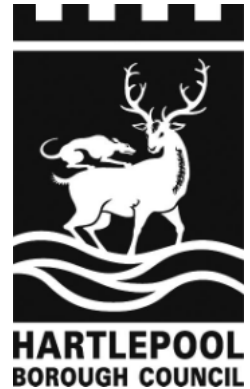


# FINANCE AND PERFORMANCE PORTFOLIO

## DECISION SCHEDULE



Friday, 8 January 2010

at 10.00 am

in Committee Room C,  
Civic Centre, Hartlepool

Councillor R Payne, Cabinet Member responsible for Finance and Performance will consider the following items.

1. **KEY DECISIONS**

No items

2. **OTHER ITEMS REQUIRING DECISION**

- 2.1 Regulation Of Investigatory Powers Act, 2000 – Chief Solicitor
- 2.2 Community Asset Management Transfer Policy - *Assistant Director (Procurement and Asset Management)*
- 2.3 Contract Renewal – Servicing And Maintenance Of Kitchen Equipment - *Assistant Director (Procurement and Asset Management)*
- 2.4 Sustainable Timber Procurement Policy - *Assistant Director (Procurement and Asset Management)*
- 2.5 Automated Customer Service – *Chief Financial Officer*
- 2.6 Council Tax Base 2010/11 – *Chief Financial Officer*

3. **ITEMS FOR INFORMATION**

- 3.1 Legal Services Division - Re-Accreditation To The Law Society's, Lexcel, Practice Management Standard – *Chief Solicitor*
- 3.2 Provision Of Specialist Social Care Training & Development – *Chief Personnel Officer*
- 3.3 Professional Status Achievement - *Assistant Director (Procurement and Asset Management)*
- 3.4 Restrictive Covenants Affecting Council Assets - *Assistant Director (Procurement and Asset Management)*

4. **REPORTS FROM OVERVIEW OF SCRUTINY FORUMS**

No items

## 5. **LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006**

### **EXEMPT ITEMS**

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

## 6. **KEY DECISION**

No items

## 7. **OTHER ITEMS REQUIRING DECISION**

- 7.1 Land At Sandgate Industrial Estate (para 3) - *Assistant Director (Procurement and Asset Management)*
- 7.2 19 St Columba's Parish Centre, Dryden Road (para 3) - *Assistant Director (Procurement and Asset Management)*
- 7.3 Courts Building, Victoria Road (para 3) - *Assistant Director (Procurement and Asset Management)*
- 7.4 Rockhaven, 36 Victoria Road (para 3) - *Assistant Director (Procurement and Asset Management)*
- 7.5 Sale Of Garage Land At Victoria Place (para 3) - *Assistant Director (Procurement and Asset Management)*
- 7.6 Rating Revaluation – Appointment Of External Advisers (para 3) - *Assistant Director (Resources)*
- 7.7 Support for Businesses – *Chief Financial Officer*

## 8. **ITEMS FOR INFORMATION**

- 8.1 Belle Vue Way/Ladysmith Street (para 3) - *Assistant Director (Procurement and Asset Management)*
- 8.2 Land Corner Of Tower Street And Surtees Street (para 3) - *Assistant Director (Procurement and Asset Management)*
- 8.3 Surestart North, Hindpool Close (para 3) - *Assistant Director (Procurement and Asset Management)*
- 8.4 Tender For A Printing & Mailing Service For Local Taxation Demands And Benefit Notifications – *Chief Financial Officer*

## **FINANCE AND PERFORMANCE PORTFOLIO**

Report to Portfolio Holder

8 January 2010



**Report of:** Chief Solicitor

**Subject:** REGULATION OF INVESTIGATORY POWERS  
ACT, 2000

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### **SUMMARY**

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

To inform the Portfolio Holder of the outcome of an inspection on 6th October, 2009 through the Office of Surveillance Commissioners (OSC) to review the Council's management of covert activities.

#### **2. SUMMARY OF CONTENTS**

The attached report outlines the findings and recommendations following on from the visit by the OSC appointed Inspector.

#### **3. RELEVANCE TO PORTFOLIO MEMBER**

The Portfolio Holder is responsible for various service areas and functions including that relating to the Council's Legal Services. The Chief Solicitor has overall responsibility to review and maintain the Council's Policy and Procedure documentation relating to the Regulation of Investigatory Powers Act, 2000.

#### **4. TYPE OF DECISION**

Non key.

#### **5. DECISION MAKING ROUTE**

Finance and Performance Portfolio meeting on 8th January, 2010.

**Report of:** Chief Solicitor

**Subject:** REGULATION OF INVESTIGATORY POWERS  
ACT, 2000

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**1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to advise the Portfolio Holder of the outcome of the inspection by Mr Kevin Davis, an Inspector appointed by the Office of Surveillance Commissioners (OSC) to review the Council's management of covert activities. Similar reports have been provided to the relevant Portfolio Holder following various inspections in January, 2003, May, 2005 and May 2007.

**2. BACKGROUND**

- 2.1 The Regulation of Investigatory Powers Act, 2000 provides a statutory procedure for public authorities in connection with certain of their functions to employ covert surveillance techniques in the collection of evidence. On 6th October, 2009, an Inspector, Mr Kevin Davis visited the Council as part of the review of the Council's management of such covert activities. The inspection took the form of discussions with relevant Officers, including the Council's Chief Executive Officer, Chief Solicitor and staff responsible for authorising applications in relation to covert operations. As in previous reports, it was noted that the Borough Council was not "a prolific user" of the statutory powers available under the Regulation of Investigatory Powers Act, 2000. It was however an observation by Mr Davis that *"with an increased workload for the Council in key areas there may well be a need for a greater use of the legislation in the future"*. Whilst the Council has authorised on occasions, covert activities relating to "directed surveillance" it has taken a policy decision that it would not use personnel known as "covert human intelligence sources" (CHISs) to acquire evidence.
- 2.2 A copy of the Information Commissioner's of the inspection is attached as **Appendix 1**. For the purpose of this report to the Portfolio Holder, the recommendations of the Inspector are summarised below;
- That training material be amended to enhance understanding of the timing and nature of reviews in accordance with paragraphs 4.21 and 4.22 of the Covert Surveillance Code of Practice.
  - That the quality assurance function within the Legal Services Division is enhanced to improve the quality and standard of the applications and authorisations for directed surveillance.

- 2.3 It will be noted, that since the earlier inspection undertaken by the OSC in May, 2007, the Council further reviewed its documentation, including the central record of authorisations, so that the same would accord with paragraph 2.14 of the Covert Surveillance Code of Practice. Furthermore, the policy document following that inspection, was “a significant improvement” from the earlier version of that documentation as noted by Mr Davis, during his inspection. However, it was also noted that *“the quality of applications and authorisations varied significantly”*. Authorising Officers in the issuing of authorisations under this legislation, must have regard to issues of proportionality, necessity as well as the possibility of any “collateral intrusion”. For the avoidance of doubt, and as noted within the inspection report, a local authority (unlike other statutory agencies) can rely only upon one defined ground for such authorisations, namely for the purpose of “preventing or detecting crime or of preventing disorder”. Owing to the variance in the quality of authorisations, it is a recommendation that improvements be made to the quality of applications and authorisations. In this regard, and prior to the inspection taking place, arrangements had been made for an additional “gatekeeper” to be involved, as part of all of this overall quality control process. As the Solicitor (Constitutional and Administrative) presently deals with matters relating to freedom of information and data protection, it was thought appropriate that this Officer becomes involved in this quality assurance process, as noted within the recommendations of the OSC Inspector. It is also the understanding of the Council, that similar recommendations have been issued to other authorities, as part of an overall intention to improve this aspect of the governance of applications and authorisations.
- 2.4 The Inspector had noted that the Council’s training materials were “a useful overview to the Council’s understanding of RIPA”. It should also be made comment, that previous inspections were also satisfied with the training materials produced by the Legal Services Division of the Council. Whilst, a directed surveillance authorisation can last for a period of three months, it is a requirement that a review should be undertaken during the concurrency of this period, not least, to ensure such an authorisation remains a necessity. Authorising Officers had “generally set” specific review dates, when the applicable Code of Practice, indicates *“that a review could take place as frequently as is considered necessary and practicable....”* Despite this recommendation from the OSC Inspector, in previous inspections a somewhat contrary view had been given by Inspectors, wherein it was effectively mentioned that tabling “set” review periods would seem to be beneficial in the overall management of an authorisation. To accord with the present recommendation, applicable training materials will be amended to reflect the practice, as suggested by Mr Davis in his report. A copy of his report has also been circulated to those Officers involved in the authorisation of such activities and who were involved in either this or previous inspections through the OSC. The Chief Surveillance Commissioner has already been notified that the Council accepts in

principle these present recommendations, and that the same would be subject to a report to the relevant Portfolio Holder, for consideration.

**3. RECOMMENDATIONS**

That the Council formally confirm acceptance of the recommendations as made through the Office of Surveillance Commissioners Inspection Report as dated 6th October, 2009.



Office of Surveillance  
Commissioners



Chief  
Surveillance  
Commissioner

**Restricted**

12<sup>th</sup> November 2009

*Dear Mr. Walker,*

CHIEF EXECUTIVE	
HARTLEPOOL	
16 NOV 2009	
PASS	PETER DEVLIN
DEALT WITH	
FILE No	

**Covert Surveillance**

On 6<sup>th</sup> October 2009, one of my Inspectors Mr Kevin Davis, visited your Council on my behalf to review your management of covert activities. I am grateful to you for the facilities afforded for the inspection.

I enclose a copy of Mr Davis's report which I endorse. I am pleased to see that, since the last inspection 2 years ago, there has been a significant improvement in your structures and processes. What is now needed is improvement in the quality of applications and authorisations and this will occur if the two recommendations are followed.

These are that your training material be amended to enhance understanding of the timing and nature of reviews in accordance with the Code of Practice and that quality assurance by the Legal Services Division be enhanced to improve applications and authorisations.

I shall be glad to learn that your Council accepts the recommendations and will see that they are implemented.

One of the main functions of review is to enable public authorities to improve their understanding and conduct of covert activities. I hope your Council finds this process constructive. Please let this Office know if it can help at any time.

Mr Paul Walker  
Chief Executive  
Hartlepool Borough Council  
Civic Centre  
Victoria Road  
Hartlepool  
TS24 8AY

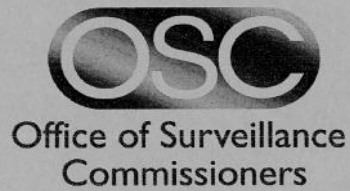
*Yours sincerely,  
Christy Sir Rose*

**Restricted**

**Restricted**



**RESTRICTED**



**OFFICE OF SURVEILLANCE COMMISSIONERS**  
**INSPECTION REPORT**

**HARTLEPOOL BOROUGH COUNCIL**  
**6 October 2009**

**Surveillance Inspector:**  
**Kevin Davis**

**RESTRICTED**

## **RESTRICTED**

### **DISCLAIMER**

This report contains the observations and recommendations identified by an individual surveillance inspector, or team of surveillance inspectors, during an inspection of the specified public authority conducted on behalf of the Chief Surveillance Commissioner.

