

**SCRUTINY CO-ORDINATING  
COMMITTEE AGENDA**



**Friday 10<sup>th</sup> February 2006**

**at 2.00 p.m.**

**in Committee Room B**

**MEMBERS: SCRUTINY CO-ORDINATING COMMITTEE:**

Councillors Cambridge, Clouth, Cook, Cranney, Flintoff, Hall, Hargreaves, James, Kaiser, Lilley, A Marshall, J Marshall, Preece, Richardson, Shaw and Wright.

Resident Representatives:

Evelyn Leck, Linda Shields and Joan Smith

**1. APOLOGIES FOR ABSENCE**

**2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

**3. MINUTES**

3.1 To confirm the minutes of the meeting held on 27<sup>th</sup> January 2006 (*to follow*)

**4. RESPONSES FROM THE COUNCIL, THE EXECUTIVE OR COMMITTEES OF THE COUNCIL TO REPORTS OF THE SCRUTINY COORDINATING COMMITTEE**

4.1 Response from the Cabinet Member to the Final Report: Additional Powers for Community Wardens (Considered by the Regeneration and Liveability Portfolio Holder on 18 November 2005) – *Head of Environmental Management*

# REPLACEMENT AGENDA

## 5. CONSIDERATION OF REQUEST FOR SCRUTINY REVIEWS FROM COUNCIL, EXECUTIVE MEMBERS AND NON EXECUTIVE MEMBERS

- 5.1 Scrutiny Topic Referral from Grants Committee – Withdrawal of European Regional Development Funding to the Voluntary Sector within Hartlepool – *Scrutiny Manager*

## 6. FORWARD PLAN

No items

## 7. CONSIDERATION OF PROGRESS REPORTS / BUDGET AND POLICY FRAMEWORK DOCUMENTS

No Items

## 8. CONSIDERATION OF FINANCIAL MONITORING/CORPORATE REPORTS

- 8.1 Audit Commission Inspection Reports for 2005/06: Annual Audit and Inspection Letter:
  - (a) Covering Report – *Chief Financial Officer* and
  - (b) Annual Audit and Inspection Letter 2005/06 – *Audit Manager, Audit Commission*

## 9. ITEMS FOR DISCUSSION

- 9.1 HMS Trincomalee Trust Scrutiny Referral – Setting the Scene:
  - (a) Setting the Scene:-
    - (i) Covering Report – *Scrutiny Manager / Research Assistant* ;
    - (ii) Presentation from the General Manager of the HMS Trincomalee Trust;
  - (b) Composition of the HMS Trincomalee Trust Board:-
    - (i) Covering Report – *Scrutiny Manager / Research Assistant* ;
    - (ii) Verbal Evidence from the General Manager of the HMS Trincomalee Trust
- 9.2 Neighbourhood Services Scrutiny Forum's Final Report – Enquiry into 20mph Zones Outside of Schools – *Chair of the Neighbourhood Services Scrutiny Forum*

# **REPLACEMENT AGENDA**

## **10. CALL-IN REQUESTS**

10.1 Call-In of Decision – Briarfields Allotments Site – *Scrutiny Manager*

## **11. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

### **ITEMS FOR INFORMATION**

- i) Date of Next Meeting Friday 24<sup>th</sup> February 2006, commencing at 2.00 pm in Committee Room B**

# **SCRUTINY CO-ORDINATING COMMITTEE**

## **MINUTES**

27th January, 2006

### **Present:**

Councillor Marjorie James (In the Chair)

Councillors: Rob Cook, Kevin Cranney, Bob Flintoff, Gerald Hall, Ann Marshall, John Marshall and Arthur Preece

Resident

Reps. Evelyn Leck, Joan Smith and Linda Shields

Officers: Chris Little, Assistant Chief Financial Officer  
Charlotte Burnham, Scrutiny Manager  
Joan Wilkins, Principal Democratic Services Officer  
Rebecca Redman, Temporary Research Assistant (Scrutiny)

### **130. Apologies for Absence**

Apologies for absence were received from Councillors John Cambridge, Carl Richardson and Edna Wright.

### **131. Declarations of interest by members**

None

### **132. Minutes**

The minutes of the meetings held on 20th January 2006 were confirmed subject to the following amendment:-

That minute number 28, decision iii, be amended to read.

- iii) That following consideration of the information provided Members felt that consultants, secondments and the use of Agency staff to back fill the posts left vacant was an issue that merited inclusion in the scrutiny timetable for next year.

### **133. Responses from the Council, the Executive to Committees of the Council to Reports of the Scrutiny Co-ordinating Committee**

No Items

**134. Consideration of Request for Scrutiny Reviews for Council, Executive Members and Non Executive Members**

No Items

**135. Forward Plan**

No items.

**136. Scrutiny Co-ordinating Committee's Draft Final Response to the Budget Consultation: Draft Budget and Policy Framework Proposals 2006/07 to 2007/08**  
(Chair of the Scrutiny Co-ordinating Committee/*Scrutiny Manager*)

The Scrutiny Manager sought approval of a report containing the Co-ordinating Committees draft final response to the Budget Consultation: Draft Budget and Policy Framework Proposals 2006/7 to 2007/8, prior to its submission to Cabinet on the 10<sup>th</sup> February 2006.

Members looked in detail at the report and in relation to observation/comment (I) were advised by the Chairman that the information provided regarding changes to employment legislation was accurate. An appeal against a tribunal decision was in the process of being dealt with and proposed changes to legislation would not be enacted until the outcome of the appeal was known. It was anticipated that this would be at the end of February and on the basis of this it was suggested that observation/comment (i) be expanded to read as follows:

- (i) That the use of consultants and agency workers across the Authority is far greater than realised, with some individuals being employed on a temporary basis for in excess of 2 years. Concerns were expressed with regard to a recent Employment Tribunal currently pending appeal, which argues a strong case for agency workers to potentially gain employment rights as directly employed staff. Members were advised that the judgement was anticipated in late February 2006, hence depending on the outcome of such appeal, it is suggested that this Authority explore the compilation of an exit strategy for its agency staff arrangements in light of the possible financial implications to the Authority.

During the course of discussions Members reiterated the need for additional information on the system in place for the filling of posts. Members were advised that rather than attempting to provide this information today the way in which posts were filled would be looked at as part of the committee's examination next year of the use of consultants, secondments and agency staff to back fill posts. It was, however, recognised that the Co-ordinating Committee would have a very busy work schedule next year, as it had this year. In view of this, and Members wishes that no time restraint be placed

upon this inquiry it was accepted that a decision would need to be taken as to how many enquiries could be effectively undertaken in one year.

### **Decision**

The report containing the Scrutiny Co-ordinating Committees response to the Budget Consultation: Draft Budget and Policy Framework Proposals 2006/7 to 2007/8 was approved for submission to Cabinet on the 7<sup>th</sup> November, with the expansion of observation/comment (i) as outlined above.

## **137. Consideration of Financial Monitoring/Corporate Reports**

No Items

## **138. Items of Discussion**

The Chair referred to the joint Cabinet/Scrutiny event to be held on 13 February 2006 and sought the Committee's agreement to the meeting being attended by Councillors only due to the political nature of the issues to be addressed. The Scrutiny Coordinating Committee supported the Chair's proposal.

## **139. Call-In Requests**

No Items

MARJORIE JAMES

CHAIRMAN

## **SCRUTINY CO-ORDINATING COMMITTEE**

10 February 2006



**Report of:** Head of Environmental Management

**Subject:** RESPONSE TO THE SCRUTINY CO-ORDINATING COMMITTEE'S FINAL REPORT: ADDITIONAL POWERS FOR COMMUNITY WARDENS

---

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

- 1.1 To report the decision of the Regeneration and Liveability Portfolio Holder in respect to the Scrutiny Co-ordinating Committee's Final Report into Additional Powers for Community Wardens.

### **2. BACKGROUND INFORMATION**

- 2.1 At his Portfolio meeting held on 28 August 2003, the Mayor supported Cleveland Police's proposal to establish an Accreditation Scheme for Community Wardens. At this time, the Mayor requested that the issue of conferring enforcement powers on Community Wardens should be referred to the Scrutiny Co-ordinating Committee and considered in conjunction with their Anti-Social Behaviour inquiry.
- 2.2 A subsequent meeting of the Scrutiny Co-ordinating Committee agreed to undertake a consultation exercise with the public in relation to the range of powers available to Community Wardens under the Accreditation Scheme.
- 2.3 As part of the Committee's consultation process, the issue of Additional Powers was discussed in Neighbourhood Forums and a Viewpoint Survey was carried out in June 2005. Consultation with young people was undertaken through B76.
- 2.4 At a meeting of the Regeneration and Liveability Portfolio held on 18 November 2005, the Scrutiny Co-ordinating Committee's Final Report into the Additional Powers of Community Wardens was considered. The findings of the consultation exercise proved useful and, in general, it was evident that the members of the public were in favour of granting Community Wardens all

seven Additional Powers and the ability to issue FPN's for most available powers.

### **3. THE ACCREDITATION SCHEME**

3.1 There are many aspects to accreditation which contribute significantly towards a safer and cleaner environment for the people of Hartlepool.

3.2 Accredited staff can be given a range of limited, but targeted powers to deal with specific nuisances as outlined below:

- (i) The power to issue Fixed Penalty Notices for dog fouling, littering and riding a bicycle on a footpath;
- (ii) Power to request a name and address for Fixed Penalty Notices and offences that cause injury alarm and distress to another person or damage or loss of another persons property;
- (iii) Power to request the name and address of a person acting in an anti-social manner;
- (iv) Power to confiscate alcohol from young persons;
- (v) Power to require the removal of an untaxed vehicle.

### **4. HEALTH & SAFETY/TRAINING**

4.1 The Environmental Services Division recognises and accepts the responsibilities and duties which it has for health and safety. It is policy that all reasonable, practicable steps will be taken to provide safe and healthy working conditions and that the safety, health and welfare of Community Wardens and members of the public is paramount at all times.

4.2 Arrangements are made for the effective planning, organisation, control and monitoring of health and safety matters through consultation with the Community Wardens and their appointed Trade Union Representative. This takes place via the Job Function Safety Committee, which provides a forum for consultation on health and safety at work.

4.3 Training needs are identified following an individual's appraisal, with each employee being appraised at least once per year. However, training is also fundamental to any new task carried out by an employee.

4.4 Additional Powers for Community Wardens will create the need for a comprehensive training programme to ensure professionalism and competency but, above all, the safety of both employee and members of the public.



## **5. CONCLUSION**

- 5.1 Following the consideration of the Scrutiny Co-ordinating Committee's Final Report into the Additional Powers for Community Wardens, together with a further report from the Head of Environmental Management, Accreditation is a welcomed new addition to the powers available for the Council as it endeavours to provide a safe and clean environment for the people of Hartlepool.
- 5.2 The findings of the Viewpoint Survey and Neighbourhood Forum consultations, detailed within the Final Report of the Scrutiny Co-ordinating Committee, clearly show anti-social behaviour to be a major concern amongst many residents, the majority of which are in favour of Community Wardens having Additional Powers.
- 5.3 The existing role of the Community Warden does not entirely reflect the needs of the community in that many residents feel Wardens are powerless to take decisive and radical action against individuals who commit environmental crimes and/or behave in an anti-social manner.

## **6. DECISION**

- 6.1 After careful consideration the Mayor, at a subsequent meeting of Regeneration and Liveability Portfolio meeting held on 20<sup>th</sup> January 2006 approved the granting of additional powers to the Community Wardens as outlined in Section 3 of this report, as a result of this Committee's Final Report into the Additional Powers for Community Wardens.

## **SCRUTINY CO-ORDINATING COMMITTEE**

10 February 2006



**Report of:** Scrutiny Manager

**Subject:** SCRUTINY TOPIC REFERRAL FROM GRANTS COMMITTEE – WITHDRAWAL OF EUROPEAN REGIONAL DEVELOPMENT FUNDING TO THE VOLUNTARY SECTOR WITHIN HARTLEPOOL

---

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

- 1.1 To inform Members of the Scrutiny Co-ordinating Committee of the recent scrutiny topic referral from the Authority's Grants Committee to the Overview and Scrutiny Function.

### **2. BACKGROUND INFORMATION**

- 2.1 As outlined within the Authority's Constitution, the Scrutiny Co-ordinating Committee has a mandatory obligation to consider referrals from Council, Cabinet and individual Cabinet Members within the timescale prescribed.
- 2.2 As such at a meeting of the Grants Committee (which is a Committee of the Cabinet) on 10 January 2006, consideration was given to a report of the Director of Adult and Community Services in relation to the approval of grant awards from the Community Pool for 2005/06.
- 2.3 At this meeting, it was subsequently agreed that the Scrutiny Co-ordinating Committee be asked to examine the withdrawal of European Regional Development Funding and the impact it would have across the voluntary sector within Hartlepool during 2006/07 (Minute 26 refers).

### **3. RECOMMENDATION**

- 3.1 It is recommended that the Scrutiny Co-ordinating Committee receives the notification of such 'referral' and in light of its current Work Programme commitments for 2005/06, considers the appropriateness of undertaking this referral during the Overview and Scrutiny Work Programme for either 2005/06 or 2006/07.

**Contact Officer:-** Charlotte Burnham – Scrutiny Manager  
Chief Executive's Department - Corporate Strategy  
Hartlepool Borough Council  
Tel: 01429 523 087  
Email: charlotte.burnham@hartlepool.gov.uk

## **BACKGROUND PAPERS**

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

- (i) Report of the Director of Adult and Community Services entitled 'Community Pool 2005/06' presented to the Grants Committee Meeting held on 10 January 2006.
- (ii) Decision Record of the Grants Committee Meeting held on 10 January 2006.

## **SCRUTINY CO-ORDINATING COMMITTEE**

10 February 2006



**Report of:** Chief Financial Officer

**Subject:** Covering Report - Audit Commission Inspection Reports for 2005/06: Annual Audit and Inspection Letter

---

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

- 1.1 To inform Members of the Scrutiny Co-ordinating Committee that arrangements have been made for a representative from the Audit Commission to be in attendance at this meeting, to present the Inspection Report for the Annual Audit and Inspection Letter.

### **2. BACKGROUND INFORMATION**

- 2.1 As Members are aware, considerations of Inspection Reports relating to corporate and financial issues of the Authority form part of this Committee's remit.
- 2.2 As a result of this, arrangements have been made for a representative from the Audit Commission to be in attendance at this meeting to present the Inspection Report
- 2.3 This report advises Members that under the new CPA assessment criteria the Council's performance has been judged as four-star (the highest rating). The report indicates that the Council's priorities are clearly defined and informed by effective community engagement.
- 2.4 The CPA judgement has been made using the revised methodology, "CPA – The Harder Test", which is a more stringent test with more emphasis placed on outcomes for local people and value for money. A direction of travel judgement is now part of the test and measures how well the Council is

improving. Under the new framework the Council is judged as improving well (the second highest rating).

2.5 Although the report is positive, there were some areas identified where action is needed by the Council:

- Monitor the application of reserves and balances and periodically review levels of reserves to ensure that they are still required or sufficient for purpose; and
- Ensure that the Council's internal control framework is mapped and evaluated in 2005/06 and that action plans to address identified weaknesses are implemented.

2.6 In relation to the above the following issues are brought to Members attention in relation to points 1 and 2:

- Point 1 - The Audit Commissions findings are based on the position applying at the 31<sup>st</sup> March 2005, as the Auditor is required to report on what the Council had done at that date and not what it intends to do in the future. Since that time a comprehensive review of the Council's reserves and balances has been completed by the Scrutiny Co-ordinating Committee (SCC) and SCC have issued a detailed report to Cabinet on their findings.

2.7 This report confirms that the majority of the Council's reserves are needed for the purpose identified. However, the report did identify three reserves, with a total value of £2.197m, which SCC recommended could be returned to the authority's General Fund Reserve, as follows:

- Coastal Defences reserve £1.598M;
- Benefit Subsidy reserve £0.549M;
- Council Tax Revaluation Reserve £0.05M.

Cabinet has now considered the reported issued by the SCC and agreed with the proposal to return the above resources to the General Fund Reserve. Whilst, Scrutiny did not consider the usage for such funds, Cabinet has now determined to use this amount to partly fund unbudgeted Equal Pay costs. These proposals were set out in the draft Budget and Policy Framework proposals, which are currently being subject to formal scrutiny.

2.8 Further details in respect of the above issue and the Councils overall reserves will be reported within the final Budget and Policy Framework proposals, to be referred to Council on 10<sup>th</sup> February 2006.

