>Management arrangements</b>	To be confirmed
<b>Evidence Required</b>	Hartlepool Strategic Housing Market Assessment (July 2007) Tees Valley Strategic Housing Market assessment (December 2008) Economic Viability Assessment (May 2009)
<b>Resources Required</b>	Primarily internal staffing resources with use of consultants where required.
<b>Community &amp; Stakeholder Involvement</b>	In accordance with the Statement of Community Involvement
<b>POST PRODUCTION / REVIEW</b>	
The provision of affordable housing will be monitored and reported annually in the Annual Monitoring Report. The Development Plan Document will be formally reviewed every three years or earlier if monitoring establishes that the policies are not effective.	

<b>Table 3: Housing Allocations DPD</b>	
<b>OVERVIEW</b>	
<b>Role and content</b>	To identify housing sites proposed for development to meet the strategic housing requirements set out in the Regional Spatial Strategy 2008. proposal.
<b>Geographical Coverage</b>	Borough-wide
<b>Status</b>	Development Plan Document
<b>Conformity</b>	With Regional Spatial Strategy and the Core Strategy when adopted.
<b>TIMETABLE / KEY DATES</b>	
<b><u>Stage</u></b>	<b><u>Date</u></b>
Commencement	January 2008 – December 2009
Production of Preferred Options (including Draft Policies) and sustainability report	March 2010 - December 2010
Consultation on Preferred Options (Six Weeks) (Reg 25)	January – March 2011
Consideration of representations including further discussions with community and key stakeholders	April – June 2011
Draft Policies approval by Council	August 2011
Publication of DPD and final sustainability report (Reg 27)	September 2011
Consultation on Published document	September – October 2011
Submission to Secretary of State (Reg 30)	December 2011
Pre examination meeting	March 2012
Commencement of Public Examination	April 2012
Receipt of Inspector's Report for checking	July 2012
Inspector's Final report	August 2012
Adoption of DPD and revised proposals map	October 2012
<b>ARRANGEMENTS FOR PRODUCTION</b>	
<b>Lead Organisation</b>	Hartlepool Borough Council
<b>Management arrangements</b>	To be determined (see section 8)
<b>Resources Required</b>	Primarily internal staffing resources with use of consultants if necessary for any special studies required
<b>Community and Stakeholder Involvement</b>	In accordance with the Statement of Community Involvement
<b>POST PRODUCTION / REVIEW</b>	
<p>The effectiveness of the primary policies in relation to the vision and objectives of the core strategy will be assessed in the Annual Monitoring Report and where necessary reviewed. The Housing allocations DPD will be reviewed in the following circumstances:</p> <ul style="list-style-type: none"> <li>• A review of the RSS/ RIS</li> <li>• Adverse market conditions</li> <li>• Evidence of sites becoming undeliverable</li> <li>• A significant amendment to the Council's Corporate Vision</li> </ul>	

<b>Table 4: Victoria Harbour SPD</b>	
<b>OVERVIEW</b>	
<b>Role and content</b>	The Victoria Harbour SPD aims to provide a comprehensive approach to an updated masterplan. It will give guidance on phasing, layout, design requirements and identify issues on affordable housing.
<b>Geographical Coverage</b>	Victoria Harbour Mixed Use Area
<b>Status</b>	Non –Statutory Supplementary Planning Document not subject to independent examinations.
<b>Conformity</b>	With the RSS and saved policy Com15 of the Hartlepool Local Plan.
<b>TIMETABLE / KEY DATES</b>	
<b>Stage</b>	
<b>Commencement</b> – evidence gathering and initial community and key stakeholder involvement	April 2008 – January 2009
<b>Draft SPD &amp; sustainability report issued for consultation</b>	August -October 2009
<b>Consideration of representations responses</b>	October – November 2009
<b>Adoption of SPD</b>	February 2010
<b>ARRANGEMENTS FOR PRODUCTION</b>	
<b>Lead Organisation</b>	Hartlepool Borough Council (Policy Team) and Consultants
<b>Management arrangements</b>	To be confirmed
<b>Evidence Required</b>	Victoria Harbour Master Plan 2004, Hartlepool Strategic Housing Market Assessment (2007) Tees Valley Strategic Market Assessment 2008, Strategic Flood Risk Assessment 2007 & Update, Hartlepool Retail Study 2009.
<b>Resources Required</b>	Consultants have been engaged to prepare SPD with involvement of internal staff.
<b>Community and Stakeholder Involvement</b>	In accordance with the Statement of Community Involvement
<b>POST PRODUCTION / REVIEW</b>	
The SPD will be monitored and reported annually in the Annual Monitoring Report.	

<b>Table 5: Planning Obligations SPD</b>	
<b>OVERVIEW</b>	
<b>Role and content</b>	Will set out guidance and standards on the use of commuted sums through planning agreements, including the circumstances when an agreement will be sought and its basis
<b>Geographical Coverage</b>	Borough-wide
<b>Status</b>	Non-statutory Supplementary Planning Document not subject to independent examination
<b>Conformity</b>	With national guidance, regional spatial strategy and saved Local Plan policy GEP9
<b>TIMETABLE / KEY DATES</b>	
<b><u>Stage</u></b>	<b><u>Date</u></b>
<b>Commencement – evidence gathering and initial community and key stakeholder involvement</b>	July 2006 – March 2009
<b>Draft and associated sustainability report issued for consultation</b>	September 2009
<b>Consideration of consultation responses</b>	October – December 2009
<b>Adoption and publication</b>	February 2010
<b>ARRANGEMENTS FOR PRODUCTION</b>	
<b>Lead Organisation</b>	Hartlepool Borough Council (Policy Team)
<b>Management arrangements</b>	To be determined
<b>Resources Required</b>	Internal staffing resources
<b>Community and Stakeholder Involvement</b>	In accordance with the Statement of Community Involvement
<b>POST PRODUCTION / REVIEW</b>	
The effectiveness of the provisions of the document will be assessed in the annual monitoring report. The document will be reviewed when the annual monitoring report highlights a need or if there is any change in government legislation, policy or advice.	

<b>Table 6: Transport Assessment &amp; Travel Plans SPD</b>	
<b>OVERVIEW</b>	
<b>Role and content</b>	Will set out guidance and standards on the use of Travel Plans & Transport assessment planning agreements, including the circumstances when an agreement will be sought and its basis
<b>Geographical Coverage</b>	Borough-wide
<b>Status</b>	Non-statutory Supplementary Planning Document not subject to independent examination
<b>Conformity</b>	With national guidance, regional spatial strategy and saved Local Plan policy Tra20.
<b>TIMETABLE / KEY DATES</b>	
<b>Stage</b>	<b>Date</b>
<b>Associated Appropriate Assessment Scoping Report issued for consultation</b>	March 2009
<b>Adoption</b>	October 2009
<b>ARRANGEMENTS FOR PRODUCTION</b>	
<b>Lead Organisation</b>	Hartlepool Borough Council (Transportation Team)
<b>Management arrangements</b>	To be determined
<b>Resources Required</b>	Internal staffing resources
<b>Community and Stakeholder Involvement</b>	In accordance with the adopted Statement of Community Involvement
<b>POST PRODUCTION / REVIEW</b>	
The effectiveness of the provisions of the document will be assessed in the annual monitoring report. The document will be reviewed when the annual monitoring report highlights a need or if there is any change in government legislation, policy or advice.	



<b>Table 7: Joint Minerals &amp; Waste Core Strategy DPD</b>	
<b>OVERVIEW</b>	
<b>Role and content</b>	To set out the vision, spatial strategy and strategic policies for meeting known and anticipated waste management and mineral working requirements to 2021
<b>Geographical Coverage</b>	Tees Valley-wide including Hartlepool
<b>Status</b>	Development Plan Document
<b>Conformity</b>	With Regional Spatial Strategy
<b>TIMETABLE / KEY DATES</b>	
<b>Stage</b>	<b>Date</b>
Consultation on Preferred Options and sustainability report (Reg 25)	February – March 2008
Consideration of representations	April – December 2008
<b>Publication of Draft DPD (Reg 27)</b>	August 2009
Consultation on Published Document (Reg 28)	August – September 2009
<b>Submission of DPD &amp; final sustainability report (Reg 30)</b>	November 2009
<b>Pre examination meeting</b>	December 2009
<b>Commencement of Public Examination</b>	January 2010
<b>Inspector's Report Fact Check</b>	May 2010
<b>Inspector's Report Final</b>	June 2010
<b>Adoption of DPD</b>	July 2010
<b>ARRANGEMENTS FOR PRODUCTION</b>	
<b>Lead Organisation</b>	Tees Valley Joint Strategy Unit
<b>Management arrangements</b>	To be determined (see section 8)
<b>Evidence Required</b>	To be determined on commencement in consultation with key stakeholders
<b>Resources Required</b>	Consultants appointed to undertake key research, analysis and preparation.
<b>Community and Stakeholder Involvement</b>	In accordance with the Statement of Community Involvement
<b>POST PRODUCTION / REVIEW</b>	
Monitored on an annual basis and subject to review if the monitoring highlights a need. Otherwise the document will be formally reviewed at least once every five years	