The inspection was limited by time and could only sample a small proportion of covert activity in order to make a subjective assessment of compliance. Failure to raise issues in this report should not automatically be construed as endorsement of the unreported practices.

The advice and guidance provided by the inspector(s) during the inspection could only reflect the inspectors' subjective opinion and does not constitute an endorsed judicial interpretation of the legislation. Fundamental changes to practices or procedures should not be implemented unless and until the recommendations in this report are endorsed by the Chief Surveillance Commissioner.

The report is sent only to the recipient of the Chief Surveillance Commissioner's letter (normally the Chief Officer of the authority inspected). Copies of the report, or extracts of it, may be distributed at the recipient's discretion but the version received under the covering letter should remain intact as the master version. Distribution beyond the recipient's own authority is permissible but it is requested that the 'Secretary to OSC', Office of Surveillance Commissioners, is informed of the named individuals to whom copies or extracts have been sent. Any references to it, or extracts from it, must be placed in the correct context.

The Office of Surveillance Commissioners (OSC) is not a public body listed under the FOI Act 2000, however, requests for the disclosure to a third party of any information contained within this report should be notified to the Secretary to OSC."

## **RESTRICTED**



OSC/INSPECTION/075

Office of Surveillance  
Commissioners

The Rt.Hon. Sir Christopher Rose  
Chief Surveillance Commissioner  
Office of Surveillance Commissioners  
PO Box 29105

London SW1V 1ZU

8<sup>TH</sup> October 2009

## **OSC INSPECTION REPORT – HARTLEPOOL BOROUGH COUNCIL**

### **Date of Inspection**

The inspection took place on Tuesday the 6<sup>th</sup> of October 2009

### **Inspector**

Mr Kevin Davis

### **General Description**

1. Hartlepool Borough Council is a unitary authority covering the main town of Hartlepool and adjoining urban areas. It was last inspected by the OSC in May 2007. There has been little structural change since that date, Hartlepool has 2648 full time and 2142 part time staff (including teaching staff) and serves a population of approximately 90,000. The council is currently going through a business transformation programme.

2. The Chief Executive and three Directors form the Senior Management Team. The Chief Executive is Mr Paul Walker. The address for correspondence is Civic Centre, Victoria Road, Hartlepool, TS24 8AY.

### **Inspection Approach**

3. This one day inspection commenced with a meeting with the Chief Executive, Paul Walker, and the Chief Solicitor, Peter Devlin. Both Mr Walker and Mr Devlin set out the desire of the Council to achieve full compliance with RIPA and welcomed the scrutiny of the OSC.

4. I visited the council CCTV facility and interviewed the Community Monitoring Centre Manager and the Community Safety Officer.

5. I also met with a group of Authorising Officers and enforcement officers from those departments that used, or may require to use, the powers vested under RIPA. There was a discussion regarding the activities of their departments and a useful question and answer

session concerning RIPA. I also took the opportunity to give feedback regarding the authorisations that had been examined earlier.

6. Prior to the visit, the Council's policy and procedure documents and training material had been examined. On the day of inspection, 20 Directed Surveillance Authorisations (DSA) were examined.

7. At the conclusion of the inspection feedback was given to Mr Devlin on the main findings and preliminary conclusions.

### **Review of progress on recommendations from 2007 inspection**

8. The 2007 inspection made four recommendations, all of which were accepted by the Council.

9. *The Policy document with regard to RIPA and CHIS should be amended to deal with the following:*

*a. The document is brief in the extreme and provides little practical advice to applicants and Authorising Officers regarding the completion of forms and issues to consider.*

*b. The template forms are not the most recent Home Office forms.*

*c. There is no guidance regarding the key issues of proportionality, necessity and collateral intrusion.*

*d. Paragraph 7 on page 2 states that where confidential information is likely to be acquired "the approval of the Information Commissioner is required". This is incorrect and should describe authorisation by the Head of Paid Service or (in his absence) a Chief Officer.*

*e. Paragraph 14 states "cancellation is not required where an authorisation expires within one month". This is incorrect. All authorisations must have properly recorded cancellations.*

*f. It has become the council position that CHIS will not be used or authorised without the approval of the Chief Solicitor. This should be clearly stated in the policy document.*

**Discharged.** The policy document has been significantly changed in the light of the issues raised above.

10. *The Central Record of Authorisations should be amended to contain the information required by paragraph 2.14 of the Covert Surveillance Code of Practice.*

**Discharged.** The Central Record has been amended as recommended above.

11. *A more robust regime of corporate quality control and management of processes should be exercised.*

**Extant.** There was evidence of the management of processes, however there still remains a need for improved quality control (covered later in this report).

12. *The contents of applications and authorisations should be in accordance with the comments made in the report i.e.*

*a. The wrong criteria as to the grounds for which the surveillance was necessary was cited. The only grounds available to local authorities is 'preventing or detecting crime or of preventing disorder'.*

*b. There was little evidence that Authorising Officers had considered the issues of proportionality, necessity and collateral intrusion.*

*c. Applicants failed to clearly state the covert activity for which they sought authorisation and Authorising Officers failed to state the activity they had authorised; merely signing a pre- typed "as detailed above".*

*d. Review dates were not set at appropriate levels. Usually they were set by the Authorising Officer as three months after the date of authorisation. No reviews were actually seen by the inspector.*

*e. Cancellations were completed on CHIS cancellation forms and were vague to the reasons for cancellation and what had been achieved by the operation.*

*f. There were instances of applications and authorisations not being signed by the relevant person.*

**Extant.** The matters above are not fully discharged and are dealt with later this report.

### **Policies and Procedures**

13. The main policy document is the RIPA Policy and Procedure for Surveillance and CHIS which was amended in April 2005 and further amended in 2007 following the recommendations of the OSC inspection. The revised document is a significant improvement.

14. During my visit to the Council CCTV facility, it was evident that the manager and operators acted in accordance with paragraph 279 of the OSC Procedures and Guidance document. A written protocol with law enforcement agencies existed and the CCTV operators insisted on viewing any relevant directed surveillance authority (DSA). However, the CCTV facility did not retain a copy of the DSA at the conclusion of the authorisation nor did they record the times under which they were acting under it. The Community Monitoring Manager operates a daily management journal and it was suggested that this might be an appropriate place to record activity.



15. The process for applying for authorisations is that applicants complete the relevant Home Office model forms taken from the Council intranet. The Authorising Officer receives the form no later than seven days before the planned commencement of investigatory action. When an authorisation is given, a copy is retained by the Applicant and the Authorising Officer. A third copy is sent to the RIPA Monitoring Officer to update the Central Record. This process was borne out by the inspection.

## **Inspection Findings**

### **Central Record and Oversight**

16. The Council policies are simple but sufficient to ensure compliance with RIPA and provide a structure for robust oversight, and evidence was found of processes being followed. However, there appeared to be little evidence of corporate quality assurance.

17. The Central Record of the authorisations was well managed and comprehensive. The requirements of paragraph 2.14 of the Covert Surveillance Code of Practice were being complied with.

### **Directed Surveillance**

18. This is the only category of covert activity authorised by the Council and used primarily to deal with issues of anti social behaviour and licensing. From discussions however it was evident that wider use of covert surveillance may occur in the future. One department, actively considering utilising RIPA within the area of test purchase was Trading Standards.

19. The quality of applications and authorisations varied significantly. In relation to the issues identified in the 2007 inspection there has been some improvement, in that the correct Home Office forms are now being utilised and there was some evidence of Authorising Officers considering the issues of proportionality, necessity and collateral intrusion. In a number of applications the offences that the covert activity was being utilised to prevent or detect was clearly described. This was particularly relevant in the area of environmental crime.

20. Under section 28(3) of the 2000 Act, an authorisation for directed surveillance may only be granted to local authorities for the purpose of 'preventing or detecting crime or of preventing disorder'. In the vast majority of the applications inspected, all of the six grounds for authorisation under the Act were described. The applicants appeared to be failing to make, or understand the need to set out their requirements.

21. Review dates were generally set by the Authorising Officer at three months; there was little consideration that shorter review periods might be appropriate in some cases. Those interviewed were generally unaware of the guidance in the Covert Surveillance Code of Practice 4.21 and 4.22. The fact that a review could take place as frequently as is considered necessary and practicable was not made clear in training material examined during the inspection. The majority of reviews inspected did not articulate the need for surveillance to continue.

22. Those cancellations inspected were within the authorisation period; however in the vast majority, the reason for cancellation, and whether or not the operational objectives had been achieved, was not articulated.

### Training

23. Regular training is undertaken in house for Authorising Officers and enforcement staff. Prior to the inspection, I was able to examine a Power Point presentation used for training the Corporate Management Team. The material was a useful overview to enhance understanding of RIPA produced by the Legal Services Division of the Council.

### Observations

24. Hartlepool Borough Council is not a prolific user of the powers vested under the Regulation of Investigatory Powers Act 2000. However, with an increased workload for the Council in key areas there may well be a need for a greater use of the legislation in the future.

25. Significant improvements have taken place with regard to structures and processes since the last inspection; however there still remains a need to improve the quality of applications and authorisations.

26. Prior to the inspection, it was the view of the Chief Monitoring Officer that if the role of 'gatekeeper' was given to the Solicitor (Constitutional and Administrative) within the Legal Services Division, applications and authorisations would be more closely scrutinised. I would support this move as I believe it would improve quality assurance. The Solicitor (Constitutional and Administrative) already fulfils the role of Freedom of Information and Data Protection Officer.

### Recommendations

27. Training material to be amended to enhance understanding of the timing and nature of reviews in accordance with 4.21 and 4.22 of the Covert Surveillance Code of Practice.

28. That the quality assurance function within the Legal Services Division is enhanced to improve the quality and standard of the applications and authorisations for directed surveillance.



Kevin Davis  
Surveillance Inspector





**Chief Executive's Department**

Civic Centre  
Hartlepool  
TS24 8AY

Tel: 01429 266522  
[www.hartlepool.gov.uk](http://www.hartlepool.gov.uk)

Our Ref: PW  
Your Ref:

Contact Officer/Email:

20th November, 2009

**PRIVATE AND CONFIDENTIAL**

Sir Christopher Rose  
Office of Surveillance Commissioners  
PO Box 29105  
LONDON  
SW1V 1ZU

Dear Sir Christopher

**Covert Surveillance**

I acknowledge receipt of your "restricted" communication with accompanying report of your Inspector Mr Kevin Davis, which correspondence is dated the 12<sup>th</sup> November, 2009.

The report of Mr Davis, following his inspection on the 6<sup>th</sup> October, 2009, contains two recommendations, which the Council would readily embrace. Indeed, the second recommendation covering "quality assurance" has already been implemented within the Council's Legal Services Division. Further, training materials will accord with the guidance contained in paras 4.21 and 4.22 of the Covert Surveillance Code of Practice. Although, Mr Davis' report is restricted, following previous inspections, such reports (on a confidential basis) will be presented to the relevant Executive Member dealing with matters of this nature for his commentary and overall approval. It has also been the case, for those Council officers most closely involved with the operation and conduct of surveillance activities, that they have also been appraised of the contents of such reports. As you will appreciate, this is part of the overall embedding of quality assurance within this Council in dealing with matters of covert surveillance.