- Point 2 - The Audit Committee has been given the remit of raising awareness of internal control, reviewing controls and financial operations and developing an anti-fraud culture. It will receive reports from Internal Audit that will allow the Committee to review both the internal control environment and the Statement of Internal Control for

2005/06, addressing weaknesses and ensuring corrective action is taken.

### **3. RECOMMENDATION**

3.1 It is recommended that Members of this Committee:-

- (a) Note the content of this report; and
- (b) Consider the content of the Inspection Report to be presented by the Audit Commission.

**Contact Officers:-** Noel Adamson – Group Auditor  
Internal Audit  
Hartlepool Borough Council  
Tel: 01429 523 123  
Email: noel.adamson@hartlepool.gov.uk

### **BACKGROUND PAPERS**

There were no background papers used in preparation of this report.

# **Annual Audit and Inspection Letter**

**Hartlepool Borough Council**

**Audit 2004-2005**

The Audit Commission is an independent body responsible for ensuring that public money is spent economically, efficiently and effectively, to achieve high-quality local services for the public. Our remit covers around 11,000 bodies in England, which between them spend more than £180 billion of public money each year. Our work covers local government, health, housing, community safety and fire and rescue services.

As an independent watchdog, we provide important information on the quality of public services. As a driving force for improvement in those services, we provide practical recommendations and spread best practice. As an independent auditor, we ensure that public services are good value for money and that public money is properly spent.

### **Status of our reports to the Council**

Our reports are prepared in the context of the Statement of Responsibilities of Auditors and Audited Bodies issued by the Audit Commission. Reports are prepared by appointed auditors and addressed to members or officers. They are prepared for the sole use of the audited body, and no responsibility is taken by auditors to any member or officer in their individual capacity, or to any third party.

### **Copies of this report**

If you require further copies of this report, or a copy in large print, in Braille, on tape, or in a language other than English, please call 0845 056 0566.

© Audit Commission 2005

For further information on the work of the Commission please contact:

Audit Commission, 1st Floor, Millbank Tower, Millbank, London SW1P 4HQ

Tel: 020 7828 1212 Fax: 020 7976 6187 Textphone (minicom): 020 7630 0421

[www.audit-commission.gov.uk](http://www.audit-commission.gov.uk)



# Contents

<b>Key messages</b>	<b>5</b>
Council performance	5
Financial position	5
Other accounts and governance issues	5
Action needed by the Council	5
<b>Performance</b>	<b>6</b>
CPA scorecard	6
Direction of Travel report	7
Performance indicators	9
Working with other inspectorates and regulators	9
<b>Accounts and governance</b>	<b>10</b>
Use of resources judgements	10
Audit of 2004/05 accounts	11
Report to those with responsibility for governance in the Council	12
Financial standing	12
Systems of internal financial control	13
Standards of financial conduct and the prevention and detection of fraud and corruption	15
Legality of transactions	16
Grant claims	16
<b>Looking forwards</b>	<b>17</b>
Future audit and inspection work	17
Revision to the Code of Audit Practice	17
<b>Closing remarks</b>	<b>18</b>
Availability of this letter	18

<b>Appendix 1 – Background to this letter</b>	<b>19</b>
The purpose of this letter	19
Audit objectives	19
<b>Appendix 2 – Audit reports issued</b>	<b>21</b>
<b>Appendix 3 – Audit fee</b>	<b>22</b>
Inspection fee update	22

## **Key messages**

### **Council performance**

- 1 Under a new assessment process the Council has been judged to be four-star overall (the highest rating) and consistently above minimum requirements - performing well in most aspects of use of resources. The Council's priorities are clearly defined and are informed by effective community engagement. However, the Council is not delivering efficiency gains in all areas and there is a need to further develop understanding of the new governance arrangements and scrutiny amongst all members.

### **Financial position**

- 2 The Council's accounts for 2004/05 presented fairly its financial position. The Council's overall financial standing is sound, but is facing a significant budget gap in two year's time and cannot rely on its reserves and general fund balances to support the budget.

### **Other accounts and governance issues**

- 3 The Council's arrangements for corporate governance and internal control meet or exceed minimum standards. However, some areas of weakness still need to be addressed.

### **Action needed by the Council**

- 4 The key issues for members are to:
  - challenge the way services are provided and find efficiency savings across the Council to ensure future plans are sustainable;
  - monitor the application of reserves and balances and periodically review levels of reserves to ensure that they are still required or sufficient for purpose; and
  - ensure that the Council's internal control framework is mapped and evaluated in 2005/06 and that action plans to address identified weaknesses are implemented.

## Performance

Services in most priority areas are improving and are providing good value for money with high public satisfaction. The Council's change management programme has identified capacity which will allow continued improvement but this needs to be allied to a robust programme of efficiency savings to ensure a sustainable future.

### CPA scorecard

- 5 The CPA judgements this year have been made using the revised methodology: CPA - the harder test. CPA is now a more stringent test with more emphasis on outcomes for local people and value for money. A Direction of Travel judgement is part of this test and measures how well the Council is improving. Under the new framework the Council is improving well and its overall CPA category is four-star.

**Table 1 CPA scorecard**

Element	Assessment
Direction of Travel judgement	3: improving well
Overall	Four-star
<b>Current performance</b>	Out of 4
Children and young people	3
Social care (adults)	3
Use of resources	3
Housing	4
Environment	3
Culture	4
Benefits	4

(Note: 1=lowest, 4=highest)

- 6 Services in most priority areas are improving and achievement against key targets is good. Educational achievement is improving at most levels. There are improvements in services for looked after children and child protection, but the educational attainment of care leavers is well below the national average. Adult social services continue to perform well against national indicators. There is continued improvement in high performing environmental, benefits and cultural services. The Council, with partners, is making progress across wider community outcomes, including increased employment, reduced crime and improvement in community housing. Consultation arrangements with all sections of the community are developing and the accessibility to services continues to improve. The Council is providing good value for money and high public satisfaction, but not delivering efficiency gains in all areas.
- 7 The Council is well-placed to deliver further improvement. It is currently looking to further strengthen and modernise its governance and scrutiny, where understanding by members requires further development and financial planning to deal with emerging budget pressures is also developing.

## Direction of Travel report

- 8 The Council is improving in most of its priority areas which are clearly defined and informed by effective community engagement. Public satisfaction with services remains in the best quartile. Sixty four per cent of key PIs have improved with 51 per cent now in the best quartile.
- 9 Educational achievement is improving at most levels. Improvements have been made at Key Stage 2, but these are not yet reflected at Key Stage 3. GCSE results improved in line with national trends. The number of those with grades A\* to C is broadly average, but those with grades A\* to G is low. There is good capacity to improve services further.
- 10 Social care is a council priority and this has resulted in increased funding for both children and adult services. This has led to improvements in some aspects of services for looked after children and child protection, but the educational attainment of care leavers remains poor. Social care services are serving most adults well and Council's capacity to improve these services is promising. Performance against national indicators is generally good with a number of improvements this year.
- 11 Crime levels overall have reduced by 21 per cent. The Drug Intervention Programme consistently achieves high performance and the Youth Offending Service performance has improved to top quartile in 2004/05. The number of people feeling unsafe has reduced over the past two years.
- 12 Environmental services have high levels of satisfaction in all areas. All key operational waste PIs are top quartile performance and continue to improve. The planning service is performing well. Increased investment has improved performance in community housing to top quartile in key areas. The benefits service has been judged as excellent, exceeding standards for the three performance measures of user focus, quality and accessibility.

- 13 There is continued improvement in cultural services. With 22 of 24 national library standards met, the service now has an 'excellent' rating. User satisfaction is high and usage has increased across all cultural facilities. Leisure centre attendance from nine of the most disadvantaged wards is up by 54 per cent, exceeding targets set by the Council.
- 14 The Council is contributing well to wider community outcomes, resulting in significant external investment in economic and community development. The gap between local and national unemployment rates has continued to reduce, with council assisted business start-ups and VAT registrations in 2004/05 both up on the previous year. The LSP has been awarded the highest category in the LSP validation exercise for two years.
- 15 Systematic consultation by the Council is strong, through a citizen's panel, focus groups, external research and three neighbourhood forums. Young people are regularly consulted.
- 16 There is an appropriate range of opportunities for young people, including those with disabilities. The numbers from black and minority ethnic backgrounds (BME) who are assessed or receive adult social services is lower than expected from the population profile, but the Council is developing engagement with BME groups.
- 17 The Council is providing good value for money. It is investing effectively in priority areas and delivering good quality services, some well above minimum standards, with high levels of resident satisfaction, but for relatively high costs as it is a small unitary authority. The Council's efficiency gains have increased from £0.3 million to £2.184 million but this is delivered inconsistently across all services. Financial capacity is strong and a medium-term financial strategy is in place, but emerging budget pressures may affect this in the future.
- 18 The 'Way Forward Change Programme' represents a robust approach to the Council's programme of modernisation and improvement. Key performance measures have been identified for each improvement priority and the Council is developing its performance management framework. A number of strategies are in the process of implementation, for example the approach to neighbourhood planning and a best value review into how local communities can be strengthened.
- 19 Key milestones are being achieved. Of the 24 LPSA targets for March 2005, only 5 are identified as not being met. The proportion of PI targets achieved increased to 59 per cent. At the end of the first quarter of 2005/06, 75 per cent of the corporate plan improvement priorities were on target to be achieved.
- 20 The Council has a good record of joint procurement with a range of partners in the public, private and community sectors to improve quality of services and achieve savings. External funding is used effectively to support local priorities. National Procurement Strategy milestones are being met and plans are in place to meet targets up to 2006. A revised risk strategy has been approved and risk registers at service level enhanced.

- 21 The Council has much of the capacity it needs to sustain further improvement and is building additional capacity through the implementation of its change programme. Management development is being rolled out to 400 managers together with, a restructure from six to five departments, the implementation of an ICT strategy and a programme of business process re-engineering. All external assessments report a strong ability to deliver programmed change.
- 22 A development programme for members is in place and the Mayor has strengthened the link between the executive and scrutiny. However, these changes are at an early stage and more understanding of the new governance arrangements and scrutiny is required by all members.
- 23 There are no significant weaknesses in arrangements for securing continuous improvement that would prevent improvement levels being sustained.

## Performance indicators

- 24 We are required to give an opinion on your best value performance plan (BVPP) and certify the performance indicators specified by the Audit Commission. We gave an unqualified opinion on the BVPP and although a very small number of PIs were amended, none were qualified.

## Working with other inspectorates and regulators

- 25 An important aspect of the role of the relationship manager is to work with other inspectorates and regulators who also review and report on the Council's performance. These include:
  - Ofsted;
  - Commission for Social Care Inspection (CSCI);
  - Benefits Fraud Inspectorate (BFI);
  - DfES; and
  - Local Government Office contact.
- 26 We share information and seek to provide 'joined up' regulation to the Council. During the last year, the Council has received the following assessments from other inspectorates:
  - Annual Performance Assessment for Adult Social Care;
  - Annual Performance Assessment for Children's Services including social care and education; and
  - Benefit Fraud Inspectorate Annual Assessment.

## Accounts and governance

We have given an unqualified audit opinion on the Council's accounts for 2004/05.

Your overall corporate governance arrangements meet or exceed minimum standards in most areas. However, there has been a lack of leadership from the Council in reviewing the effectiveness of the system of internal control and improvements are required in the way the Council appraises the projects it includes in the capital programme. Both of these areas adversely impacted on the use of resources judgement.

## Use of resources judgements

- 27 The use of resources assessment is a new assessment which focuses on financial management but links to the strategic management of the Council. It assesses how the financial management is integrated with strategy and corporate management, supports Council priorities and delivers value for money. It will be carried out annually, as part of each council's external audit. For single tier and county councils, the use of resources assessment forms part of the CPA framework.
- 28 For the purposes of the CPA we have assessed the Council's arrangements for use of resources in five areas.

---

**Table 2**

Element	Assessment
Financial reporting	3 out of 4
Financial management	2
Financial standing	3
Internal control	2
Value for money	3
Overall	3 out of 4

*(Note: 1=lowest, 4=highest)*

- 29 In reaching these judgements, we have drawn on the wider audit and supplemented this with a review against specified key lines of enquiry.
- 30 The Council is assessed as 'consistently above minimum requirements - performing well' in three areas and as 'only at minimum standard - adequate performance' in two areas.



- 31 The Council has recognised that action is required to strengthen arrangements and has recently established an Audit Committee to evaluate the systems of internal control. In addition, the 2006/07 budget and service planning process is more closely linked and the developments in the performance management system and budget monitoring should link financial and operational activity in reports to members. This will enable members to see clearly the impact of investment decisions.
- 32 The most significant areas where further development is needed are:
- embedding arrangements for financial management and corporate governance across the range of community partners involved in the LAA;
  - improving the way the asset base is managed and introducing arrangements for appraising projects for inclusion in the capital strategy to comply with the Prudential Code; and
  - ensuring the Council undertakes an annual review of the effectiveness of internal control.

## **Audit of 2004/05 accounts**

- 33 We gave an unqualified opinion on the Council's accounts on 27 October 2005. The Statement of Internal Control was revised to reflect only significant weaknesses in the control environment. The statement was re-approved by members on 26 October.
- 34 The published accounts are an essential means by which the Council reports its stewardship of the public funds at its disposal and its financial performance in the use of those resources. Members approved the Council's annual accounts on 20 July 2005.
- 35 Due to time pressures and staff shortages, a large number of minor errors and disclosure issues in the statements were identified during the audit. Most were corrected within the amended accounts. The majority of these issues would have been identified by the Council if it had undertaken its own review or quality assurance process before the accounts were presented for audit. This issue is not expected to re-occur in 2005/06.
- 36 In last year's Annual Audit and Inspection Letter we emphasised that timeliness in producing the accounts will become increasingly important over the next few years as the deadline for completion of the accounts is brought forward in line with the Government's requirement. Officers have already started to review processes to ensure that the deadline of 30 June 2006 can be met.
- 37 The Council needs to consider how it can improve accountability to council tax payers and citizens. The accounts could be made more widely available by placing the statements of account or a summary version on the website.

## Report to those with responsibility for governance in the Council

- 38 We reported to those charged with governance (in this case General Purposes Committee) that there were no outstanding matters of concern before we gave an opinion on the financial statements.

### Financial standing

The Council has built up significant levels of reserves which have allowed it to manage fluctuations in revenue funding without emergency cuts in services. However, the Council faces a significant budget gap in two year's time and cannot rely on those reserves to support the budget in the longer term. Members need to establish priorities for resources and implement a robust programme of efficiency savings to ensure future plans are adequately resourced.

### General fund spending and balances

- 39 At the end of the financial year 2002/03, the Council's reserves and balances stood at £23 million, rising to £28 million in 2003/04, and to £35 million at 31 March 2005. Of this amount £16.7 million is set aside in specific reserves and the remainder is general balances. The 2003/04 Annual Audit and Inspection Letter stressed the need for the Council to have a clear strategy for the use of these reserves and balances.
- 40 The general fund balances at 31 March 2005 of £19 million represent 16 per cent of the net operating expenditure of the Council. Of this £19 million officers have identified £15 million as needed to meet identified risks and contingencies. The contribution to reserves of some £6 million arose from one-off receipts or underspends which were greater than anticipated when the original budget was determined.
- 41 The Council has a plan in place to spend the majority of its reserves and balances over the next three years. A review of the plan identified some areas of weakness.
- There is not always a formal risk assessment documented for each reserve although we acknowledge that officers do carry out an informal assessment of risk.
  - Although there is generally a timescale in place for the use of each reserve, these are not explicitly monitored throughout the year.
  - There is not always a clear link between each reserve and the Council's key business plans.

- 42** The Council has reported a significant budget gap in 2006/07 of between £4.7 million and £8 million with further budget pressures identified in 2007/08. Given the commitments and risks identified against the reserves held by the Council, these reserves are not available to support the revenue account to any greater extent than planned. Consequently the Council needs to prioritise its services and need for resources. It also needs to ensure that robust plans are in place to achieve real efficiencies in either cash terms and at the same time obtain improvements in services for the same level of resource. The Council also needs to regularly review the risks attached to each reserve, earmarked and unearmarked, to ensure the risk is still relevant and that the reserve is sufficient.

## Systems of internal financial control

The Council has an adequate overall control framework. However, there are weaknesses in parts of the framework which need to be addressed.