<b>Table 8: Joint Minerals &amp; Waste Site Allocations DPD</b>	
<b>OVERVIEW</b>	
<b>Role and content</b>	To set out the vision, spatial strategy and strategic policies for meeting known and anticipated waste management and mineral working requirements to 2021
<b>Geographical Coverage</b>	Tees Valley-wide including Hartlepool
<b>Status</b>	Development Plan Document
<b>Conformity</b>	With Regional Spatial Strategy
<b>TIMETABLE / KEY DATES</b>	
<b>Stage</b>	<b>Date</b>
Consultation on Preferred Options and sustainability report (Reg 25)	February – March 2008
Consideration of representations	April – December 2008
<b>Publication of Draft DPD (Reg 27)</b>	August 2009
Consultation on Published Document (Reg 28)	August – September 2009
<b>Submission of DPD &amp; final sustainability report (Reg 30)</b>	November 2009
<b>Pre examination meeting</b>	December 2009
<b>Commencement of Public Examination</b>	January 2010
<b>Inspector's Report Fact Check</b>	May 2010
<b>Inspector's Report Final</b>	June 2010
<b>Adoption of DPD</b>	July 2010
<b>ARRANGEMENTS FOR PRODUCTION</b>	
<b>Lead Organisation</b>	Tees Valley Joint Strategy Unit
<b>Management arrangements</b>	To be determined (see section 8)
<b>Evidence Required</b>	To be determined on commencement in consultation with key stakeholders
<b>Resources Required</b>	Consultants appointed to undertake key research, analysis and preparation.
<b>Community and Stakeholder Involvement</b>	In accordance with the Statement of Community Involvement
<b>POST PRODUCTION / REVIEW</b>	
Monitored on an annual basis and subject to review if the monitoring highlights a need. Otherwise the document will be formally reviewed at least once every five years	

## **4. SUSTAINABILITY APPRAISAL**

- 4.1 The Planning and Compulsory Purchase Act requires that Local Development Documents should contribute to the achievement of sustainable development. Furthermore, European Union (Strategic Environmental Assessment) Directive 2001/42/EC requires that a formal strategic environmental assessment is carried out for certain plans and programmes likely to have a significant effect on the environment including planning and land use documents.
- 4.2 Most Local Development Documents will therefore be subject to a Sustainability Appraisal which will incorporate the requirements of the Sustainable Environment Assessment (SEA). This will be a continual and integrated process starting when a new (or revised) local development document is to be prepared. Appraisal at each stage of a document's preparation will inform the direction adopted at the next stage and sustainability appraisal reports will be subject to consultation alongside the document as it is developed.

## **5. APPROPRIATE ASSESSMENT**

- 5.1 Under the Conservation (Natural Habitats Etc) (Amendment) Regulations 2007, Development Plan Documents are subject to Appropriate Assessment screening process to enable the Local Planning Authority to ascertain that any Development Plan Document will not adversely affect the integrity of a European protected site. In the event of the screening process stage highlighting the impact on the integrity of a European site a full Appropriate Assessment will be carried out to indicate mitigation or necessary compensatory measures required to minimise the effects on the relevant protected site. Should a full Appropriate Assessment be required the date of the final adoption of the DPD will need to be adjusted accordingly.

## **6. LINKS TO OTHER STRATEGIES**

- 6.1 Local Development Documents contained within the Local Development Framework should reflect the land use and development objectives of other strategies and programmes. The 2006 Hartlepool Local Plan was developed in close collaboration with in particular the Hartlepool Community Strategy and the Hartlepool Local Transport Plan and gives spatial expression to the elements of these and other strategies that relate to the development and use of land.
- 6.2 Development documents to be prepared under the new system must be in conformity with the Regional Spatial Strategy. They will also take account of and reflect other strategies and programmes - local, sub-regional and regional. A list of such strategies and programmes currently in place which may be of relevance is attached at Appendix 3.

## **7. EVIDENCE BASE**

- 7.1 Local planning authorities are required to keep under review the main physical, economic, social and environmental characteristics of their area in order to inform the development of planning policies. The Tees Valley Joint Strategic Unit maintains much base information on behalf of the constituent Borough Councils, including in particular information on the size, composition and distribution of population and other matters covered by the Censuses of Population and Employment. In addition Hartlepool Council maintains information on many other matters including the regular monitoring of housing and employment land availability and of new developments.
- 7.2 The planning system requires that Local Development Documents should be founded on sound and reliable evidence which will identify opportunities, constraints and issues in the area. Much of this evidence is already in place although some will need to be updated in relation to the preparation of local development documents.
- 7.3 In terms of on-going and proposed development of the evidence base, the Hartlepool Housing Regeneration Strategy was completed in mid 2005 and the Hartlepool Low Density Housing Study which examined high quality, low density housing and the effects of new housing development on migration and the socio-economic balance in the town was completed in July 2005. The Hartlepool Retail Study was updated in March 2005. A new Retail Study is to be prepared by August 2009. The Hartlepool Strategic Housing Market Assessment was published in July 2007. A Strategic Flood Risk Assessment (in association with the other Tees Valley authorities) was completed in February 2007 but is being updated in 2009.
- 7.4 A list of current and proposed reports is attached at Appendix 4. The need for additional studies and updating of existing studies will be kept under review as part of the annual monitoring process.

## 8. MONITORING AND REVIEW

- 8.1 Monitoring and review are key aspects of the Government's "plan, monitor and manage" approach to planning and should be undertaken on a continuous basis.

### **Annual Monitoring Report**

- 8.2 A requirement of the new planning system is to produce an Annual Monitoring Report to assess the implementation of the Local Development Scheme and the extent to which policies in Local Development Documents are being met. The first Annual Monitoring Report was published in December 2005 and subsequent reports issued in 2006 and 2007. The fourth Annual Monitoring Report relating to the period from 1<sup>st</sup> April 2007 to 31<sup>st</sup> March 2008 was published in December 2008.
- 8.3 The implementation of the Local Development Scheme is assessed in each annual monitoring report in terms of the extent to which the targets and key dates (milestones) for the preparation of local development documents have been met and to ensure the reasons for any failure to meet these are explained. Any adjustments required to the key milestones for document preparation will need to be incorporated in a subsequent review of the local development scheme.
- 8.4 The Annual Monitoring Report 2005 & 2006 assessed the policies of the 1994 Hartlepool Local Plan. The 2007 and 2008 Annual Monitoring Report assessed the policies of the 2006 Local Plan from April 2006 particularly in relation to the indicators and targets contained within that plan. The annual monitoring report also assesses the impact of local plan policies on relevant national and regional/sub-regional indicators and targets.
- 8.5 As a result of the assessment of policies, the Annual Monitoring Report may highlight areas where policy coverage is insufficient or ineffective or where it does not accord with the latest national or regional policy. In this event it will suggest action that needs to be taken such as the early review of existing documents or preparation of new documents. As a consequence the local development scheme will be amended to reflect such action to amend the local development framework.

## 9. MANAGING THE PROCESS

- 9.1 The Local Development Scheme has been drawn up having regard to resources (both staff and financial), Council processes and an assessment of the likely interest of key stakeholders and the community. Nevertheless there are risks that the timetables set out in this document may slip. The risks have been assessed in this respect but given the size of the authority and its resources not all can be readily overcome.

### **Staff Resources**

- 9.2 The prime responsibility for delivering the local plan and subsequently the local development framework lies with a small policy team within the Urban Policy Section of the current Department of Regeneration and Planning Services. This team has close working relationships with, and makes full use of the expertise and experience of other sections of the department including development control, regeneration, housing renewal, community strategy, landscape, ecology and conservation. For example, the regeneration team which has long-established working relationships with the community took the lead in the initial preparation of the Statement of Community Involvement (2006). Similarly, when it is decided to replace the Supplementary Notes of the Local Plan by supplementary planning documents the conservation officer, ecologist and arboricultural officer will provide the lead as relevant.
- 9.3 In addition, the policy team, as in the past, will continue to liaise closely with officers of other departments of the council including in particular the transport and countryside services teams.
- 9.4 Full use will be made of consultants to provide independent specialist advice or to undertake necessary studies contributing to the information base necessary for the preparation of local development documents.
- 9.5 An in-house multi-discipline team having expertise in the various aspects of sustainable development will carry out the sustainability appraisals although consideration will also be given in this respect to the use of consultants if necessary.

### **Financial Resources**

- 9.6 Resources have been allocated within the Council's mainstream budget to cover the anticipated costs of initial work on local development documents. Provisional costs for future years have been factored into the Council's longer-term budget review. In addition, Housing Planning Delivery Grant has been used to fund the use of consultants for the preparation of much of the evidence base.

### **Programme Management**

- 9.7 The current arrangements for the management of the forward planning process will continue. Basically this comprises weekly meetings of the Core Team and reporting to senior management as necessary. This team will also manage the programme for the production of local development documents.

### **Political Process**

- 9.8 The new planning system is increasingly being brought to the attention of Members with view to fully involving them fully in the production of local development documents. This is being encouraged by the use of Seminars, regular reports to the Cabinet and Council and by the setting up of a Member's Group.

