



Chief Executive's Department
Civic Centre
HARTLEPOOL

1st April 2010

The Mayor (Stuart Drummond)

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

Madam or Sir,

You are hereby summoned to attend a meeting of the COUNCIL to be held on THURSDAY, 15th April 2010 at 7.00p.m. in the Civic Centre, Hartlepool to consider the subjects set out in the attached agenda.

Yours faithfully

P Walker
Chief Executive

Enc

COUNCIL AGENDA



15th April 2010

at 7.00 p.m.

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

1. To receive apologies from absent members.
2. To receive any declarations of interest from members.
3. To deal with any business required by statute to be done before any other business.
4. To receive questions from and provide answers to the public in relation to matters of which notice has been given under Rule 10.
5. To approve the minutes of the last meeting of the Council held on 25 February 2010 and the Extraordinary meeting of the Council held on 11 March 2010 as a correct record (copies attached).
6. Questions from Members of the Council on the minutes of the last meeting of the Council.
7. To answer questions of members of the Council under Council Procedure Rule 11;
 - (a) Questions to members of the Executive about recent decisions of the Executive (without notice)
 - (b) Questions to members of the Executive and Chairs of Committees and Forums, for which notice has been given.

- (c) Questions to the appropriate members on Police and Fire Authority issues, for which notice has been given. Minutes of the meetings of the Cleveland Police Authority held on 26th January 2010 and the meetings of the Cleveland Fire Authority held on 29th January 2010 and 5th February 2010 are attached.
- 8. To deal with any business required by statute to be done.
 - (i) Special Urgency Decisions – No special urgency decisions were taken in respect of the period January 2010-March 2010.
- 9. To receive any announcements from the Chair, the Mayor, members of the Cabinet or the head of the paid service.
- 10. To dispose of business (if any) remaining from the last meeting and to receive the report of any scrutiny forum or other committee to which such business was referred for consideration.
 - (i) Report from Scrutiny Co-ordinating Committee - Members Attendances Working Group (copy attached)
- 11. To receive reports from the Council's committees and working groups other than any overview and scrutiny committee and to receive questions and answers on any of those reports;
 - (i) Reports of Constitution Committee (copy attached)
- 12. To consider any other business specified in the summons to the meeting, including consideration of reports of the overview and scrutiny committees for debate and to receive questions and answers on any of those items;
- 13. To consider reports from the Executive:-
 - (a) Proposals in relation to the Council's budget and policy framework

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

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

<p style="text-align: center;">COUNCIL</p> <p style="text-align: center;">MINUTES OF PROCEEDINGS</p> <p style="text-align: center;">25 February 2010</p>

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

PRESENT:-

The Chairman (Councillor C Richardson) presiding:

The Mayor, Stuart Drummond

COUNCILLORS:

C Akers-Belcher	S Akers-Belcher	Allison
Barker	Brash	R W Cook
Coward	Cranney	Fleet
Flintoff	Gibbon	Griffin
Hall	Hargreaves	Hill
Jackson	James	Laffey
Lauderdale	London	A Marshall
Dr. Morris	Payne	Plant
Preece	Rogan	Simmons
Sutheran	Thompson	Tumilty
Turner	Wright	Young

Officers:

Paul Walker, Chief Executive
 Andrew Atkin, Assistant Chief Executive
 Peter Devlin, Chief Solicitor
 Mike Ward, Chief Financial Officer
 Joanne Smithson, Head of Performance and Partnerships
 Catherine Frank, Local Strategic Partnership Manager
 Julian Heward, Public Relations Officer
 Amanda Whitaker, Democratic Services Team Manager
 Angela Hunter, Principal Democratic Services Officer

105. APOLOGIES FOR ABSENT MEMBERS

Councillors Atkinson, S Cook, Fenwick, A Lilley, G Lilley Wallace and Wistow.

106. DECLARATIONS OF INTEREST FROM MEMBERS

None.

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

None.

108. PUBLIC QUESTIONS

None.

109. MINUTES OF PROCEEDINGS

The Minutes of Proceedings of the Council held on the 11 February 2010 having been laid before the Council.

RESOLVED - That the minutes be confirmed.

The minutes were thereupon signed by the Chairman.

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

None.

111. QUESTIONS FROM MEMBERS OF THE COUNCIL

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

Councillor Young sought clarification on a recent article in the Hartlepool Mail which had identified the Municipal Buildings, the Archives Building and Leadbitter Buildings as buildings the Council were looking to dispose of. The Mayor indicated that a decision in relation to this matter had not been taken by Cabinet.

Councillor Young then questioned an article which had been published in the press which had stated that key stage 3 and 4 results in the town were 14% down on the targeted aims and achievements. The Mayor responded that this was not a question on a recent decision of the Executive and he therefore could not answer the question. However, the Chairman indicated that an update on the key stage 3 and 4 results in the town would be forwarded to Councillor Young direct.

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

Members were informed that as he was unable to attend the meeting, Councillor G Lilley had withdrawn his question.

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

None.

112. BUSINESS REQUIRED BY STATUTE

None.

113. ANNOUNCEMENTS

None.

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

None.

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

None.

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

None.

117. REPORTS FROM THE EXECUTIVE

- (a) Proposals in relation to the Council's budget and policy framework
- (i) Formal Council Tax Setting 2010/2011 – Incorporation of Police and Fire Authority Precepts

The Chief Executive presented a report which enabled Council to set the overall level of Council Tax following the notification by the Police and Fire Authority of their Council Tax levels for 2010/2011. At the Council meeting held on 11 February 2010, Members had considered and approved the proposed 2010/2011 Medium Term Financial Strategy and this Authority's own 2010/2011 Council Tax level. In accordance with statutory requirements the Council then needed to approve the overall Council Tax, inclusive of the Police and Fire Authority precepts. The Fire Authority had set its precept and Council Tax on 5 February, 2010 and the Police Authority had set its precept and Council Tax on the morning of 25 February 2010.

Members were reminded that the determination of the overall Council Tax level was a statutory function, which brought together the individual Council Tax levels determined by this Council, Cleveland Police Authority, Cleveland Fire Authority and where applicable Parish Councils. A detailed schedule of the statutory Council Tax calculation incorporating the Police and Fire Authority Council Tax levels for 2010/2011 had been circulated.

Members of the Council debated issues raised by the report.

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

"That the amount of Council Tax including the Cleveland Police Authority and Cleveland Fire Authority precepts, in accordance with Section 40 of the Local Government Finance Act 1992 and the relevant inclusion of amounts of Council Tax for each category of dwelling in accordance with Sections 43 to 47 of the Act, as set out in Appendix A, Table 4. be approved".

Those in favour- The Mayor, Stuart Drummond and Councillors C Akers-Belcher, S Akers-Belcher, Barker, Brash, R W Cook, Coward, Cranney, Fleet, Flintoff, Griffin, Hall, Hargreaves, Hill, Jackson, James, Laffey, Lauderdale, London, A Marshall, Morris, Payne, Preece, Plant, Richardson, Rogan, Simmons, Sutheran, Thompson, Tumilty, Turner, Wright and Young

Those against – Councillors Allison and Gibbon

RESOLVED - That the amount of Council Tax including the Cleveland Police Authority and Cleveland Fire Authority precepts, in accordance with Section 40 of the Local Government Finance Act 1992 and the relevant inclusion of amounts of Council Tax for each category of dwelling in accordance with Sections 43 to 47 of the Act, as set out in Appendix A, Table 4 be approved.

(ii) Local Area Agreement Refresh

The Mayor presented for Council's approval the LAA annual refresh submission 2010-11. Hartlepool's LAA was agreed by Council at its meeting in May 2008 and a refreshed LAA agreed in March 2009. The annual refresh process provided the opportunity to revise a limited number of designated targets, revise local priority targets and also to consider any emerging priorities and potentially new targets that we may wish to include within our LAA. As this was the final year of the current 3 year agreement, targets within the LAA were not being revised unless there were exceptional circumstances.

The Mayor highlighted that a new outcome had been introduced in relation to ensuring fewer children experienced the effect of poverty and this emphasised the importance the local authority placed in reducing child poverty within the town. An updated list of outcomes was appended to the report at Appendix 1. The proposed revisions to designated targets were attached at Appendix 2 including a revised target in relation to the number of affordable homes to be constructed as the 3 year target had been achieved in year 2. As a result of the Audit Commission's Comprehensive Area Assessment (CAA) report a target had been introduced to improve health through reduced alcohol related hospital admissions.