I will therefore write to you again, following consideration of the inspection report by the Council's Executive Member with responsibility for this particular area of practice.

Yours sincerely

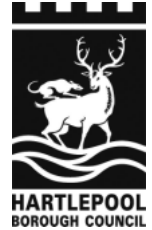


PAUL WALKER  
CHIEF EXECUTIVE

## **FINANCE AND PERFORMANCE PORTFOLIO**

Report To Portfolio Holder

8 January 2010



**Report of:** Assistant Director (Procurement and Asset Management)

**Subject:** COMMUNITY ASSET MANAGEMENT  
TRANSFER POLICY

---

### **SUMMARY**

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

To highlight the Government's policies to promote the concept of community asset transfer to communities and seek approval to the key policy areas to be addressed in the development of Hartlepool Borough Council's Community Asset Transfer Policy.

#### **2. SUMMARY OF CONTENTS**

Outlines the background to the legislation and the financial, social, environmental and wellbeing implications of the policy.

#### **3. RELEVANCE TO PORTFOLIO MEMBER**

Portfolio Holder has a responsibility for the Council's land and property assets.

#### **4. TYPE OF DECISION**

Non key.

#### **5. DECISION(S) REQUIRED**

That the Portfolio Holder acknowledges the requirement for the Council to develop a Community Asset Transfer Policy as part of the Asset Management Planning process and provide authority for a draft to be prepared in conjunction with the voluntary sector for further consideration by Portfolio Holder by March 2010.

**Report of:** Assistant Director (Procurement and Asset Management)

**Subject:** COMMUNITY ASSET MANAGEMENT  
TRANSFER POLICY

---

**1. PURPOSE OF REPORT**

- 1.1 To highlight the Government's policies to promote the concept of community asset transfer to communities and seek approval to the key policy areas to be addressed in the development of Hartlepool Borough Council's Community Asset Transfer Policy.

**2. BACKGROUND**

- 2.1 The Government has been promoting the concept of asset transfer to communities to further develop active communities and viable community based enterprises through a number of different reports since 2003. In 2006 a report from the Office of the Deputy Prime Minister (ODPM) recommended the need to promote more widely the benefits of and opportunities for community ownership and management of land and property assets. This was further emphasised in the Quirk Review – 'making assets work' – in May 2007.
- 2.2 Pressures on local authority finance have focussed attention on the opportunity for the voluntary sector/community groups to deliver services in a more cost effective manner whilst at the same time developing active communities.
- 2.3 Community and voluntary groups are themselves being made aware of the Governments promotion of asset transfer through organisations such as the Development Trust Association.

**3. WHAT IS ASSET TRANSFER?**

- 3.1 Asset Transfer refers to local communities' ability to acquire land and buildings from the local authority property portfolio, either at market value or at a discount, in order to deliver local services that meet local needs. For the authority to choose to forgo the financial benefits of market disposal it is necessary for the community group to demonstrate added value and benefit by contributing to sustainable community objectives.

- 3.2 Community benefits include the ability to plan, create wealth, accumulate income and generate a surplus for the community as well as restore buildings and deliver social, economic and environmental benefits. Redevelopment or refurbishment of a building can attract other investments as well as provide local employment and purchasing opportunities.
- 3.3 Transfer of an asset can provide the opportunity to lever more resources into a community and provide a more accessible and responsive base from which to deliver local services. It should strengthen the local community and provide a channel for user and community communication and advanced neighbourhood regeneration plans.
- 3.4 The community association can benefit from greater financial stability and build confidence through having ownership (or long term security through a lease) of a physical asset. This financial sustainability can help the organisation become less dependent on grants, provide collateral for further borrowing and opportunities for further growth.
- 3.5 Typically organisations that would be considered appropriate are voluntary and community groups/associations, town or parish councils, trusts or charities, social enterprise or regeneration groups.
- 3.6 The Council worked with community organisations in transferring properties in the past, and was successful in partnership with Hartlepool People in securing grant for refurbishment works as part of the transfer.

#### **4. RISK IMPLICATIONS**

- 4.1 Not every building or piece of land will be an asset for the community, in fact some will represent liabilities (e.g. poor condition, wrong size, location/configuration are listed or expensive to maintain) creating a drain on resources, generate too little income and potentially set the group up for failure. To mitigate this risk, the community group will need to provide a robust business plan that is deemed to be achievable. Equally, the authority should be forthright in its assessment of the buildings condition and the future maintenance liabilities.
- 4.2 It is also recognised by the communities assets fund, and applications for grant requires there to be 'robust business plans that aim for long term financial sustainability'.
- 4.3 Community access to assets should not be restricted through the process of transfer, and legal agreements should be in place to ensure they are not sold on or privately appropriated except with the authorities consent and relevant financial clawback provisions.

- 4.4 There is also a risk, that the Government's initiative will create expectation within community groups that a host of property will be made available to them. Our property portfolio is subject to regular review and any surplus property will be disposed of through the normal procedures.

## **5. THE POLICY**

- 5.1 The Policy will form part of the asset management plan.
- 5.2 The Council will consider as part of the asset planning process ways of achieving community objectives recognising that 'best consideration' in terms of asset use and disposal is not always measured simply in monetary terms. The Council will where appropriate and compatible with the asset management plan, include as part of the evaluation of surplus property assets, the option of community management or ownership where such disposal is likely to contribute to the economic social or environmental wellbeing of its area.

## **6. RECOMMENDATIONS**

- 6.1 That the Portfolio Holder acknowledges the requirement for the Council to develop a Community Asset Transfer Policy as part of the Asset Management Planning process and provide authority for a draft to be prepared in conjunction with the voluntary sector for further consideration by Portfolio Holder by March 2010.

## **7. CONTACT OFFICER**

Dale Clarke, BSc (Est. Man), MRICS  
Estates Manager  
Hartlepool Borough Council  
Leadbitter Buildings  
Stockton Street  
Hartlepool  
TS24 7NU

Tel: 01429 523386  
E-mail: [dale.clarke@hartlepool.gov.uk](mailto:dale.clarke@hartlepool.gov.uk)

## **FINANCE AND PERFORMANCE PORTFOLIO**

Report To Portfolio Holder

8 January 2010



**Report of:** Assistant Director (Procurement and Asset Management)

**Subject:** CONTRACT RENEWAL – SERVICING AND MAINTENANCE OF KITCHEN EQUIPMENT

---

### **SUMMARY**

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

- 1.1 To request the Portfolio Holder's confirmation of the decision to obtain competitive tenders for the servicing and maintenance of all commercial kitchen equipment in schools and other Council establishments.
- 1.2 To advise the Portfolio Holder of the potential procurement route.

#### **2. SUMMARY OF CONTENTS**

- 2.1 The report discusses the reason the contract is required with an overview of the recommended procurement route.

#### **3. RELEVANCE TO PORTFOLIO MEMBER**

- 3.1 Falls within the remit of the Portfolio Holder.

#### **4. TYPE OF DECISION**

- 4.1 Non-key decision.

#### **5. DECISION MAKING ROUTE**

- 5.1 Finance and Performance Portfolio Holder on 8<sup>th</sup> January 2010.

**6. DECISION(S) REQUIRED**

- 6.1 That the Portfolio Holder confirms the decision to proceed with the tender exercise and endorses the proposed procurement route.

**Report of:** Assistant Director (Procurement and Asset Management)

**Subject:** CONTRACT RENEWAL – SERVICING AND MAINTENANCE OF KITCHEN EQUIPMENT

---

**1. PURPOSE OF REPORT**

- 1.2 To request the Portfolio Holder's confirmation of the decision to obtain competitive tenders for the servicing and maintenance of all commercial kitchen equipment in schools and other Council establishments.
- 1.3 To advise the Portfolio Holder of the potential procurement route.

**2. BACKGROUND**

- 2.1 The contract is required to ensure that kitchens remain operational in particular for the delivery of school meals and to comply with H&S legislation. The most important of these in this case being the Gas (Installation and Use) Regulations 1998.
- 2.2 In 2009 the contract for the servicing and maintenance of gas and electrical equipment expired. The Contract was extended with the current provider Maval Electrical Engineering Limited whilst documentation and arrangements for the new contract were being prepared.
- 2.1 The in-house provider was considered for this work and detailed discussions took place with appropriate officers. The in-house provider however declined the offer to carry out this work because of existing commitments which include the Dyke House decant Scheme, the Rossmere Primary Capital Programme scheme, Havelock Centre for Independent Living (CIL) and a number of other projects.
- 2.2 Further reasoning behind this decision was to ensure that capacity and high standards are maintained for their current commitments by not over stretching their resources.

**3. PROPOSALS**

- 3.1 It is recommended that this scheme will be procured via a partnering / tender process. Including a quality element in the selection process will benefit both schools and other stakeholders.



- 3.2 The previous contract was procured via a single stage first past the post process. Problems have been encountered in respect of service delivery and quality during the course of this contract and the intention is to improve this by procuring the work via the partnering process.
- 3.2 The procurement will be in accordance with the Council's contract procedure rules.
- 3.3 It is proposed to commence the partnering process immediately to ensure that we have a contract in place by April 2010. This will run for a period of 2 years with an option of a 1 year extension.

#### **4. FINANCIAL CONSIDERATIONS**

- 4.1 The contract value per annum is approximately £37,000.

#### **5. RECOMMENDATIONS**

- 5.1 That the Portfolio Holder confirms the decision to proceed with the tender exercise and endorse the suggested procurement route.

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## **FINANCE AND PERFORMANCE PORTFOLIO**

Report to Portfolio Holder

8 January 2010



**Report of:** Assistant Director (Procurement And Asset Management)

**Subject:** SUSTAINABLE TIMBER PROCUREMENT POLICY

---

### **SUMMARY**

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

To inform the Portfolio Holder of the work undertaken within the Council to implement the NEPO Sustainable Timber Procurement policy which is currently in the process of being adopted region-wide.

#### **2. SUMMARY OF CONTENTS**

This document provide details of the requirements of the policy itself and details of what the council has done and will be doing to embed the policy into its procurement activities.

#### **3. RELEVANCE TO PORTFOLIO MEMBER**

Falls within the remit of the Portfolio Holder as Procurement Champion.

#### **4. TYPE OF DECISION**

Non Key.

#### **5. DECISION MAKING ROUTE**

Finance and Performance Portfolio Holder meeting on 8<sup>th</sup> January 2010.

#### **6. DECISION(S) REQUIRED**

That Portfolio Holder is asked to note the report and agree to the adoption of the policy.

**Report of:** Assistant Director (Procurement And Asset Management)

**Subject:** SUSTAINABLE TIMBER PROCUREMENT POLICY

---

## **1. PURPOSE OF REPORT**

- 1.1 To inform the Portfolio Holder of the work undertaken within the Council to implement the NEPO Sustainable Timber Procurement policy which is currently in the process of being adopted region-wide.