### **Risk Assessment and Contingencies**

- 9.9 The programme for the preparation and production of local development documents set out in the local development scheme is based on a realistic assessment of the capacity of the Council to undertake the work and of the extent and depth of the local community and stakeholder involvement and interest likely to be generated by each document. However, there are two main types of risk that could result in a failure to meet this programme. The first relates to resources (both human and financial) and the second to delays in the process primarily due to external factors.
- 9.10 As noted in paragraph 9.5 above, the Council has endeavoured to ensure that there will be sufficient financial resources made available within its budgetary framework supplemented at least in the short term as necessary by the Housing Planning Delivery Grant. However, in view of the relatively small size of the Council and thus of its staff, the effect of, for example, long-term sickness, of officers obtaining employment elsewhere or of other unforeseen work coming forward, is significant. Whilst every effort would be made to replace staff in such circumstances, including the use of external consultants, some delay is inevitable as a result of the recruitment process. Further it is not always possible to recruit suitably qualified persons and there is inevitably a period required by new staff for familiarisation.
- 9.11 Account has been taken of the political process relating to the approval of planning documents at the various stages of production. Whilst the Council's formal scrutiny process provides an open forum for the consideration of issues, it is not possible to predict that Cabinet recommendations will be endorsed at Full Council.
- 9.12 The potential for a delay due to the inability of the Planning Inspectorate to undertake the Examination of Development Plan Documents at the programmed time is minimised by the production of this Local Development Scheme and the associated service level agreement with the Inspectorate.
- 9.13 However, there are risks that adoption of a development plan document could be delayed if the Examination Inspector finds that it is unsound and recommends major changes, or if the Secretary of State intervenes on the basis that it raises issues of national or regional significance. The Council will therefore seek to ensure that the document is sound and conforms as necessary with national and regional policy through close liaison with the Government Office. The risk of a legal challenge to a document will be minimised by ensuring that it has been produced in accordance with the regulations.
- 9.14 The uncertainty about the timing of certain major regeneration schemes and the possibility of new major strategic development coming forward from the private sector has impacted on the preparation of the Local Development Framework. The Council recognises this risk and will review the Local Development Scheme should this be necessary.

## **10. REVIEW OF THE LOCAL DEVELOPMENT SCHEME**

10.1 The Local Development Scheme sets out the position with respect to the development of planning policies as it is envisaged at a particular point of time. It will normally be reviewed annually, but it can be readily reviewed when necessary. In particular it will need to be reviewed in the following circumstances:

- a slippage in the timetables caused by exceptional circumstances
- when a need is identified for a new local development document
- if monitoring establishes that an existing document should be reviewed.



## APPENDIX 1

## LIST OF ACRONYMS AND TECHNICAL TERMS USED IN THIS REPORT

AAP	Action Area Plan	A type of Development Plan Document relating to specific areas of major opportunity and change or conservation.
AMR	Annual Monitoring Report	Report submitted to Government on the progress of preparing the Local Development Framework and the extent to which policies are being achieved.
	Circular	A government publication setting out policy approaches
Core Strategy	Core Strategy Development Plan Document	A Development Plan Document setting out the spatial vision and objective of the planning framework for the area, having regard in particular to the Community Strategy. All other development plan documents must conform with the core strategy.
	Development Plan	Documents setting out the policies and proposals for the development and use of land and buildings. Under the new planning system it comprises the Regional Spatial Strategy and Development Plan Documents, whilst under the transitional arrangements it comprises the Structure Plan and Local Plan.
DPD	Development Plan Document	A local development document in the local development framework which forms part of the statutory development plan. The core strategy, documents dealing with the allocation of land, action area plans and the proposals map are all development plan documents.
LDD	Local Development Document	An individual document in the Local Development Framework. It includes Development Plan Documents, Supplementary Planning Documents and the Statement of Community Involvement.
LDF	Local Development Framework	The overarching term given to the collection of Local Development Documents which collectively will provide the local planning authority's policies for meeting the community's economic, environmental and social aims for the future of the area where this affects the development and use of land and buildings. The LDF also includes the Local Development Scheme and the Annual Monitoring Report.
LDS	Local Development Scheme	A public statement setting out the programme for the preparation of local development documents. Initially it will also identify the programme for the completion of the local plan and also which policies of the local and structure plan are to be saved and/or replaced.
	Local Plan	A statutory development plan prepared under previous legislation, or being prepared under the transitional arrangements of the new Act.
	National policy	Government policy contained within Planning Policy Guidance (PPG) and Planning Policy Statements (PPS).
PPG	Planning Policy Guidance	Government documents providing policy and guidance on a range of planning issues such as housing, transport, conservation etc. PPGs are currently being replaced by Planning Policy Statements.
PPS	Planning Policy Statements	Government documents replacing PPGs and designed to separate policy from wider guidance issues.

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	Proposals Map	Illustrating on an Ordnance Survey base the policies and proposals of development plan documents and any 'saved' policies of the local plan.
RPG	Regional Planning Guidance	Planning policy and guidance for the region issued by the Secretary of State. RPG became the Regional Spatial Strategy upon commencement of the Act.
RSS	Regional Spatial Strategy	Statutory regional planning policy forming part of the Development Plan and prepared by the regional planning body. The Local Development Framework must be in conformity with the RSS.
	Saved Policies	Policies within the Local Plan and the Structure Plan that remain in force for a time period pending their replacement as necessary by development plan documents or the Regional Spatial Strategy.
SA	Sustainability Appraisal	Identifies and evaluates social, environmental and economic effects of strategies and policies in a local development document from the outset of the preparation process. It incorporates the requirements of the Strategic Environmental Assessment (SEA) Directive.
SCI	Statement of Community Involvement	Sets out the standards to be achieved in involving the community and other stakeholders in the preparation, alteration and review of local development documents and in significant development control decisions
SEA	Strategic Environmental Assessment	A generic term used internationally to describe environmental assessment as applied to policies, plans and programmes
SPD	Supplementary Planning Document	A local development document providing further detail of policies in development plan documents or of saved local plan policies. They do not have development plan status.
SPG	Supplementary Planning Guidance	Provide additional guidance expanding policies in a local plan. SPGs will remain relevant where they are linked to saved policies but will ultimately be replaced by supplementary planning documents.
	Structure Plan	A statutory development plan which previously set out strategic policies for environmental protection and development and providing the more detailed framework for local plans. The Tees Valley Structure Plan has been superseded by the Regional Spatial Strategy.
The Act	Planning and Compulsory Purchase Act 2004	Government legislation introducing a new approach to development planning.
	Transport Assessments	A process setting out transport issues relating to a proposed development identifying measures to be taken to improve accessibility and safety for all modes of travel, particularly alternatives to the car. Such as walking, cycling & public transport
	Travel Plans	A package of measures to assist in managing transport needs of an organisation principally to encourage sustainable modes of transport and enable greater travel choice.
	Transitional Arrangements	Government regulations describing the process of development plans begun before, and to be completed after, the Planning and Compulsory Purchase Act 2004

## APPENDIX 2

### Schedule of Hartlepool Local Plan Saved Policies

Direction Under Paragraph 1(3) of the Schedule to the Town & Country Planning Act 2004  
Policies contained in the Hartlepool Local Plan including Waste & Minerals Policies

**18 December 2008**

#### GENERAL ENVIRONMENTAL PRINCIPLES

GEP1	General Environmental Principles
GEP2	Access for All
GEP3	Crime Prevention by Planning and Design
GEP7	Frontages of Main Approaches
GEP9	Developers' Contributions
GEP10	Provision of Public Art
GEP12	Trees, Hedgerows and Development
GEP16	Untidy Sites
GEP17	Derelict Land Reclamation
GEP18	Development on Contaminated Land

#### INDUSTRIAL AND BUSINESS DEVELOPMENT

Ind1	Wynyard Business Park
Ind2	North Burn Electronics Components Park
Ind3	Queens Meadow Business Park
Ind4	Higher Quality Industrial Estates
Ind5	Industrial Areas
Ind6	Bad Neighbour Uses
Ind7	Port-Related Development
Ind8	Industrial Improvement Areas
Ind9	Potentially Polluting or Hazardous Developments
Ind10	Underground Storage
Ind11	Hazardous Substances

#### RETAIL, COMMERCIAL AND MIXED USE DEVELOPMENT

Com1	Development of the Town Centre
Com2	Primary Shopping Area
Com3	Primary Shopping Area – Opportunity Site
Com4	Edge of Town Centre Areas
Com5	Local Centres
Com6	Commercial Improvement Areas
Com7	Tees Bay Mixed Use Site
Com8	Shopping Development
Com9	Main Town Centre Uses
Com10	Retailing in Industrial Areas
Com12	Food and Drink
Com13	Commercial Uses in Residential Areas
Com14	Business Uses in the Home
Com15	Victoria Harbour/North Docks Mixed Use Site
Com16	Headland – Mixed Use

### TOURISM

To1	Tourism Development in the Marina
To2	Tourism at the Headland
To3	Core Area of Seaton Carew
To4	Commercial Development Sites at Seaton Carew
To6	Seaton Park
To8	Teesmouth National Nature Reserve
To9	Tourist Accommodation
To10	Touring Caravan Sites
To11	Business Tourism and Conferencing