In addition, two new local priority targets had been included; to ensure that the strategic profile of Healthy Schools was maintained locally and to reflect the empowerment work already undertaken within the town to increase civic participation. In response to recommendations from Scrutiny Co-ordinating Committee, the target relating to the number of empty dwellings to be brought back into use had been increased to 10% which equated to 63 dwellings which was ambitious and challenging.

Amendment moved and seconded:

NI 116 – Proportion of Children in Poverty – That the target be reduced by 0.5% to be 4.3%.

A lengthy debate on the issues surrounding child poverty took place and it was suggested that the target identified in the report be agreed, but to reflect the discussions and debate at this meeting, the Council pledge to aim for an extra 0.5%.

As a result of the debate on this issue and the above proposal the amendment was withdrawn.

RESOLVED –

- (i) That the Local Area Agreement refresh submission for 2010/11 be approved.
- (ii) That the Council pledge to a further 0.5% reduction in the target to 4.3% in relation to child poverty.

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

None.

118. MOTIONS ON NOTICE

None.

119. RESIGNATION FROM LIBERAL DEMOCRAT GROUP

The Chief Executive reported that he had been informed that Councillor Atkinson had submitted his resignation from the Liberal Democrat Group.

RESOLVED – That Councillor Atkinson's resignation from the Liberal Democrat Group, be noted.

120. RETIREMENT OF CHIEF FINANCIAL OFFICER

Members noted that Mr Mike Ward was retiring at the end of the month and took the opportunity to thank Mr Ward for his service to the authority and to wish him a long and happy retirement.

The meeting concluded at 8.04 pm.

C RICHARDSON

CHAIRMAN

EXTRAORDINARY COUNCIL

MINUTES OF PROCEEDINGS

11 March 2010

PRESENT:-

The Chairman (Councillor C Richardson) presiding:

The Mayor, Stuart Drummond

COUNCILLORS:

Aiken	C Akers-Belcher	S Akers-Belcher
Atkinson	Brash	R W Cook
Fenwick	Fleet	Flintoff
Griffin	Hall	Hargreaves
Jackson	James	Laffey
Lauderdale	A Lilley	G Lilley
London	A Marshall	McKenna
Dr. Morris	Payne	Plant
Preece	Rogan	Shaw
Simmons	Thompson	Turner
Wallace	Young	

Officers: Andrew Atkin, Assistant Chief Executive
 Peter Devlin, Chief Solicitor
 Joanne Machers, Chief Personnel Officer
 Nicola Bailey, Director of Child and Adult Services
 Dave Stubbs, Director of Regeneration and Neighbourhoods
 Alastair Rae, Public Relations Manager
 Steve Hilton, Public Relations Officer
 Amanda Whitaker, Democratic Services Team Manager
 Angela Hunter, Principal Democratic Services Officer

121. APOLOGIES FOR ABSENT MEMBERS

Councillors Aiken, Allison, Barker, S Cook, Coward, Gibbon, Hill, J Marshall, Tumilty, Worthy and Wright.

122. DECLARATIONS OF INTEREST FROM MEMBERS

None.

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

None

124. HONORARY FREEMAN – CONFERMENT OF TITLE OF HONORARY FREEMAN

The Chairman proposed the following motion: “That this Council, in appreciation and recognition of the eminent service rendered to the Borough of Hartlepool by Lord Mandelson, Wendy McLoughlin, Jeff Stelling and Isobel Wilson and in pursuance of Section 249(5) of the Local Government Act 1972 do hereby admit the said Lord Mandelson, Wendy McLoughlin, Jeff Stelling and Isobel Wilson to be Honorary Freeman of the Borough of Hartlepool.”

The motion was seconded by The Mayor, Stuart Drummond.

The motion was put and agreed.

COUNCILLOR G LILLEY REQUESTED THAT HIS VOTE AGAINST THE MOTION BE RECORDED.

The Mayor, Stuart Drummond was invited to address the Council in proposing Lord Mandelson for the title of Honorary Freeman.

Councillor Steve Wallace was invited to address the Council in seconding Lord Mandelson for the title of Honorary Freeman.

Councillor Pamela Hargreaves was invited to address the Council in proposing Wendy McLoughlin for the title of Honorary Freeman.

Councillor Jonathan Brash was invited to address the Council in seconding Wendy McLoughlin for the title of Honorary Freeman.

The Mayor, Stuart Drummond was invited to address the Council in proposing Jeff Stelling for the title of Honorary Freeman.

Councillor Robbie Payne was invited to address the Council in seconding Jeff Stelling for the title of Honorary Freeman.

Councillor Pauline Laffey was invited to address the Council in proposing Isobel Wilson for the title of Honorary Freeman.

Councillor Marjorie James was invited to address the Council in seconding Isobel Wilson for the title of Honorary Freeman.

Honorary Freeman Lord Mandelson accepted the title of Freeman of the Borough from the Chairman, signed the Freeman Roll and addressed the Council in suitable terms.

Freeman McLoughlin accepted the title of Freeman of the Borough from the Chairman, signed the Freeman Roll and addressed the Council in suitable terms.

Freeman Stelling accepted the title of Freeman of the Borough from the Chairman, signed the Freeman Roll and addressed the Council in suitable terms.

Freeman Wilson accepted the title of Freeman of the Borough from the Chairman, signed the Freeman Roll and addressed the Council in suitable terms.

125. HONORARY ALDERMAN – CONFERMENT OF TITLE OF HONORARY ALDERMAN

The Chairman proposed the following motion: “That this Council, in appreciation and recognition of the eminent service rendered to the Borough of Hartlepool by Harry Clouth and Douglas Ferriday and in pursuance of Section 249 of the Local Government Act 1972 do hereby admit the said Harry Clouth and Douglas Ferriday to be Honorary Alderman of the Borough of Hartlepool.”

The motion was seconded by The Mayor, Stuart Drummond.

The motion was put and agreed.

Councillor Steve Wallace was invited to address the Council in proposing Harry Clouth for the title of Honorary Alderman.

Councillor Peter Jackson was invited to address the Council in seconding Harry Clouth for the title of Honorary Alderman.

Councillor David Young was invited to address the Council in proposing Douglas Ferriday for the title of Honorary Alderman.

Councillor Bob Flintoff was invited to address the Council in seconding Douglas Ferriday for the title of Honorary Alderman.

Alderman Clouth accepted the title of Alderman of the Borough from the Chairman and signed the roll of Honorary Alderman.

Alderman Ferriday accepted the title of Alderman of the Borough from the Chairman and signed the roll of Honorary Alderman.

Following the conclusion of the ceremony, the Chairman invited Members, Officials and Guests to partake of light refreshment.

CHAIRMAN



CLEVELAND FIRE AUTHORITY

MINUTES OF ORDINARY MEETING HELD ON

FRIDAY, 29 JANUARY 2010

PRESENT:	CHAIRMAN: Councillor Porley – Middlesbrough Council HARTLEPOOL BOROUGH COUNCIL: Councillors Brash, Flintoff, Lilley MIDDLESBROUGH COUNCIL:- Councillors Brunton, Clark, Rogers, Thompson REDCAR AND CLEVELAND BOROUGH COUNCIL:- Councillors Abbott, Briggs, Cooney, Dunning, Forster, Ovens STOCKTON ON TEES BOROUGH COUNCIL:- Councillors Beall, O'Donnell, Patterson, Salt, Stoker, Woodhead PROPER OFFICERS:- Legal Adviser, Assistant Chief Financial Officer FIRE BRIGADE OFFICERS:- Chief Fire Officer, Director of Corporate Services, Head of Planning and Democratic Services AUDIT COMMISSION: Ms Philippa Comer – Assessment Lead
APOLOGIES FOR ABSENCE:	Councillor Payne (Hartlepool Borough Council) Councillor Cherrett (Stockton on Tees Borough Council)

125. DECLARATIONS OF MEMBERS INTEREST

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

126. MINUTES

RESOLVED - that the Minutes of the Cleveland Fire Authority Meeting held on the 27 November 2009 be confirmed.

127. MINUTES OF COMMITTEES

Councillor Beall sought clarification as to whether the 4.9% mentioned in Minute no 119.1 of the Policy Committee Minutes on 8 January 2010 represented an increase on the amount of Council Tax now paid or a freeze. The Assistant Chief Financial Officer confirmed that the 4.9% is an increase on what is currently paid. He added that the CFA will give full consideration to the Policy Committee's recommendation at its next meeting on 5 February 2010.