## **2. BACKGROUND**

- 2.1 As part of the ongoing work being carried out by the North East Regional Improvement and Efficiency Partnership (RIEP), the North Eastern Purchasing Organisation (NEPO) and Collaboration North East (CNE - a working group consisting of NEPO, the RIEP and representatives of all north eastern councils), a Sustainable Timber Procurement Policy has been developed for implementation across the north east councils and at all levels in the supply chain.
- 2.2 The policy has been badged as the 'NEPO Sustainable Timber Procurement Policy' to provide a regional emphasis to the document and additionally, NEPO are adhering to this policy when carrying out their procurement activities on behalf of its member institutions.
- 2.3 Hartlepool Borough Council officers have been active in embedding this policy including attendance at a recent training event in which the policy was explained and advice given on how to successfully implement the principles described in the document.

## **3. ACTIONS TAKEN TO IMPLEMENT THE POLICY**

- 3.1 By adopting this policy, Hartlepool Borough Council are declaring that it is our policy that **all** timber and wood-derived products should be purchased from independently verifiable, legal and sustainable sources.
- 3.2 Since the development of this policy the council have taken a number of actions, both retrospective and proactive.
- 3.3 We have highlighted the requirements of the policy with suppliers and contractors and requested evidence of their compliance.

- 3.4 Existing timber suppliers have been able to demonstrate that they meet the obligations the policy places upon them.
- 3.5 All future timber suppliers must be able to demonstrate that they procure their timber from legal and well managed forests which are certified under third party certification schemes which are in compliance with the criteria set out in the document 'UK Government Timber Procurement Policy: Criteria for Evaluating Category A Evidence'. Examples of suitable schemes are the Forestry Stewardship Council (FSC) and the Programme for Endorsement of Forest Certification scheme (PEFC).
- 3.6 Where suppliers are not compliant with the requirements of 3.5 above, Hartlepool Borough Council will accept other documentary evidence that provides assurance that the source is sustainable as set out in the document titled 'UK Government Timber Procurement Policy: Framework for evaluating Category B evidence'.
- 3.7 The Council will also accept Forest Law Enforcement, Governance and Trade (FLEGT) licensed timber, when offered, until 2015.
- 3.8 These requirements will be incorporated into the Council's specifications and contract conditions.

#### **4. MONITORING SUCCESSFUL APPLICATION OF THE POLICY**

- 4.1 In order to measure the effectiveness of this policy, the Corporate Procurement Unit will monitor the number of Council contracts which conform to this policy and highlight and respond to any timber procurement activity which does not comply with the policy.

#### **5. RECOMMENDATIONS**

- 5.1 That Portfolio Holder agrees to the Council's adoption of the Sustainable Timber Procurement Policy.

#### **6. CONTACT OFFICER**

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## **FINANCE and PERFORMANCE PORTFOLIO**

Report to Portfolio Holder

8 January 2010



**Report of:** Chief Financial Officer

**Subject:** AUTOMATED CUSTOMER SERVICE

---

### **SUMMARY**

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

The report seeks approval to a proposal to pilot the implementation of a 24 hour automated self service facility for handling Council Tax, Business Rates and Benefits service requests.

#### **2. SUMMARY OF CONTENTS**

The report provides details of the range of services that the self service arrangement can deal with, the operational benefits to the customer and the council, together with the costs and associated funding arrangements.

#### **3. RELEVANCE TO PORTFOLIO MEMBER**

The proposal deals with financial services activities and opportunities to improve the customer experience and deliver efficiency improvements, relevant to this portfolio holder.

#### **4. TYPE OF DECISION**

Non-key decision.

#### **5. DECISION MAKING ROUTE**

To portfolio holder.

#### **6. DECISION(S) REQUIRED**

Approval of the proposal to pilot an automated service for handling Revenues and Benefits service requests.

**Report of:** Chief Financial Officer

**Subject:** Automated Customer Service

---

**1. PURPOSE OF REPORT**

The report seeks approval to the proposal to pilot the implementation of a 24 hour automated self service facility for handling Council Tax, Business Rates and Benefits service requests.

**2. BACKGROUND**

- 2.1 Given the front line nature of Revenues and Benefits services they elicit significant volumes of public enquiries, requests for forms, requests to make an electronic payment by debit / credit card etc. Revenues and Benefits services have been reshaped over the years to improve customer standards and accessibility and the ethos is to adopt innovative but pragmatic solutions that will further improve customer service for the future.
- 2.2 Large numbers of local authorities have introduced automated telephony systems to give the public 24 / 7 instant access to information whenever they need it. An important key feature of the new automated systems is that during office opening hours the customer can at any stage choose to be transferred to a member of staff. This facility may be of particular value to vulnerable members of the community or those that find technology challenging.
- 2.3 Authorities are finding that these automated systems complement their contact centre arrangements by acting as a filter which empowers customers with the ability to help themselves to information, to make payments and to lodge service requests in a proven and effective way. Consequently, this can release council front line staff so they have more time to deal with the more complicated enquiries and with those members of the public who need more personal help to resolve their enquiry.
- 2.4 With an automated telephone service Revenues and Benefits customers would call either an existing Hartlepool Connect number or a new dedicated local charge number. The customer would then use “hot key” functions to enable them to move quickly to the relevant section they need. Specialised or urgent enquiries can be seamlessly transferred to designated staff.

2.5 Typical types of Revenues and Benefits enquiry that the automated solution can service include:

- Making a Payment
- Setting up a Direct Debit
- Council Tax exemptions and discounts information
- What to do if a bailiff has called
- Information about Council Tax reminders
- General Information regarding Council Tax
- Claiming Housing Benefits
- Information about business rates

2.6. In addition a full range of self service information can be made available via the Council's web site which will seamlessly link the customer through to the externally hosted information links and the customer can leave service request messages and information which are relayed back to the council.

2.7. As part of its Business Transformation programme the Council has recently invested in upgrading its income handling IT infrastructure to the latest industry standards. If the automated telephony service was introduced any income payment transactions would be channelled via the council's existing robust and secure infrastructure. This will ensure that none of the back office payment reconciliation routines would need to be amended.

### **3. KEY BENEFITS**

3.1 The automated self service facility offers a number of key benefits:

- an improved level of customer service and access to information 24 hours a day;
- ensures a consistent high quality customer service;
- provides cost saving opportunities by reducing the need for skilled officers to spend time responding to frequently asked questions (FAQ's) and / or performing simple repetitive tasks;
- provides the ability to quickly and easily update information in a single and co-ordinated way and have access to external technical support in managing and maintaining the accuracy of information;
- links closely with the Council's business transformation programme which fosters arrangements that encourage customer channel shifting and the introduction of more efficient and effective ways of delivering services.

- 3.2 The automated solution is fully hosted externally, there is no hardware or software to be purchased by the Council and the solution requires minimal ICT changes to be made. As such this minimises significantly any risks associated with the implementation process.
- 3.3 The self service solution is modular and whilst the proposal pilot is merely to implement that module that has been developed for Revenues and Benefits enquiries, other modules are available notably Environmental Services (covering waste, recycling, car parking, street care etc). The additional modules could be implemented at a later stage as the organisation evolves and customer acceptance of this type of service channel develops.

#### **4. COSTS AND FUNDING ARRANGEMENTS**

- 4.1. A low cost, low commitment way to evaluate automated self service is by way of a pilot exercise. This will allow the Council to launch a proven robust service and gauge customer acceptance. Inform Communications (a market leader in automated telephony systems in the public and private sector) are willing to offer a six month trial to the council. Their experiences at other local authorities suggest early and strong embracing of the automated service by the public.
- 4.2. The trial will give the Council access to the automated arrangements that have been developed by other local authorities that can then be customised for Hartlepool's use. This will enable the Council to save significant amounts of senior management development time, enable the council to take advantage of best practice elsewhere and will facilitate a speedier implementation.
- 4.3. The one off set up costs and hosting charges for a six month pilot total £19,083, which could be funded from earmarked finance reserves.
- 4.4. An automated customer service facility would provide in particular invaluable support over the period of distribution of council tax and business rate bills and the following peak period of recovery work and associated interaction with the public. If the service were introduced by early March then publicity material about the new service could be issued with the annual council tax bills at no cost. An example of the publicity flyer used by other authorities is attached as Appendix A.

#### **5 RECOMMENDATION**

- 5.1. The Portfolio holder approves the implementation of a six month pilot automated service for Revenues and Benefits Services, the cost to be funded from earmarked Finance reserves.



**6. CONTACT OFFICER**

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**You can now contact us 24 hours a day, 365 days a year by telephone, email or via our website at a time that suits you.**

As general enquiries can now be dealt with by our automated services, staff will have more time to deal with more complex enquiries which will improve our service to you.

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### Email

Send a blank email (there's no need to type any message) to [revben.demo@latestinfo.co.uk](mailto:revben.demo@latestinfo.co.uk). You will receive an immediate reply inviting you to help yourself to a wide range of information and forms.

**NEW 24 hour automated service  
For Council Tax, Business Rates  
and Benefits Enquiries**

**0207 559 2450**



### Telephone

**Call 0207 559 2450** and you can choose from a wide range of information via an easy to use menu.

To get to the right information even faster you can use **Hot Keys** to take you straight there. If you are not sure which Hot Key to use our automated service will guide you through every step.

At the start of your call you will be asked if you know the hot key number for the service you need. Simply press the relevant number on your phone from the list opposite.



## HOT KEY NUMBERS



For general payment information, if you would like to make a payment or set up a direct debit, or if you are having difficulty making a payment, press 1.



If you have received a reminder, a final notice, a summons, a liability order notification letter, a bailiff warning letter or wish to make an appeal please, press 2.



For other Council Tax enquiries including; change of address or circumstances, bereavment, single person discounts, exemptions, refunds, if you think your bill is incorrect or would like a duplicate bill, student information, disabilities and valuation Information, press 3.



For Business Rates, press 4.



For Benefit Enquiries including; entitlement, how to claim, the progress of your claim, if you disagree with our decision, a change in your circumstances, reporting a fraud, press 5.

Our automated telephone service is designed to answer all of your frequently asked questions and enable you to provide us with information (such as telling us if you have moved.)

**It's quick and simple to use, there's no need to wait in any queues.**

Don't worry if you have a more complex or difficult enquiry, you can be transferred to our skilled friendly staff via various help points throughout the service.



**You can use our quick and easy service to deal with the most common enquiries:**

- General information about council tax.
- Making a payment.
- Setting up a direct debit.
- Information about council tax reminders and summonses.
- Council tax exemptions and discounts.
- Telling us you have moved.
- What to do if a bailiff has called.
- Student information.
- How to claim housing and council tax benefit.
- Information about business rates.