### HOUSING

Hsg1	Housing Improvements
Hsg2	Selective Housing Clearance
Hsg3	Housing market Renewal
Hsg4	Central Area Housing
Hsg5	Management of Housing Land Supply
Hsg6	Mixed Use Areas
Hsg7	Conversions for Residential Uses
Hsg9	New Residential Layout – Design and Other Requirements
Hsg10	Residential Extensions
Hsg11	Residential Annexes
Hsg12	Homes and Hostels
Hsg13	Residential Mobile Homes
Hsg14	Gypsy Site

### TRANSPORT

Tra1	Bus Priority Routes
Tra2	Railway Line Extensions
Tra3	Rail Halts
Tra4	Public Transport Interchange
Tra5	Cycle Networks
Tra7	Pedestrian Linkages: Town Centre/ Headland/ Seaton Carew
Tra9	Traffic Management in the Town Centre
Tra10	Road Junction Improvements
Tra11	Strategic Road Schemes
Tra12	Road Scheme: North Graythorp
Tra13	Road Schemes: Development Sites
Tra14	Access to Development Sites
Tra15	Restriction on Access to Major Roads
Tra16	Car Parking Standards
Tra17	Railway Sidings
Tra18	Rail Freight Facilities
Tra20	Travel Plans

## 13(a)(i) Appendix 1

### **PUBLIC UTILITY AND COMMUNITY FACILITIES**

PU3	Sewage Treatment Works
PU6	Nuclear Power Station Site
PU7	Renewable Energy Developments
PU8	Telecommunications
PU10	Primary School Location
PU11	Primary School Site

### **DEVELOPMENT CONSTRAINTS**

Dco1	Landfill Sites
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### **RECREATION AND LEISURE**

Rec1	Coastal Recreation
Rec2	Provision for Play in New Housing Areas
Rec3	Neighbourhood Parks
Rec4	Protection of Outdoor Playing Space
Rec5	Development of Sports Pitches
Rec6	Dual Use of School Facilities
Rec7	Outdoor Recreational Sites
Rec8	Areas of Quiet Recreation
Rec9	Recreational Routes
Rec10	Summerhill
Rec12	Land West of Brenda Road
Rec13	Late Night Uses
Rec14	Major Leisure Developments

### **THE GREEN NETWORK**

GN1	Enhancement of the Green Network
GN2	Protection of Green Wedges
GN3	Protection of Key Green Space Areas
GN4	Landscaping of Main Approaches
GN5	Tree Planting
GN6	Protection of Incidental Open Space

### **WILDLIFE**

WL2	Protection of Nationally Important Nature Conservation Sites
WL3	Enhancement of Sites of Special Scientific Interest
WL5	Protection of Local Nature Reserves
WL7	Protection of SNCIs, RIGSs and Ancient Semi-Natural Woodland

### **CONSERVATION OF THE HISTORIC ENVIRONMENT**

HE1	Protection and Enhancement of Conservation Areas
HE2	Environmental Improvements in Conservation Areas
HE3	Developments in the Vicinity of Conservation Areas
HE6	Protection and Enhancement of Registered Parks and Gardens
HE8	Works to Listed Buildings (Including Partial Demolition)
HE12	Protection of Locally Important Buildings
HE15	Areas of Historic Landscape

**THE RURAL AREA**

Rur1	Urban Fence
Rur2	Wynyard Limits to Development
Rur3	Village Envelopes
Rur4	Village Design Statements
Rur5	Development At Newton Bewley
Rur7	Development in the Countryside
Rur12	New Housing in the Countryside
Rur14	The Tees Forest
Rur15	Small Gateway Sites
Rur16	Recreation in the Countryside
Rur17	Strategic Recreational Routes
Rur18	Rights of Way
Rur19	Summerhill- Newton Bewley Greenway
Rur20	Special Landscape Areas

**MINERALS**

Min1	Safeguarding of Mineral Resources
Min2	Use of Secondary Aggregates
Min3	Mineral Extraction
Min4	Transport of Minerals
Min5	Restoration of Mineral Sites

**WASTE**

Was1	Major Waste Producing Developments
Was2	Provision of 'Bring' Recycling Facilities
Was3	Composting
Was4	Landfill Developments
Was5	Landraising
Was6	Incineration

## APPENDIX 3

### STRATEGIES AND PROGRAMMES TO BE CONSIDERED

#### REGIONAL STRATEGIES:

- Making It Happen: The Northern Way -Feb. 2004
- Regional Spatial Strategy (July 2008)
- North East Regional Housing Strategy - July 2005
- Regional Economic Strategy - Unlocking our Potential

#### SUB REGIONAL STUDIES / STRATEGIES

- Tees Valley Vision
- Tees Valley Living - Building Sustainable Communities in Tees Valley
- Tees Valley Sub Regional Housing Market Renewal Strategy (January 2006)
- Tees Valley Sub-Regional Housing Strategy (under preparation)
- The Tees Valley Forest Plan 2000
- Tees Valley Biodiversity Plan
- Joint Waste Management Strategy for Hartlepool, Middlesbrough, Redcar & Cleveland and Stockton-on-Tees Borough Councils.
- Hartlepool Cycling Strategy
- Tees Valley Tourism Strategy - February 2003
- Coastal Arc Strategy (Phase 1 – 200 4- 07, Updated 2006-2008)
- Business Link Tees Valley Plan
- Tees Estuary Management Plan
- Cleveland Police Policing Plan
- Strategic Flood Risk Assessment (2007)
- Tees Valley Strategic Housing Market Assessment (2008)
- North Tees & South Tees Study

#### LOCAL STRATEGIES AND PROGRAMMES

##### Generic

- Hartlepool Community Strategy (Review 2007/09)
- Neighbourhood Renewal Strategy
- Neighbourhood Action Plans

##### Housing

- Hartlepool Strategic Housing Market Assessment (2007)
- Hartlepool Housing Regeneration Strategy (May 2005)
- Hartlepool Housing Strategy
- NDC Community Housing Plan (2003)
- North Central Hartlepool Masterplan (August 2004)

##### Jobs and the Economy

- Hartlepool Economic Strategy
- Hartlepool Central Area Investment Framework (2008)
- Southern Business Zone Investment Framework (February 2009)

##### Tourism

- Hartlepool Tourism Strategy - March 2004
- Seaton Carew Tourism Strategy: 2003 – 2008

##### Environment and the Arts

- Shoreline Management Plan 1999 Seaham Harbour to Saltburn by the Sea
- Longhill and Sandgate Industrial Estate Landscape Masterplan
- Contaminated Land Strategy
- Hartlepool's Cultural Strategy (April 2003)
- Headland Environmental Improvement and Public Art Strategy

##### Transport

- Hartlepool Local Transport Plan 2006 – 2011

### **Recreation**

- Hartlepool Playing Pitch Strategy
- Sports Development Strategy
- Hartlepool Rights of Way Strategy
- Outdoor Equipped Play Facilities Strategy 2001

### **Lifelong Learning**

- Connexions Strategy
- Cleveland College of Art & Design Strategic Plan
- Hartlepool Adult Learning Plan
- Hartlepool College of Further Education Strategic Plan
- Hartlepool Education Development Plan
- Hartlepool Library Plan
- Hartlepool Sixth Form College Strategic Plan
- Hartlepool Youth Service Strategy
- Learning & Skills Council Tees Valley Strategic Plan

### **Health**

- Vision for Care
- Hartlepool CHD Strategy
- Hartlepool Public Health Strategy
- Hartlepool Teenage Pregnancy Strategy
- Hartlepool Drug Action Team Strategy

### **Community Safety**

- Hartlepool Community Safety Strategy



## APPENDIX 4

### REPORTS CONTRIBUTING TO THE EVIDENCE BASE FOR NEW LOCAL DEVELOPMENT DOCUMENTS

#### HOUSING AND HOUSING REGENERATION

Hartlepool Housing Dynamics Study (NLP)	April 2000
Hartlepool Housing Aspirations Study (NLP)	December 2002
West Central Hartlepool NDC Housing Study (NLP)	2000
West Central Hartlepool NDC Options Report (NLP)	March 2002
Hartlepool Housing Urban Capacity Study (C/RG)	May 2002
NDC Community Housing Plan (NLP/SRB)	May 2003
NDC Area Assessment Report (HA)	August 2004
North Central Hartlepool Masterplan	August 2004
Victoria Harbour Housing Demand Study (RTP)	June 2004
Hartlepool Low Density Housing Study (NLP)	July 2005
Hartlepool Housing Regeneration Strategy (NLP)	Mid 2005
Regional Housing Aspirations Study	March 2005
Hartlepool Strategic Housing Market Assessment (DC)	June 2007
Tees Valley Strategic Housing Market Assessment	December 2008
Hartlepool Strategic Housing Land Availability Assessment	August 2009

#### ECONOMY

Tees Valley Strategic Employment Land Review (JSU)	Draft May 2003-
Hartlepool Retail Study (DJ)	Update March 2005
Hartlepool Employment Land Review	December 2008
'Strategic Improvements to Hartlepool Southern Business Zone'(Ec)	February 2009
Central Area Investment Framework (Gn)	March 2009
Hartlepool Retail Study (DJ)	Expected August 2009
North Tees South Tees Study (PB)	Autumn 2009