- 43** The Council has not ensured that members are engaged with the process for reviewing the effectiveness of system of internal control as required by the Accounts and Audit Regulations 2003. The Audit Committee did not sit for the financial year 2004/05 and Resources Scrutiny Committee decided not to receive Internal Audit reports for the financial year. The Council has not undertaken any self assessments of its control framework and a number of the actions to address weaknesses contained in the 2003/04 Statement of Internal Control have not been implemented.
- 44** In last year's letter we identified that action was required to improve risk management arrangements and information security. The Council has responded to both these issues and has:
- embedded risk management into the working practices of the Council resulting in action plans to deal with a number of key issues which previously had been lower priority; and
  - employed a client IT officer who has been proactive in negotiating a better deal for the Council with the IT supplier.

## Internal Audit

- 45** Our assessment indicates that Internal Audit provides an effective service except in the area of their coverage and assessment of IT controls in key financial systems. We did not obtain adequate assurance that key controls were identified, evaluated or tested from the sample of files we reviewed.
- 46** Much of the evidence in the files indicated that where system controls were tested this was limited to:
- verbal confirmation of controls with end users responsible for the applications; and
  - reliance placed on previous audits completed over two years ago.

- 47 No review of interfaces between systems had been completed for any of the sample of files reviewed.
- 48 Because of this we had to undertake further audit work to gain assurance that controls within key financial systems were operating as they should.

### **Key system IT controls**

- 49 Overall, the arrangements for access controls and disaster recovery supporting the key systems were assessed as weak:
- password and access controls did not comply with recommended standards; and
  - a lack of proactive monitoring, review or testing by the Council of the security of systems.
- 50 The Council has now addressed the weaknesses identified around passwords and access controls and is working with suppliers to further strengthen these controls.
- 51 The interface process is largely manual and time consuming and could therefore present risks of data inaccuracy. Although compensating controls are in place to detect material errors, these would not detect small value fraud or error.
- 52 The Council has now completed the tendering process for the replacement of the FM system and appointed a supplier. It is planned to implement the system from 1 April 2006. The Council, supplier and Northgate assess that this is a challenging timescale, but with appropriate project management arrangements this deadline is achievable. The Council needs to ensure that the project management arrangements are sufficiently robust to deliver this complex project.

### **Strategic housing management**

- 53 In recent years, the Government has emphasised the strategic role local authorities must play in housing as a result of their stock transfer plans. The wider agenda of neighbourhood management, regeneration, social inclusion and supporting people highlights this role. Our approach to assessing the Council's strategic housing arrangements focused on:
- role of members and accountability;
  - capacity;
  - information systems and organisational structures; and
  - partnerships and commissioning.
- 54 Our work was undertaken in February 2005 and identified the following issues. Action was agreed with officers and the table overleaf indicates where actions have been implemented.

**Table 3 Strategic housing**

Findings and recommendations

<b>Findings</b>	<b>Recommendation</b>	<b>Action agreed/implemented</b>
The promises made at transfer are not clear or well documented therefore it is not known if the objectives of the stock transfer and consequent improvements in service will be achieved.	Develop and agree clear outcome measures with Hartlepool Housing, including the quality and frequency of performance information.	Outcome measures and monitoring arrangements have been agreed with Housing Hartlepool and information is to be supplied quarterly.
No detail has been agreed for the investment programme to meet decent homes standards.	Ensure Housing Hartlepool put in place and agree stock investment programmes to achieve decent homes standard.	Information now received on the programme to 2011.
There are capacity issues within the current structure where lack of dedicated resources has lead to delays in production of the housing strategy and development of 'supporting people' services. There is confusion amongst front line staff as to the Council's responsibilities in this area.	Ensure staffing levels in the housing service to meet statutory requirements and raise the profile of the service within the Council.	Additional resources obtained to develop the strategy for July 2005. Training programme for staff to be implemented by October 2005.

## Standards of financial conduct and the prevention and detection of fraud and corruption

We have not identified any significant weaknesses in arrangements to prevent and detect fraud and corruption, but to strengthen arrangements further the Council should consider anti fraud publicity campaigns and provide better evidence to ensure successful benefit fraud prosecutions.

## National Fraud Initiative

- 55 In 2004/05, the Council took part in the Audit Commission's National Fraud Initiative (NFI). The NFI, which is undertaken every two years, aims to help identify and reduce fraud by bringing together data from NHS bodies, local authorities and government departments and other agencies, to detect a wide range of frauds against the public sector. These include housing benefit fraud, occupational pension fraud, tenancy fraud and payroll fraud as well as, new for 2004/05, right to buy scheme fraud and providing new contact details for former tenants with arrears in excess of £1,000.
- 56 The Council has adequate arrangements to follow up issues arising from the NFI and almost 400 high-risk matches are being investigated and some £20,000 of savings realised.

## Legality of transactions

- 57 We have not identified any significant weaknesses in the framework established by the Council for ensuring the legality of its significant financial transactions.

## Grant claims

- 58 In accordance with strategic regulation, the Audit Commission has continued with a more risk-based approach to the certification of grant claims. We have reduced our audit of these claims but our ability to reduce further depends on the adequacy of the Council's control environment.
- 59 The Council's arrangements for managing and quality assuring grant claims submitted for audit has improved in recent years and there are no issues for members.

## Looking forwards

### Future audit and inspection work

- 60** We have an agreed plan for 2005/06 and we have reported in this letter those aspects that have already been completed. The remaining elements of that plan, including our audit of the 2005/06 accounts, will be reported in next year's Annual Letter. Our planned work, together with that of other inspectorates, is included on both the Audit Commission and LSIF (Local Services Inspectorates Forum) websites.
- 61** The Council's services for supporting people are currently undergoing inspection and the joint area review/corporate performance assessment is planned for late 2006/early 2007. The Council will need to begin its preparations for this important review early in the new financial year.
- 62** We have sought to ensure, wherever possible, that our work relates to the improvement priorities of the Council. We will continue with this approach when planning our programme of work for 2006/07. We will seek to reconsider, with you, your improvement priorities in the light of the latest CPA assessment and your own analysis, and develop an agreed programme by 31 March 2006. We will continue to work with other inspectorates and regulators to develop a co-ordinated approach to regulation.

### Revision to the Code of Audit Practice

- 63** The statutory requirements governing our audit work, are contained in:
- the Audit Commission Act 1998; and
  - the Code of Audit Practice (the Code).
- 64** The Code has been revised with effect from 1 April 2005. Further details are included in our Audit Plan which has been agreed with Resources Scrutiny Committee in March 2005. The key changes include:
- the requirement to draw a positive conclusion regarding the Council's arrangements for ensuring value for money in its use of resources; and
  - a clearer focus on overall financial and performance management arrangements.

## Closing remarks

- 65 This letter has been discussed and agreed with officers. A copy of the letter will be presented at the Cabinet and Scrutiny Co-ordinating Committee in the new year.
- 66 The Council has taken a positive and constructive approach to our audit and inspection I would like to take this opportunity to express my appreciation for the Council's assistance and co-operation.

## Availability of this letter

- 67 This letter will be published on the Audit Commission's website at [www.audit-commission.gov.uk](http://www.audit-commission.gov.uk) and also on the Council's website.

Steve Nicklin  
District Auditor/Relationship Manager  
December 2005



# Appendix 1 – Background to this letter

## The purpose of this letter

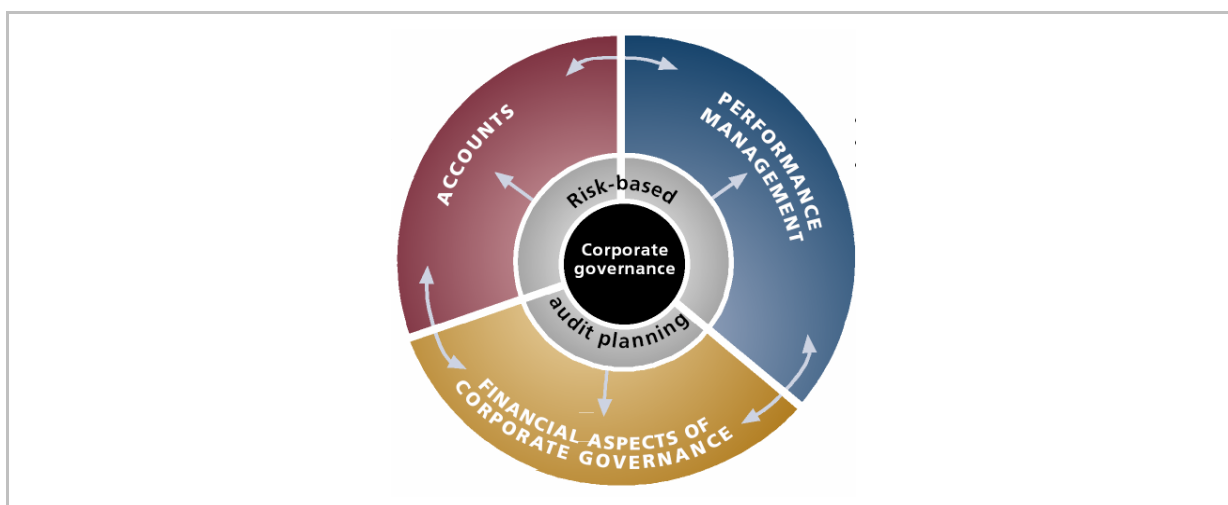
- 1 This is our Audit and Inspection 'Annual Letter' for members which incorporates the Annual Audit Letter for 2004/05, which is presented by the Council's Relationship Manager and District Auditor. The letter summarises the conclusions and significant issues arising from our recent audit and inspections of the Council.
- 2 We have issued separate reports during the year setting out the findings and conclusions from the specific elements of our programme. These reports are listed at Appendix 2 for information.
- 3 The Audit Commission has circulated to all audited bodies a statement that summarises the key responsibilities of auditors. Our audit has been conducted in accordance with the principles set out in that statement. What we say about the results of our audit should be viewed in the context of that more formal background.
- 4 Appendix 3 provides information about the fee charged for our audit and inspections.

## Audit objectives

- 5 Our main objective as your appointed auditor is to plan and carry out an audit that meets the requirements of the Code of Audit Practice. We adopt a risk-based approach to planning our audit, and our audit work has focused on your significant financial and operational risks that are relevant to our audit responsibilities.
- 6 Central to our audit are your corporate governance arrangements. Our audit is then structured around the three elements of our responsibilities as set out in the Code and shown in Figure 1.

**Figure 1 Code of Audit Practice**

Code of practice responsibilities



- 7 Central to our audit are your corporate governance arrangements. Our audit is then structured around the three elements of our responsibilities as shown below.

### **Accounts**

- Opinion.

### **Financial aspects of corporate governance**

- Financial standing.
- Systems of internal financial control.
- Standards of financial conduct and the prevention and detection of fraud and corruption.
- Legality of transactions.

### **Performance management**

- Use of resources.
- Performance information.
- Best value performance plan.

## Appendix 2 – Audit reports issued

**Table 4**

<b>Report title</b>	<b>Date issued</b>
Audit Plan	March 2005
Interim Memorandum	July 2005
Report on the 2004/05 Financial Statements to Those Charged with Governance (SAS 610)	October 2005
Strategic Housing	June 2005
Review of Internal Audit's Coverage of IT Controls	June 2005
Risk Management Follow-up	May 2005
BVPP Opinion	October 2005
Key System IT Controls	November 2005
Final Accounts Memorandum	November 2005
Direction of Travel Report and Scorecard	November 2005
Use of Resources Assessment	November 2005

## Appendix 3 – Audit fee

**Table 5      Audit fee update**

<b>Audit area</b>	<b>Plan 2004/05 (£)</b>	<b>Actual 2004/05 (£)</b>
Accounts	58,811	68,311
Financial aspects of corporate governance	104,966	104,966
Performance	39,659	39,659
<b>Total Code of Audit Practice fee</b>	<b>203,436</b>	<b>212,936</b>

### Inspection fee update

- 8 The full year inspection fee is £11,600. The work reported in this Audit and Inspection Letter has been funded by an element of the fee covering 2004/05 and by an element of the fee covering 2005/06. In both years the actual fee will be in line with that planned.

## **SCRUTINY CO-ORDINATING COMMITTEE**

10 February 2006



**Report of:** Scrutiny Manager/Research Assistant

**Subject:** HMS Trincomalee Trust Scrutiny Referral –  
Setting the Scene

---

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

- 1.1 To inform Members of this Committee that the General Manager of the HMS Trincomalee Trust will be in attendance to briefly outline the work and history of the Trust in relation to the HMS Trincomalee Trust Scrutiny Referral.

### **2. BACKGROUND INFORMATION**

- 2.1 As Members are aware, the scoping report for this referral was agreed on 14 November 2005 and an Informal Meeting was also held on 11 January 2006 to discuss the undertaking of this referral with the Trust.
- 2.2 Prior to this meeting, Members of this Committee will have also had the opportunity to visit the HMS Trincomalee on 9 February 2006 to experience the importance its plays as a tourist attraction within Hartlepool.
- 2.3 In addition to this, arrangements have been made for the General Manager of the HMS Trincomalee Trust to be in attendance at this meeting to briefly outline the work and history of the HMS Trincomalee Trust, making particular reference within his presentation to the following key areas:-
- (a) Construction and Commissions;
  - (b) Foudroyant and the Training Days;
  - (c) Move to Hartlepool and Restoration;
  - (d) Seeking Sustainability;
  - (e) Developments;
  - (f) Merits, Awards and Usage; and
  - (g) Governance and Finance Overview

### **3. RECOMMENDATIONS**

- 3.1 It is recommended that the Scrutiny Co-ordinating Committee receives the presentation of the General Manager of HMS Trincomalee Trust, as part of the Scrutiny Referral.

**Contact Officers:-** Charlotte Burnham – Scrutiny Manager  
Rebecca Redman- Research Assistant (Scrutiny Support)  
Chief Executive's Department - Corporate Strategy  
Hartlepool Borough Council  
Tel: 01429 523 087/647

Email: charlotte.burnham@hartlepool.gov.uk  
rebecca.redman@hartlepool.gov.uk

## **BACKGROUND PAPERS**

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

- (i) Report of the Scrutiny Manager entitled 'Scoping Report – HMS Trincomalee Trust (Council Referral) presented to the Scrutiny Co-ordinating Committee held on 14 November 2005.
- (ii) Minutes of the Scrutiny Co-ordinating Committee held on 14 November 2005.

## SCRUTINY CO-ORDINATING COMMITTEE

10 February 2006



**Report of:** Scrutiny Manager/Research Assistant

**Subject:** HMS Trincomalee Trust Scrutiny Referral:  
Composition of the Trust's Board - Evidence from the  
General Manager of the HMS Trincomalee Trust

---

### 1. PURPOSE OF REPORT

- 1.1 To inform Members of the Scrutiny Co-ordinating Committee that the General Manager of the HMS Trincomalee Trust has been invited to this meeting to present evidence in relation to the composition of the HMS Trincomalee Trust's Board, as part of the Scrutiny Referral.

### 2. BACKGROUND INFORMATION

- 2.1 At a meeting of this Committee on 14 November 2005, Members approved the scoping report which included the proposed terms of reference for the scrutiny referral and outlined a timetable for the undertaking of the enquiry.
- 2.2 Consequently arrangements have been finalised for the General Manager of the HMS Trincomalee Trust to be in attendance at this meeting to present evidence relating to the composition of the Trust's Board.
- 2.3 During this evidence gathering session with the General Manager it is suggested that responses should be sought to the following key questions:-
- (a) What is the current membership of the HMS Trincomalee Trust?
  - (b) How is the current membership representative of Hartlepool and reflective of its ethnic, gender and disabled make up?
  - (c) How many vacancies are there on the Board at present and how are they advertised?
  - (d) By what criteria are applicants determined suitable Board Members?

- (e) How can the Authority assist the Trust to ensure proper representation of community interests on the Trusts Board?

2.4 To assist Members of this Committee the Trust's Memorandum of Association and Articles of Association are attached as **Appendices A and B** for information.

### **3. RECOMMENDATIONS**

3.1 It is recommended that the Scrutiny Co-ordinating Committee considers the views of the General Manager in relation to the questions outlined in Section 2.3 of this report.

**Contact Officers:-** Charlotte Burnham – Scrutiny Manager  
Rebecca Redman- Research Assistant (Scrutiny Support)  
Chief Executive's Department - Corporate Strategy  
Hartlepool Borough Council  
Tel: 01429 523 087/647

Email: [charlotte.burnham@hartlepool.gov.uk](mailto:charlotte.burnham@hartlepool.gov.uk)  
[rebecca.redman@hartlepool.gov.uk](mailto:rebecca.redman@hartlepool.gov.uk)

### **BACKGROUND PAPERS**

The following background paper was used in the preparation of this report:-

- (i) Report of the Scrutiny Manager entitled 'Scoping Report – HMS Trincomalee Trust (Council Referral) presented to the Scrutiny Co-ordinating Committee held on 14 November 2005.
- (ii) Minutes of the Scrutiny Co-ordinating Committee held on 14 November 2005.