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Please note this leaflet and the telephone and email services are for demonstration purposes only. For further information on Self Service please visit [www.setyourcustomersfree.com](http://www.setyourcustomersfree.com)

**NEW 24 hour automated service  
For Council Tax, Business Rates  
and Benefit Enquiries**



**0207 559 2450**

## **FINANCE and PERFORMANCE PORTFOLIO**

Report to Portfolio Holder

8 January 2010



**Report of:** Chief Financial Officer

**Subject:** COUNCIL TAX BASE 2010/11

---

### **SUMMARY**

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

The report seeks approval to the calculated Council Tax Base for 2010/11 which will be used for council tax billing purposes.

#### **2. SUMMARY OF CONTENTS**

The report provides details of the Council's responsibilities for determining the council tax base, explains the tax base calculation and shows details of the calculation for 2010/11.

#### **3. RELEVANCE TO PORTFOLIO MEMBER**

Following an amendment to the Local Government Finance Act 1992, a Full Council meeting is no longer required to adopt the Council Tax Base, the matter can be dealt with by the relevant cabinet member.

#### **4. TYPE OF DECISION**

Non-key decision.

#### **5. DECISION MAKING ROUTE**

To portfolio holder.

#### **6. DECISION REQUIRED**

Approval of the Council Tax Base for 2010/11.

**Report of:** Chief Financial Officer

**Subject:** COUNCIL TAX BASE 2010/11

---

**1. PURPOSE OF REPORT**

The report seeks approval to the calculated Council Tax Base for 2010/11 which will be used for council tax billing purposes.

**2. BACKGROUND**

- 2.1 The Council is required by law to calculate its Council Tax Base for the forthcoming year, and inform the major precepting authorities (Cleveland Police Authority and Cleveland Fire Authority) and local precepting authorities (Parish Councils), before 31st January 2010. The Council Tax Base is expressed as the number of band D equivalent properties.
- 2.2 The amount of Council Tax levied on each band D property located in the Borough of Hartlepool is determined by dividing the total amount of the precepts made by both this Council, the Police Authority and the Fire Authority on the Collection Fund in 2010/11, by the Council Tax Base. The amount of Council Tax payable for other bands is determined by applying a fixed proportion of the band D amount. A separate report on the calculation of the amount of Council Tax payable for each band will be submitted to Council at a later date.

**3. CALCULATION OF TAX BASE**

- 3.1 To calculate the Council Tax Base it is necessary to:-
- (a) Calculate "the relevant amount" for the year for each valuation band in the valuation list. For each band this represents the full year equivalent of each chargeable dwelling in that band, taking into account entitlement to disability reductions and discounts.
  - (b) The relevant amount for each band are expressed in terms of band D equivalents.
  - (c) The relevant amounts for each band are then added together and the total is multiplied by the Council's estimated collection rate for the year.

- 3.2 The following formula is used when determining the relevant amount for each valuation band:-

$$((S \times 0.75) + (D \times 0.5) + (E \times 0.9) + N) \times F/G \quad \text{where}$$

- S is the estimated number of chargeable dwellings in that band with a single occupancy discount,
- D is the estimated number of chargeable dwellings in that band with a 50% discount,
- E is the estimated number of chargeable dwellings in that band with a 10% discount,
- N is the estimated number of chargeable dwellings in that band with no discounts,
- F is the ratio applicable to that band in relation to Band D,
- G is the ratio applicable to band D (9).

A statement showing the calculation of the Council Tax Base for the Borough of Hartlepool is shown at **Appendix 1**.

- 3.3 In the current economic climate it would not be unreasonable to expect bad debts to increase. This would normally lead to an increase in the non collection level which is currently set at 1.5%. However, the in year collection of Council Tax is continuing to improve. In future, the Council may need to consider increasing this assumed level of non collection but at this stage both the in year and long term collection rates do not justify such a move, which would in itself reduce the level of resources available to the Council to deliver services.
- 3.4 **Appendices 2 to 9** are attached to show the statement of calculation of the Council Tax Bases for the various Parishes who levy precepts on the Collection Fund. The calculations follow the same principles as those adopted in the calculation of the Council Tax Base for the whole Borough. As it is necessary to request details of precepts from the Parishes, tax base calculation information has been transmitted, on a provisional basis, to the various Chairpersons in advance of your meeting.

#### 4. RECOMMENDATIONS

- a) Approval of a Council Tax Base for 2010/11 of 27,781.5.
- b) Approve a Council Tax Base for those Parishes capable of levying a precept upon the Council's General Fund:

Brierton	12.1	Greatham	669.9
Claxton	15.5	Hart	296.1
Dalton Piercy	105.0	Newton Bewley	32.5
Elwick	421.1		
Headland	1005.1		

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Direct line 01429 523093

**HARTLEPOOL BOROUGH COUNCIL**  
**CALCULATION OF TAX BASE 2010/11**

**Appendix 1**

line	VALUATION BAND	@	A	B	C	D	E	F	G	H	TOTAL
1	No. of properties in band		24,320	6,303	5,718	2,916	1,411	564	410	51	41693
2	Exempt dwellings		788	149	69	57	22	7	10	0	1102
3	Demolished dwellings		0	0	0	0	0	0	0	0	0
4	<b>CHARGEABLE DWELLINGS</b>		<b>23532</b>	<b>6154</b>	<b>5649</b>	<b>2859</b>	<b>1389</b>	<b>557</b>	<b>400</b>	<b>51</b>	<b>40591</b>
5	Disabled reductions		113	56	58	49	22	6	13	17	334
6	Effectively chargeable	113	56	58	49	22	6	13	17	0	334
7	<b>ADJ CHARGEABLE DWELLINGS</b>	<b>113</b>	<b>23475</b>	<b>6156</b>	<b>5640</b>	<b>2832</b>	<b>1373</b>	<b>564</b>	<b>404</b>	<b>34</b>	<b>40591</b>
8	25% discounts	28	11880	2121	1473	567	212	70	53	0	16404
9	50% discounts	10	665	123	108	34	12	25	20	0	997
10	10% Discount (Second Homes)	0	132	47	27	15	5	4	4	3	237
11	No discounts	75	10798	3865	4032	2216	1144	465	327	31	22953
12	<b>TOTAL EQUIVALENT DWELLINGS</b>	<b>101</b>	<b>20159.3</b>	<b>5559.55</b>	<b>5215.05</b>	<b>2671.75</b>	<b>1313.5</b>	<b>533.6</b>	<b>380.35</b>	<b>33.7</b>	<b>35967.80</b>
13	Ratio to Band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
14	<b>BAND D EQUIVALENTS</b>	<b>56.11</b>	<b>13439.53</b>	<b>4324.09</b>	<b>4635.60</b>	<b>2671.75</b>	<b>1605.39</b>	<b>770.76</b>	<b>633.92</b>	<b>67.40</b>	<b>28204.55</b>
Estimated collection rate (%)											98.5
Council Tax Base											27781.5



**BRIERTON**  
**CALCULATION OF TAX BASE 2010/11**

**Appendix 2**

line	VALUATION BAND	@	A	B	C	D	E	F	G	H	TOTAL
1	No. of properties in band		0	4	5	2	3	0	0	0	14
2	Exempt dwellings		0	0	0	0	0	0	0	0	0
3	Demolished dwellings		0	0	0	0	0	0	0	0	0
4	<b>CHARGEABLE DWELLINGS</b>		<b>0</b>	<b>4</b>	<b>5</b>	<b>2</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14</b>
5	Disabled reductions		0	0	0	0	0	0	0	0	0
6	Effectively chargeable	0	0	0	0	0	0	0	0	0	0
7	<b>ADJ CHARGEABLE DWELLINGS</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>5</b>	<b>2</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14</b>
8	25% discounts	0	0	1	2	1	0	0	0	0	4
9	50% discounts	0	0	0	0	0	0	0	0	0	0
10	10% discounts (second homes)	0	0	0	0	0	0	0	0	0	0
11	No discounts	0	0	3	3	1	3	0	0	0	10
12	<b>TOTAL EQUIVALENT DWELLINGS</b>	<b>0.00</b>	<b>0.00</b>	<b>3.75</b>	<b>4.50</b>	<b>1.75</b>	<b>3.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>13</b>
13	Ratio to Band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
14	<b>BAND D EQUIVALENTS</b>	<b>0.00</b>	<b>0.00</b>	<b>2.92</b>	<b>4.00</b>	<b>1.75</b>	<b>3.67</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>12.33</b>

Estimated collection rate (%)

98.5

Council Tax Base

12.1

**CLAXTON**  
**CALCULATION OF TAX BASE 2010/11**

**Appendix 3**

line	VALUATION BAND	@	A	B	C	D	E	F	G	H	TOTAL
1	No. of properties in band	0	4	0	1	4	2	2	1	1	15
2	Exempt dwellings	0	0	0	0	0	0	0	0	0	0
3	Demolished dwellings	0	0	0	0	0	0	0	0	0	0
4	<b>CHARGEABLE DWELLINGS</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>1</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>15</b>
5	Disabled reductions	0	0	0	0	0	0	0	0	0	0
6	Effectively chargeable	0	0	0	0	0	0	0	0	0	0
7	<b>ADJ CHARGEABLE DWELLINGS</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>1</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>15</b>
8	25% discounts	0	0	0	0	2	0	0	0	0	2
9	50% discounts	0	1	0	0	0	0	0	0	0	1
10	10% discounts (second homes)	0	0	0	0	0	0	0	0	0	0
11	No discounts	<b>0</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>12</b>
12	<b>TOTAL EQUIVALENT DWELLINGS</b>	<b>0</b>	<b>3.5</b>	<b>0</b>	<b>1</b>	<b>3.5</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>14</b>
13	Ratio to Band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
14	<b>BAND D EQUIVALENTS</b>	<b>0.00</b>	<b>2.33</b>	<b>0.00</b>	<b>0.89</b>	<b>3.50</b>	<b>2.44</b>	<b>2.89</b>	<b>1.67</b>	<b>2.00</b>	<b>15.72</b>

Estimated collection rate (%)

98.5

Council Tax Base

15.5

**DALTON PIERCY**  
**CALCULATION OF TAX BASE 2010/11**

**Appendix 4**

line	VALUATION BAND	@	A	B	C	D	E	F	G	H	TOTAL
1	No. of properties in band		2	10	16	13	35	12	11	0	99
2	Exempt dwellings		0	0	0	0	1	0	0	0	1
3	Demolished dwellings		0	0	0	0	0	0	0	0	0
4	<b>CHARGEABLE DWELLINGS</b>		<b>2</b>	<b>10</b>	<b>16</b>	<b>13</b>	<b>34</b>	<b>12</b>	<b>11</b>	<b>0</b>	<b>98</b>
5	Disabled reductions		0	0	0	0	0	0	0	0	0
6	Effectively chargeable	0	0	0	0	0	0	0	0	0	0
7	<b>ADJ CHARGEABLE DWELLINGS</b>	<b>0</b>	<b>2</b>	<b>10</b>	<b>16</b>	<b>13</b>	<b>34</b>	<b>12</b>	<b>11</b>	<b>0</b>	<b>98</b>
8	25% discounts	0	2	3	6	4	7	0	1	0	23
9	50% discounts	0	0	1	0	0	1	0	0	0	2
10	10% discounts (second homes)	0	0	0	0	0	0	0	1	0	1
11	No discounts	0	0	6	10	9	26	12	9	0	72
12	<b>TOTAL EQUIVALENT DWELLINGS</b>	<b>0.00</b>	<b>1.50</b>	<b>8.75</b>	<b>14.50</b>	<b>12.00</b>	<b>31.75</b>	<b>12.00</b>	<b>10.65</b>	<b>0.00</b>	<b>91.15</b>
13	Ratio to Band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
14	<b>BAND D EQUIVALENTS</b>	<b>0.00</b>	<b>1.00</b>	<b>6.81</b>	<b>12.89</b>	<b>12.00</b>	<b>38.81</b>	<b>17.33</b>	<b>17.75</b>	<b>0.00</b>	<b>106.58</b>