#### ENVIRONMENT

Hartlepool Landscape Assessment	November 1999
Local Air quality management action plan	
National Land Use Database	March 2009
Sustainability Appraisal Scoping Report	October 2007
Strategic Flood Risk Assessment (JBA )	February 2007
Strategic Flood Risk Assessment (JBA ) Update	Summer 2009

#### RECREATION AND LEISURE

Outdoor Equipped Play Facilities Strategy	2001
Audit and Assessment of Allotment Provision in Hartlepool	May 2004
Playing Pitch Strategy	March 2004
Multi-Use Games Area Strategy	April 2006
PPG 17 Audit of Open Space (CS)	2008
Hartlepool Sports Facilities Strategy	Commenced Dec 2006

NLP	Nathanial Lichfield & Partners	C/RG	Chesterton and Ron Grieg
SRB	Social Regeneration Consultants	HA	Halcrow Group
RTP	Roger Tym and Partners	JSU	Tees Valley Joint Strategic Unit
DJ	Drivers Jonas	Ec	Ecotech
Gn	Genecom	JBA	JBA Consulting
DC	David Cumberland	CS	Capita Symonds
PB	Parsons Brinckerhoff		

**COUNCIL**  
30<sup>th</sup> July 2009



**Report of:** The Executive

**Subject:** TEES VALLEY JOINT MINERALS AND WASTE  
DEVELOPMENT PLAN DOCUMENTS: DRAFT  
SUBMISSION DOCUMENTS

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**1. PURPOSE OF REPORT**

- 1.1 To seek approval to publish, and subsequently submit to Government, the Development Plan Documents which will guide future minerals and waste development in Hartlepool.

**2 RELEVANCE TO THE COUNCIL**

- 2.1 The joint Minerals and Waste Development Plan Documents form part of the Development Plan for the Borough which is part of the budget and policy framework. The joint Development Plan Documents are of strategic significance to the Council for development and use of land in relation to waste and minerals matters.

**3. BACKGROUND**

- 3.1 On 12 April 2006 Cabinet approved the principle of the Joint Strategy Committee taking responsibility for the initial preparation of Joint Minerals and Waste Core Strategy and Policies and Sites Development Plan Documents (DPDs) on behalf of Hartlepool Borough Council and the other four Tees Valley authorities. The Minerals and Waste DPDs will replace the minerals and waste policies in the Hartlepool Local Plan.
- 3.2 The first stage was the Issues and Options Report which Cabinet approved for public consultation in April 2007. The report had been prepared by consultants Entec UK Ltd following consultation and discussion with the minerals and waste industry, officers and members of the unitary authorities, environmental interest groups and other organisations identified as having an interest in minerals and waste in the area. This report identified issues affecting minerals and waste developments in the Tees Valley and consultees were asked to identify which options presented were the most appropriate to deal with the issues.

- 3.3 The Issues and Options Report was issued for public consultation in May 2007, with close to 1,800 organisations, companies, community groups, councillors and individuals contacted directly about the consultation and invited to take part. Information about the consultation exercise was also advertised on the Council websites, via the local press and drop-in events were organised at the Central Library and Seaton Carew Branch Library to allow local people to come and discuss the issues.
- 3.4 Following a 6 week consultation on the Issues and Options stage the Preferred Options Reports were produced which subsequently established which of the options are the preferred ones to deal with the issues identified. The comments received from the consultation exercise were used to prepare the Preferred Options report. Following Cabinet approval in January 2008 the Preferred Options DPDs were issued for public consultation for 6 weeks, in order for comments to be made on the options chosen by the Tees Valley Authorities.
- 3.5 All comments made at the Preferred Options stage were used to help the Tees Valley authorities and their consultants Entec decide on whether the preferred options were “sound” or whether they needed amending before this current stage of publishing the Submission draft of the DPDs.
- 3.6 This next key stage is for the five Tees Valley councils to formally **publish** the DPDs as they propose to **submit** them to the Secretary of State. Publication is to allow representations to be made over a six-week period on the “soundness” of the DPDs. To be found sound a DPD should be **justified, effective and consistent with national policy**. It is not intended as an additional round of consultation – the opportunities for consultation have already passed, as described above. Duly-made representations will be forwarded to the Secretary of State with the submission documents.

#### 4. PROPOSALS

- 4.1 The new Minerals and Waste DPDs will comprise:
- (i) Joint Minerals and Waste **Core Strategy** Development Plan Document, which will comprise the long-term spatial vision and overarching primary policies needed to achieve the strategic objectives containing the overall strategy and generic development policies for minerals and waste developments in the Tees Valley. The Core Strategy DPD will provide a coherent spatial strategy until 2025 and will contain measurable objectives consistent with the Regional Spatial Strategy for the North East;
  - (ii) Joint Minerals and Waste **Policies and Sites** Development Plan Document with Proposals Map. This will identify specific minerals and waste sites and provide a framework of development control policies to access future minerals and waste applications in the Tees Valley. The Policies and Sites DPD will be in conformity with the Tees Valley Joint

Minerals and Waste Core Strategy. Only one site has been identified in Hartlepool and this is a site for a commercial and industrial waste recovery facility at Graythorp.

## **5. NEXT STEPS AND FUTURE STAGES TO ADOPTION**

- 5.1 To expedite progress, authority is also being sought now for the DPDs to be subsequently submitted to the Secretary of State, subject to no substantive changes to them being necessary following publication. If the latter was the case, the DPDs would be brought back to Cabinet and Council.
- 5.2 Following submission, the Secretary of State will appoint an Inspector to hold a public examination into the legal compliance and “soundness” of the DPDs.
- 5.3 The Inspector’s report could be received in May 2010, which, if favourable, would allow adoption of the DPDs in July 2010. That would ensure the Tees Valley boroughs meet the requirements of Article 7 of the EU Waste Framework Directive, which requires planning authorities to have waste disposal sites identified ‘through maps or sufficiently precise criteria’ by 2010.
- 5.4 Copies of the Draft Submission DPDs have been placed in the Members’ Room and can be accessed online on the planning policy page of the Council’s website [www.hartlepool.gov.uk](http://www.hartlepool.gov.uk).
- 5.5 Cabinet at its meeting on 13<sup>th</sup> July 2009 agreed the recommendations and referred matter to Council for final consideration.

## **6. RECOMMENDATIONS**

- 6.1 That Council authorise the following:

(a) Members approve the publication of the Tees Valley Joint Minerals and Waste Core Strategy and Policies and Sites Development Plan Documents in so far as they relate to the Borough of Hartlepool;

(b) subject to no substantive changes to the documents being necessary following publication, approval be given for subsequent submission to the Secretary of State for Communities and Local Government; and

(c) authority is given for the Director of Regeneration and Planning services, in consultation with the Cabinet Member with responsibility for Planning Policy, to make any necessary minor amendments to the documents prior to submission.

# COUNCIL REPORT

13 July 2009



**Report of:** Executive

**Subject:** STRATEGY FOR FUNDING ONE OFF BUSINESS TRANSFORMATION COSTS

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## 1. PURPOSE OF REPORT

- 1.1 To provide Council with details of Cabinet's proposed strategy for funding one off Business Transformation costs.

## 2. REASON FOR SUBMITTING REPORT

- 2.1 In accordance with the constitution Cabinet is responsible for proposing changes to the approved Budget and Policy Framework, which are then referred to Council for consideration. Details of Cabinet's proposal are set out in the following paragraphs.

## 3. CABINET PROPOSAL

### 3.1 BACKGROUND

- 3.2 As part of the detailed budget recommendations approved by Council in February Members approved the principle of funding one-off Business Transformation severance costs (£3.14m) and one-off implementation costs (£0.68m) on a loan basis repayable over a five year period from the gross savings achieved from implementing the Business Transformation Programme (BTP). The Business Transformation severance costs of £3.14m related primarily to the Departmental Restructure and Management Structures work-stream at that stage no detailed work in relation to the Service Delivery work-stream had been done.

- 3.3 As the funding strategy for the above costs was only agreed in principle and only dealt with a part of the Transformation Programme Council needs to review this proposal and determine an approved funding strategy.

### 3.4 DETAILED PROPOSAL

- 3.5 Cabinet has reviewed the initial funding strategy for the one-off Business Transformation Programme (BTP) costs to reflect the wider financial position

of the Council and changes which has arisen since February 2009. This review has identified one-off resources of some £2.5m which are potentially available to fund BTP costs, as detailed at Appendix 1.