RESOLVED - that the Minutes of the Policy Committee held on 8 January 2010 and Tender Committees held on 26 November 2009 and 8 January 2010 be confirmed.

128. TO RECEIVE COMMUNICATIONS RECEIVED BY THE CHAIRMAN

No correspondence received

129. REPORT OF THE AUDIT COMMISSION

129.1 Organisational Assessment

Comprehensive Area Assessment Lead, Ms Philippa Comer, formally presented the results of the Organisational Assessment which concluded that Cleveland Fire Authority is performing well and has a clearly stated vision. The Organisational Assessment recognised that 'Cleveland is becoming a safer place as a result of the Authority's work' and that the Brigade had exceeded their targets in major fires, arson and false alarms. Ms Comer commented that some initiatives are 'work in progress' and the Authority need to focus on monitoring their effectiveness and evaluating the services that are provided.

Councillor Briggs informed Members that the Audit & Governance Committee had extended an open invitation to Mr Gavin Barker of the Audit Commission to attend their meeting.

The Chief Fire Officer commented that it was a pleasing report particularly as the Authority was judged as performing well in a difficult climate. He stated that Cleveland Fire Brigade has been very active in improving community safety and the quality of people's lives within tight financial constraints.

Councillor Brash queried why the issue of alcohol, which was red flagged in Hartlepool Borough Councils CAA, was not given a higher profile in the report as the Organisational Assessment links into the Comprehensive Area Assessment (CAA). Ms Comer explained that the report identified initiatives that had been evidenced and confirmed that the Audit Commission is well aware of the contribution that alcohol makes to fire deaths. The Chief Fire Officer stated that the Brigade are also aware of the increasing amount of fire deaths that are related to alcohol and drug use and as well as having an Advocate in place dedicated to these issues, the Brigade is heavily engaged in Partnership working in this regard.

Councillor Ovens highlighted the benefits of sharing data with Partners where possible and Ms Comer stated that collecting data once and using numerous times is acceptable as long as the information is evaluated.

RESOLVED – that the report be noted.

130. REPORTS OF THE CHIEF FIRE OFFICER

130.1 Performance Management Policy

The Chief Fire Officer asked Members to consider the Policy Committee's recommendation to approve the Performance Management Policy, which sets out the Authority's guiding principles for performance management. The Policy is built upon the principles of ensuring the Authority is outcome focussed and that it impact assesses its work on a regular basis. Councillor O'Donnell, in her role as Member Champion for Improvement and Value for Money, stated that she fully supported and endorsed the Policy.

RESOLVED – that the Performance Management Policy be approved.

130.2 Partnership Policy

The Chief Fire Officer asked Members to consider the Policy Committee's recommendation to approve the Partnership Policy, which sets out the Authority's guiding principles for working in partnership with other Public, Private and Voluntary agencies who have a shared ambition to help the Authority deliver better outcomes for local communities.

Councillor Beall commended the Brigade on its positive image in the various partnerships as a 'can do' organisation.

RESOLVED - that the Partnership Policy be approved.

130.3 ICT Policy and Strategy 2009-2014

The Chief Fire Officer asked Members to consider the Policy Committee's recommendation to approve the ICT Policy and Strategy 2009-2014, which will further enhance ICT governance arrangements by ensuring that there is focus not only on the provision of technology but on delivering resilient, secure information to staff and people in our communities, whilst significantly contributing to process improvement and consequently of value for money for the Authority. The Chief Fire Officer highlighted the need for information sharing with Partners.

Councillor Brash supported the need for information sharing to ensure that those hardest to reach are assisted by the most appropriate authority.

RESOLVED – that the Policy Committee's recommendation to approve the ICT Policy and Strategy 2009-2014 be ratified.

130.4 Corporate Risk Register 2010

The Chief Fire Officer asked Members to consider the Authority's Corporate Risk Register 2010, which has been reviewed by the Brigade's Strategic Management Team; this involved a strategic environmental analysis to identify any new or emerging risks.

The Chief Fire Officer confirmed that the Corporate Risk Register 2010 is submitted to the Audit and Governance Committee on a quarterly basis for monitoring purposes, and that any matters of a significant nature will be reported back to the Fire Authority.

RESOLVED:-

- (i) that the Cleveland Fire Authority's Corporate Risk Register 2010 be approved.**
- (ii) that Members noted that the Corporate Risk Register 2010 would be submitted to the Audit and Governance Committee on a quarterly basis for monitoring purposes, and that any matters of a significant nature will be reported back to the Fire Authority.**

130.5 Chief Fire Officer Information Pack

- 130.5.1 Fire and Rescue Service Circulars
- 130.5.2 National Joint Circulars
- 130.5.3 NE Regional Management Board Meeting – 15 December 2009
- 130.5.4 Efficiency Savings
- 130.5.5 Appointment of External Auditor
- 130.5.6 Equality & Diversity Awards
- 130.5.7 Director of Fire and Resilience

RESOLVED – that the report be noted.

131 TO RECEIVE THE REPORT OF THE LEGAL ADVISER

131.1 Business Report – CFA Appointments 2009/10

The Legal Adviser advised Members that following a report to the Cleveland Fire Authority meeting on 27 November 2009 no nominations had been received to fill the vacancies created by the resignation of Councillor Fitzpatrick (East Cleveland Independent Party). Nominations were again sought as to the vacant positions on the Overview & Scrutiny Committee and Appeals Committee. Members discussed the vacancies and agreed that as no nominations had been received, the positions should remain vacant until the Annual General Meeting on 4 June 2010.

RESOLVED – that the vacant positions on the Overview and Scrutiny Committee and the Appeals Committee remain vacant until Cleveland Fire Authority's Annual Meeting on 4 June 2010.

132. VERBAL BRIEFING ON THE NE FIRE CONTROL COMPANY BOARD

Councillor Forster provided Members with a verbal briefing on the North East Fire Control Company Board. She explained that the development of a policy for Annual Leave for RCC staff had been progressed along with a draft policy and procedure for dealing with Capability and that these proposals would now be subject to formal consultation with representative bodies.

Councillor Forster confirmed that in January the North East RMB had provided a written submission to the CLG select committee enquiry regarding the FireControl project highlighting the regions commitment and providing constructive.

Councillor Forster confirmed that the second staff focus group took place on 13 January with further meetings scheduled over the coming months. Councillor Forster also explained that staff training needs to take place soon, otherwise it will not be completed in time and the North East FireControl Centre will not be allowed to participate in the first tranche.

Councillor Forster commented that the visit to Tyne & Wear FRS to see the shared New Dimension equipment had been delayed due to the weather conditions.

RESOLVED – that the report be noted.

133. REPORT OF THE CHAIR OF AUDIT & GOVERNANCE COMMITTEE

133.1 Information Pack

133.1.1 Performance Report 2009/2010

133.1.2 2nd Quarter (April-Sept) National Indicator Fire Related Target report 2009/2010

133.1.3 Progress Against Revenue & Capital Budgets 2009/2010

133.1.4 Treasury Management Update 2009/2010

133.1.5 Audit Commission Work Programme & Scales of Fees 2010/11

RESOLVED – that the report be noted.

134. REPORT OF THE CHAIR OF OVERVIEW & SCRUTINY COMMITTEE

134.1 Information Pack - Flooding and Water Rescue

Councillor Cooney informed Members of their recent visit to Tees Barrage where a the Brigades new boat 'Wrighty' was launched.

Councillor Thompson highlighted the significant local flooding which had taken place in East Middlesbrough area and asked if the Brigade had an input on flooding arrangements at a local level. The Chief Fire Officer reminded Members that the Fire Authority has no statutory duty to respond to flooding incidents or water rescue, however the public do expect the Fire and Rescue Service to deliver these services. The Chief Fire Office explained that 4 Brigades, including Cleveland, had submitted a bid to RIEP for additional funding to increase the provision of equipment.

Councillor Thompson stated that he appreciated the point regarding statutory provision, and the local community did appreciate the Fire Brigade taking an interest in projects within the community.

Councillor Rogers commented that funding may be available for work completed in connection with flooding and advised the Chief Fire Officer of a contact in Middlesbrough Council who may be able to assist further. The Chief Fire Officer confirmed that this will be followed up.

RESOLVED – that the report be noted.

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

RESOLVED - "That under Section 100(A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs below of Part 1 Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006".