Estimated collection rate (%)

98.5

Council Tax Base

105.0

**ELWICK**  
**CALCULATION OF TAX BASE 2010/11**

**Appendix 5**

line	VALUATION BAND	@	A	B	C	D	E	F	G	H	TOTAL
1	No. of properties in band		27	33	66	113	42	33	66	33	413
2	Exempt dwellings		1	1	2	17	1	3	2	0	27
3	Demolished dwellings		0	0	0	0	0	0	0	0	0
4	<b>CHARGEABLE DWELLINGS</b>		<b>26</b>	<b>32</b>	<b>64</b>	<b>96</b>	<b>41</b>	<b>30</b>	<b>64</b>	<b>33</b>	<b>386</b>
5	Disabled reductions	0	0	0	0	0	0	0	0	2	2
6	Effectively chargeable	0	0	0	0	0	0	0	2	0	2
7	<b>ADJ CHARGEABLE DWELLINGS</b>	<b>0</b>	<b>26</b>	<b>32</b>	<b>64</b>	<b>96</b>	<b>41</b>	<b>30</b>	<b>66</b>	<b>31</b>	<b>386</b>
8	25% discounts	0	17	7	19	29	15	6	8	0	101
9	50% discounts	0	6	1	0	3	0	0	3	0	13
10	10% discounts	0	0	1	1	1	0	0	0	3	6
11	No discounts	0	3	23	44	63	26	24	55	28	266
12	<b>TOTAL EQUIVALENT DWELLINGS</b>	<b>0.00</b>	<b>18.75</b>	<b>29.65</b>	<b>59.15</b>	<b>87.15</b>	<b>37.25</b>	<b>28.50</b>	<b>62.50</b>	<b>30.70</b>	<b>353.65</b>
13	Ratio to Band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
14	<b>BAND D EQUIVALENTS</b>	<b>0.00</b>	<b>12.50</b>	<b>23.06</b>	<b>52.58</b>	<b>87.15</b>	<b>45.53</b>	<b>41.17</b>	<b>104.17</b>	<b>61.40</b>	<b>427.55</b>

Estimated collection rate (%)

98.5

Council Tax Base

421.1

**GREATHAM**  
**CALCULATION OF TAX BASE 2010/11**

**Appendix 6**

line	VALUATION BAND	@	A	B	C	D	E	F	G	H	TOTAL
1	No. of properties in band		177	426	185	77	34	9	6	1	915
2	Exempt dwellings		4	8	2	0	0	0	1	0	15
3	Demolished dwellings		0	0	0	0	0	0	0	0	0
4	<b>CHARGEABLE DWELLINGS</b>		<b>173</b>	<b>418</b>	<b>183</b>	<b>77</b>	<b>34</b>	<b>9</b>	<b>5</b>	<b>1</b>	<b>900</b>
5	Disabled reductions		3	5	0	2	1	0	0	1	12
6	Effectively chargeable	3	5	0	2	1	0	0	1	0	12
7	<b>ADJ CHARGEABLE DWELLINGS</b>	<b>3</b>	<b>175</b>	<b>413</b>	<b>185</b>	<b>76</b>	<b>33</b>	<b>9</b>	<b>6</b>	<b>0</b>	<b>900</b>
8	25% discounts	0	100	151	38	17	4	1	2	0	313
9	50% discounts	0	1	1	1	0	0	0	1	0	4
10	10% discounts	0	0	1	0	0	0	0	0	0	1
11	No discounts	3	74	260	146	59	29	8	3	0	582
12	<b>TOTAL EQUIVALENT DWELLINGS</b>	<b>3</b>	<b>149.50</b>	<b>374.65</b>	<b>175.00</b>	<b>71.75</b>	<b>32.00</b>	<b>8.75</b>	<b>5.00</b>	<b>0.00</b>	<b>819.65</b>
13	Ratio to Band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
14	<b>BAND D EQUIVALENTS</b>	<b>1.67</b>	<b>99.67</b>	<b>291.39</b>	<b>155.56</b>	<b>71.75</b>	<b>39.11</b>	<b>12.64</b>	<b>8.33</b>	<b>0.00</b>	<b>680.12</b>

Estimated collection rate (%)

**98.5**

Council Tax Base

**669.9**

**HART**  
**CALCULATION OF TAX BASE 2010/11**

**Appendix 7**

line	VALUATION BAND	@	A	B	C	D	E	F	G	H	TOTAL
1	No. of properties in band		15	82	90	41	37	34	24	0	323
2	Exempt dwellings		0	1	2	1	3	0	0	0	7
3	Demolished dwellings		0	0	0	0	0	0	0	0	0
4	<b>CHARGEABLE DWELLINGS</b>		<b>15</b>	<b>81</b>	<b>88</b>	<b>40</b>	<b>34</b>	<b>34</b>	<b>24</b>	<b>0</b>	<b>316</b>
5	Disabled reductions		0	0	1	0	0	1	0	0	2
6	Effectively chargeable	0	0	1	0	0	1	0	0	0	2
7	<b>ADJ CHARGEABLE DWELLINGS</b>	<b>0</b>	<b>15</b>	<b>82</b>	<b>87</b>	<b>40</b>	<b>35</b>	<b>33</b>	<b>24</b>	<b>0</b>	<b>316</b>
8	25% discounts	0	8	27	29	7	3	2	4	0	80
9	50% discounts	0	0	2	3	0	1	0	0	0	6
10	10% discounts (second homes)	0	1	0	0	1	0	0	0	0	2
11	No discounts	0	6	53	55	32	31	31	20	0	228
12	<b>TOTAL EQUIVALENT DWELLINGS</b>	<b>0.00</b>	<b>12.90</b>	<b>74.25</b>	<b>78.25</b>	<b>38.15</b>	<b>33.75</b>	<b>32.50</b>	<b>23.00</b>	<b>0.00</b>	<b>292.80</b>
13	Ratio to Band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
14	<b>BAND D EQUIVALENTS</b>	<b>0.00</b>	<b>8.60</b>	<b>57.75</b>	<b>69.56</b>	<b>38.15</b>	<b>41.25</b>	<b>46.94</b>	<b>38.33</b>	<b>0.00</b>	<b>300.58</b>

Estimated collection rate (%)

98.5

Council Tax Base

296.1

**NEWTON BEWLEY**  
**CALCULATION OF TAX BASE 2010/11**

**Appendix 8**

line	VALUATION BAND	@	A	B	C	D	E	F	G	H	TOTAL
1	No. of properties in band		3	1	9	6	9	5	0	1	34
2	Exempt dwellings		0	0	0	1	1	0	0	0	2
3	Demolished dwellings		0	0	0	0	0	0	0	0	0
4	<b>CHARGEABLE DWELLINGS</b>		<b>3</b>	<b>1</b>	<b>9</b>	<b>5</b>	<b>8</b>	<b>5</b>	<b>0</b>	<b>1</b>	<b>32</b>
5	Disabled reductions	0	0	0	1	0	0	0	0	0	1
6	Effectively chargeable	0	0	1	0	0	0	0	0	0	1
7	<b>ADJ CHARGEABLE DWELLINGS</b>	<b>0</b>	<b>3</b>	<b>2</b>	<b>8</b>	<b>5</b>	<b>8</b>	<b>5</b>	<b>0</b>	<b>1</b>	<b>32</b>
8	25% discount	0	1	1	3	0	1	1	0	0	7
9	50% discount	0	0	0	0	0	0	0	0	0	0
10	10% discount (second homes)	0	0	0	0	0	0	0	0	0	0
11	No discounts	0	2	1	5	5	7	4	0	1	25
12	<b>TOTAL EQUIVALENT DWELLINGS</b>	<b>0.00</b>	<b>2.75</b>	<b>1.75</b>	<b>7.25</b>	<b>5.00</b>	<b>7.75</b>	<b>4.75</b>	<b>0.00</b>	<b>1.00</b>	<b>30.25</b>
13	Ratio to Band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
14	<b>BAND D EQUIVALENTS</b>	<b>0.00</b>	<b>1.83</b>	<b>1.36</b>	<b>6.44</b>	<b>5.00</b>	<b>9.47</b>	<b>6.86</b>	<b>0.00</b>	<b>2.00</b>	<b>32.97</b>

Estimated collection rate (%)

98.5

Council Tax Base

32.5

**HEADLAND**  
**CALCULATION OF TAX BASE 2010/11**

**Appendix 9**

line	VALUATION BAND	@	A	B	C	D	E	F	G	H	TOTAL
1	No. of properties in band		1301	289	76	22	7	3	1	0	1699
2	Exempt dwellings		32	8	3	3	0	0	0	0	46
3	Demolished dwellings		0	0	0	0	0	0	0	0	0
4	<b>CHARGEABLE DWELLINGS</b>		<b>1269</b>	<b>281</b>	<b>73</b>	<b>19</b>	<b>7</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>1653</b>
5	Disabled reductions		5	3	2	0	0	0	0	0	10
6	Effectively chargeable	5	3	2	0	0	0	0	0	0	10
7	<b>ADJ CHARGEABLE DWELLINGS</b>	<b>5</b>	<b>1267</b>	<b>280</b>	<b>71</b>	<b>19</b>	<b>7</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>1653</b>
8	25% discounts	1	649	73	20	3	1	0	0	0	747
9	50% discounts	0	19	6	1	3	1	2	0	0	32
10	10% discounts (second homes)	0	9	1	1	0	0	0	0	0	11
11	No discounts	4	590	200	49	13	5	1	1	0	863
12	<b>TOTAL EQUIVALENT DWELLINGS</b>	<b>4.75</b>	<b>1094.35</b>	<b>258.65</b>	<b>65.40</b>	<b>16.75</b>	<b>6.25</b>	<b>2.00</b>	<b>1.00</b>	<b>0.00</b>	<b>1449.15</b>
13	Ratio to Band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
14	<b>BAND D EQUIVALENTS</b>	<b>2.64</b>	<b>729.57</b>	<b>201.17</b>	<b>58.13</b>	<b>16.75</b>	<b>7.64</b>	<b>2.89</b>	<b>1.67</b>	<b>0.00</b>	<b>1020.46</b>

Estimated collection rate (%)

98.5

Council Tax Base

1005.1



## **FINANCE AND PERFORMANCE PORTFOLIO**

Report to Portfolio Holder

8 January, 2010



**Report of:** Chief Solicitor

**Subject:** LEGAL SERVICES DIVISION -  
RE-ACCREDITATION TO THE LAW  
SOCIETY'S, LEXCEL, PRACTICE  
MANAGEMENT STANDARD

---

### **SUMMARY**

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

- 1.1 To inform the Portfolio Holder as to the re-accreditation of the Council's Legal Services Division against the Law Society's Lexcel, Practice Management Standard.