THE COMPANIES ACT 1985

Company Limited by Guarantee and not having a Share Capital

MEMORANDUM OF ASSOCIATION

- of -

THE HMS TRINCOMALEE TRUST

(as amended by Special Resolutions passed at the Extraordinary General Meeting  
of the Trust held on 11th September 2003)

1. The name of the Company (hereinafter called "the Trust") is The HMS Trincomalee Trust.
2. The Registered Office of the Trust will be situated in England.
3. (a) The objects for which the Trust is established are :
  - (i) to restore refurbish improve maintain and preserve the vessel HMS Trincomalee otherwise and formerly known as TS Foudroyant (hereinafter called "the Ship")
  - (ii) to provide facilities of an educational or cultural nature calculated to improve the public's awareness and appreciation of the Ship's historical past
  - (iii) to provide recreation and public enjoyment by the promotion and explanation of matters concerning Britain's naval heritage
  - (iv) to collect display restore safeguard and provide interpretation of artefacts specimens and other items relating to the Ship and the naval life of the period and Britain's maritime heritage in general
  - (v) to provide training in seamanship and projects and activities to the public of a general educational nature.
- (b) In furtherance of the above objects but not otherwise the Trust shall have the following powers :

## Appendix A

- (i) To provide information, advice and assistance whether financial or otherwise to any person firm or corporation in furtherance of or in connection with the foregoing objects
- (ii) For the purpose of carrying out the foregoing objects to acquire an interest of any nature in the ownership of the Ship and thereafter to arrange for the Ship to be moored or berthed in such place in the United Kingdom as may from time to time be considered appropriate
- (iii) To provide endow furnish and fit out with all necessary furniture and other equipment and maintain and manage such buildings and other premises and ships as may from time to time be required for the purposes of the Trust
- (iv) To employ all such officers and servants as may be required for the purposes of the Trust
- (v) To purchase or otherwise acquire land and ships for any estate or interest and to carry out any of the purported objects with regard to such other ship as though such other ship had been included in the meaning of the Ship
- (vi) To build and maintain ships, houses or other buildings and alter and improve the same including any existing ships and buildings and to provide the same with light water drainage and all other necessities
- (vii) To take such steps as may from time to time be deemed expedient for the purpose of collecting displaying restoring safeguarding and interpreting artefacts specimens and other items relating to the Ship and the naval life of the period and Britain's maritime heritage in general and to borrow hire or lend artefacts and specimens and exhibition items to or from individuals and organisations and institutions on terms agreed for the promotion or furtherance of the objects of the Trust
- (viii) To raise funds and invite and receive contributions from any person or persons whatsoever by way of subscriptions designed to raise such funds and otherwise provided that the Trust shall not undertake any permanent trading activities in raising funds for the objects of the Trust
- (ix) To take such steps by personal or written appeals, public meetings or otherwise as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the Trust by way of donations, annual subscriptions or otherwise

## Appendix A

- (x) To procure and print, publish, issue and distribute the newspapers, periodicals, books, pamphlets, leaflets, advertisements, appeals or other literature which the Trust may think desirable or expedient for the promotion or furtherance of its objects or any of them
- (xi) To undertake and execute any trusts or any agency business which are in furtherance of any of the said objects
- (xii) To establish and support and to aid in the establishment and support of any other charitable organisation formed for all or any of the objects of the Trust and in particular to provide the use of ships and other assets which may be owned by the Trust to companies and individuals who have undertaken to co-operate with the Trust in relation to the establishment of training or other schemes or the implementation of the objects of the Trust
- (xiii) Subject to any such consents as may be required in law to raise money for any of the purposes of the Trust on such terms and on such security as may be thought fit and generally to draw up and implement a long term financial strategy in connection with the Trust's objects
- (xiv) To accept subscriptions and donations (whether of real or personal estate) and devises and bequests for all or any of the purposes aforesaid and subject to such consents as may be required by law to sell and dispose of to lease and accept surrenders of leases of and manage all real estate (including leaseholds) so received and not required to be or capable of being occupied for the purposes of the Trust and generally to manage invest and expend all monies belonging to the Trust
- (xv) To invest the monies of the Trust not immediately required for its purposes in or upon such investments securities or property as may be thought fit subject nevertheless to such conditions (if any) as may for the time being be imposed or required by law and subject also as hereinafter provided
- (xvi) To sell transfer create or otherwise dispose of the Ship or any interest therein or any associated artefacts or specimens or items so that any such transfer disposition or grant not made for valuable consideration shall be made only upon or for some legally charitable trust or purpose

### **PROVIDED THAT :**

- (a) If the Trust shall take or hold any property which may be subject to any trusts the Trust shall only deal with or invest the same in such manner as allowed by law having regard to



## Appendix A

such trusts

- (b) If the Trust shall take or hold any property subject to the jurisdiction of the Charity Commissioners for England and Wales the Trust shall not sell mortgage or charge or lease such property without such authority approval or consent as may be required by law and the Board of the Trust shall be chargeable for any such property which may come into its hands and shall be answerable and accountable for its own acts receipts neglects and defaults and for the due administration of such property in the same manner and to the same extent as such Board would have been if no incorporation had been effected and the incorporation of the Trust shall not diminish or impair any control or authority exercisable by the Chancery Division or the Charity Commissioners over such Board or governing body but they shall as regards any such property be subject jointly and separately to such control or authority as if the Trust were not incorporated.

- 4. The income and property of the Trust whencesoever derived shall be applied solely towards the promotion of the objects of the Trust as set forth in this Memorandum of Association and no portion thereof shall be paid or transferred directly or indirectly by way of dividend bonus or otherwise howsoever by way of profit to the Members of the Trust **PROVIDED THAT** nothing herein shall prevent the payment in good faith :

- (a) of reasonable and proper remuneration to any officer or servant of the Trust in return for any services actually rendered to the Trust but so that no Member of the Board of the Trust shall be appointed to any salaried office of the Trust or any office of the Trust paid by fees
- (b) in the case of a Member of the Board being a solicitor or other person engaged in any profession of all usual professional and other charges for work done by him or his firm when instructed by his co-trustees so to act in that capacity in connection with the execution of the trusts of the Trust
- (c) of interest at a reasonable rate on money lent to the Trust
- (d) of reasonable and proper rent for premises demised or let or reasonable and proper charges for the use of the ships or other facilities provided to the Trust by any Member of the Trust.

For the avoidance of doubt no Member of the Board of the Trust shall receive any remuneration or other benefit in money or money's worth except for :

- (i) the repayment of reasonable and proper out-of-pocket expenses
- (ii) payments properly made under sub-clauses (b) (c) and (d) of this

## Appendix A

clause.

5. The liability of the Members is limited.
6. Every Member of the Trust undertakes to contribute to the assets of the Trust in the event of the Trust being wound up while he is a Member or within one year after he ceases to be a Member for payment of the debts and liabilities of the Trust contracted before he ceases to be a Member and of the costs charges and expenses of winding up and for the adjustment of the rights of the contributories among themselves such amount as may be required not exceeding One Pound (£1).
7. If upon the winding up or dissolution of the Trust there remains after the satisfaction of all its debts and liabilities any property whatsoever such property shall not be paid to or distributed among the Members of the Trust but shall be given or transferred to some other charitable institutions or institution having objects similar to the objects of the Trust and which shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as is imposed on the Trust under or by virtue of Clause 4 hereof such institution or institutions to be determined by the Members of the Trust at or before the time of dissolution and if insofar as effect cannot be given to such provision then to some other charitable object.
8. Every year the Board of the Trust shall cause a report to be drawn up containing a copy of the accounts and detailing and evaluating the Trust's performance during the year in relation to its objects making such recommendations it considers appropriate to facilitate or improve the Trust's furtherance of its objects.

**THE COMPANIES ACT 1985**

**Company Limited by Guarantee and not having a Share Capital**

**ARTICLES OF ASSOCIATION**

**- of -**

**THE HMS TRINCOMALEE TRUST**

**INTERPRETATION**

1. In the interpretations of these Articles of Association except where excluded by the context the word "Trust" shall mean The HMS Trincomalee Trust and "the Board" shall mean the Board of Trustees of the Trust.
2. The Trust is established for the purposes expressed in the Memorandum of Association.
3. These Articles shall be construed with reference to the provisions of the Companies Act 1985 as amended ("the Act") and terms used in these Articles shall be taken as having the same respective meanings as they have when used in the Act.

**MEMBERS**

4. The number of members with which the Trust proposes to be registered is four but the Board may from time to time register an increase of members and there shall be no limit to the number of members of the Trust.
5. The subscribers to the Memorandum of Association and such other persons as the Board shall admit to membership shall be members of the Trust.
6. Every member of the Trust shall either sign a written consent to become a member or sign the register of members on becoming a member.
7. Power of admitting members of the Trust shall be exercisable by the Trustees.
8. Every person desiring to become a member shall before he becomes a member



## Appendix B

sign and deliver to the Trust an application for admission in such form as the Board may from time to time require. Upon receipt of any such application for membership and subject to the provisions of Article 10 hereof the Trust shall enter the name of such person in the books of the Trust and upon such entries the person shall become a member accordingly.

9. The Board may from time to time sub-divide membership into different categories and may create different branches or sections and determine to which category branch or section individual members shall belong.
10. The Board shall have full power and discretion as to the admission or refusal of any person as a member. The Board may also pursuant to a resolution passed by not less than three-fourths of the Trustees present at a meeting thereof withdraw membership from a member whose continued membership is in their opinion undesirable in the interests of the Trust; provided that such member shall have been given reasonable notice of such meeting and a reasonable opportunity of being heard thereat in support of the continuation of his membership.
11. No right or privilege of any member shall be in any way transferable or transmissible but all such rights and privileges shall cease upon the member ceasing to be such whether by death retirement or otherwise.

### ORDINARY GENERAL MEETINGS

12. The first General Meeting shall be held at such time not being less than one month nor more than three months after the incorporation of the Trust and at such place as the Board may determine.
13. Subsequent Ordinary General Meetings (hereinafter called "Annual Meetings") shall be held once in every year or so soon thereafter as possible at such place as may be determined by the Board and not more than fifteen months shall elapse between the date of one Annual Meeting of the Trust and that of the next.
14. An Annual Meeting and a Meeting called for the passing of a Special Resolution shall be called by twenty-one days' notice in writing at least and a Meeting of the Trust other than an Annual Meeting or a Meeting for the passing of a Special Resolution shall be called by fourteen days' notice in writing at the least. The notice shall be exclusive of the day for which it is given and shall specify the place the day and the hour of the Meeting and in the case of special business the general nature of that business shall be given in manner hereinafter mentioned or in such other manner (if any) as may be prescribed by the Trust in General Meeting to such persons as are under the Articles of Association entitled to receive such notices from the Trust **PROVIDED THAT** a meeting of the Trust shall notwithstanding that it is called by a shorter notice than that specified in this Article be deemed to have been duly called if it is so agreed:

## Appendix B

- (a) in the case of a Meeting called as the Annual Meeting by all the Members entitled to attend and vote thereat; and
  - (b) in the case of any other Meeting by the majority in number of the Members having a right to attend and vote at the Meeting being a majority together representing not less than 95% of the total voting rights at that Meeting of all the Members.
15. At the first Meeting and at any Annual Meeting one-tenth of the total number of registered Members or three registered Members (whichever is the higher number) entitled to vote shall be a quorum.

### EXTRAORDINARY GENERAL MEETINGS

16. The Board may whenever they think fit convene an Extraordinary General Meeting and Extraordinary General Meetings shall be convened by the Board on requisition or in default may be convened by the requisitionists in the manner provided by Section 368 of the Act. If at any time there are not within the United Kingdom sufficient Members of the Board to form a quorum any Member of the Board or any two Members of the Trust may convene an Extraordinary General Meeting in the same manner as nearly as possible as that in which Meetings may be convened by the Board.
17. At any Extraordinary General Meeting summoned on a requisition one half of the requisitionists shall be a quorum but in all other cases one-tenth of the total number of registered Members or three registered Members (whichever is the higher number) entitled to vote shall be a quorum.

### CONDUCT OF BUSINESS AT GENERAL MEETINGS

18. If within half an hour from the time appointed for the holding of a General Meeting a quorum is not present the Meeting if convened on the requisition of Members shall be dissolved. In any other case it shall stand adjourned for the same day in the next week at the same time and place or such other place as the Board shall appoint and if at such an adjourned Meeting a quorum is not present within half an hour of the time appointed for holding the Meeting the Members present shall be a quorum.
19. The Chairman of the Board shall preside as Chairman at every General Meeting but if at any Meeting he shall not be present within fifteen minutes after the time appointed for holding the same or shall be unwilling to preside the Members present shall choose a Member of the Board or if no Trustee be present or if all the Trustees present decline to take the Chair they shall choose a Member of the Trust who shall be present to preside.
20. The Chairman may with the consent of any meeting at which a quorum is present (and shall if so directed by the Meeting) adjourn a Meeting from time to time, and from place to place, but no business shall be transacted at any



## Appendix B

adjourned Meeting other than the business left unfinished at the Meeting from which the adjournment took place. Whenever a Meeting is adjourned for thirty days or more notice of the adjourned Meeting shall be given in the same manner as of an original meeting. Save as aforesaid, the Members shall not be entitled to any notice of an adjournment or of the business to be transacted at an adjourned Meeting.

21. No Member shall have more than one vote except that in any case of equality of votes on a division the Chairman shall have a second or casting vote.
22. Save as herein expressly provided no Member other than a Member duly registered shall be entitled to vote on any question either personally or by proxy or as a proxy for another Member at any General Meeting.
23. A resolution put to the vote of a General Meeting shall be decided on a show of hands unless before or on the declaration of the result of the show of hands a poll is demanded either by the Chairman or by at least three Members present in person or by proxy having the right to vote at the Meeting. Votes may be given on a poll either personally or by proxy. On a show of hands a Member present only by proxy shall have no vote, but a proxy for a Corporation may vote on a show of hands. A Corporation may vote by its duly authorised representative as provided by Section 375 of the Act. A proxy need not be a Member.
24. The instrument appointing a proxy shall be in writing under the hand of the appointor or his Attorney duly authorised in writing or if such appointor is a Corporation under its Common Seal (if any) and if none then under the hand of some officer duly authorised in that behalf.
25. The instrument appointing a proxy and the Power of Attorney or other authority (if any) under which it is signed or a notarially certified or office copy thereof shall be deposited at the Registered Office not less than forty-eight hours before the time appointed for holding the Meeting or adjourned Meeting at which the person named in the instrument proposes to vote or in the case of a poll not less than twenty four hours before the time appointed for the taking of the poll and in default the instrument of proxy shall not be treated as valid. No instrument appointing a proxy shall be valid after the expiration of twelve months from the date of its execution.
26. A vote given in accordance with the terms of an instrument of proxy shall be valid notwithstanding the previous death or insanity of the principal or revocation of the proxy or of the authority under which the proxy was executed provided that no intimation in writing of the death insanity or revocation as aforesaid shall have been received at the Registered Office before the commencement of the Meeting or adjourned Meeting at which the proxy is used.
27. Any instrument appointing a proxy shall be in the following form or as near thereto as circumstances will admit:-

## Appendix B

I, \_\_\_\_\_  
of \_\_\_\_\_  
a member of The HMS Trincomalee Trust  
hereby appoint \_\_\_\_\_  
of \_\_\_\_\_  
and failing him \_\_\_\_\_  
of \_\_\_\_\_

to vote for me on my behalf at the Annual Extraordinary or adjourned (as the case may be) General Meeting of the Trust to be held on the day of 20 and at every adjournment thereof

AS WITNESS my hand this day of 20

The instrument appointing a proxy shall be deemed to confer authority to demand or join in demanding a poll.

28. No person shall vote on any matter in which he is personally or pecuniarily interested or otherwise debate on such matters without the permission of the majority of the persons present and voting such permission to be given or withheld without discussion.
29. Proceedings at any Meeting shall not be invalidated by reason of any informality or irregularity in the convening thereof or otherwise or any want of qualification in any of the persons present or voting thereat.