Minute No – 136 paragraphs 1 and 3

Minute No - 137 paragraph 1

Paragraph 1– namely information relating to any individual

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

136. CONFIDENTIAL MINUTES

RESOLVED:-

- (i) that the Confidential Minutes of the Cleveland Fire Authority meeting held on 27 November 2009 be confirmed.
- (ii) that the CFA decision to rebuild Skelton Fire Station on the existing site be referred to the Overview & Scrutiny Committee

137. CONFIDENTIAL MINUTES

RESOLVED - that the Tender Committees on 26 November 2009 and 8 January 2010 be confirmed.

**COUNCILLOR PETER PORLEY
CHAIRMAN**



CLEVELAND FIRE AUTHORITY

MINUTES OF ORDINARY MEETING HELD ON FRIDAY, 5 FEBRUARY 2010

PRESENT:	CHAIRMAN: Councillor Porley – Middlesbrough Council HARTLEPOOL BOROUGH COUNCIL: Councillors Brash, Flintoff, Lilley MIDDLESBROUGH COUNCIL:- Councillors Brunton, Rogers, Thompson REDCAR AND CLEVELAND BOROUGH COUNCIL:- Councillors Abbott, Briggs, Cooney, Forster, Ovens STOCKTON ON TEES BOROUGH COUNCIL:- Councillors Beall, Cherrett, Patterson, Salt, Stoker, Woodhead PROPER OFFICERS:- Legal Adviser, Treasurer FIRE BRIGADE OFFICERS:- Chief Fire Officer, Director of Corporate Services, Head of Planning and Democratic Services
APOLOGIES FOR ABSENCE:	Councillor Payne (Hartlepool Borough Council) Councillor O'Donnell (Stockton on Tees Borough Council) Councillor Clark (Middlesbrough Council) Councillor Dunning (Redcar & Cleveland Borough Council)

142. DECLARATIONS OF MEMBERS INTEREST

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

143. REPORT OF THE TREASURER AND CHIEF FIRE OFFICER

143.1 Medium Term Financial Strategy 2009/2010 to 2013/2014 and 2010/2011 Council Tax Level

- 143.1.1** The Treasurer outlined the Medium Term Financial Strategy (MTFS) and sought Members consideration on the detailed 2010/2011 Council Tax proposals. Members were advised that as part of the 2007 Comprehensive Spending Review (CSR07), the Government provided a three year financial settlement for local authorities which was proving extremely challenging for the CFA as annual grant increases for the three years had been set at the floor level of 0.5%.
- The Treasurer advised the existing MTFS to cover the three years up to 2011/2012 reflected the following assumptions:
- the achievement of annual efficiencies of £0.67m in 2010/2011 and £0.15m in 2011/2012 which are in addition to efficiencies of £0.56m in 2008/2009, £0.52m in 2009/2010.
 - the use of reserves over the period 2008/2009 to 2011/2012 to assist the achievement of efficiencies over a longer period
 - indicative Council Tax increases of 4.9% in 2010/2011 and 2011/2012

The Treasurer reported that at the Policy Committee meeting on 8 January 2010 Members reviewed the MTFS to reflect the issues detailed in sections 4 to 6 of the report, and which included reviewing the proposed Council Tax increases for 2010/2011 to 2012/2013.

143.1.2 National Financial Position

Regarding the national financial position, the Treasurer reported the global recession had had a profound and long lasting effect on the national financial position, and the Government would need to balance the budget through a combination of tax increases and expenditure reductions which would have significant implications for public services for the next 5 to 10 years. The Treasurer advised that whilst it was expected the UK economy will shortly be technically out of recession, recovery was anticipated to be protracted as those factors which drove the economy in recent years would not be available. In the current financial year the Chancellor has forecast a budget deficit of £177m, and a cumulative shortfall of £700 billion by 2013/2014 which means that Public Sector Debt is forecast to double as shown in the table under 4.6 of the report.

143.1.3 Pre Budget Report and 2010/11 Local Government Finance Settlement

The Chancellor had presented his pre-budget report at the beginning of December 2009, and the key issues for public spending were:

- 2010/2011 previously announced spending plans were confirmed
- 2011/2012 to 2014/2015 average increase in public sector spending would be below 1% with priority for Education, Health and Police
- From 2012 public sector employers pension contributions will be capped
- From April 2011 employers National Insurance Contributions will increase by 1%
- From April 2011 public sector pay awards, with the exception of the armed services, will be capped at 1%.
- Details of the Local Government Finance Settlement had also been issued and there are no changes to the provisional 2010/2011 grant allocation
- The Government had also announced that they expect the average level of Council Tax increase to be below 3%, and they had written to all authorities requesting restraint on Council Tax increases. The Government had also advised authorities that capping principles had always been determined on a year by year basis and this would again be the case for 2010/2011. It would therefore be a mistake for any authority to assume that previous years' capping principles would apply to 2010/2011.

143.1.4 Forecast Outturn 2009/2010

Regarding the current year, the Treasurer reported it was anticipated there would be a £750,000 underspend at the end of the year due to the pay award being less than anticipated when the budget was set, and a significant number of retirements during the financial year. The Treasurer recommended to Members that the 2009/2010 underspend be earmarked to support the budget in future years when it was expected the financial position would be more challenging. The position regarding the 2009/2010 Capital Programme had also been reviewed and the Treasurer reported it was not expected there would be any issues which would need to be addressed.

143.1.5 Capital Programme, PFI Bid, Prudential Code & Treasury Management Strategy

The Treasurer reported that, as Members were aware, there was not a significant Capital Programme. The government had previously announced Supported Capital Expenditure (Revenue) Allocations for the three years commencing 2008/2009, and the Authority's current allocations for this period were:

2008/2009	£535,000
2009/2010	£598,000
2010/2011	£615,000

The Treasurer advised the announcement of allocations for a three year period had enabled the Authority to develop a three year Capital Programme, and drew Members attention to Appendix B to the report which detailed the proposals for the next two years. The Treasurer commented that, for revenue planning purposes, it was presumed that Members would approve these proposals, and the revenue budget forecasts included provision for the resulting Prudential Borrowing repayment costs.

The Treasurer stated the PFI project was progressing to the Outline Business Case (OBC), and advised the successful completion of the PFI process would secure significant PFI credits which would enable investment in new fire stations, a new workshop and Brigade HQ. The annual revenue costs of the PFI project would be partly funded from additional Government grant and partly by local efficiencies. The OBC indicated that without PFI funding the Authority would either not have improved assets or would have to identify even greater efficiencies to fund these developments using prudential borrowing. The Treasurer advised £1m had previously been earmarked to fund one-off PFI costs, however initial work indicated that some of these costs related to capital expenditure, therefore it may be more appropriate to fund these costs using Prudential Borrowing and hold the PFI reserves to manage the associated financial risks. The Treasurer reported in the event these resources were not needed they could either be released to repay the prudential Borrowing or they could be reallocated to support future years budgets. The Treasurer advised the Government previously allocated £78m of capital grant funding for Fire Authorities, of which Cleveland would receive £0.625m in 2009/2010 and £0.735m in 2010/2011

143.1.6 Treasury Management Strategy 2009/2010

The Treasurer advised Treasury Management was a later agenda item.

143.1.7 Revenue Budget 2010/2011 and Indicative Forecasts for 2011/2012 to 2013/2014

Provision for pay awards and other pay costs: The Treasurer reported that pay and directly related employment overheads accounted for 85% of the Authority's budget and had a major impact on its financial position. The current MTFS reduced the provision for pay inflation to 2.5%, Government suggest this provision for 2010/2011 be reduced to 2%. The Government have indicated they will cap increases to 1% for two years from April 2011, therefore the provision for these years can be reduced to this level. On the downside additional provision will need to be made for the 1% National Insurance increase due in April 2011.

Inflation non pay expenditure: The Treasurer stated that non pay related expenditure accounted for 15% of the Authority's budget, meaning each 1% change in inflation equated to £50,000. The Treasurer advised the existing MTFS was based on a planning assumption for non pay inflation of 2.5%, and recommended the general planning assumption for non pay inflation for 2010/2011 be reduced to 2%, 1% for the following two years and 2% for 2013/2014.

Formula Grant increases: The Treasurer advised the existing MTFS assumed that annual grant increases for 2010/2011 and the following 3 years would be pegged at the current floor level for fire authorities of 0.5%, and for planning purposes suggested that it was assumed that from 2011/2012 the grant would be frozen at the 2010/2011 level. However there was a risk the new Government may reduce grant support for local authorities, including fire authorities, the Treasurer advised the impact of this would be covered later in his report.