#### **2. SUMMARY OF CONTENTS**

- 2.1 In December 2003, the Council's Legal Services Division attained accreditation to the Law Society's Lexcel standard, for a period of three years, subject to satisfactory compliance through annual maintenance visits.
- 2.2 On 6<sup>th</sup> and 7<sup>th</sup> November 2006, the Division was successfully assessed against the Lexcel standard (report to Portfolio Holder on 27<sup>th</sup> November, 2006 refers). A further assessment, in addition to the yearly annual maintenance visits since 2006, took place over the period 9<sup>th</sup> and 10<sup>th</sup> November, 2009 (for detail, see main report). Following this assessment, the Division have been recommended for continued certification by the Law Society, to the Lexcel, Practice Management Standard.

#### **3. RELEVANCE TO PORTFOLIO HOLDER**

- 3.1 The Portfolio Holder oversees the service areas and functions of the Council's Legal Services Division.

#### **4. TYPE OF DECISION**

- 4.1 Non-key.

**5. DECISION MAKING ROUTE**

5.1 None.

**6. DECISION(S) REQUIRED**

6.1 None.

**Report of:** Chief Solicitor

**Subject:** LEGAL SERVICES DIVISION -  
RE-ACCREDITATION TO THE LAW  
SOCIETY'S, LEXCEL, PRACTICE  
MANAGEMENT STANDARD

---

## **1. PURPOSE OF REPORT**

- 1.1 To inform the Portfolio Holder as to the re-accreditation of the Council's Legal Services Division against the Law Society's, Lexcel, Practice Management Standard, following assessment over the period 9<sup>th</sup> and 10<sup>th</sup> November, 2009.

## **2. BACKGROUND**

- 2.1 In December, 2003, the Council's Legal Services Division attained accreditation to the Law Society's Lexcel Practice Management Standard. This certification, was subject to satisfactory compliance through annual maintenance visits and thereafter a full reassessment on the third anniversary of the initial accreditation.
- 2.2 On 9<sup>th</sup> and 10<sup>th</sup> November, 2009 an assessment was undertaken under the auspice of the Lexcel Standard (revised: 2007-version 4) through a representative of SGS United Kingdom Limited. In essence, Lexcel is the Law Society's Practice Management quality mark and is aligned to other "initiatives" such as ISO9000 and Investors in People. The standard looks at all aspects of practice management and is designed to ensure that practices deliver excellent client care and a consistently high quality of service. In attaining Lexcel certification, the following defined benefits can be achieved;
- reduced mistakes and effective risk management
  - establishing a framework to meet legislative compliance eg money laundering
  - improved client care
  - Management efficiency
  - Excellence becoming standard
  - assisting compliance with proposed new practice rules ie business operations and client relation rules
  - assistance with best value compliance

### 3. LEXCEL STANDARD

3.1 To ensure the practical implementation of the Lexcel standard, Legal Services are assessed against the following eight elements;

1. Structures and policies.
2. Strategy, the provision of services and marketing.
3. Financial management.
4. Information management and facilities.
5. People management.
6. Supervision and operational risk management.
7. Client care.
8. File and case management.

3.2 In the 'Lexcel assessment report' (**Appendix 1** herewith) there was one 'minor non-compliance' which has since been clarified to the assessor's and the Law Society's satisfaction, three 'areas for improvement' which have been noted within the Division and fifteen 'areas of good practice'.

### 4. SUMMARY

The Lexcel Practice Management Standard, is specifically designed for the legal profession. Further, it has application to the operation of a quality service area. Accordingly, the retention of the Lexcel quality mark is evidence of a well managed practice with a commitment to quality service and practice.

### 5. RECOMMENDATIONS

5.1 That the information herein be noted.

## 3.1 Appendix 1

### Lexcel assessment report

Last updated: August 2009

#### Practice details

		Regis number(s)/Address(es)
Name of organisation	Hartlepool Borough Council – Legal Services	65036
Number of offices	1	Civic Centre, Victoria Road, Hartlepool TS24 8AY

#### Non-compliances

Number of major non-compliances	NIL	Date CA due	
Number of minor non-compliances	1	Date CA Due	21 Dec ember 09
Number of areas for improvement	3		
Number of areas of good practice	15		

#### Assessment summary

The Practice continues to demonstrate a proactive approach to meeting the requirements of the Lexcel standard. The practice demonstrates a strong commitment to the staff, with recent recruits integrated into the team in a positive manner.

Renew al of the certificate is recommended on provision of the corrective action to address the single minor non conformance raised by the audit. (NOTE evidence must be sent to the assessor within 21 days of the audit)

I would like to thank everyone involved in the assessment for their co-operation, openness and hospitality

### Assessors overall recommendations

	Yes/No
Re-visit required within 3 months of last on-site date	Yes <input type="checkbox"/> No <input type="checkbox"/>
Documentary evidence of corrective action to be sent to assessor within 21 days of last on-site date	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Continue certification (select if <b>no</b> non-compliances)	Yes <input type="checkbox"/> No <input type="checkbox"/>
Corrective action received on site	Yes <input type="checkbox"/> No <input type="checkbox"/>

### Assessor declaration

Name of Assessment Body		SGS UK Ltd	
<p>Lead assessors declaration</p> <p>I/we confirm that I/we have had no other involvement with the implementation of the Lexcel Practice Management Standard at the above organisation apart from the assessment and have carried out the assessment on behalf of the above named assessment body.</p> <p>I/we further confirm that the content of this report has been explained to the above organisation.</p>			
Signature (or Tick Box)	<input checked="" type="checkbox"/>		
Print name	David White	Date	10 November 2009
Internally verified			
Signature (or Tick Box)	<input type="checkbox"/>		

## Lexcel assessment report

### Assessment details

Total on-site days & dates	1.5 day(s)	9 & 10 Nov. 2009
Total preparation time	0.5 days	
Total report writing time	Nil (included in the onsite days)	
Number of assessors	1	
Name of lead assessor	D White	
Name of other assessor(s)	Nil	
Total cost payable to Assessment Body	£	

### Type of assessment

Initial assessment	<input type="checkbox"/>
AMV	Year 1 <input type="checkbox"/> Year 2 <input type="checkbox"/>
Full re-assessment	<input checked="" type="checkbox"/>

### Other quality standards

Lexcel only	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Joint - Lexcel & Investors in People	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Joint - Lexcel & ISO9001:2000	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Credit given for IIP/ISO9001	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does the organisation hold an SQM franchise?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, state date awarded	
Date of last full audit	
Please state areas covered	

Credits given for SQM	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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## Office report

### Assessment statistics

Total number of fee earners	Currently 12 with 1 vacancy
Number of fee earners in sample	6
Name(s) of fee earners in sample	<p>Alyson Carmen</p> <p>Peter Devlin</p> <p>Marion Williams</p> <p>David Canwell</p> <p>Katherine Flounders</p> <p>Richard Maynes</p> <p>Hayley Martin: (not seen due to unforeseen illness during audit)</p>
Total number of support staff	2
Number of support staff in sample	1
Name(s) of support staff in sample	Sarah Mottram
Total number of open files	366
Number of open case files in sample	13
Number of closed files in sample	5



Total number of case files in sample	Direct access [6]	Access via Fee Earner [12]
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## Section one: structures and policies

Major / Minor non-compliances
NIL
Areas for improvement / Areas of good practice
<p><b>Areas of good practice</b></p> <ul style="list-style-type: none"> <li>• The office procedure manual has been reviewed during 2009 with small additions to reflect changes to the organisational structure</li> <li>• All policies have been reviewed during 2009 and updated where appropriate</li> <li>• The quality policy has been reviewed and re-issued during 2009</li> <li>• Legal policies and plans have now been included on 'T' serve providing electronic access to the legal team.</li> </ul> <p><b>Areas of Improvement</b></p> <ul style="list-style-type: none"> <li>• Ensure that the planned changes to incorporate the Land Charges' team into the Legal Services organisation is reflected in the Practice Manual</li> </ul>

## Section two: Strategy, the provision of services & marketing

Major / Minor non-compliances
<p>MINOR</p> <ul style="list-style-type: none"> <li>There was several team performance indicators which needed updating to show how they were progressing.</li> </ul> <p><b>Consideration should be given to including a review of the performance indicators at the monthly management meetings.</b></p>
Areas for improvement / Areas of good practice
<p><b>Areas of good practice</b></p> <ul style="list-style-type: none"> <li>The team has a number of key performance targets aligned to the Business and Services Plan</li> </ul>

## Section three: Financial management

Major / Minor non-compliances
NIL
Areas for improvement / Areas of good practice

**Areas of good practice**

- A detailed budgetary control statement is provided to the team on a monthly basis, detailing variance to financial targets

**Section four: Information management and facilities**

Major / Minor non-compliances

NIL

Areas for improvement / Areas of good practice

**Areas of good practice**

- The legal team offices have recently been refurbished providing a light and airy workspace.

**Area of Improvement**

- There is still some outstanding work related to re-location of archived files following the recent flood of the strong room.
- It was not fully clear from the library records system which books were no longer being updated. It is suggested that a simple system is introduced to indicate the status of publications

**Section five: People management**

Major / Minor non-compliances

NIL

Areas for improvement / Areas of good practice

**Areas of good practice**

- All 2009 annual Appraisals have been completed.
- New starters have been integrated into the team in a positive manner.

**Area of Improvement**

**Section six: Supervision and operational risk management**

Major / Minor non-compliances

NIL

Areas for improvement / Areas of good practice

**Areas of good practice**

- All quarterly supervisory file reviews are up to date
- The data from supervisory file reviews indicate there are no underlying negative trends..
- New staff interviewed expressed satisfaction with the level of support and training opportunities provided

**Section seven: Client care**

Major / Minor non-compliances

NIL

Areas for improvement / Areas of good practice

**Areas of good practice**

- There have been no complaints from the teams client groups during 2009
- A number of plaudits have been received from satisfied clients during 2009

**Area of Improvement**

## Section Eight: File and case management

Major / Minor non-compliances

NIL

Areas for improvement / Areas of good practice

***Areas of good practice***

- All files view ed were well maintained, meeting the requirements of the case management procedure, w ith diarised key dates w here appropriate, opening and closing risk assessments and documents filed in chronological order.

### Confirmation of office assessment report understood

Practice Representative	
Signature	Date 10 November 2009
Print Name Alyson Carman	Job Title Legal Services Manager / Solicitor
Assessor	
Signature	Date 10 November 2009
Print Name D White	Job Title Lexcel Assessor

### For Lexcel office internal use only

Review ed by		Date	
Comments			
Action required			

## **FINANCE AND PERFORMANCE PORTFOLIO**

Report to Portfolio Holder

8 January 2010



**Report of:** Chief Personnel Officer

**Subject:** PROVISION OF SPECIALIST SOCIAL CARE  
TRAINING & DEVELOPMENT

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### **SUMMARY**

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

To update the Portfolio Holder on the progress made regarding the procurement of training and development for specialist social care and to provide feedback following the work completed in relation to the arrangements for the sub lots not covered by the existing framework.