### THE BOARD

30. Unless otherwise determined by Ordinary Resolution the number of Trustees shall not be less than four nor more than twenty-four.
31. The first Trustees shall consist of the current Governors of the Foudroyant Trust being the persons named in the Schedule to these Articles who shall retain office until the first Annual Meeting.
32. Subject to the provisions of Article 33 hereof at all Annual Meetings one third of the Members of the Board or the number nearest thereto shall retire in rotation according to seniority of standing on the Board and in cases of equal seniority the Members or Member to retire shall be determined by ballot at a Meeting of the Board held previously to the Annual Meeting. Retiring Members shall be eligible for re-election.
33. The Trustees shall remain in office for three years and shall subsequently be



## Appendix B

subject to retirement by rotation but in any case shall be eligible for re-election.

34. Any vacancy among the Trustees caused otherwise than by retirement under the last Article may be filled by an appointee of the Board and such appointment shall be for the duration of the departing Trustee's term of office.
35. All elected Trustees shall remain in office until their successors are appointed.
36. The Board may act for all purposes notwithstanding any vacancy in their number and all proceedings at any Meeting of the Board shall be valid and effectual notwithstanding that it may be discovered afterwards that any Trustee has been informally elected or is not properly qualified.
37. No person other than a Trustee retiring by rotation shall be appointed or re-appointed a Trustee at any General Meeting unless :-
  - (a) he is recommended by the Board; or
  - (b) not less than fourteen nor more than thirty-five clear days before the date appointed for the Meeting notice executed by a Member qualified to vote at the Meeting has been given to the Trust of the intention to propose that person for appointment, or re-appointment, stating the particulars which would if he were so appointed or re-appointed be required to be included in the Trust's Register of Trustees together with notice executed by that person of his willingness to be appointed or re-appointed.

### POWERS & PROCEEDINGS OF THE BOARD

38. The Trust and the property and affairs thereof shall be under the control and management of the Board.
39. In addition to all powers hereby conferred upon them and without detracting from the generality of their powers under the past preceding or any other Articles the Board shall have the following powers namely :
  - (a) Subject to any such consents as may be required in law to expend funds of the Trust in such manner as they shall consider most beneficial for the purposes of the Trust and to invest in the name of the Trust or in the names of the Trustees such part thereof as they may see fit and to direct the sale or transposition of any such investments and to expend the proceeds of any sale for the purposes of the Trust.
  - (b) To acquire in the name of the Trust or in the names of not less than three nor more than four Trustees, build upon, pull down, rebuild, add to, alter, repair, improve, sell or dispose of, or otherwise deal with any land, premises or ships for the use of the Trust.
  - (c) To enter into contracts on behalf of the Trust.

## Appendix B

- (d) Subject to any such consents as may be required in law to borrow money upon the security of any of the property of the Trust and to grant or direct to be granted mortgages for securing the same.
  - (e) To delegate all or any of their powers to any committee of which the majority consists of Members of the Board **PROVIDED THAT** all acts and proceedings of such committee shall be reported back as soon as possible to the Board.
  - (f) To make, and from time to time to repeal or alter, regulations as to the management of the Trust and affairs thereof and as to the duties of any officers or servants of the Trust and as to the conduct of business by the Board or any sub-committee and as to any of the matters or things within the powers or under the control of the Board provided that such regulations shall not be inconsistent with the Memorandum and Articles of Association.
  - (g) To invest any money belonging to the Trust (other than money required for the ordinary expenditure of the Trust) in the purchase of or interest upon the security of such stocks, funds, shares, securities or other investments or property of whatsoever nature and wherever situated as the Trustees may in their absolute discretion think fit.
  - (h) To lend money upon such terms as to security and repayment as they see fit to any person or body for the objects of the Trust.
  - (i) Generally to do all things for the due conduct of the affairs of the Trust not herein otherwise provided for.
40. The Board shall meet at least twice during the year for the despatch of business and may adjourn and otherwise regulate their Meetings as they may think fit and one third of the total number of Members of the Board shall be a quorum. Two Members of the Board may at any time (and the Secretary shall upon request in writing of two Members of the Board) summon a Meeting of the Board. Notice of every Meeting of the Board stating the general particulars of all business to be considered at such Meeting shall be sent by post to each Member of the Board at least three days before such Meeting unless urgent circumstances require shorter notice but the proceedings of any Meeting shall not be invalidated by any irregularity in respect of such notice or by reason of any business being considered which is not comprised in such general particulars.
41. All questions shall be decided by the votes of the majority of the Members of the Board present and voting thereon at a Meeting of the Board.
42. The Board shall cause Minute Books to be kept of the proceedings at General Meetings of the Trust and at Meetings of the Board and shall cause entries to be made therein of all resolutions put to the vote and of the result of the voting and any such Minutes signed by the Chairman or by a Member of the Board present



## Appendix B

at the Meeting shall be sufficient evidence of the due passing of any Resolution and of the amount of the majority voting in favour thereof.

43. The first Chairman of the Board shall be the Chairman of the Foudroyant Trust. On the retirement or death of the Chairman the Board shall elect a replacement Chairman from among their number. In the absence of the Chairman from any meeting of the Board a Chairman shall be elected by the Meeting. In case of equality of votes the Chairman of the meeting shall have a second or casting vote.
44. Bankers shall be appointed and may be changed by the Board. The signatories of cheques and the limits of authorities to issue cheques shall be appointed or set by the Board.

### PRESIDENT AND VICE-PRESIDENTS

45. The Board may appoint any person who in its opinion is able to contribute to the Trust and its objects as the President or a Vice-President of the Trust for such term or terms specified at the time of appointment as the Board shall think fit. Such person shall not by virtue only of such appointment be a Trustee or a member of the Trust. A President or Vice-President may resign from such position by notice in writing sent to the Trust and thereupon shall cease to be a President or Vice-President. A President or Vice-President may be removed from office by Ordinary Resolution of the Trust in General Meeting. A President or Vice-President shall be entitled to be present and speak at any General Meeting of the Trust but shall not have any right to vote.

### PATRONS

46. The Board may in its absolute discretion invite any person to be a Patron of the Trust. A Patron shall be entitled to be present and speak at any General Meeting of the Trust but shall not have any right to vote.

### SEAL

47. The Board shall provide a Common Seal for the purposes of the Trust which shall be kept under such custody and control as the Board shall from time to time determine. The Seal of the Trust shall not be affixed to any instrument except pursuant to a Resolution of the Board and in the presence of two Members of the Board who shall sign every instrument to which the Seal is affixed in their presence.

### DISQUALIFICATION OF TRUSTEES

48. The office of a Trustee shall be vacated:-
  - (a) If a Receiving Order is made against him or he makes any

## Appendix B

arrangement or composition with his creditors.

- (b) If he becomes of unsound mind.
- (c) If he ceases to be a Member of the Trust.
- (d) If in any Notice in writing to the Secretary of the Trust he resigns his office.
- (e) If he becomes prohibited from holding office by reason of any Order made under the Act.
- (f) If he is removed from office by a Resolution duly passed pursuant to Section 303 of the Act.
- (g) If he ceases to be a Member of the Board by virtue of Section 293 of the Act.

### ACCOUNTS

- 49. The Board shall cause Accounting records to be kept in accordance with Sections 221 of the Act.
- 50. The Accounting records shall be kept at the Registered Office or subject to Section 222 of the Act at such other place or places as the Board shall think fit and shall always be open to inspection by the members of the Board.
- 51. The Trust may at a General Meeting impose reasonable restrictions as to the time and manner at and in which the books and Accounts of the Trust may be inspected by the Members and subject thereto the books and Accounts shall be open to inspection by the Members at all reasonable times during the usual business hours.
- 52. The Board shall lay before the General Meeting of the Trust in each year an income and expenditure account of the Trust and a Balance Sheet for the year ending on the previous thirty-first March. Such Account and Balance Sheet shall be accompanied by a report of the Board as to the state of affairs of the Trust and a report of the Auditors and the Balance Sheet shall comply with the provisions of the Act and any Act amending or replacing the same. A copy of every Balance Sheet together with copies of the said reports not less than twenty-one days before the date of the Meeting before which such Balance Sheets and reports are to be laid shall be sent to all persons entitled to receive notices of General Meetings of the Trust.
- 53. Auditors shall be appointed and their duties regulated in accordance with the Act.

## Appendix B

### NOTICES

54. A notice may be served upon any Member either personally or by sending it through the post in a prepaid letter addressed to such Member at his registered address for service (if any). In the latter case it will be deemed to have been served at the time when the letter containing the same would have been delivered in the ordinary course of post except in the case of notice of a Meeting when it shall be deemed to have been served at the expiration of twenty-four hours after the posting of such notice and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and posted.
55. If a Member has not a registered address for service any notice shall be sufficiently served on him by posting up in the office of the Trust such notice addressed generally to the Member. A Member who has no registered address in the United Kingdom for the giving of notices to him shall not be entitled to have a notice served on him.
56. The accidental omission to give notice of a meeting to or the non-receipt of a notice of a meeting by any person entitled to receive notice shall not invalidate the proceedings at that Meeting.

### WINDING UP

57. The provisions of Clause 7 of the Memorandum of Association relating to the winding up or dissolution of the Trust shall have effect and be observed as if such Clause were repeated in these Articles.

### INDEMNITY

58. Subject to the provisions of the Act and any Act amending or replacing the same every Member of the Board or any committee and every officer and servant of the Trust shall be entitled to be indemnified out of the assets of the Trust against all losses and liabilities incurred by him in or about the execution of his office or otherwise in relation thereto **PROVIDED THAT** nothing in this clause shall entitle him to any indemnity against liability arising through negligence or fraud or similar actions on his part.



**SCHEDULE**

**First Trustees**

Vice Admiral Sir Lancelot Bell Davies, KBE, CBMIM

Reginald William Henry Betts

Ronald Norman, OBE

John Osborne Mennear

Captain David Smith, RN

Lieutenant Colonel Evan Houston, OBE

Commander Richard Laird Warren, RN

Anthony M C McGinnity

Lieutenant Commander Richard Manwell Frampton, FNI, FRSA, RN

Captain A J R Tyrrell, FRIN, FBIM, MN



**HMS TRINCOMALEE TRUST**

A Company Limited by Guarantee.  
Company Number: 2678419, Charity Number: 1007784  
Registered Office: Jackson Dock, Hartlepool, TS24 0SQ.

**NOTICE IS HEREBY GIVEN** that an Extraordinary Meeting of the Trust will be held in the Ward Room, Hartlepool Historic Quay, on Thursday 12 September 2002 at 12 noon when the following resolution will be proposed as a Special Resolution:

**SPECIAL RESOLUTION**

**THAT** the present Articles 32 and 33 of the Trust's Articles of Association be deleted and replaced by the following Articles:

32. Subject to the provisions of Article 33 hereof at all Annual Meetings one third of the Members of the Board or the number nearest thereto shall retire in rotation according to seniority of standing on the Board and in cases of equal seniority the Members or Member to retire shall be determined by ballot at a Meeting of the Board held previously to the Annual Meeting. Retiring Members shall be eligible for re-election.
33. The Trustees shall remain in office for three years and shall subsequently be subject to retirement by rotation but in any case shall be eligible for re-election.



BY ORDER OF THE BOARD

---

COMPANY SECRETARY

1. A Member entitled to attend and vote at the Meeting convened by the Notice set out above is entitled to appoint a proxy to attend and vote in his place. A proxy need not be a Member of the Trust.
2. A form of proxy is enclosed. To be effective it must be deposited at the Trust's Registered Office so as to be received not later than 48 hours before the time appointed for holding the Extraordinary General Meeting. Completion of the proxy does not preclude a Member from subsequently attending and voting at the Meeting in person if he or she so wishes.

## **SCRUTINY CO-ORDINATING COMMITTEE**

**10 February 2006**



**Report of: Neighbourhood Services Scrutiny Forum**

**Subject: FINAL REPORT – SCRUTINY ENQUIRY INTO  
20 MPH SPEED LIMIT ZONES OUTSIDE OF  
SCHOOLS**

---

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

- 1.1 To present the findings of the Neighbourhood Services Scrutiny Forum following its enquiry into 20 mph Speed Limit Zones Outside of Schools within Hartlepool.

### **2. BACKGROUND INFORMATION**

- 2.1 At the meeting of the South Neighbourhood Consultative Forum, held on 12 August 2005, the issue of 20 mph speed limit zones outside of Schools within Hartlepool was referred to Scrutiny Coordinating Committee for further consideration (Minute 28 refers).
- 2.2 Subsequently, at the meeting of the Scrutiny Co-ordinating Committee held on 21 October 2005, Members agreed that, in order to determine the appropriateness of such a review, further information should be received on the Department for Transport guidelines for introducing 20 mph speed limits/zones.
- 2.3 Following consideration of this additional information, Members of the Scrutiny Co-ordinating Committee agreed that this was an area worthy of further investigation and subsequently redirected the 'referral' to the Neighbourhood Services Scrutiny Forum, with a three month prescribed timescale for its completion.

### **3. INTRODUCTION - SETTING THE SCENE**

- 3.1 Road accidents can result in severe injury, long-term disability and death. However, many accidents are preventable and their severity could be reduced using appropriate traffic calming/road safety measures.

- 3.2 Despite improvements, road traffic accidents remain the single largest cause of accidental death among children and young people. Each year nearly 180 children die and approximately 4,800 are injured as pedestrians or cyclists. Over 15,000 children make the journey to and from school in Hartlepool each day.
- 3.3 20 mph speed limit zones can contribute to preventing road traffic accidents involving children. Findings from the Transport Research Laboratory into 20 mph zone pilot projects across England, Wales and Scotland, indicated that on average, speeds dropped by 9 mph, annual collision figures fell by 60% and the overall reduction in child casualties was 67%.
- 3.4 The first three 20 mph speed limit forming zones were implemented in Sheffield, Kingston upon Thames and Norwich, in January 1991. Since then, around 450 zones have been implemented in the UK.
- 3.4 Over the recent weeks, Rift House Primary School has become the first in Hartlepool to be approved for a new £10,000 traffic-calming scheme; with a further two zones being explored for Clavering Primary School and Kingsley Primary School.
- 3.5 It is local authorities who are responsible for setting local speed limits. However, a lack of funding prevents the wider use/implementation of 20 mph speed limit zones.

#### **4. OVERALL AIM OF THE SCRUTINY ENQUIRY**

- 4.1 The overall aim of the scrutiny enquiry was to establish the appropriateness of the enforcement of 20 mph Speed Limit Zones outside of schools within Hartlepool.

#### **5. TERMS OF REFERENCE FOR THE SCRUTINY ENQUIRY**

- 5.1 The Terms of Reference for the Scrutiny Enquiry were as outlined below:-
- (a) To gain an understanding of the Government policy key areas relating to 20 mph Speed Limit Zones outside of schools;
  - (b) To review the Authority's current procedure of determining the appropriateness of enforcing 20 mph Speed Limit Zones outside of schools;
  - (c) To establish what traffic calming/road safety measures are already in place outside of schools within Hartlepool;

- (d) To consider the number of road casualties outside of schools within Hartlepool over the last 12 months;
- (e) To establish the financial implications of enforcing 20 mph Speed Limit Zones and any other traffic calming measures outside of schools in Hartlepool;
- (f) To seek the views of a sample of users and potential users of the zones in which the 20 mph Speed Limit could be enforced; and
- (g) To compare the good practice of neighbouring local authorities in relation to determining the appropriateness of enforcing 20 mph Speed Limit Zones outside of schools.

## **6. MEMBERSHIP OF THE NEIGHBOURHOOD SERVICES SCRUTINY FORUM**

### **6.1 The membership of the Scrutiny Forum was as detailed below:-**

Councillors Cambridge, Cook, Cranney, Fenwick, Flintoff, Hall, Lauderdale, J Marshall, Richardson, Rogan and Tumilty.

Resident Representatives: Alan Lloyd, Linda Shields and Steve Gibbon.

## **7. METHODS OF INVESTIGATION**

### **7.1 Members of the Scrutiny Forum met formally from 11 November 2005 to 27 January 2006 to discuss and receive evidence relating to this enquiry. A detailed record of the issues raised during these meetings is available from the Council's Democratic Services.**

### **7.2 A brief summary of the methods of investigation are outlined below:-**

- (a) Detailed Officer reports supplemented by verbal evidence;
- (b) Verbal evidence from the Town's Member of Parliament;
- (c) Verbal evidence from the Authority's Elected Mayor and the Cabinet Member Portfolio Holder for Culture, Housing and Transportation;
- (d) Examination of good practice within neighbouring Local Authorities in relation to 20 mph Speed Limit Zones;
- (e) Presentation from the Projects Manager for South Tyneside Council (also Chair of the Northern Region Road Safety Engineering Group)
- (f) Site Visit to a number of schools and the surrounding areas within Hartlepool on 7 December 2005;

- (g) Verbal and written evidence from members of the public, School Crossing Wardens and the Head teacher of Clavering Primary School; and
- (h) Written evidence from Cleveland Casualty Reduction Group.