- 3.6 The availability of the above resources provides an opportunity to review the existing strategy for funding the BTP one-off costs. If these resources are used to fund the costs outright this alleviates the need to pay the monies back to reserves and increases the contribution the Transformation Programme can make towards solving the budget shortfall. This then leaves the “borrowing facility” from reserves as a means of addressing the costs arising from the Service Delivery review.
- 3.7 If these resources are all used to fund BTP one-off costs this would enable the BTP savings to be taken to the revenue budget earlier than previously planned. Given the financial outlook for the next few years this would help balance future years budgets and reduce the need for more difficult decisions. Because the one-off costs are phased over two years this proposal would produce benefits in the order of £0.4m in 2010/11 and up to a further £0.15m in 2011/12.
- 3.8 This proposal would also leave £2.5m of the initial borrowing facility available to cover costs arising from the Service Delivery Programme. Whilst there will be costs in relation to the Service Delivery options work stream these have not been quantified at this stage and further work as part of each review will need to be undertaken. Regular review of this will need to be undertaken. These costs would need to be repaid from the savings achieved over a 5 year period.
- 3.9 In considering a strategy for funding such significant costs it is appropriate that this be used only as a last resort and that departments’ be required to use any internal funding flexibility that they might have initially and the corporate funds only be accessed as a last resort. Cabinet have therefore proposed a revised following strategy for funding these costs as detailed in the next section.

#### **4. PROPOSAL**

- 4.1 Council is requested to consider the following strategy, in priority order, for funding the one-off BTP implementation costs and the Departmental Restructure and Management Structures and Service Delivery work-streams up front costs:
- i) Use available departmental underspends and reserves (where these exist) to maximise ongoing savings;
  - ii) Use the resources identified in paragraph 3.6;
  - iii) Use loan funding of up to £3.7m repayable from the gross BTP efficiencies for any residual costs not funded from (i) or (ii) (note that this includes the service Delivery Costs also).

**APPENDIX 1****SCHEDULE OF AVAILABLE ONE OFF RESOURCES**

Lower 2008/09 Departmental Overspend £0.924m

It was reported to Cabinet on 18<sup>th</sup> May 2009 the 2008/09 Departmental overspend was lower than anticipated. Cabinet agreed to capitalise expenditure of £2.6m, the level of the forecast overspend, and to fund this amount from Prudential Borrowing. This released £2.6m of revenue resources and after reflecting the actual 2008/09 departmental overspend an uncommitted balance of £0.924m was transferred to General Fund Balances at 31<sup>st</sup> March 2009.

Underspend on Area Based Grant £0.189m

On 18<sup>th</sup> May 2009 Cabinet were also advised that there was an under-spend on the Area Based Grant. This amount has also been transferred to General Fund Balances.

Job Evaluation – pre 2009/10 costs £0.300m

Further work has now been completed on the cumulative costs of JE for 2007/08 back-pay, 2008/09 pay costs and whilst there are some risks still to be addressed it is likely that they will be incorporated within the overall position on appeals for which an annual provisions of £0.4m for the ongoing costs of appeals backdated to 1<sup>st</sup> April 2007 exists. Accordingly it is suggested that the uncommitted resources of £0.3m can be released.

Job Evaluation – temporary saving 2009/10 and 2010/11 £0.900m

In looking at Job Evaluation (JE) costs for future years it is anticipated that costs will be within the projected budget by 2011/12. This assumes actual pay awards are in line with forecasts and more importantly the annual cost of appeals (including NI and pension costs) do not exceed about £0.4m per year.

In implementing the details of the scheme however the rate at which individuals were expected to proceed through the incremental points has been slower than expected when the budgets for 2008/09 and 2009/10 were prepared. These forecasts assumed increments would be greater in the earlier years as lower bands have less incremental points. Further work has now been completed to roll forward future years salary budgets on the basis of actual year one JE salaries and future incremental progression. This has identified that incremental costs will be phased differently owing to changes in the grades staff have been allocated to and the impact of career graded posts. These changes mean that in budget terms incremental costs will be incurred later than expected. Therefore, there will be a temporary benefit to the budget in 2009/10 and 2010/11. In total this temporary benefit is expected to be £1.2m, over the two financial years - assuming appeals don't exceed the £0.4m level.

There are still risks around the resources available from Job Evaluation and the key risk relates to the cost of appeals. Thus whilst in total some £1.2m of resources could be made available to assist the one funding of Business Transformation it would be appropriate to withhold say some £0.3m of this as a means of mitigating any risks of appeals exceeding the budget position until these risks are resolved. This would leave a sum of £0.9m that could be used to fund outright the up front costs of Business transformation

Uncommitted Severance Funding

£0.200m

As part of the 2008/09 budget strategy resources of £0.7m were set aside for severance costs in 2008/09 and 2009/10 arising from the implementation of 3% efficiencies. At the end of 2008/09 £0.2m of these resources are uncommitted. As costs in 2009/10 are being funded differently the uncommitted resources can there be released.



## **COUNCIL REPORT**

30<sup>th</sup> July 2009



**Report of:** The Executive

**Subject:** 2009/2010 CAPITAL PROGRAMME AND  
PRUDENTIAL BORROWING LIMITS

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### **1. PURPOSE OF REPORT**

- 1.1 To provide Council with details of Cabinet's proposed variations to the approved 2009/2010 Capital Programme and Prudential Borrowing Limits to support a bid to the Homes and Communities Agency for Social Housing Grant.

### **2. REASON FOR SUBMITTING REPORT**

- 2.1 In accordance with the constitution Cabinet is responsible for proposing changes to the approved Budget and Policy Framework, which are then referred to Council for consideration. Details of Cabinet's proposals are set out in the following paragraphs.

### **3. CABINET PROPOSAL AND BACKGROUND**

- 3.1 In May 2009 the Homes and Communities Agency (HCA) launched a £50 million scheme that allows Local Authorities to bid for Social Housing Grant (SHG) to develop affordable housing. The aim of the scheme is to help to meet local affordable need and encourage homes to be built which may not otherwise proceed, providing support to the house building industry during difficult economic times. The regional split of this funding is yet to be decided and bids will be evaluated at a national level with input from HCA regional offices. Selected Local Authorities would receive 50% of full scheme costs in SHG and the remaining 50% would be funded from the Council's own resources. The funding is available over the next two years on the basis of two bidding opportunities the first of which is 31<sup>st</sup> July 2009 and the second, October 2009.
- 3.2 The provision of social rented housing has been identified as a Council priority and the high level of affordable housing need within the town is evidenced by long housing waiting lists and a number of Hartlepool and Tees Valley housing studies including the most recent Tees Valley Strategic Housing Market Assessment. A Scrutiny investigation, together with the special

Council debate in January 2009 highlighted the importance of the provision of social rented accommodation in Hartlepool. Taking this agenda forward a Cabinet report on the 9<sup>th</sup> March entitled 'Future Housing Initiatives' included as an action 'putting the Council at the centre of new development, exploring new initiatives and maximising potential resources'. This scheme is a valuable opportunity to achieve such objectives and to potentially gain access to additional resources for affordable housing development.

#### **4. ELIGIBILITY CRITERIA AND DETAILED SCHEME PROPOSAL**

- 4.1 It is expected that schemes for development will be on land owned by the local authority. To be eligible for grant, local authorities must offer secured tenancies for permanent rented properties where statutory right to buy to be eligible. The guidance establishes a range of criteria against which each local authority bid will be assessed. Four key criteria are stipulated within the document namely, value for money, deliverability, strategic fit and design and quality. Recent discussions with officers from the HCA suggest that all criteria must be met to achieve a successful bid.
- 4.2 At its meeting on 13<sup>th</sup> July 2009 Cabinet approved a scheme of 25 units at Seaton Lane and 20 units at Charles Street, allowing delivery of a total of 45 split across the two sites. There is no stipulation in the guidance around delivery on a single site, this approach has been encouraged by the HCA during informal discussions and a scheme split across two sites if successful may stimulate the delivery of the remainder of both sites.
- 4.3 These sites meet the majority of the criteria agreed by Cabinet for the disposal of land for affordable housing development (Cabinet report 07/07/08 paragraph 4:3). The ownership of the land would however, be retained by the Council. Issues relating to how the management will be undertaken and reviewed will be covered by the service level agreement/memorandum of understanding.
- 4.4 The HCA grant will fund 50% of the construction costs and it is suggested that the remaining 50% is funded using the Council's Prudential Borrowing powers. The detailed financial modelling indicates that the annual repayment costs of using prudential borrowing, ongoing management and maintenance will be covered by the rental income.
- 4.5 The Council will have to fund the cash flow costs of this development as the HCA grant draw down is in two phases. The Council will also need to fund the interest element of the Prudential Borrowing costs until properties are completed and let. Given the low level of short-term interest rates it is not expected this will exceed £10,000. This amount can either be funded from additional investment income if this exceeds the approved budget, or the 2010/11 headroom included in the budget forecasts.

## **5. PROPOSAL**

- 5.1 Council is requested to consider the proposal to use up to £2,317,860 of Prudential Borrowing to match fund the bid for £2,317,860 HCA Social Housing Grant and approve the resulting amendments of the approved Capital Programme and Prudential Borrowing Limits. This Prudential Borrowing will only be used if the bid for HCA Social Housing Grant is successful.

## COUNCIL

30th July 2009



**Report of:** Chief Executive

**Subject:** BUSINESS REPORT

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### 1. MAINTAINING MEMBERS REGISTER OF INTERESTS ELECTRONICALLY

As part of the ethical framework provisions, Members are required to maintain a Register of Interests and also a register relating to gifts and hospitality (currently prescribed as amounts over £25.00). Notification of changes to those Registers must be made to the Council's Monitoring Officer within 28 days of a Member taking office, or alternatively within 28 days of such a change taking place. Presently, these registers are maintained in a "hard copy" format. Increasingly local authorities are moving towards such information being available through electronic means as part of the better promotion and demonstration of the values of good governance. The Standards Board for England have also indicated the importance that the public have knowledge of these interests *"so that decision making is seen by the public as open and honest"*.