#### **2. SUMMARY OF CONTENTS**

The report provides a progress update in relation to the provision of specialist social care training and development.

#### **3. RELEVANCE TO PORTFOLIO MEMBER**

The Portfolio Holder has responsibility for Training and Development.

#### **4. TYPE OF DECISION**

Non Key.

#### **5. DECISION MAKING ROUTE**

Portfolio Holder.

#### **6. DECISION REQUIRED**

The Portfolio Holder is requested to note the report.

**Report of:** Chief Personnel Officer

**Subject:** PROVISION OF SPECIALIST SOCIAL CARE  
TRAINING & DEVELOPMENT

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**1. PURPOSE OF REPORT**

- 1.1** To update the Portfolio Holder on the progress made regarding the procurement of training and development for specialist social care.

**2. BACKGROUND**

- 2.1** The proposal to establish a framework agreement for the provision of training and development was reported to and agreed by the Performance Portfolio Holder on 25<sup>th</sup> July 2008. The Council received 62 tender documents to provide a range of training and development across a wide range of areas. The result of the tender exercise was reported to Contract Scrutiny Committee on 2<sup>nd</sup> March 2009.
- 2.2** During the initial evaluation of the submitted tender documents it became apparent that an additional evaluation was required for the categories covering Specialist Social Care. This was done to ensure that the Local Authority paid particular attention to the Safeguarding requirements within both Child and Adult Services.
- 2.3** The additional evaluation involved a further assessment of the relevant Organisation's occupational competencies and expertise to provide the specialist training required.
- 2.4** Only the 14 organisations that were successful during the initial assessment of tenders were invited to a further evaluation with the intention that the successful organisations would be incorporated on to the current Training and Development Framework.
- 2.5** 10 of the 14 Organisations submitted further information and were assessed over 63 different areas of specialism (sub lots).
- 2.6** As a result of the additional evaluation, 3 Providers were successful and met the requirements of the agreed criteria.
- 2.7** The results of the additional evaluation process were reported to Contract Scrutiny Committee on 28<sup>th</sup> September 2009.



### **3. CURRENT SITUATION**

- 3.1** Currently there are only 3 Providers on the existing framework who are able to fulfil the specialist requirements for the provision of the social care sub lots.
- 3.2** Further work has been undertaken in relation to the packaging of lots to fill the gaps identified by the additional evaluation process.

### **4. PROPOSAL**

- 4.1** Following an in depth analysis and mapping of training requirements the three providers who were successful from the extra evaluations should be allowed to function within the existing framework.
- 4.2** The remainder of the currently identified specialist social care training to be procured based on individual /group training courses for the duration of the training procurement framework only (and be incorporated in the framework replacement arrangements). All procured training will follow a predetermined process which complies with the contract procedure rules.
- 4.3** To ensure consistency the process for the commissioning of training for specialist social care will be the similar to that undertaken in the procurement of the current framework and to the same standard as a minimum. This will include assessments of the proposed supplier(s) and their training proposals.

### **5 RECOMMENDATION**

Once training budgets have been confirmed for 2010/2011 the remaining specialist social care training will be procured on a individual/group course basis in line with the mapping exercise completed.

### **6. BACKGROUND PAPERS**

None

### **7. CONTACT OFFICER**

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## **FINANCE AND PERFORMANCE PORTFOLIO**

Report To Portfolio Holder

8 January 2010



**Report of:** Assistant Director (Procurement and Asset Management)

**Subject:** PROFESSIONAL STATUS ACHIEVEMENT

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### SUMMARY

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

To inform Portfolio Holder of the recent achievement by James Cuthbert, Valuation Assistant within the Estates Team of the professional membership of the Royal Institute of Chartered Surveyors (RICS).

#### **2. SUMMARY OF CONTENTS**

Outlines the success of the Council's mentoring, coaching and development arrangements for the development of in-house professional staff within the Estates Section.

#### **3. RELEVANCE TO PORTFOLIO MEMBER**

Portfolio Holder has a responsibility for managing the Council's Land and Property and Human Resource issues.

#### **4. TYPE OF DECISION**

Non key.

#### **5. DECISION(S) REQUIRED**

That the Portfolio Holder acknowledges and congratulates the significant success which had been achieved by James Cuthbert in the Estates Section in achieving a Corporate Membership of the Royal Institution of Chartered Surveyors.

**Report of:** Assistant Director (Procurement and Asset Management)

**Subject:** PROFESSIONAL STATUS ACHIEVEMENT

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**1. PURPOSE OF REPORT**

- 1.1 To inform Portfolio Holder of the recent achievement by James Cuthbert, Valuation Assistant within the Estates Team of the professional membership of the Royal Institute of Chartered Surveyors (RICS).

**2. BACKGROUND**

- 2.1 James joined the Borough Council in 2006, further to undertaking a Degree in Estate Management at Newcastle University.
- 2.2 In order to achieve professional status of the RICS it is the requirement to undertake an assessment of professional competence subsequent to completing two years formal work within a professional office.
- 2.3 In order to support James in achieving professional status, the Council arranged for the Estates Manager over a two-year period to mentor and coach in order to provide the quality of projects and guidance required in order to enable him to meet the exacting standards required of the RICS.
- 2.4 As a consequence of a significant amount of work by both James and the Estates Manager, I am pleased to advise that James was successful at his APC assessment in October 2009, and it is important to formally acknowledge this achievement which is a culmination of a number of years of hard work and dedication.

**3. RECOMMENDATIONS**

- 3.1 That the Portfolio Holder acknowledges and congratulates the significant success which had been achieved by James Cuthbert in the Estates Section in achieving a Corporate Membership of the Royal Institution of Chartered Surveyors.

**4. CONTACT OFFICER**

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## **FINANCE AND PERFORMANCE PORTFOLIO**

Report To Portfolio Holder

8 January 2010



**Report of:** Assistant Director (Procurement and Asset Management)

**Subject:** RESTRICTIVE COVENANTS AFFECTING COUNCIL ASSETS

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### **SUMMARY**

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

To update Portfolio Holder since the previous report presented to the 5<sup>th</sup> November 2009 meeting.

#### **2. SUMMARY OF CONTENTS**

The report identifies the background to restrictive covenants and confirmation of an inter departmental co-ordinated approach.

#### **3. RELEVANCE TO PORTFOLIO MEMBER**

Portfolio Holder has the responsibility for the Council's land and Property Assets.

#### **4. TYPE OF DECISION**

Non-key.

#### **5. DECISION MAKING ROUTE**

Portfolio Holder only.

#### **6. DECISION(S) REQUIRED**

That the Portfolio Holder notes the current position.

**Report of:** Assistant Director (Procurement and Asset Management)

**Subject:** RESTRICTIVE COVENANTS AFFECTING COUNCIL ASSETS

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**1. PURPOSE OF REPORT**

- 1.1 To update Portfolio Holder since the previous report presented to the 5<sup>th</sup> November meeting.

**2. BACKGROUND**

- 2.1 Portfolio Holder will be aware of the established procedure adopted in property law whereby the seller places a covenant in the transfer which restricts the uses of the land.
- 2.2 Covenants of this type have been applied to many historical transactions in which the Borough Council or its predecessors in title were the original land owner.
- 2.3 They were applied, traditionally, in a conveyance to render a control over the use to which property could be put after sale. It means that the seller can, to some extent, ensure that land remains in the use for which it is sold.
- 2.4 In the case of large land owners who sold off individual plots of land for, say, residential development, a covenant to restrict the use to housing was considered essential so that the tone or use of an area could be controlled and maintained for the benefit and wellbeing of all parties, present and future, benefitting from the covenant. The same principle could be applied to other types of development.
- 2.5 A problem arises when a planning authority exercising its powers of development control, permits, in pure planning terms, a form of development that contradicts any restriction imposed by the land covenant.
- 2.6 In such an example, the consent of the original landowner who had applied a restrictive covenant will be required in order that the development permitted in planning terms can go forward. The applicant has the right in law to apply to the Lands Tribunal requesting a modification or removal of the original covenant.

### 3.4

- 2.7 The Covenant, if relaxed, may render financial benefit to the applicant if the planning use permitted is of greater value than the original use to which the land was restricted. Contrast A1 Retail Use against a B1 Industrial Usage where the retail use is invariably of greater value than the industrial use.
- 2.8 In such a case the normal form of resolution is for the imposer of the original covenant to negotiate a financial settlement with the applicant to reflect the benefit.

## 3. PROPOSALS

- 3.1 To safeguard the interests of the Council where a restrictive covenant has been imposed, it is essential that instances outlined above are brought to the attention of the Estates Team so that any land issues can be addressed.
- 3.2 Disciplines are now in place between the Planning Teams and the Property Services Team which ensure that any planning application, formal or informal is highlighted and appropriate action taken.
- 3.3 In pursuing its role as Planning Authority, the Council exercise a degree of control over planning matters in order to achieve a balanced and compatible distribution of land uses in the town. Over the years, economic and other factors can change this balance and what may, for instance, have been a predominantly industrial and warehousing area may evolve into an area where ancillary retail uses are acceptable.
- 3.4 This is borne out by the Longhill area of the town where the Council have owned and still own land on which Restrictive Covenants have been placed on historic land sales.
- 3.5 Where this conflict arises, it is necessary for the applicant to request a lifting of the covenant to enable development to proceed and might involve the payment of monetary compensation, if appropriate, by the applicant to the Borough Council.
- 3.6 In the case of current land sales procedure, the Property Services Team now protect the interests of the Council by the imposition of claw back provisions whereby the Council share in any future increases in land value as a result of a change of planning policy. Going forward, this is considered to be a more workable policy than the traditional restrictive covenant route.

## 4. RISK ASSESSMENT

- 4.1 In view of the integration of Regeneration and Neighbourhoods in the new Council structure and the closer collaboration between the

### 3.4

Planning Team and the Property Services Team, the possibility of either being unaware of restrictive covenants or claw back provisions affecting land has been addressed.

- 4.2 The Estates Manager is notified by the Planning Team of all applications for planning permission thereby giving the opportunity to identify areas which may involve a restrictive covenant.
- 4.3 Additionally, when granting planning permission a note is attached to the consent indicating that other consents or approvals may be necessary which in turn highlights the position to the applicant.
- 4.4 A further safeguard is provided by the informal application forum, the One Stop Shop, which the Property Services Team attends. This provides the opportunity to comment, as appropriate, with regard to land law.
- 4.5 In all future cases, it is proposed that the Council's interests are protected by way of a clawback provision, coupled with a legal charge, which means that if the purchaser proposes to sell the property in the future, the legal process would require a formal discharge of the covenant.

## 5. DECISION REQUIRED

- 5.1 That the Portfolio Holder notes the current position.

## 6. CONTACT OFFICER

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