Annual Council Tax Increases: The Treasurer informed Members the previous forecasts were based on annual Council Tax increases of 4.9%, and as part of the provisional settlement the Government had indicated that they expect council tax levels to be below 3%. The Treasurer stated that when considering the level of Council Tax increases, he considered it appropriate to take account of the level of grant increases, the Authority's Council Tax in relation to other authorities, and the longer term stability and sustainability of the Authority's Council Tax income.

The Treasurer advised on the basis of these facts Policy Committee members considered reducing the planned 2010/2011 Council Tax increase. The Policy Committee had recommended that in line with the Government's own decision not to change the provisional 2010/2011 grant allocations, the Authority should confirm the indicative 2010/2011 Council Tax increase approved in February 2009 of 4.9%, The Treasurer stated the Policy Committee had also recommended an indicative Council Tax increase for 2011/2012 and 2012/2013 of 3%.

The Conservative party had previously indicated that they would freeze Council Tax for two years if they were elected by paying an additional grant to authorities which would limit the Council tax increase to 2.5%. The Treasurer advised if this proved to be the case this could lead to significant cuts in front line services. On the basis of these proposals, the Treasurer drew attention to the table under 6.3 of his report which indicated the efficiencies the Authority would have to identify to set a balanced budget for the next three years (2010 – 2013).

2010/2011 Tax Base and Collection Fund: The Treasurer reported the forecasts considered by the Policy Committee at their meeting in January assumed no change in the Council Tax base and it was not anticipated that there would be an overall surplus on the collection funds. Details of the final Council Tax bases had been received which showed an increase of 66 Band D properties. The Collection Fund balances had also been received which showed a net surplus of £64,290 in overall terms. The recommendation agreed by the Policy Committee was for a 4.9% increase. The Treasurer reported the forecasts presented to the Policy Committee did not reflect the increased Council Tax base or the Collection Fund surplus, as this information was not available at the time, and these changes provided the Authority with the opportunity to review the proposed 2010/2011 Council Tax.

The Treasurer detailed the following three options for members to consider when determining the 2010/2011 Council Tax:

Option 1: An increase of 4.9%.

This would use almost £400,000 less from reserves and still have additional income coming in.

Option 2: An increase of 4.4%

This would reduce Council Tax income but would be offset by the additional monies coming in from the increase in the council tax base.

Option 3: An increase of 3.9%

The loss in council tax income would offset the additional income resulting in marginally extra coming from reserves, but this was something that could be managed and would not impact in the medium term.

The Treasurer stated that in considering the level of Council Tax increase for 2010/2011, Members needed to consider that should the Government cap the 2010/2011 Council Tax increase at 3%, additional efficiencies of £0.2m would need to be found. The Authority would also need to fund the one off costs of re-issuing council tax bills which it was anticipated would exceed £0.25m.

The Treasurer referred Members to the table under 6.3 of his report which confirmed the Authority faced a challenging financial position which would not improve beyond 2011/2012. The proposal to use balances to support the budget through to 2012/2013 made the position more manageable. The Treasurer advised the current forecasts assume grant allocations are frozen at the 2010/2011 level and there was a risk that future grant levels may actually be reduced in real terms, therefore it was not unreasonable to anticipate potential annual grant reductions for the Fire Service of 3% from 2011/2012 which would equate to annual grant reduction of £0.67m which would require additional permanent reductions in expenditure of £2m to be made.

143.1.8 Robustness of Budget Forecasts and Reserves

The Treasurer advised the Local Government Act 2003 introduced a formal requirement on Local Authorities to consider the proposed level of reserves and gave advice to Members on the level of reserves. The Treasurer advised Members that in his opinion the budget forecasts and the proposal level of balances suggested in the report for their approval for 2010/2011 were robust, his opinion being based on consideration of the following factors:

- The detailed work undertaken by the Chief Fire Officer and Brigade Officers regarding the preparation of detailed budget forecasts, including the costs and savings of implementing IRMP, income forecasts and Future Pension Forecasts
- Assurance from the Chief Fire Officer that no material issues have been omitted from the budget forecasts
- The level of Government Grant to be provided in 2010/2011
- A prudent view of the net costs of the Authority's overall cash flow, including a prudent provision for the repayment of Prudential Borrowing
- The establishment of at least a minimum level of reserves consistent with the identified specific risks faced by the CFA and a strategy for using available reserves in the year ahead

The Treasurer advised the level of reserves was marginally above the 3% minimum risk assessed requirement (as detailed in Appendix E) of £1m. The Authority's actual cash reserves would temporarily exceed the minimum requirement owing to the phased use of reserves to support the budget over the next five years, and would provide a temporary benefit as the available reserves would have a positive

benefit on the Authority's cashflow and increase potential investment income. The phased use of reserves would also enable the Authority to manage its services within the constraints of restricted Government grant increases from 2010/2011 onwards.

In conclusion the Treasurer stated there had been significant international and domestic changes since the current years budget was set, and assuming that grants are frozen at the 2010/2011 level in the three years from 2011/2012 the Authority faced a challenging financial position. This position would not become clearer until after the General Election. Referring to the Chancellors's pre-budget report which confirmed that growth in the public sector for the three years commencing 2011/2012 would be 0.8% with priority being given to health, education and police, the Treasurer stated this would in all probability result in a prolonged period of annual real term grant reductions which could mean that significant additional expenditure reductions would need to be made from 2011/2012. The Treasurer therefore recommended that uncommitted reserves be earmarked to help manage this risk and provide a slightly longer time to achieve ongoing reductions in expenditure.

Councillor Ovens stated she had raised the question of capping at the Policy Committee in January, since this time more guidance and advice had been received. In terms of risk to the Authority, Councillor Ovens felt serious consideration should be given to Option 2 (4.4% increase) which may prevent Government intervention. The Treasurer advised the Government had capped three Authorities in advance this year, however Cleveland were not in the same league as these Authorities who had in the regional of a 20% plus percentage increase in Council Tax and budget increases. The Treasurer advised a 4.4% increase in Council Tax would reduce the amount of income originally planned but with additional income from the Collection Fund and the increase in Council Tax Base this was offset, and would have no marked impact at all on balances for the next year. Referring to the question of a 4.4% increase incurring capping, the Treasurer advised the projected budget increase of 1.7% would be well below that for previous capping purposes, and there would be a good case to refute that.

The Chief Fire Officer stated the Treasurer looked after financial savings for the Authority, whereas his role was how such savings impacted on services which also had to be taken into account, and referred to the table under 6.3 of the report and the bottom line which gave the net deficit to be funded from efficiency savings. The Chief Fire Officer reminded Members that the Authority had achieved £3m in savings over the last 3 years, but the point at which the Authority could make incremental cuts had gone. The Chief Officer commented that savings during the coming years will only be arrived at by a transformational change in the services the Brigade deliver and how they are delivered. Regardless of what level was set Members would receive a plan setting out how the level of efficiencies would be met. The Chief Fire Officer stated whatever level was set, whilst it was appreciated it would be challenging, the Brigade had a history of meeting such challenges.

Councillor Beall referred to page 14 of the report, Option 3, and sought clarification regarding the Collection Fund surplus. The Treasurer advised that the loss of council tax income could be met from the surplus plus the increase in the tax base,

but the Authority would lose council tax income forever. Once you start reducing council tax your base is reduced which would impact on the future but not the budget for next year.

Councillor Brash referred to point 6.8 of the report, and commented on the difference between the planning figures and the actual figures. Under Option 3 (3.9% increase) there was an increase in the Use of Resources of £12,000 which was not a very significant change and which Councillor Brash felt should be factored into today's decision.

Councillor Thompson commented everyone was experiencing hard times, however he was willing to support Option 3 (3.9% increase) and he felt it was essential to get the message across that the Fire Authority is important, although he felt there was still the danger of being capped at this figure.

The Treasurer commented each of the options were manageable, however the margins for next year would be very small.

Councillor Forster commended the Treasurer and staff for their hard work in looking after the Authority's budget.