The Council's Standards Committee did seek the provisional views of Members, but also recognised that Council should formally consider this matter. However, Standards Committee did recommend that such registers should be available through electronic means. For the avoidance of doubt, particularly "sensitive" information can be exempt from the inclusion within a Members Register of Interests, provided that such information is brought to the attention of the Council's Monitoring Officer who has agreed to such a request. It is of course for the individual Member to decide which information should be included upon their own particular Register of Interests as well as that relating to gifts and hospitality.

### RECOMMENDATION

The Register of Members Interests (and that relating to gifts and hospitality) should be made available, through electronic means.

## **2. PARISH COUNCIL REPRESENTATION – STANDARDS COMMITTEE**

A previous report to Council (22 May, 2008 refers) considered the increase in the Parish Council representation upon Standards Committee from one to two representatives following the requirements under the Standards Committee (England) Regulations, 2008. At its meeting on 28 April, 2009, Standards Committee considered the present composition of Parish Council representation and whether the number of representatives should be increased from two to three representatives. This accords with guidance issued through the Standards Board for England to allow for greater “flexibility”. It was also a consideration as to whether Parish Council representatives should appoint “substitutes”. Whilst the same practice is not prohibited, it is again the recommendation of the Standards Board for England that the use of substitutes, should if possible, be avoided. The five Parish Councils within the Borough were invited to canvas their opinions upon this particular issue. Of those Parish Councils who responded, there was an inclination to have three Parish Council representatives as opposed to the present two. Presently, the Standards Committee comprises seven Borough Councillors, three Independent Members (one vacancy) and the two Parish Council representatives. Through Regulations, at least 25% of the Members of the Standards Committee must be Independent Members. Accordingly, if the membership relating to Parish Council representation were to be increased there would need to be an increase in the number of Independent Members, from the present three to four, to achieve the required proportionality.

### **RECOMMENDATION**

1. That Council resolve to increase the Parish Council representation upon the Standards Committee from two to three Parish Council representatives.
2. Should Council so resolve to increase the Parish Council representation upon Standards Committee then Council also resolve to increase the number of Independent Members from three to four.

## **3. APPOINTMENTS TO COMMITTEES, FORUMS AND OTHER BODIES**

- 3.1 A number of nominations for committee seats were agreed at the Annual Council meeting. However, some seats which had been allocated remain vacant. Set out below are details of vacancies together with any changes in membership which have been received since the Annual Council meeting:-

## Vacancies

### Audit Committee – 7 Members

Labour	Liberal Democrat	Conservative	Administrative Group	Independent
<b>3</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>

1	A PREECE (LD) ( <i>Ch</i> )	4	G HALL (L)	6	M TURNER (AG)
2	C MCKENNA (C)( <i>VCh</i> )	5	G WISTOW (L)	7	<b>Vacancy</b>
3	C AKERS-BELCHER (L)				

Councillor Barker has been nominated by the Liberal Democrat Group to the vacancy.

### Adult and Community Services Scrutiny Forum – 9 Members

Labour	Liberal Democrat	Conservative	Administrative Group	Independent
<b>5</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>

1	C SIMMONS (L) ( <i>Ch</i> )	4	A MARSHALL (L)	7	A PREECE (LD)
2	R ATKINSON (LD) ( <i>VCh</i> )	5	C RICHARDSON (L)	8	D YOUNG (C)
3	K CRANNEY (L)	6	G WORTHY (L)	9	<b>Vacancy</b>

3 Resident Representatives:

Evelyn Leck  
Mary Power  
Mary Green

Changes:

The Liberal Democrat Group has made the following changes to its nominations:-

- Councillor Atkinson to replace Councillor Flintoff as Chair of Contract Scrutiny Committee
- Councillor Preece to replace Councillor Barker on Children's Services Scrutiny Forum
- Councillor Preece to replace Councillor Atkinson as Vice Chair of Adult and Community Services Scrutiny Forum
- Councillor Barker to replace Councillor Preece as Vice-Chair of Neighbourhood Services Scrutiny Forum
- Councillor Barker to replace Councillor Atkinson on Scrutiny Co-ordinating Committee

#### 4. APPOINTMENTS TO JOINT COMMITTEES AND OTHER OUTSIDE BODIES

A number of nominations to Joint Committees and other Outside Bodies were agreed at the Annual Council meeting. However, there were a number of nominations which were referred to Council for consideration. The following schedule outlines the nominations which have been received:-

Outside Body	Vacancies	Nominations Received	Term of Office
Captain Cook Tourism Association	1	Cllr J Marshall	1 year
Hartlepool and District Sports Council	1	None.	1 year
Hartlepool Access Group	1	None.	1 year
Outdoor Bowls	1	None.	1 year
National Association of Councillors	Up to 3	Cllrs S Akers-Belcher* / J Marshall	1 year
National Society for Clean Air	1	Cllr J Marshall	1 year
River Tees Port Health Authority	2	Cllrs Allison/Richardson/Rogan	1 year
Tees Valley Environmental Protection Group	1	Cllr J Marshall	1 year
West View Advice and Resource Centre	1	Cllrs Plant/Rogan	1 year
West View Project	3	Cllrs Allison/Plant/Rogan/Simmons	1 year

\* appointed to organisation at the Annual Council meeting held on 25<sup>th</sup> June 2009.

#### 5. RESIGNATION FROM LABOUR GROUP

I have been informed that Councillor Sutheran has submitted her resignation from the Labour Group.

#### 6. EXECUTIVE DELEGATION SCHEME

Members will recall that at the Annual meeting of Council, held on 25 June 2009, the Mayor informed Council about the composition and constitution of the Executive for the coming Municipal Year and the scheme of Executive delegations. Since the Annual Council meeting there have been some minor changes to the Constitution of the executive. A revised schedule is, therefore, attached at **Appendix 1** for the information of Council.

EXECUTIVE PORTFOLIO	SCOPE OF PORTFOLIO
<p>1. <b>Community Safety and Housing</b></p> <p><b>Stuart Drummond</b></p>	<ul style="list-style-type: none"> <li>• <b>Policy Framework</b> <ul style="list-style-type: none"> <li>- Community Strategy</li> <li>- Crime &amp; Disorder Reduction Strategy</li> <li>- Development Plan</li> <li>- Housing Strategy</li> <li>- Youth Justice Plan</li> </ul> </li> <li>• <b>Other Plans &amp; Strategies</b> <ul style="list-style-type: none"> <li>- Annual Drugs Treatment Plan</li> <li>- Climate Change Strategy</li> <li>- Empty Homes Strategy</li> <li>- Fuel Poverty Strategy</li> <li>- Housing Strategy</li> <li>- Hartlepool Incident Response Plan</li> <li>- Trading Standards Service Delivery Plan</li> </ul> </li> <li>• <b>Service Areas &amp; Functions</b> <ul style="list-style-type: none"> <li>- Asylum Seekers</li> <li>- Building Control</li> <li>- Climate Change</li> <li>- Community Safety, including prevention and enforcement of anti-social behaviour</li> <li>- Conservation and Ecology</li> <li>- Development Control</li> <li>- Drugs</li> <li>- Emergency Planning</li> <li>- Housing Market Renewal</li> <li>- Housing Services (Public &amp; Private)</li> <li>- Integrated Regional Strategy *</li> <li>- Local Area Agreement</li> <li>- Local Strategic Partnership</li> <li>- Multi Area Agreements *</li> <li>- Design Champion</li> <li>- Sustainability Champion</li> <li>- Historic Environment Champion</li> <li>- Planning Policy</li> <li>- Sustainable Development</li> <li>- Tees Valley Partnership Issues</li> <li>- Tall ships</li> <li>- Trading Standards</li> <li>- Voluntary Sector Compact and Strategy</li> <li>- Youth Offending</li> </ul> </li> </ul>

\* shared with Regeneration and Economic Development



EXECUTIVE PORTFOLIO	SCOPE OF PORTFOLIO
<p><b>2. Transport and Neighbourhoods</b></p> <p><b>Peter Jackson</b></p>	<ul style="list-style-type: none"> <li>• <b>Policy Framework</b> <ul style="list-style-type: none"> <li>• Local Transport Plan</li> </ul> </li> <li>• <b>Other Plans &amp; Strategies</b> <ul style="list-style-type: none"> <li>• Contaminated Land Plan</li> <li>• Headland Coast Protection Strategy Study</li> <li>• Highway Asset Management Plan</li> <li>• Highway Maintenance Plan</li> <li>• Highway Network Management Plan</li> <li>• Neighbourhood Action Plans</li> <li>• Network Management Plan</li> <li>• Shoreline Management Plan</li> <li>• Winter Maintenance Plan</li> <li>• Waste Management Strategy</li> </ul> </li> <li>• <b>Service Areas &amp; Functions</b> <ul style="list-style-type: none"> <li>• Coastal Protection</li> <li>• Contaminated Land</li> <li>• Environmental Enforcement</li> <li>• Environmental Initiatives</li> <li>• Cleaning and catering</li> <li>• Grounds Maintenance</li> <li>• Highways</li> <li>• Horticulture</li> <li>• Land drainage</li> <li>• Neighbourhood management</li> <li>• Neighbourhood Renewal</li> <li>• Pride in Hartlepool</li> <li>• Transport Services and Fleet (Vehicle Procurement and Maintenance)</li> <li>• Strategic Transport</li> <li>• Traffic and Transportation</li> <li>• Waste Management</li> </ul> </li> </ul>