## FINDINGS

### 8. GOVERNMENT POLICY RELATING TO 20 MPH SPEED LIMIT ZONES

- 8.1 Evidence presented to the Forum allowed Members to establish that road safety is governed by the legislation outlined below:-
- 8.2 **Government White Paper-New Deal for Transport: Better for Everyone (1998)** outlines a framework for the delivery of detailed transport /road safety policies with an emphasis upon Local Authorities utilising Local Transport Plans to address road safety/transport issues.
- 8.3 **Department for Transport (1999) Traffic Advisory Leaflet 9/99 'Use of 20mph Limits'** provides advice on how/where to implement 20 mph speed limits and 20 mph zones to help meet the objectives of the Government White Paper, 'A New Deal for Transport: Better for Everyone' and the requirements for Local Transport Plans. Any Local Authority that does not adhere to these guidelines may be found partly liable in the event of an accident.
- 8.4 **Tomorrow's Roads: Safer for Everyone (2000)** sets targets to reduce the number of people killed or seriously injured as a result of road traffic accidents by 40%, and a more stringent target for children (under 16 years of age). The child target is a 50% reduction compared with the average for 1994-1998. Both targets to be achieved by 2010.
- 8.5 **Department for Transport (2002) Child Road Safety: Achieving the 2010 Target** resulted from consultation undertaken to review the progress of the policies/initiatives outlined in 'Tomorrow's Roads: Safer for Everyone'. The report considered developments in road safety strategy and updated the actions deemed necessary to achieve the 2010 target.
- 8.6 **Local Transport Plans** locate road safety within an integrated transport strategy. Road safety is a high priority in accordance with the statutory requirements of the Road Traffic Act 1988.
- 8.7 Within Hartlepool, the first Local Transport Plan (1999-2005) delivered a wide range of road safety related schemes and initiatives to address many of the key accident hotspot sites.
- 8.8 The Road Safety Strategy within the second Local Transport Plan (2006-2011) is currently being developed. The Strategy will include:-

- (a) Extensive road safety awareness schemes and initiatives;
- (b) A list of traffic calming measures that may be implemented where appropriate;
- (c) Schemes to encourage the involvement of parents in teaching road safety awareness/skills early in their child's development; and
- (d) Road safety good practice for older children and the provision of advice and support for older teenagers and young adults regarding their mode of transport choice.

## **9. ROAD CASUALTIES OUTSIDE OF SCHOOLS WITHIN HARTLEPOOL**

9.1 Members considered the evidence presented by the Authority's Transportation Section in relation to the number of road casualties outside of schools within Hartlepool. During the past three years six child pedestrian accidents have occurred outside schools in Hartlepool at school times. The details of which are listed below:-

- (a) Rift House Primary School, Masefield Road – two casualties (scheme to be introduced in near future);
- (b) Manor College of Technology on Owton Manor Lane – two casualties;
- (c) Brierton School on Catcote Road – one casualty; and
- (d) St. Hilda's School on King Oswy Drive – one casualty.

9.2 Members learned that casualties are classified as fatal, serious and slight. All six casualties occurring outside of Schools within Hartlepool were categorised as slight.

## **10. HARTLEPOOL BOROUGH COUNCIL'S CURRENT PROCEDURE FOR ENFORCING 20 MPH SPEED LIMIT ZONES OUTSIDE OF SCHOOLS**

10.1 In light of Hartlepool's road casualty figures outside of schools, Members were alarmed to hear that the Authority did not have a written policy for determining the suitability of 20 mph Speed Limit Zones outside of schools within Hartlepool at the time of this enquiry.

10.2 The Forum did learn, however, that zones, in accordance with Department for Transport guidelines, were selected on a case by case basis, taking into account the number of casualties within a zone, its suitability for physical traffic calming measures and how beneficial it is in road safety and environmental terms.

- 10.3 The Forum also learned that 20 mph speed limits and speed limit zones are self enforcing by means of signs and physical traffic calming measures. Therefore not all roads are appropriate sites for such a scheme. For example, it was evident to Members that a 20mph limit on Catcote Road outside English Martyrs School in Hartlepool would lead to increased congestion and difficulties for emergency services, therefore other methods of improving road safety in these areas, without actually introducing a 20mph limit, would require consideration.
- 10.4 During this Forum's evidence gathering session with the Authority's Cabinet Member Portfolio Holder for Culture, Housing and Transportation, Members were advised by the Cabinet Member of those schools within Hartlepool that were appropriate sites for 20 mph speed limit zones (at the time of the Forum's enquiry) as outlined below:-
- (a) Barnard Grove Primary School;
  - (b) Brougham Primary School;
  - (c) Clavering Primary School;
  - (d) Dyke House School, Mapleton Road;
  - (e) Eldon Grove Primary School;
  - (f) Greatham C of E Primary School;
  - (g) Hart Primary School;
  - (h) Holy Trinity CE;
  - (i) Jesmond Road Primary School, Percy Street;
  - (j) Kingsley Primary School;
  - (k) Lynnfield Primary School, Sheriff Street;
  - (l) Owton Manor Primary School, Eskdale Road;
  - (m) Rift House Primary School;
  - (n) Rossmere Primary School, Callander Road;
  - (o) St Aidan's CE Memorial Primary School;
  - (p) St Bega's RC Primary School;
  - (q) St Cuthbert's RC Primary School;
  - (r) St Hild's School;
  - (s) St John Vianney RC Primary School;
  - (t) St Josephs RC Primary School;
  - (u) St Teresa's RC Primary School, Callander Road;
  - (v) Stranton Primary School;
  - (w) Thorston Primary School;
  - (x) West Park Primary School; and
  - (y) West View Primary School.
- 10.5 Members were encouraged to note, however, that the schools not listed above would still be considered for other traffic calming measures. With this in mind, the Forum attended a Site Visit on 7 December 2005 to a selection of schools to observe, first hand, traffic calming/road safety measures currently in place and the barriers that prevent the implementation of 20 mph speed limit zones (Pictures shown overleaf of Panel on Site Visit and an example of a school frontage on school 'pick up' time).



**Members of the Forum on the Site Visit held on 7 December 2005**

**Congestion/parking problems outside of a school within Hartlepool at the close of a school day**



## **11. CURRENT TRAFFIC CALMING / ROAD SAFETY MEASURES OUTSIDE OF SCHOOLS WITHIN HARTLEPOOL**

- 11.1 During the evidence gathering session with the Authority's Cabinet Member Portfolio Holder for Culture, Housing and Transportation, it was evident to this Forum that the Authority acknowledged the central role it continued to play in reducing the number of road accident casualties and in contributing to the achievement of national child road safety targets.
- 11.2 The Authority's commitment to this reduction was demonstrated in the provisional Local Transport Plan (2006-2011) which aims 'to improve the overall safety and security of the transport system for everyone'. Road safety is outlined as a key priority within the Local Transport Plan.
- 11.3 At the time of this enquiry, three 20mph speed limit schemes in Hartlepool were being considered by the Authority's Cabinet Member, Portfolio Holder



for Culture, Housing and Transportation. These schemes were as outlined overleaf:-

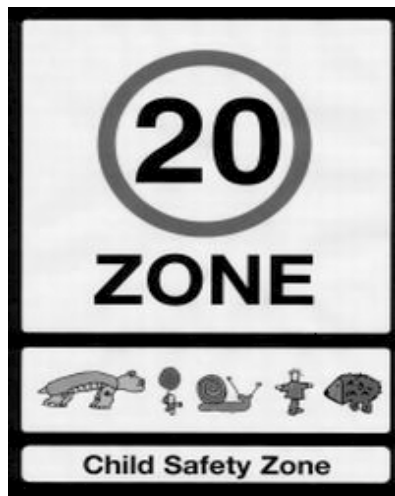
- (a) **Rift House School, Masefield Road** – High speeds recorded during surveys added to road safety concerns near to the school. Two school time child pedestrian casualties had also occurred outside the school in the last 3 years. Consultation had taken place and the scheme was approved at Culture, Housing and Transportation Portfolio on 5 October 2005. The scheme will be implemented during the 2005/06 financial year;
- (b) **Clavering School, Clavering Road** – High speeds also recorded during surveys. Proposed speed cushions and 20mph limit outside of school. No funding is available at present, but the scheme will be fed into the programme of potential schemes for the 2006/07 financial year; and
- (c) **Kingsley School, Kingsley Avenue** – Traffic calming scheme was introduced last year, and a 20mph limit will be introduced to cover this area.

- 11.4 In addition to the physical traffic calming measures and signs that Members observed on the Site Visit held on 7 December 2005, the Authority's Road Safety Team Leader highlighted other traffic calming/road safety measures that are currently in place. The Forum learned that the Authority was pursuing a number of road safety schemes and initiatives that contributed to encouraging children to be safer road users.
- 11.5 Parents and teachers who parked illegally and inconsiderately were also being targeted with education and enforcement campaigns. With targeted enforcement the danger posed by this form of parking was gradually reducing.
- 11.6 Members were pleased to find that the Authority continued to develop regional links and to work in partnership to reduce casualties and achieve the aims and objectives outlined in the Road Safety Strategy. For example, working with the Cleveland Safety Camera Partnership had allowed speed limits to be enforced on roads that had a speed related casualty problem.

## **12. FINANCIAL IMPLICATIONS OF 20 MPH SPEED LIMIT ZONES / TRAFFIC CALMING MEASURES OUTSIDE OF SCHOOLS WITHIN HARTLEPOOL**

- 12.1 Having raised concern at the number of child pedestrian accidents and witnessing the lack of effective traffic calming measures outside of schools during a Site Visit of this Forum on 7 December 2005, Members sought evidence in relation to the financial implications of implementing 20 mph speed limit zones outside schools in Hartlepool.
- 12.2 Members consulted with the Authority's Road Safety Team and consequently found that:-

- (a) The Department for Transport provides funding to Local Authorities to implement safety schemes, traffic calming measures, traffic signal improvements, crossings, congestion measures, maintenance schemes, pedestrian/cycling/public transport improvements, parking schemes and the transport interchange outlined within the Local Transport Plan;
- (b) Funding is also awarded by the Department for Transport for travel planning work, which in turn attracts funding for schemes via the Safer Routes to Schools Programme;
- (c) For each 20mph limit or zone implemented, associated traffic calming measures must also be implemented. These measures are of a significant cost to the Authority. For example the scheme recently approved for Masefield Road in Hartlepool is expected to cost the Authority £10,000;
- (d) Sign only schemes are of a lower cost to the Authority, examples of which are shown below;



- (e) The cost of signs may potentially be met by the Authority's Traffic Management Budget. Members were encouraged to note that such signs were only appropriate on roads where recorded speeds were already low or traffic calming measures were already in place; and
- (f) With the number of people injured on roads in Hartlepool last year standing at 317, it is the sites with the highest number of casualties that receive the majority of the funding that is allocated to road safety schemes.

- 12.3 Whilst Members are aware of the Council's budgetary pressures and priorities, Members agreed that funding should be sought from every possible source to permit the implementation of 20 mph speed limit zones and other appropriate traffic calming measures at all schools throughout Hartlepool.
- 12.4 Members are resolute in the belief that a child's life far outweighs any cost the Authority may incur in implementing 20 mph speed limit zones and/or traffic calming/road safety measures.
- 12.5 Equally the Authority's Elected Mayor and the town's Member of Parliament reinforced this message during an evidence gathering session with the Forum. Both the Elected Mayor and MP believe that a child's safety is paramount and that issues surrounding funding cannot be justified in this instance.

### **13. 20 MPH ZONES IN NEIGHBOURING LOCAL AUTHORITIES**

- 13.1 As part of the Forum's enquiry, consideration was also given to comparing other Local Authorities' policies and practice in relation to 20 mph Zones. In doing so, Members sought evidence from South Tyneside Council due to their links with the Northern Region Road Safety Engineering Group.
- 13.2 The Forum learned that although Road Safety Engineers have been effective in helping to reduce speeds, especially in our neighbourhoods, helping to make these areas to become better/safer places to live, there is still much to be done to win the hearts and minds of those drivers who don't perceive the dangers of speeding.
- 13.3 National Campaigns have detailed how collisions at 40 mph and 30 mph involving a child can potentially kill, in comparison with collisions at 20 mph. Quite simply the higher the speed, the worse the injury to the pedestrian and the less reaction time that is available to the driver in the lead up to an accident to take evasive action.
- 13.4 Members were informed that a holistic approach to speed management has evolved in recent years in which Road Safety Leaders and Transport Managers look at the function, potential conflict and local characteristics of the road network to ensure that a consistent and comprehensive assessment is made of matching traffic speeds with the environment. The following examples illustrate how traffic calming measures can be adapted to suit the location concerned:-



**Examples of speed cushions, road markings and signs**



- 13.5 The Projects Manager from South Tyneside Council stated that whilst this approach is effective, Local Authorities should consider the schemes and initiatives within their Road Safety Strategy/Local Transport Plan to prevent casualties rather than implementing road safety measures to reduce the number of casualties.
- 13.6 Members were also encouraged to note that the Government will be setting new speed limits this year which should be consulted when considering how to implement 20 mph speed limit zones outside of schools and formulating road safety strategies.
- 13.7 In his capacity as Chair of the Northern Region Road Safety Engineering Group, the Projects Manager commended the efforts of the Forum in stimulating debate and challenging the Authority to ensure that road safety issues are addressed and resolved. It was also proposed to the Forum that the group could assist Hartlepool Borough Council by developing an assessment framework for the implementation of 20 mph speed limit zones.
- 13.8 The Projects Manager outlined the importance of interacting with other Local Authorities throughout the country to establish best practice and aid one

another in ensuring casualties are prevented outside of schools.

13.9 Consequently Members sought evidence from other Local Authorities who sit on the Northern Region Road Safety Engineering Group. Local Authorities that cover the geographical area from Northumberland down to North Yorkshire were invited to discuss their policies and practices relating to 20 mph speed limit zones outside of schools.

13.10 Responses from six Local Authorities were acquired and are summarised below:-

- (a) **Stockton Borough Council** – 20mph limits are only brought in with associated traffic calming measures. They won't be considered without limits, bringing them into disrepute. Schools are not specifically targeted as speeds are generally low due to congestion caused by parents parking, and accident levels are also very low;
- (b) **Redcar and Cleveland Borough Council** – Generally in favour of 20mph limits outside schools and any requests are considered dependent on the suitability of the road;
- (c) **Durham City Council** – Policy states "self enforcing 20mph zones shall be provided around schools with above average number of accidents, particularly where children are involved." Have only one 20mph limit at present and do not have major problems outside of schools in terms of casualties;
- (d) **Sunderland City Council** – Do not have 20mph limits without traffic calming as they have no significant effect. On main roads School Safety Zones are used instead, consisting of high visibility signing, road markings and coloured surfacing, to highlight the presence of a school;
- (e) **North Tyneside Council** – Currently have around twenty 20mph zones, which have been concentrated in appropriate areas with high numbers of casualties. All zones are self enforcing with physical traffic calming measures outside of schools; and
- (f) **Northumberland County Council** – No 20mph limits specifically on the section of road fronting a school. They do, however, have 44 20mph zones, 29 of which include a school within them.

#### 14. **COMMUNITY ENGAGEMENT – THE VIEWS OF THE PUBLIC, SCHOOL CROSSING WARDENS AND HEAD TEACHERS**

14.1 Members invited the public, School Crossing Wardens and the Head teacher of Clavering Primary School to contribute to the enquiry at the meeting of the Forum held on 12 December 2005.