Councillor Rogers commented it was important to remember that the Authority's finances have been reduced by £2m and moved for Option 1 (4.9%) increase, seconded by Councillor Cooney - 4 votes in favour

Councillor Ovens moved for Option 2 (4.4%) increase, seconded by Councillor Cherrett - 4 votes in favour

Councillor Brash moved for Option 3 (3.9%) increase, seconded by Councillor Beall - 10 votes in favour

RESOLVED: –

- (i) that the proposal to earmark the 2009/2010 underspend to support the budget in 2011/2012 and beyond be approved
- (ii) that the proposed 2010/2011 Capital Programme as detailed in Appendix A be approved
- (iii) that the proposal to use Prudential Borrowing to fund one-off PFI costs which can be capitalised up to the value of £1m and to hold the PFI reserves to manage the financial risks associated with managing this large and complex project. In the event that these resources are not needed they can either be released to repay the Prudential Borrowing, which will reduce ongoing commitments on the revenue budget, or they can be reallocated to support future years budgets be approved
- (iv) that the detailed revenue budget as detailed at Appendix B be approved
- (v) that a 2010/2011 Council Tax increase of 3.9% which equates to a Band D Council Tax of £63.97 and supporting statutory calculations detailed at Appendix E be approved
- (vi) that indicative Council Tax increases for 2011/2012 and 2012/2013 of 3% be approved

144 REPORT OF THE TREASURER

144.1 Treasury Management Strategy 2010/2011

The Treasurer updated Members on matters relating to Treasury Management and compliance with the guidance. There had been significant issues in connection with treasury management, however the Treasurer advised a prudent view of where the Authority's money was invested had been taken, looking at security of investments.

The Treasurer advised the report outlined the Authority's Treasury Management Strategy for 2010/2011 which included Prudential Indicators for 2010/2011 to 2012/2013, and set out the expected Treasury operations for this period. The report fulfilled four key legislative requirements:

- the reporting of Prudential Indicators based on expected capital activities
- the Authority's Minimum Revenue Provision (MRP) Policy
- the planned borrowing and investment strategies and the limitations on treasury activity by the use of Treasury Prudential Indicators

The Treasurer advised revised editions of the CIPFA Prudential Code and CIPFA Treasury Management Code of Practice were issued in November 2009, and the CLG were currently consulting on changes to the Investment Guidance. The revised guidance and CLG proposals had been incorporated in the report and the Investment Strategy would be revised if any elements of the final CLG Investment Guidance resulted in significant changes. The main changes arising from the new guidance are process related and make it compulsory to adopt practices that the Authority already had in place. One notable change is the requirement to nominate a body to be responsible for ensuring effective scrutiny of the Treasury Management Strategy, and the Treasurer recommended that this responsibility be delegated to the Audit and Governance Committee. The Strategy would be referred to the Audit and Governance Committee on the 12 March 2010, and if any changes are recommended these would be referred to the CFA on 26 March 2010.

The Treasurer reported the revised Code increased the responsibility of Members' in this area who would require training to enable better scrutiny of the Treasury policies. Arrangements would be made for this training to be provided.

The Treasurer reported the Local Government Act 2003 required the Authority to adopt the CIPFA Prudential Code and produce Prudential Indicators. Each indicator either summarised the expected capital activity or introduced limits upon that activity. The Treasurer went through the details of the proposed prudential limits which were set out under sections 5.3 to 5.11 of this report.

Reporting on the Outlook for Interest Rates, the Treasurer advised the short term rates were expected to remain low for a considerable time. Credit extension to the corporate and personal sectors had improved modestly, but banks remained nervous about the viability of counterparties. With inflation set to remain subdued for the next few years the pressure on the Monetary Policy Committee (MPC) to increase rates would remain moderate. The Treasurer reported the outlook for long term fixed interest rates was less favourable, as the longer fixed interest rates would suffer from the lack of support from the major savings institutions. As the uncertainty over future interest rates posed risks for Treasury activity, the Treasurer advised the Authority would take a cautious approach to its Treasury Strategy, a fuller explanation would be given to the Audit and Governance Committee.

Councillor Briggs commented he fully supported this course of action and it would be an agenda item for the next Audit & Governance Committee for further discussion.

Councillor Ovens referred to the Investment Strategy the Authority had entered into with Hartlepool Borough Council and queried if this had been beneficial. The Treasurer advised the monetary benefits had not been significant due to interest rates being so low. The benefit of this arrangement allowed the Authority to invest with institutions which would not necessarily take the amounts of money the Authority had to offer, however a pooled investment portfolio spread the risks and gave the Authority the opportunity to invest in a wider market. These were significant benefits.

Councillor Thompson congratulated the Treasurer on this report and commented it was right to take this cautious approach

RESOLVED:

- (i) that Members agreed the responsibility for the effective scrutiny of Treasury activities be allocated to the Audit and Governance Committee
- (ii) that Members agreed the Prudential Indicators and Limits relating to Capital Expenditure for 2010/2011 to 2012/2013 as detailed in section 5 of the report
- (iii) that Members agreed the Minimum Revenue Provision (MRP) Statement as detailed in paragraph 7.5
- (iv) that Members agreed the Investment Strategy for 2010/2011 to 2012/2013 and related Treasury Prudential Indicators as detailed in Section 8
- (v) that Members agreed the Borrowing Strategy for 2010/2011 to 2012/2013 and related Treasury Prudential Indicators as set out in Section 9
- (vi) that members agreed the Investment Strategy Counterparty Criteria contained in Section 9

145. ANY OTHER BUSINESS

Councillor Forster stated that today was the last day in post for John Doyle, Chief Fire Officer, and suggested that on behalf of the Authority, the Chairman write a letter thanking him for the marvelous work he has undertaken on behalf of the Authority.

RESOLVED – that Members agreed that on behalf of the Authority, the Chairman write a letter to John Doyle thanking him for the service and marvelous work he has undertaken on behalf of the Authority

**COUNCILLOR PETER PORLEY
CHAIRMAN**

SPECIAL CLEVELAND POLICE AUTHORITY EXECUTIVE

A meeting of Cleveland Police Authority Executive was held on Tuesday 26 January 2010 in the Members Conference Room at Police HQ.

PRESENT : Councillor Caroline Barker, Councillor Barry Coppinger, Councillor Mary Lanigan, Councillor Dave McLuckie (Chair), Councillor Hazel Pearson OBE and Councillor Victor Tumilty

Independent Members

Miss Pam Andrews-Mawer, Mr Chris Coombs, Mr Ted Cox JP, Mr Peter Hadfield, Mr Aslam Hanif, Mr Mike McGrory and Mr Peter Race MBE

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

336 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr Ron Lowes.

337 **DECLARATIONS OF INTERESTS**

There were no declarations of interests.

338 **EXCLUSION OF THE PRESS AND PUBLIC**

ORDERED that pursuant to the Local Government Act 1972, the press and public be excluded from the meeting under Paragraphs 3 and 4 of Part 1 of Schedule 12A to the Act.

339 **LONG TERM FINANCIAL PLAN – FORMULA FUNDING – 2011/12 TO 2013/14**

The Chief Executive set out the basis for the preparation of option appraisals in response to the potential reductions in Formula Funding in 2011/2012 to 2013/2014 and sought Members approval for the proposed process. This built upon the in depth debate that had taken place at the Members briefing session on Tuesday 19 January 2010.

Given what is known about the need for future funding cutbacks, it was prudent for the Authority to explore options for

future service delivery and costs. A failure to do so could leave the Authority vulnerable to reputational damage as service provision may be sub optimal, with relatively poor value for money.

ORDERED that:-

1. the current understanding of the potential range of reductions in future formula funding be noted.
2. the proposed assumptions of 3% reductions year on year, and 5% reductions year on year in formula funding be agreed.
3. the assumption of no increase in precept during the period for the purpose of modeling future resources be agreed.
4. the assumption that there was no predetermination of the total number of officers or PCSOs be agreed.
5. a timetable and governance arrangements be brought forward relating to the production of options appraisal for delivery of optimal service levels within the estimated available resources maximizing value for money be agreed. This would include reporting of initial results in the LTFP report in February 2010..

340

PROJECT "I"

The Project I Team Leader presented the report to Members which detailed the process to date and future proposals and considerations.

ORDERED that:-

1. the scope of Project I should not result in the in-sourcing of service transformation capability to deliver the 3 business cases (reducing bureaucracy, improving case file preparation and developing the organisations mobile access capability) on the basis of retained risk and capacity be agreed.
2. an increase in the potential scope of Project I to incorporate the 3 business cases on an outsourced basis be approved. This would result in the

outsourcing of all back office functions except where deemed inappropriate by the Chief Constable, ACPO Team and Police Authority Executive.

3. as the Authority had approved an increase in the scope of Project I that the Chief Constable's team and nominated Police Authority Member (which would be Pam Andrews-Mawer, shadowed by Peter Race MBE, Vice Chair) would develop the appropriate client side function to support the partnership. This would incorporate the retention of key strategic functions.
4. the timescales for the remainder of the Project I based on the options outlined in recommendation i(b) attached at Appendix A be noted. Within this option the potential partnership would go live on 1 October 2010.