<b>EXECUTIVE PORTFOLIO</b>	<b>SCOPE OF PORTFOLIO</b>
<b>3. Regeneration and Economic Development</b>  <b>Pam Hargreaves</b>	<ul style="list-style-type: none"> <li>• <b>Policy Framework</b></li> <li>• <b>Other Plans &amp; Strategies</b> <ul style="list-style-type: none"> <li>- Economic Development Strategy</li> </ul> </li> <li>• <b>Service Areas &amp; Functions</b> <ul style="list-style-type: none"> <li>- Business Support</li> <li>- Enterprise Development</li> <li>- Employability and Training</li> <li>- Integrated Regional Strategy *</li> <li>- Multi Area Agreements *</li> <li>- Regeneration Policy</li> <li>- Regeneration Programmes</li> <li>- Regional Economic Strategy</li> <li>- Regional and Sub Regional Engagement Boards</li> <li>- Training</li> <li>- Town Centre Partnership / Steering Group</li> <li>- Town wide regeneration and Major Projects</li> <li>- Urban Regeneration Company Issues</li> </ul> </li> </ul>

\* shared with Community Safety and Housing

EXECUTIVE PORTFOLIO	SCOPE OF PORTFOLIO
<p>4      <b>Culture, Leisure and Tourism</b></p> <p><b>Victor Tumilty</b></p>	<ul style="list-style-type: none"> <li>• <b>Policy Framework</b> <ul style="list-style-type: none"> <li>- Rights of Way Improvement Plan</li> </ul> </li> <li>• <b>Other Plans &amp; Strategies</b> <ul style="list-style-type: none"> <li>- Archaeology Forward Plan</li> <li>- Arts &amp; Museums Forward Plan</li> <li>- Arts Strategy</li> <li>- Library Plan</li> <li>- Local Cultural Strategy</li> <li>- Park Management Plans</li> <li>- Play Facilities Strategy</li> <li>- Playing Pitch Strategy</li> <li>- Sport and Recreation Strategy</li> <li>- Swim Development Strategy</li> <li>- Tourism Strategy</li> </ul> </li> <li>• <b>Service Areas &amp; Functions</b> <ul style="list-style-type: none"> <li>- Allotments</li> <li>- Archaeological Service</li> <li>- Community Buildings</li> <li>- Community Grants Pool</li> <li>- Cultural Services (Arts, Museums and Events)</li> <li>- Foreshore Services and Beach Lifeguards</li> <li>- Libraries and Information</li> <li>- Libraries Stock Management Plan</li> <li>- Outdoor Play Facilities</li> <li>- Parks and Countryside</li> <li>- Rights of Way</li> <li>- Sports and Recreation</li> <li>- Tourism</li> </ul> </li> </ul>

EXECUTIVE PORTFOLIO	SCOPE OF PORTFOLIO
<p>5. <b>Children's Services</b></p> <p><b>Cath Hill</b></p>	<ul style="list-style-type: none"> <li>• <b>Policy Framework</b> <ul style="list-style-type: none"> <li>- Children and Young People's Plan</li> </ul> </li> <li>• <b>Other Plans &amp; Strategies</b> <ul style="list-style-type: none"> <li>- Departmental and Divisional Plans</li> <li>- SEN and Disability Action Plan</li> <li>- Children's Centres and Extended Schools Strategy</li> <li>- Children's Fund Plan (expires 2008)</li> <li>- Education Asset Management</li> </ul> </li> <li>• <b>Service Areas &amp; Functions</b> <ul style="list-style-type: none"> <li>- Access to Education</li> <li>- Children's Fund</li> <li>- Commissioning of statutory and discretionary social care services for vulnerable children, including children in need, children with disabilities, looked after children and child protection</li> <li>- Directly provided social care services (children)</li> <li>- Early Years provision</li> <li>- Education policy and planning</li> <li>- Information sharing and assessment</li> <li>- Play and out of hours care</li> <li>- Raising educational achievement</li> <li>- Local Safeguarding Children Board</li> <li>- School governance</li> <li>- Special Educational Needs</li> <li>- Youth Service</li> <li>- Child and Adolescent Mental Health Services</li> <li>- Admissions Policy</li> <li>- Extended Schools and Children's Centres</li> <li>- Schools Transformation</li> <li>- 14-19 development</li> <li>- Children's Workforce Development</li> <li>- Connexions</li> <li>- School transport</li> <li>- Children's Trust and commissioning development.</li> </ul> </li> </ul>

<b>EXECUTIVE PORTFOLIO</b>	<b>SCOPE OF PORTFOLIO</b>
<p>6. <b>Adult and Public Health Services</b></p> <p><b>Gerard Hall</b></p>	<ul style="list-style-type: none"> <li>• <b>Policy Framework</b> <ul style="list-style-type: none"> <li>- Commissioning Strategies for Vulnerable People</li> <li>- Food Law Enforcement Service Plan</li> </ul> </li> <li>• <b>Other Plans &amp; Strategies</b> <ul style="list-style-type: none"> <li>- Annual Training Plan</li> <li>- Public Health Strategy</li> <li>- Adult Learning Plan</li> <li>- Disability Strategy</li> <li>- Health &amp; Safety Services Plan</li> <li>- Mental Health Strategy</li> <li>- Older Persons Strategy</li> <li>- Older Persons Mental Health Strategy</li> <li>- Supporting People Strategy</li> </ul> </li> <li>• <b>Service Areas &amp; Functions</b> <ul style="list-style-type: none"> <li>- Bereavement Services</li> <li>- Commissioning of Statutory and Discretionary Social Care Services for Vulnerable Adults, i.e.               <ul style="list-style-type: none"> <li>➤ Older People</li> <li>➤ People with Learning Disabilities</li> <li>➤ People with Mental Health Problems</li> <li>➤ People with Physical Disabilities</li> <li>➤ People with Sensory Loss</li> </ul> </li> <li>- Co-ordination and development of public health response</li> <li>- Directly Provided Social Care Services (Adults)</li> <li>- Environmental Health</li> <li>- Lifelong Learning and Support</li> <li>- Open Market</li> <li>- Older Persons Champion</li> <li>- Protection and Vulnerable Adults</li> <li>- Service Development / integration with Partners</li> <li>- Supporting People</li> </ul> </li> </ul>

EXECUTIVE PORTFOLIO	SCOPE OF PORTFOLIO
<p><b>7. Deputy Mayor (Finance and Performance)</b></p> <p><b>Robbie Payne</b></p>	<ul style="list-style-type: none"> <li>• <b>Policy Framework</b> <ul style="list-style-type: none"> <li>- Annual Capital Budget</li> <li>- Annual Revenue Budget</li> <li>- Corporate Plan</li> </ul> </li> <li>• <b>Other Plans &amp; Strategies</b> <ul style="list-style-type: none"> <li>- Anti Fraud and Corruption Strategy</li> <li>- Asset Management Plan</li> <li>- Communicating with your Council</li> <li>- Debt Recovery Strategy</li> <li>- Efficiency Strategy</li> <li>- HR Strategy</li> <li>- ICT Strategy</li> <li>- IEG Statement</li> <li>- Insurance Strategy</li> <li>- Commissioning and Procurement Strategy</li> <li>- Corporate Equality and Diversity Plan</li> <li>- Equality and Diversity Scheme</li> <li>- Risk Management Strategy</li> <li>- Treasury Management Strategy</li> <li>- Whistleblowing Policy</li> <li>- Workforce Development Strategy</li> </ul> </li> <li>• <b>Service Areas &amp; Functions</b> <ul style="list-style-type: none"> <li>- Building Services</li> <li>- Consultancy Services</li> <li>- Comprehensive Area Assessment</li> <li>- Corporate Strategy</li> <li>- Council Profile</li> <li>- Customer Services (CRM, Contact Centre)</li> <li>- Democratic Services</li> <li>- E-Champion</li> <li>- Efficiency Champion</li> <li>- Equality and Diversity</li> <li>- Equality and Diversity Champion</li> <li>- Estates</li> <li>- Financial Services</li> <li>- General Office Services</li> <li>- Health &amp; Safety</li> <li>- Human Resources</li> <li>- ICT</li> <li>- Legal Services</li> </ul> </li> </ul>

**15.**  
**APPENDIX 1**

	<ul style="list-style-type: none"><li>- Performance Management including Data Quality</li><li>- Procurement Champion</li><li>- Property Management</li><li>- Public Relations</li><li>- Registration and Electoral Services</li><li>- Registrars</li><li>- Risk Management Champion</li><li>- Services for Members</li><li>- Strategic Asset Management</li><li>- Staff and Member Development</li><li>- Standards and Ethics</li></ul>
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