- 14.2 Members were pleased to find that the majority of the residents of Hartlepool would welcome the implementation of 20 mph speed limit zones outside schools and advised that such measures should be implemented as soon as possible to prevent serious accidents occurring.
- 14.3 However, the Forum learned that members of the public had grown increasingly frustrated by the perceived lack of concern for road safety issues surrounding a number of schools within Hartlepool. A small number commented upon their correspondence with the Local Authority, local police and the local bus company who have failed to remedy the issues outlined to Members.
- 14.4 Members of the public requested that issues surrounding the enforcement of parking restrictions, speed limits and other traffic calming measures outside of schools within Hartlepool are addressed. Equally Members were encouraged to note that no objection to any 20 mph speed limit zone would be made providing that the zones would only be enforced at school drop off and pick up times.
- 14.5 Department for Transport legislation, however, does not currently permit part time speed limits. The fact that 20mph limits also require physical traffic calming measures would also prevent this. By their very nature, road humps, etc, are physical measures and once installed are permanent features of the road.
- 14.6 Members also found that the public encouraged the evaluation and review of any 20 mph speed limit zone or traffic calming measure that was put in place in order to determine how effective such measures are at each school.
- 14.7 The Head teacher of Clavering Primary School informed Members that the entrance to the school poses a serious threat to the safety of children, parents, teachers and school crossing wardens. Traffic calming measures in place outside Clavering Primary School include school crossing wardens and double crossing lights on the schools approach, the Head teacher feels these lights are ineffective.
- 14.8 The Head teacher went on to comment that he would support the implementation of 20 mph speed limit zones at all schools in Hartlepool. However, he does appreciate that every school is unique and that there are financial and site implications/problems.
- 14.9 Members were encouraged to note that, from the perspective of the school crossing wardens, the most effective traffic calming measures outside of schools are those that prevent and deter parking at, or close to, the crossing point which improves visibility and makes the crossing point safer. Members learned that footpaths built out and parking restrictions improve visibility for the warden and on the crossing site.
- 14.10 In addition to the above, Members supported the view that educating drivers and parents about child road safety is central to ensuring that roads are safe.

## 15. CONCLUSIONS

### 15.1 The Neighbourhood Services Scrutiny Forum concluded:-

- (a) That it is for the Local Authority to determine whether speed limits or zones should be implemented having considered whether such a scheme is appropriate to the area and beneficial in road safety and environmental terms;
- (b) That the Authority does not have a documented policy for determining the selection of schools/zones that could become 20 mph speed limits or zones;
- (c) That the use of 20 mph speed limit zones was initially intended to address the serious problem of child pedestrian accidents occurring in and around residential areas, although such zones are no longer confined to residential areas;
- (d) That research undertaken by the Traffic Advisory Unit has shown that the risk of a child being involved in an accident has reduced by about two-thirds where 20 mph zones have been installed;
- (e) That the long-term success of any 20 mph zone or limit will be the reduction and prevention of accidents to children outside of schools;
- (f) That any proposed schemes are likely to be subject to considerable opposition, both during and after implementation, therefore it is crucial a thorough consultation exercise is undertaken;
- (g) That the DfT guidelines state that 20mph limits should be self enforcing with physical traffic calming measures and may not be appropriate for main roads due to the impact on congestion, emergency services and bus routes, but other measures can be used to slow speeds and improve road safety;
- (h) That 20 mph limits can be provided by signs alone on roads where recorded speeds are low to start with, but these tend to be areas where the risk of casualties is also lower. A small number of schools in Hartlepool may fit into this category and speed surveys can be undertaken to determine this;
- (i) That in the three year period from April 2002- March 2005 there were six children injured going to and from school. Casualties are classified as fatal, serious or slight, and all six were slight casualties. Over 15,000 children make the journey to and from school in Hartlepool each day;
- (j) That Hartlepool's first 20mph limit will be introduced outside Rift House Primary School early in the New Year, which is where two of the six casualties occurred and that a 20 mph limit will also be added to the existing traffic calming scheme outside Kingsley Primary School;

- (k) That members of the public, whilst supporting the implementation of 20 mph speed limit zones outside of schools, are concerned with issues of enforcement and prosecution;
- (l) That educating parents, children and drivers in road safety awareness is vital;
- (m) That schemes and training initiatives regarding road safety awareness should be widely publicised and promoted;
- (n) That partnership working is imperative if zones are to be enforced properly and residents, parents, children and school crossing wardens are to be safe;
- (o) That many 20 mph speed limit zones are not implemented in appropriate sites due to the significant cost to the Authority;
- (p) That consultation with the police is a statutory requirement for both zones and limits, it is also good practice to consult the fire service and bus operators;
- (q) That the emergency services have been consulted on the provisional list of schools, outlined in Appendix A, via the Council's Traffic Liaison Group, regarding whether they feel that the roads designated as being appropriate for traffic calming measures are acceptable to them.
- (r) That two authorities in the North East are seeking to introduce sign only 20 mph speed limit pilot schemes;
- (s) That the Scottish Executive is strongly promoting 20 mph speed limits outside schools and committing a significant amount of funding to child road safety initiatives and schemes;
- (t) That within Scotland part time speed limits are being installed and are operational when flashing 20 mph signs are activated and amber flashes;
- (u) That Special Wardens are employed to monitor speeds in part time zones;
- (v) That the Department for Transport guidelines did not allow part time zones in England at the time of this enquiry;
- (w) That there should be a consistent approach to speed management;
- (x) That Authorities should consider schemes and initiatives in the Local Transport Plan that will allow the prevention of casualties rather than attempting to reduce the number of casualties;



- (y) That the Northern Region Road Safety Engineering Group are able to aid the Authority in compiling an assessment framework for implementing 20 mph speed limit zones and traffic calming measures; and
- (z) That working in partnership with other Local Authorities should be central to Road Safety Strategies within the Local Transport Plan.

## 16. RECOMMENDATIONS

16.1 The Neighbourhood Services Scrutiny Forum has taken evidence from a wide range of sources to assist in the formulation of a balanced range of recommendations. The Forum's key recommendations to the Cabinet are outlined below:-

- (a) That the Authority compiles a 20 mph Speed Limit Zones Policy upon completion of a thorough consultation exercise with members of the public and partners which includes:-
  - (i) An agreed criteria for the implementation of mph speed limit zones outside of schools within Hartlepool;
  - (ii) Alternative traffic calming/road safety measures that may be implemented at sites that are deemed inappropriate for 20 mph speed limit zones;
  - (iii) Proposals to tackle issues of enforcement and prosecution;
  - (iv) Schemes and initiatives to educate children, parents, teachers and residents about road safety; and a
  - (v) Commitment to partnership working.
- (b) That the Authority continues to strengthen links/working relationships with the emergency services, public transport operators, Northern Region Road Safety Engineering Group, Cleveland Safety Camera Partnership and the Cleveland Casualty Reduction Group;
- (c) That the Authority monitors and evaluates any 20 mph speed limit zones that are implemented at regular intervals;
- (d) That the Authority considers a number of 20 mph speed limit zones pilot schemes outside of schools within Hartlepool;
- (e) That the Authority addresses road safety issues with a 'prevention is better than cure' approach; and
- (f) That the Authority submits a progress report on the recommendations contained within this report, within six months, to the Neighbourhood Services Scrutiny Forum.

## 17. ACKNOWLEDGEMENTS

- 17.1 The Forum is grateful to all those who have presented evidence during the course of our investigation. We would like to place on record our appreciation, in particular of the willingness and co-operation we have received from the below named:-

Hartlepool Borough Council:

Stuart Drummond – Elected Mayor

Councillor Robbie Payne – Cabinet Member Portfolio Holder for Culture, Housing and Transportation

Peter Frost – Traffic Team Leader

Paul Watson – Road Safety Team Leader

Pam Robertson and Bev Wood - School Crossing Wardens

Mr Metcalfe – Head teacher of Clavering Primary School

External Representatives:

Iain Wright – Member of Parliament for Hartlepool

John Edwards from South Tyneside Council (and Chair of the Northern Region Road Safety Engineering Group);

Members of the public (including Resident Representatives)

Cleveland Casualty Reduction Group

**COUNCILLOR KEVIN CRANNEY  
CHAIR OF THE NEIGHBOURHOOD SERVICES SCRUTINY FORUM**

January 2006

**Contact Officers:** Charlotte Burnham - Scrutiny Manager  
Rebecca Redman – Temp Research Assistant (Scrutiny)  
Chief Executive's Department – Corporate Strategy  
Hartlepool Borough Council  
Tel: 01429 523087  
Email: charlotte.burnham@hartlepool.gov.uk  
Email: rebecca.redman@hartlepool.gov.uk

## BACKGROUND PAPERS

The following background papers were consulted or referred to in the preparation of this report:-

- (a) Minutes of the South Neighbourhood Consultative Forum, 12<sup>th</sup> August 2005
- (b) Hartlepool Borough Council (1999) Local Transport Plan 1999-2005, Hartlepool Borough Council
- (c) Hartlepool Borough Council (2005) Local Transport Plan 2006-2011 (Provisional), Hartlepool Borough Council
- (d) Department for Transport (1998) Government White Paper- New Deal for Transport: Better for Everyone, Department for Transport
- (e) Department for Transport (2000) Tomorrow's Roads: Safer for Everyone, The Governments Road Safety Strategy and Casualty Road Safety Targets for 2010, Department for Transport
- (f) Department for Transport (2002) Child Road Safety: Achieving the 2010 Target, Department for Transport
- (g) Department for Transport (1999) Traffic Advisory Leaflet 9/99 'Use of 20mph Limits', Department for Transport
- (h) Report of the Scrutiny Manager entitled Scrutiny Topic Referral from South Neighbourhood Consultative Forum- '20 MPH Speed Limit Zones Outside of Schools' to Scrutiny Co-ordinating Committee held on 30<sup>th</sup> September 2005
- (i) Report of the Traffic Manager and Scrutiny Manager entitled '20 MPH Speed Limit Zones Outside of Schools' to Scrutiny Co-ordinating Committee held on 21<sup>st</sup> October 2005
- (j) Report of the Scrutiny Manager/Research Assistant entitled- 'Scrutiny Topic Referral from South Neighbourhood Consultative Forum- 20 MPH Speed Limit Zones Outside of Schools presented to Neighbourhood Services Scrutiny Forum 11<sup>th</sup> November 2005

## SCRUTINY CO-ORDINATING COMMITTEE

10 February 2006



**Report of:** Scrutiny Manager

**Subject:** Call-In of Decision – Briarfields Allotments Site

---

### 1. PURPOSE OF THE REPORT

- 1.1 To provide Members of the Scrutiny Co-ordinating Committee with the relevant information relating to the Call-In of the Briarfields Allotments Site Decision taken by Cabinet on 24 January 2006, as per the Authority's Call-In procedure.

### 2. BACKGROUND INFORMATION

- 2.1 At the Cabinet meeting on 24 January 2006, a report (**Appendix A** refers) was considered on the preferred design and costs of reinstatement of the Briarfields Allotments Site following further investigation of costs, as originally presented to the Cabinet meeting on 23 November 2005.
- 2.2 Following the decision by Cabinet to reject the reinstatement proposal on the basis that the issue be reconsidered when the Council's budgetary position was known, a Call-In Notice was issued by Members of the Scrutiny Co-ordinating Committee, a copy of which is provided at **Appendix B**.

### 3. CALL-IN PROCESS

- 3.1 The Scrutiny Co-ordinating Committee has the power under Section 21 of the Local Government Act and Rule 14 of the Scrutiny Procedure Rules to call-in decisions made by the Executive but not yet implemented.
- 3.2 Following the decision being made by the Cabinet on the 24 January 2006 (see decision record at **Appendix C**), a call-in notification was submitted to the Proper Officer on 1 February 2006 – the third clear working day following the publication of the decision record. It met the constitutional requirements for such a notice, including being signed by three Members of the Scrutiny Co-ordinating Committee.

- 3.4 The notification outlined the reason why the Members were of the opinion that the decision had been taken in contravention of the principles of decision making as outlined in Article 13.02 of the Constitution. The reasons identified in the Call-In Notice were:

(a) **Respect for Human Rights and Equality** – *Despite the findings of the Local Government Ombudsman in the fact that Hartlepool Borough Council are guilty of maladministration, with regard to the methods employed to remove the Briarfield gardeners from their allotments. The Mayor has decided to continue to deny them the peaceful enjoyment of their gardens.*

*The Mayor has also chosen to make dismissive comments in the local press, with regard to the allotment gardeners in an attempt to undermine public support for the legitimacy of their position and the dignity with which they have carried out their campaign.*

(b) **Best Value** – *The Mayor permitted both Officer and Member time to be allocated to negotiating an amicable settlement of the issues surrounding the reinstatement of the Briarfield Allotment Gardens with the gardeners concerned. To then refuse to implement the outcome of that negotiation, is a waste of public resources and causes damage to the integrity of both the Portfolio Holder and the officers of the Council concerned. With the ultimate outcome that the standing of the Council as a whole is diminished.*

#### 4. NEXT STEPS

- 4.1 In the first instance the Committee must decide whether it agrees with the Members submitting the Call-In Notice, that the decision should be Called-In for the reasons set out in the Notice. These reasons should then form the basis for the Committee's consideration of the decision.
- 4.2 Following your consideration of the Call-in, if the Committee remains concerned about the decision, recommendations should be agreed for consideration by the Cabinet. Following the receipt of these recommendations Cabinet would be required to reconsider the decision in light of them and either reaffirm or amend the decision. A response from the Cabinet must be referred to the Committee, setting out the reasons for reaffirming or modifying the decision, in relation to the issues raised by the Committee.

**Contact Officer:-** Charlotte Burnham – Scrutiny Manager  
Chief Executive's Department - Corporate Strategy  
Hartlepool Borough Council  
Tel: 01429 523 087  
Email: [charlotte.burnham@hartlepool.gov.uk](mailto:charlotte.burnham@hartlepool.gov.uk)

## **BACKGROUND PAPERS**

The following background paper was used in the preparation of this report:-

- (i) Hartlepool Borough Council's Constitution

# CABINET REPORT

24<sup>th</sup> January 2006

**Report of:** Director of Adult and Community Services

**Subject:** BRIARFIELDS ALLOTMENT SITE

---

## SUMMARY

### 1. PURPOSE OF REPORT

To place before Cabinet an update on the preferred design and costs of reinstatement of the Briarfields Allotments following further investigation of costs, as originally presented at the meeting of Cabinet on the 23<sup>rd</sup> November 2005.

### 2. SUMMARY OF CONTENTS

The report refers to the meeting held between the Briarfields Allotment Association representatives, the Portfolio Holder for Culture, Housing and Transportation and the Acting Assistant Director, Community Services.

The report provides an update on costings based upon an agreed site layout and the retention of a high quality design fit for potential as a good neighbour to any development of adjacent land for low density housing provision.

### 3. RELEVANCE TO CABINET

The actions outlined by the Ombudsman were executive functions determined by Cabinet.

### 4. TYPE OF DECISION

Key Test (ii)

**5. DECISION MAKING ROUTE**

- Cabinet 24<sup>th</sup> January 2006
- Potentially Council 16<sup>th</sup> February 2006 – potential departure from Budget and Policy Framework.

**6. DECISION(S) REQUIRED**

- That Cabinet consider the approval of Briarfields allotments at an estimated cost of £75,000.
- Subject to Cabinets decision at 7.1 Cabinet will be required to seek Councils approval to add the scheme to the capital programme and to amend the approved prudential borrowing limits.



**Report of:** Director of Adult and Community Services

**Subject:** BRIARFIELDS ALLOTMENTS

---

**1. PURPOSE OF REPORT**

- 1.1 This report follows the detailed submission made to Cabinet on the 23<sup>rd</sup> November 2005 which included analysis of the towns current allotment provision, views of former tenants and the cost estimates of the various re-establishment options.
- 1.2 This report provides an update on the preferred design option and the estimated costs of re-establishment of a twelve plot allotment site at Briarfields.

**2. BACKGROUND**

- 2.1 The Members present at the Cabinet held on the 23<sup>rd</sup> November 2005 supported the view that the allotments should be re-instated in principle. It was however, acknowledged that there was no financial allocation for re-instatement and this would therefore need to be submitted to Council for consideration as a departure from the Budget and Policy Framework. Members also requested that the estimates provided in the report be re-examined to ascertain if there were any areas for reduction. In addition the Culture, Housing and Transportation Portfolio Holder proposed he meet with allotment holders to discuss in more detail the options available prior to further consideration by Cabinet.

**3. DISCUSSION WITH FORMER TENANTS**

- 3.1 The Portfolio Holder duly met with representatives of the Briarfields Allotments Association (BAA) to discuss the site design and options in more detail.
- 3.2 The meeting was held on the 6<sup>th</sup> December 2005 and proved useful in securing the views of the BAA representatives in terms of the detailed design preferred and discussion on estimated costs.
- 3.3 It was accepted by all concerned that any re-establishment of an allotment site must be of a high quality to avoid a detrimental affect on any long-term development option of the neighbouring site.

- 3.4 Furthermore the BAA representatives were very mindful that they did not seek to insist on elements of the design which could, by their omission, assist in reducing the cost of the overall scheme estimates. To avoid any misunderstanding it should be clarified that some of these elements relate to the internal layout, whilst other details were costings to provide site access to a standard that had not previously been present.
- 3.5 The meeting was therefore helpful on two accounts – firming up an acceptable layout and minimum acceptable physical provision which then formed a basis for an accurate cost estimate upon which to make a funding allocation.