341

MINUTES OF THE POLICE AUTHORITY EXECUTIVE HELD ON 10 DECEMBER 2009

ORDERED that the minutes of the Police Authority Executive held on Thursday 10 December 2009 were approved and signed by the Chair as a true and accurate record following one amendment to show that Mr Chris Coombs had submitted his apologies.

COUNCIL

15 April 2010



Report of: Scrutiny Co-ordinating Committee

Subject: MEMBERS ATTENDANCE'S WORKING GROUP –
PROGRESS UPDATE

1. PURPOSE OF THE REPORT

- 1.1 To provide and update on progress to date in the work of the Members Attendance Working Group (created by the Scrutiny Co-ordinating Committee) and seek Council support / approval for the proposed introduction of a series of 'The Life of a Councillor' articles in Hartbeat.

2. BACKGROUND INFORMATION

- 2.1 Full Council at its meeting on the 30 July 2009 received, and approved, the Scrutiny Co-ordinating Committee's recommendations for a way forward in relation to the recording and publication of Members expenses and allowances. As part of this report, Council noted the establishment of a the Members Attendance Working Group, by the Scrutiny Co-ordinating Committee, to further review the issue of 'what' and 'how' Members attendances should be recorded and published.
- 2.2 To date, the Members Attendances Working Group has met on three occasions (11 September 2009, 27 November 2009 and the 26 February 2010) and an update on its progress to date was considered by the Scrutiny Co-ordinating Committee on the 19 March 2010.
- 2.3 In accordance with the wishes of the Scrutiny Co-ordinating Committee, it was agreed that a report would be submitted to today's Full Council meeting to:-
- i) Provide an update on the progress of the Working Group (as summarised in Section 3.1 onwards); and
 - ii) Seek support / approval for the proposed introduction of a series of 'The Life of a Councillor' articles in Hartbeat to raise the profile of work undertaken by Members on a day to day basis (as summarised in Section 3.5 onwards).

3. ISSUES CONSIDERED BY WORKING GROUP

3.1 Recording of Members Attendances – The aims and overall terms of reference for the Members Attendances Working Group were agreed at the meeting held on the 11 September 2009, with a range of evidential and comparative information sought for consideration at the next meeting. This additional evidence was considered by the Working Group on the 27 November 2009 and resulted in the introduction of a trial between December 2009 and January 2010 in respect of recording ‘other’ attendances (i.e. those not formally recorded by Democratic Services).

3.2 The trial was extensively publicised and the results of the exercise reported to the Working Group on the 26 February 2010. A summary, the results being, that:-

- i) In total nine (19%) Members responded to the trial, submitting details of attendances at outside bodies and ‘other’ meetings;
- ii) There had been some issues with the responses submitted as part of the trial, with some complaints that:
 - This was the wrong time of the year to be recording such details;
 - The exercise was not worthwhile and some Members would not wish to complete any such forms again in the future; and
 - Several Members recorded attendances at ‘fomal’ meetings of the Council and political group meetings.

3.3 In considering the results of the trial, the Working Group noted that:-

- i) If the recording of these attendances was to be adopted improved guidance would be needed as to what should and should not be recorded; and
- ii) Greater thought would need to be given to how to encourage a greater response rate from Members so that any published figures would be meaningful.
- iii) Given work currently ongoing in relation to the centralisation of administrative services, consideration needed to be given to the possible administrative implications of the introduction of an additional or expanded Member’s attendances database. As such, further work was necessary to explore:
 - The future use of the attendances database; and
 - How the activity could be linked into other administrative functions in order to ensure the most efficient use of resources.

- 3.4 The outcome of this additional work will be considered by the Members Attendances Working Group in due course, to aid the production of a final report on the recording of Members attendances. A further report will then be submitted to the Scrutiny Co-ordinating Committee and Council for consideration.
- 3.5 Raising the Profile of Work Undertaken by Members - At the meeting on the 27 November 2009, attention was drawn to the potential benefits of utilising Hartbeat to raise the profile of work undertaken by Members on a day to day basis. In order to do this, Members suggested that the introduction of a series of articles entitled 'The Life of a Councillor' should be explored.
- 3.6 The Working Group, at its meeting on the 26 February 2010, explored the delivery of these articles and following discussions identified a process to facilitate their delivery. The proposed process, as outlined below, was supported by the Scrutiny Co-ordinating Committee at its meeting on the 19 March 2010.
- 3.7 Council support is now being sought to take forward the introduction of these articles and approval of the process for their delivery, as outlined in Sections 3.8 and 3.9 below.
- 3.8 Selection Process:-
- i) A total of four Members to be selected each year (on a rolling programme).

(One Member to appear in each of the 4 Hartbeat publications spanning the 12 month period)
 - ii) One Member from each of the following categories:
 - Executive;
 - Backbench;
 - Chairs; and
 - New Members (i.e. those in their second year of office).
- 3.9 Operational / Implementation Process:-
- i) Articles to be titled 'The life of a Councillor'.
 - ii) Expressions of interest be sought from all 48 Members.

(Letter from the Public Relations Unit to include details of the process and the method of selection)
 - iii) Selection process from a hat from each of the above categories (drawn by the Chair of the Council)
 - iv) Article running order to be on an alphabetical basis.

- v) Where members will come up for election during the 2 year programme, the running order will be adjusted to ensure that they do not appear in the March publication prior to their respective election period.
- vi) First 'Day in the Life' article to appear in the Summer Heartbeat edition (July) then in the publications in September, December and March.
- vii) Public Relations Unit to start preparation work with successful Members as soon as possible on the production of their articles. The content and structure of the articles to be dealt with by the Public Relations Unit in conjunction with individual Councillors.

4 RECOMMENDATION

4.1 That Council be recommended to approve:

- i) The introduction of a series of articles in Heartbeat entitled 'The Life of a Councillor'; and
- ii) The process for the implementation of the articles, as outlined in Sections 3.8 and 3.9.

COUNCILLOR MARJORIE JAMES CHAIR OF SCRUTINY CO-ORDINATING COMMITTEE

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

BACKGROUND PAPERS

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

- (i) Minutes and reports of the meetings of the Members Attendances Working Group held on 11 September 2009, 27th November 2009 and 26 February 2010.
- (ii) Minutes of the meeting of Council held on 30 July 2009.

COUNCIL
15 April, 2010



Report of: CONSTITUTION COMMITTEE

Subject: BUSINESS REPORT

1. DESIGNATION OF STATUTORY 'SCRUTINY OFFICER'

PURPOSE OF REPORT

- 1.1 Section 31 of the Local Democracy, Economic Development and Construction Act, 2009, amends the Local Government Act, 2000 from the 1st April, 2010. This amendment requires Local Authorities to designate a "Scrutiny Officer". Accordingly, this report recommends the appointment of the Council's Scrutiny Manager in the role of "Scrutiny Officer" to fulfil this statutory requirement.

RESPONSIBILITIES OF THE SCRUTINY OFFICER

- 1.2 It is prescribed through the provisions of the 2009 Act, that the Scrutiny Officer will discharge the following functions under Section 31, namely;

- "a) To promote the role of the Authority's Overview and Scrutiny Committee or Committees;*
- b) To provide support to the Authority's Overview and Scrutiny Committee or Committees and the Members of that Committee or those Committees;*

and

- c) To provide support and guidance to -*
- Members of the Authority;*
 - Members of the Executive of the Authority;*
 - Officers of the Authority;*
 - In relation to the functions of the Authority's Overview and Scrutiny Committee or Committees"*

- 1.3 It is further prescribed that a local authority cannot designate into this role its Head of Paid Service, Monitoring Officer or Chief Finance Officer. The Explanatory Notes to the 2009 Act explains the overall intention of Section 31 as follows:

“Typically, a Scrutiny Officer will promote the Scrutiny function generally within the Authority and local government partners more widely and provide advice and support to Members of the Authority’s Committee(s) in undertaking their work”.

- 1.4 A report covering the provisions of the 2009 Act and the designation of a “Scrutiny Officer” has been considered by the Council’s Constitution Working Group and Committee, and the view of the Chair of the Council’s Scrutiny Co-ordinating Committee has also been sought.

RECOMMENDATION

- 1.5 That the Council’s Scrutiny Manager be designated as the Council’s ‘Scrutiny Officer’ under Section 31 of the Local Democracy, Economic Development and Construction Act, 2009.

2. REPORTING MECHANISMS – STANDARDS COMMITTEE

PURPOSE OF THE REPORT

- 2.1 At their meeting on the 26 March, 2010, the Constitution Committee considered the current remit of the Standards Committee. Whilst, the Standards Committee have no direct reporting mechanism to Council, the recommendations of the Working Group and the Constitution Committee provide for such ‘direct reporting’ together with additional roles and functions of that Committee.
- 2.2 Standards Committee has also considered and endorsed extending the remit of the Committee as covered in the recommendations mentioned in this report. There has also been consideration by the Audit Committee of two distinct areas in the suggested widening of this current remit relating to the ‘Annual Governance Statement’ and monitoring the operation of the Council’s Anti-Fraud and Corruption policies, in so far as the same relates to the actions of Members of the Council. Audit Committee at their meeting on 29 September, agreed that Standards Committee should be able to raise issues of governance with the Audit Committee. However, it was recognised that too onerous a time frame would be created if the Annual Governance Statement was required to proceed through Standards Committee before being considered by Audit Committee. Therefore it was considered that Standards Committee have the ability to ‘raise issues’ of governance at its discretion. Further, that Standards Committee should be able to monitor the operation of the Anti-Fraud and corruption policies, which are the subject of regular monitoring reports by the Head of Audit and Governance to the Audit Committee.

BACKGROUND

2.3 Members will be aware that the Standards Committee comprises both Borough Councillors and Parish Council representatives and the overall membership must have not less than 25% 'independent' membership. Following the 'local assessment and determination' process which came into effect from the 8 May, 2008, the Committee has formed Sub-Committees to deal with the initial assessment and determination of complaints and also a Review Sub-Committee, to consider requests for a review of a complaint wherein a "no action" decision was given. Clearly, the key requirement of the Standards Committee is to "promote and maintain high standards of ethical conduct" within the Authority and also the role of advising the Council on the adoption or revision of the Members' Code of Conduct. The current functions of the Standards Committee under Article 9 of the Council's Constitution is as follows:-

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

2.4 The Committee has engaged in activities which cover the governance of the Council as a public body. By way of example, commentary on the Planning Code of Practice, revisions to the Council's Whistle-blowing Procedure document, adoption of various protocols, responses to government consultations as well as operating the local assessment and determination process. The following areas of possible additional functionality of Standards

Committee (which also includes the views of the Audit Committee) are as follows;

- *To recommend changes to full Council in relation to the promotion and maintenance of high ethical standards within the Authority;*
- *Promoting and maintaining high standards of conduct by officers;*
- *Assisting officers to observe a Code of Conduct for Employees and advising the Council on the adoption or revision of such a Code of Conduct for Employees;*
- *Monitoring the operation of a Code of Conduct for Employees;*
- *Dealing with the grant and supervision of exemptions from political restrictions in respect of all relevant Council posts;*
- *To receive and make recommendations to the Audit Committee as may be required in relation to the better governance of the Council*
- *To consider complaints relating to the conduct of Members of the Council under the Member/Employee Protocol and the Planning Code of Practice;*
- *To monitor the operation of the Council's Anti-Fraud and Corruption Policy so far as it relates to the actions of Members of the Council;*
- *And to report on such matters to Council with recommendations thereon and that the Council may from time to time arrange for other functions to be discharged by the Standards Committee;*

- 2.5 Members are therefore requested to consider this report and the recommendations, which cover the suggested 'extension' to the remit and functions of the Standards Committee.

RECOMMENDATIONS

- 2.6 That Council approve the recommendations contained within paragraph 2.2 of this report relating to the extension of the role and functions of the Standards Committee.

3. CONSTITUTIONAL AMENDMENTS REQUIRED TO CLARIFY THE COUNCILLOR CALL FOR ACTION MECHANISM (CCfA)

- 3.1 The Constitution Committee, at its meeting on the 26 March 2010, was reminded of the Constitutional amendments approved by Council (on the 9 April 2009) for the implementation of the Councillor Call for Action Mechanism (CCfA). These amendments / additions include a flowchart, illustrating the procedure for consideration of referrals through a non-mandatory / CCfA

referral route. See Part 4 - Overview and Scrutiny Procedure Rules (page 148).

- 3.2 In developing a 'quick guide' to CCfA's for Members, it was since been noted by the Scrutiny Team that a minor amendment to the flowchart would be beneficial in further clarifying the mechanism and time frame for the referral process. The Constitution Committee, at its meeting on the 26 March 2010, considered and supported the proposed amendments to the flowchart (as shown in ***bold italics*** at **Appendix A**) as a means of providing further clarification of the process and time frame for the process.

RECOMMENDATION

- 3.3 That Council approve the proposed amendments to the flowchart, as shown in **Appendix A**.

4. AMENDMENT TO THE CONSTITUTION IN RESPECT OF RESIDENT REPRESENTATIVES OF NEIGHBOURHOOD CONSULTATIVE FORUMS AND THEIR ELECTIONS

PURPOSE OF REPORT

- 4.1 To give consideration to the proposed amendment of the Constitution Committee to Part 2 of the Articles of the Constitution and in particular to Article 10 Neighbourhood Consultative Forums following a report from the Constitution Working Group. The report highlights some minor changes to the process for the election of resident representatives to Neighbourhood Consultative Forums.

BACKGROUND

- 4.2 Recent elections to fill casual vacancies for Neighbourhood Consultative Forum representatives raised some minor procedural issues following the changes that were made to the process in 2008.
- 4.3 The issues relate to Article 10.11 of Part 2 of the Constitution and include realignment of items and some proposed changes in particular to
- eligibility criteria in relation to salary banding
 - issuing election notices
 - count procedure
 - filling of casual vacancies, and
 - chairing forum meetings

PROPOSALS

- 4.4 Under Article 10.11(a) Eligibility Criteria, item (i) currently advises on those who may vote at the election. This item relates to the election process and is better aligned to part (b) The Election Process. There are no proposed changes to the wording.

- 4.5 Item (ii) of part (a) details the criteria of those residents who are eligible to stand for election. Currently this item states that council officers graded at Band 13 or above are ineligible to stand. The Local Democracy, Economic Development and Construction Bill included a change in relation to politically restricted posts. From 12 January, 2010, the salary threshold for defining politically restricted posts was removed (it was £36,730). Such posts are now limited to the head of paid service, chief officers, officers with delegated powers under the Local Government Act 1972, political assistants and officers who regularly advise the council, the executive or their committees or who regularly speak to the media on behalf of the council. It is proposed that the eligibility for resident representatives be amended to take account of these changes as follows –

All residents of the Forum area aged 18 years and over, with the exception of Borough Councillors and politically restricted post holders will be eligible to stand for election. Politically restricted post holders are head of paid service, chief officers, officers with delegated powers under the Local Government Act 1972, political assistants and officers who regularly advise the council, the executive or their committees or who regularly speak to the media on behalf of the Council.

- 4.6 Item (ii) of part (a) also includes a reference at the end of the paragraph to voting being by secret ballot. It is proposed that this sentence be included as a separate item.
- 4.7 Item (iv) of Part (b) The Election Process does not state when notice of election is to be given. It is proposed that the wording be changed to include notification of when the nomination period will commence, as follows

The nomination period will commence with the issue of a notice of election, 20 working days prior to the week of the elections

- 4.8 Item (vi) of Part (b) includes reference to a tied vote and a further vote taking place. At ordinary council elections, in the event of a tied vote, a recount usually takes place and it is proposed that the same process to be implemented for resident representative elections.
- 4.9 Item (viii) of Part (b) deals with the filling of casual vacancies and it is proposed that a reference should be included about the election timetable that needs to be followed in relation to notice of election and the nomination period. It is also proposed that if there is no valid nomination from the ward where the vacancy exists, it will then become available to any resident from the forum area.
- 4.10 It is proposed that an item be added to Part (b) to provide for the full election results, to be published after the election to include the number of votes cast for each candidate. Notices will be published at the Civic Centre and on the Council's website.

- 4.11 Following the elections, the resident representatives elect one of them to act as vice-chair of the forums meetings in the absence of the chair. It is proposed that item (i) of Part (d) The Role of Vice-Chair be amended to read

To act as Chair of the Forum in the absence of the Chair unless that absence is expected to extend to more than one meeting then a temporary Councillor appointment will be made by the Forum.

- 4.12 Finally, it is proposed that the ordering be reviewed to take account of the additional items and changes listed above.

RECOMMENDATIONS

- 4.13 That the suggested amendments to the Constitution, as detailed above, in relation to Part 2 Articles of the Constitution, particularly Article 10.11, be approved.

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