#### **4. DESIGN AND LAYOUT**

- 4.1 I attached at **APPENDIX 1** the final layout proposal for the new Briarfields Allotment site:
- The site provides for twelve plots
  - A 2.4m high steel perimeter fence
  - Internal hedge planting to partially screen the site
  - Compacted pathways to perimeter and central alleyway
  - New water supply with 3 water taps
  - Inclusion of an integral secure compound for parking and potential lock-up container.
- 4.2 The site remains in the preferred location, in the South East corner of the site, bounded on the East by a public footpath and the South by a shelter belt of Corsican Pine trees and a public footpath.
- 4.3 The BAA have specifically stated that no access roadway is required (existing grass track will suffice), the compound surface will be left as a trimmed turf surface and that no internal plot fencing will be provided. A series of marker posts will suffice for plot demarcation and allow allotment officers / BAA tenants to determine any future incursion disputes.
- 4.4 The quality of the steel fence will remain for strength and security, however the proposed black powdercoating will be deleted. This will mean the fence appearance will be a galvanised finish which will weather to a light silver grey; no future painting to the fence is anticipated nor intended.

#### **5. COSTS**

- 5.1 The agreed design and layout details have now allowed a revised cost estimate to be determined. Discussions between the Officers preparing the scheme and the BAA representatives have clarified misunderstandings which had arisen as to the basis of the cost estimates.
- 5.2 I can now report that the current cost estimate for the site identified at **APPENDIX 1** (a large scale drawing will be available at the Cabinet Meeting) is as follows: -

Site Clearance	9,000 e
Preparation of site and layout	15,000 e
Hardworks i.e. fencing etc	30,000 e
 Preliminaries @ 15%	 8,000 e
Contingency @ 10%	6,200 e
Fees @ 10%	<u>6,800 e</u>
	<b>75,000 e</b>

- 5.3 It will be appreciated that the cost estimates will be subject to a tender process and final cost cannot be guaranteed, however the above figure does include a contingency of 10%. However it would be unsafe to make any assumption at this stage that this 12 site allotment provision could be delivered for less than £75,000.

## 6. CONCLUSIONS

- 6.1 A purpose designed 12 plot allotment site at Briarfields has now been agreed in principle with the BAA representatives.
- 6.2 The design has now been re-costed and it is believed this should be capable of delivery for an estimated £75,000.
- 6.3 The existing budget does not include provision to meet the capital costs of the current proposal. Therefore if Members wish to implement the scheme the capital costs will need to be funded from prudential borrowing. As Members will be aware Scrutiny Co-ordinating Committee have recently completed a review of the Council reserves. This review has confirmed that the Councils reserves are largely committed and reserves could not be used to fund this expenditure.
- 6.4 If the capital costs are to be funded from prudential borrowing the resulting revenue costs will need to be funded from within the overall budget from 2006/2007.

- 6.5 This will increase the level of savings required to balance the 2006/2007 budget. Details of the revenue costs are summarised as follows:

	<u>Capital Cost</u>	<u>Revenue Cost p.a.</u>
Provision at Briarfields	£75,000	£7,000

- 6.6 As this development is outside the Budget and Policy Framework the provision of Prudential Borrowing will require the approval of Council.
- 6.7 The implementation of this scheme via the tender process, the appointment of a successful contractor and the completion of the site work will all follow upon the outcome of a planning application for allotment re-instatement. The timescale to achieve this will mean that the allotment completion will be unlikely until early summer 2006 at the earliest.

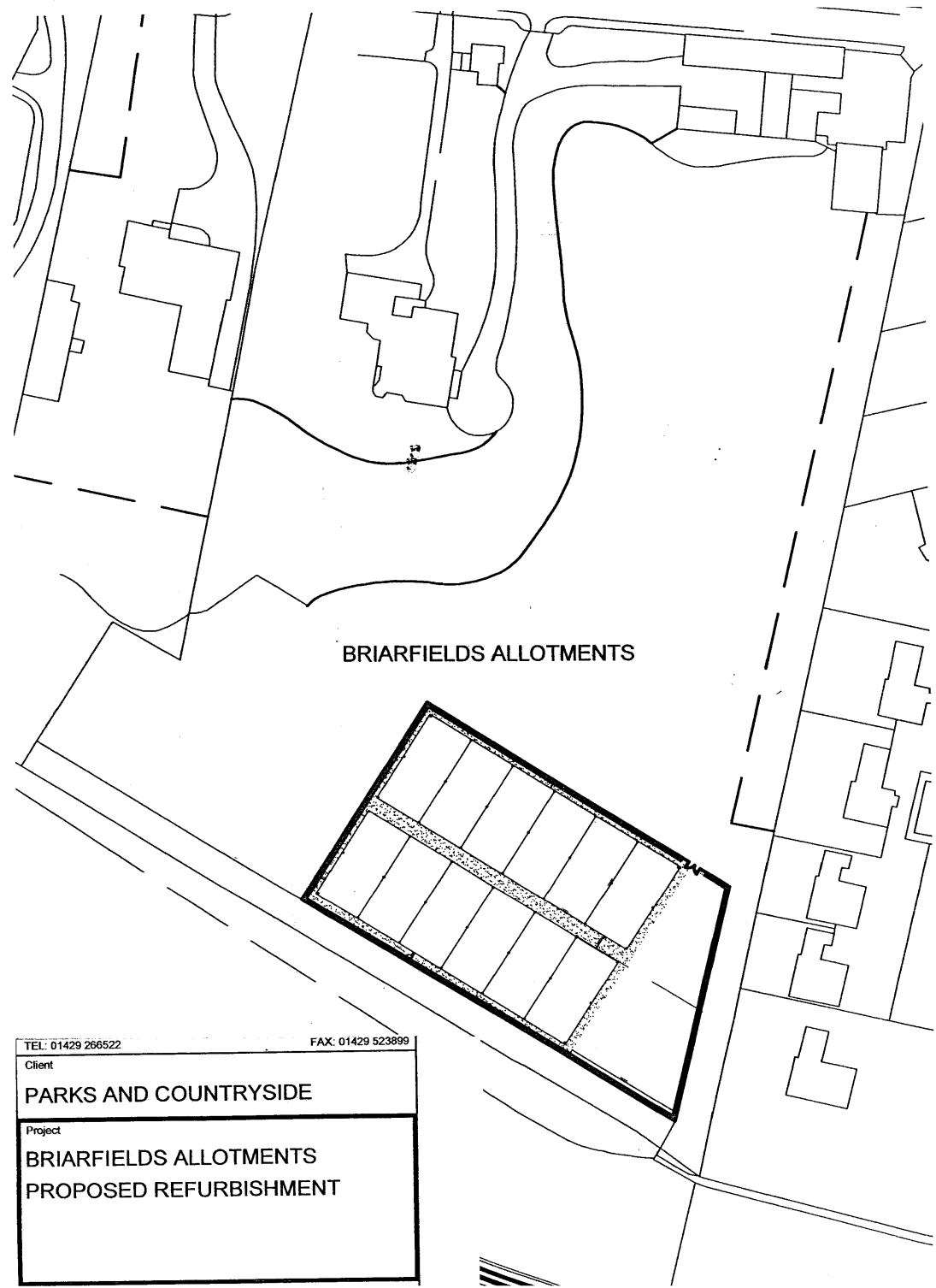
## 7. RECOMMENDATIONS

- 7.1 That Cabinet consider the approval of Briarfields allotments at an estimated cost of £75,000.
- 7.2 Subject to Cabinets decision at 7.1 Cabinet will be required to seek Councils approval to add the scheme to the capital programme and to amend the approved prudential borrowing limits.

**Contact Officer:** John Mennear, Acting Assistant Director (Community Services)

### Background Papers

Cabinet Report 23<sup>rd</sup> November 2005, Briarfields Allotments



TEL: 01429 266522	FAX: 01429 523899
Client	
PARKS AND COUNTRYSIDE	
Project	
BRIARFIELDS ALLOTMENTS PROPOSED REFURBISHMENT	

# Hartlepool Borough Council

## Overview and Scrutiny – Call-in Notice – Scrutiny Chairs



### 1. Which decision would you like to call-in?

(Please include details of the decision, when it was taken and by whom)

Cabinet – Tuesday 24<sup>th</sup> January 2006

The decision to reject the reinstatement of 12 Allotment Gardens at Briarfield.

### 2. What are the reasons for calling-in this decision?

- that the decision was not taken in accordance with the principles of decision making set out in Article 13 of the Constitution.

iv) respect for human rights and equality;

Despite the findings of the Local Government Ombudsman in the fact that Hartlepool Borough Council are guilty of maladministration, with regard to the methods employed to remove the Briarfield gardeners from their allotments. The Mayor has decided to continue to deny them the peaceful enjoyment of their gardens.

The Mayor has also chosen to make dismissive comments in the local press, with regard to the allotment gardeners in an attempt to undermine public support for the legitimacy of their position and the dignity with which they have carried out their campaign.

v) best value;

The Mayor permitted both officer and member time to be allocated to negotiating an amicable settlement of the issues surrounding the reinstatement of the Briarfield Allotment Gardens with the gardeners concerned. To then refuse to implement the outcome of that negotiation, is a waste of public resources and causes damage to the integrity of both the Portfolio Holder and the officers of the Council concerned. With the ultimate outcome that the standing of the Council as a whole is diminished.

Councillor	Position and Party Group	Signature
1. Marjorie A. James	Chair of Scrutiny Co-ordinating Committee (Lab)	MA James
2. Bob Flintoff	SCC Member (Lib)	Bob Flintoff
3. Carl Richardson	CHAIRMAN OF HBL (LAB)	Carl Rk

NB. Each of the Scrutiny Chairs may initiate call-ins providing they have the support of at least two members of the Scrutiny Co-ordinating Committee. The three signatories must represent at least two of the Council's political groups.

Councillor: Marjorie A. James

Signed: MA James.

Date: 1st Feb 2006.

### For office use only

Date received:

Initials:

SCC Agenda:

# CABINET

## MINUTE AND DECISION RECORD EXTRACT

24<sup>th</sup> January 2006

### Present:

The Mayor (Stuart Drummond) - In the Chair

Councillors: Stanley Fortune (Policy Co-ordination Portfolio Holder),  
Robbie Payne (Culture, Housing and Transportation Portfolio Holder),  
Ray Waller (Adult and Public Health Services Portfolio Holder)

Officers: Paul Walker (Chief Executive),  
Nicola Bailey (Director of Adult and Community Services),  
Ian Parker (Director of Neighbourhood Services),  
Adrienne Simcock (Director of Children's Services),  
Andrew Atkin (Assistant Chief Executive),  
Paul Briggs (Children's Services Consultant),  
Tony Brown (Chief Solicitor),  
Stuart Green (Assistant Director {Planning and Economic Development}),  
John Mennear (Acting Assistant Director {Community Services}),  
Michael Ward (Chief Financial Officer)  
Steve Hilton (Assistant Public Relations Officer)  
Angela Hunter (Principal Democratic Services Officer)  
Amanda Whitaker (Democratic Services Team Manager)

### 173. Briarfields Allotment Site *(Director of Adult and Community Services)*

#### Type of decision

Key Decision (test (ii) applies)

#### Purpose of report

To provide an update on the preferred design and costs of reinstatement of the Briarfields Allotments following further investigation of costs, as originally presented to the Cabinet meeting on 23<sup>rd</sup> November 2005.

#### Issue(s) for consideration by Cabinet

Prior to presentation of the report, the Mayor highlighted that the report was subject to a General Exception Notice and sought clarification that Cabinet

Members were happy to consider the report.

Following the Cabinet meeting on 23<sup>rd</sup> November 2005, the Culture, Housing and Transportation Portfolio Holder had met with representatives of the Briarfields Allotments Association (BAA) to discuss the site design and options in more detail. The meeting had been held on the 6<sup>th</sup> December 2005. It had been accepted, at that meeting, that any re-establishment of an allotment site had to be of a high quality to avoid a detrimental affect on any long-term development option of the neighbouring site. Furthermore the BAA representatives had been very mindful that they did not seek to insist on elements of the design which could, by there omission, assist in reducing the cost of the overall scheme estimates. To avoid any misunderstanding it was clarified that some of these elements related to the internal layout, whilst other details were costings to provide site access to a standard that had not previously been present.

Appended to the report was the final layout proposal for the new Briarfields Allotment site in terms of the following:

- The site provides for twelve plots
- A 2.4m high steel perimeter fence
- Internal hedge planting to partially screen the site
- Compacted pathways to perimeter and central alleyway
- New water supply with 3 water taps
- Inclusion of an integral secure compound for parking and potential lock-up container.

The site remained in the preferred location, in the South East corner of the site, bounded on the East by a public footpath and the South by a shelter belt of Corsican Pine trees and a public footpath. The BAA had specifically stated that no access roadway was required (existing grass track would suffice), the compound surface would be left as a strimmed turf surface and that no internal plot fencing would be provided. A series of marker posts would suffice for plot demarcation and allow allotment officers / BAA tenants to determine any future incursion disputes. The quality of the steel fence would remain for strength and security, however the proposed black powdercoating would be deleted. This would mean the fence appearance would be a galvanised finish which would weather to a light silver grey; no future painting to the fence was anticipated nor intended.

The agreed design and layout details had allowed a revised cost estimate to be determined. Discussions between the Officers preparing the scheme and the BAA representatives had clarified misunderstandings which had arisen as to the basis of the cost estimates. It was reported, therefore, that the current cost estimate for the site identified on the appendix (a large scale drawing was available at the Cabinet Meeting) was £75,000.

The cost estimates would be subject to a tender process and final cost could not be guaranteed, however the above figure included a contingency of 10%. However it was noted that it would be unsafe to make any assumption at this stage that this 12 site allotment provision could be



delivered for less than £75,000.

The existing budget did not include provision to meet the capital costs of the current proposal. Therefore if Members wished to implement the scheme the capital costs would need to be funded from prudential borrowing. Members were reminded that Scrutiny Co-ordinating Committee had recently completed a review of the Council reserves. This review had confirmed that the Council's reserves were largely committed and reserves could not be used to fund this expenditure. If the capital costs were to be funded from prudential borrowing the resulting revenue costs would need to be funded from within the overall budget from 2006/2007. This would increase the level of savings required to balance the 2006/2007 budget. Details of the revenue costs were summarised as follows:

	<u>Capital Cost</u>	<u>Revenue Cost p.a.</u>
Provision at Briarfields	£75,000	£7,000

As this development was outside the Budget and Policy Framework the provision of Prudential Borrowing would require the approval of Council.

The implementation of this scheme via the tender process, the appointment of a successful contractor and the completion of the site work would all follow the outcome of a planning application for allotment re-instatement. The timescale to achieve this meant that the allotment completion would be unlikely until early summer 2006 at the earliest.

Following presentation of the report Officers responded to concerns expressed by the Culture, Housing and Transportation Portfolio Holder which included the following:-

- Planning application – Officers clarified that the works proposed involved development which required statutory planning permission.
- Tender process – Following advice received from the Chief Solicitor that the Council was able to have the proposed work carried out by its in-house workforce, the Director of Neighbourhood Services undertook to discuss this with the relevant Officers in the Adult and Community Services Department.

Views were expressed in favour of the re-instatement of the allotments and reference was made to previous decisions of the Cabinet and Council.

The Mayor, supported by Councillor Fortune, was of the view that the recommendation included in the report, to consider the approval of Briarfields allotments at an estimated cost of £75,000, should be refused and revisited when the budget process was complete and when further information was known in relation to equal pay claims.

Councillor. Payne maintained that the Mayor's proposal was contrary to an earlier decision of the Cabinet to reinstate the allotments as early as possible. The Chief Solicitor expressed his understanding that the earlier

decision was an 'in principle' decision only and was subject to determination of the costs of re-instatement, but the earlier minutes could be obtained and examined if necessary. It being agreed that the matter be put to the vote, the vote was taken. The votes being equal, the Mayor exercised his casting vote

**Decision**

The recommendation for implementation of purpose designed 12 plot allotment site at Briarfields, at an estimated cost of £75,000 was rejected and was to be reconsidered when the Council's budgetary position was known.

Following the vote Cllr Payne requested that his vote against the decision, and the concerns he expressed, be recorded. He then left the meeting and advised that his resignation from the Cabinet would be forthcoming.

**J A BROWN**

**CHIEF SOLICITOR**

**PUBLICATION DATE: 27<sup>th</sup> January 2006**