

Chief Executive's Department
Civic Centre
HARTLEPOOL

18th October, 2010

The Mayor (Stuart Drummond)

Councillors Aiken, C Akers-Belcher, S Akers-Belcher, Atkinson, Barclay, Barker, Brash, R W Cook, Cranney, Fleet, Fleming, Flintoff, Gibbon, Griffin, Hall, Hargreaves, Hill, Ingham, Jackson, James, Laffey, Lauderdale, Lawton, A E Lilley, G Lilley, London, Maness, A Marshall, J Marshall, J W Marshall, McKenna, Dr. Morris, Payne, Plant, Preece, Richardson, Rogan, Shaw, Simmons, Sutheran, Thomas, H Thompson, P Thompson, Turner, Wells, Worthy and Wright.

Madam or Sir,

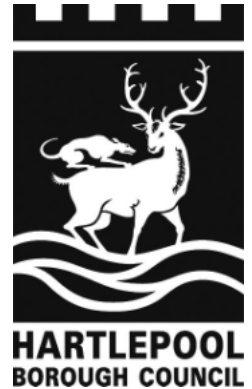
You are hereby summoned to attend a meeting of the COUNCIL to be held on THURSDAY, 28th October, 2010 at 7.00 p.m. in the Civic Centre, Hartlepool to consider the subjects set out in the attached agenda.

Yours faithfully

P Walker
Chief Executive

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COUNCIL AGENDA



28th October 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 16th September 2010, as a correct record (copy attached).
6. Questions from Members of the Council on the minutes of the last meeting of the Council.
7. To answer questions of members of the Council under Council Procedure Rule 11;
 - (a) Questions to members of the Executive about recent decisions of the Executive (without notice)
 - (b) Questions to members of the Executive and Chairs of Committees and Forums, for which notice has been given.
 - (c) Questions to the appropriate members on Police and Fire Authority issues, for which notice has been given. Minutes of the meetings of the Cleveland Police Authority held on 15th June 2010 and 25th June 2010 and the meetings of the Cleveland Fire Authority held on 30th July 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 July 2010-September 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.
11. To receive reports from the Council's committees and working groups other than any overview and scrutiny committee and to receive questions and answers on any of those reports;
 - (i) Report of Constitution Committee (copy attached)
12. To consider any other business specified in the summons to the meeting, including consideration of reports of the overview and scrutiny committees for debate and to receive questions and answers on any of those items;
 - (i) Petition – 'Margy's Mission' – Support of 'the installation of additional security measures – CCTV cameras, fencing – to Stranton Cemetery in order to protect the dignity of the graves of deceased people' (report to follow)
13. To consider reports from the Executive:-
 - (a) Proposals in relation to the Council's budget and policy framework
 - (i) Food Law Enforcement Service Plan 2010/11 (copy attached)
 - (b) Proposals for departures from the budget and policy framework
 - (i) Tall Ships Races 2010 (copy attached)
14. To consider any motions in the order in which notice has been received.

The consequences of alcohol abuse go far beyond an individual's health and well-being. Crime, domestic violence, sexual assault and rape, noise, disruption and anti-social behaviour, absenteeism, unemployment, marital/family breakdown, child abuse, drink driving and the over-burdening of our public services like the NHS and police; all have a proven link to alcohol abuse. Alcohol is not just a problem for the individual, it is a problem for society and the second-hand effects of alcohol consumption have been collectively referred to as "passive drinking".

In Hartlepool a recent study by Balance North-East found that the fear of alcohol related violent crime was significantly higher than the north-east average with 71% of Hartlepool people saying they were worried about such crime.

The recent report of the Council's Health Scrutiny Forum, endorsed fully by Cabinet, recommended a joined-up approach to dealing with the effects of alcohol. Its recommendations cover licensing, enforcement, treatment education and pricing and they are being taken forward by the Safer Hartlepool Partnership's Alcohol Strategy Group. We recognise that no one thing will solve the problems that alcohol causes and that a range of factors must be addressed if we are to successfully combat them.

Council believes that as part of this multi-factored approach the introduction locally of a minimum price for alcohol must be explored.

The case for minimum pricing, as recommended by the former Chief Medical Officer Sir Liam Donaldson, is compelling. Sir Liam's 2009 report, "Passive Drinking: The Collateral Damage from Alcohol", showed conclusively that the affordability of alcohol continues to increase year on year and that the ever greater availability of cheap alcohol can be directly linked with both increasing consumption and alcohol related problems.

Balance North-East reports that the average pocket money in the region can now purchase as much as 42 units of alcohol per week, twice the recommended weekly intake. It is possible to purchase alcohol for as little as 14p per unit, the equivalent to 28p per pint.

Sir Liam's report, based on work undertaken at the University of Sheffield, demonstrates a "clear relationship between price and consumption of alcohol" and moreover shows that nationally a minimum price of 50p per unit would result in annually:

- 3,393 fewer deaths;
- 97,900 fewer hospital admissions;
- 45,800 fewer crimes;
- 10,300 fewer violent crimes;
- 296,900 fewer sick days;
- A total benefit of over £1billion

*This Council does not believe that the average, responsible drinker should be unfairly penalised for the behaviour of a minority. **Under this policy the average drinker would pay just 21p a week more.***

In Manchester the Labour controlled Council is pursuing the introduction of minimum pricing for alcohol at a local level by way of a by-law and we believe that here in Hartlepool we should do the same.

The positive benefits of introducing locally a minimum price for alcohol for the people of Hartlepool are clear; it would reduce crime, improve health, protect families, safe-guard children, save the tax payer money and fundamentally improve the quality of life for the majority of residents who are responsible, law-abiding people and who do not deserve to have their lives blighted by the effects of alcohol abuse.

Council therefore asks the Alcohol Strategy Group in line with the other measures it is taking to develop a strategy for introducing a minimum price for alcohol (as is being done in Manchester) in Hartlepool, taking in the views of all major stakeholders, and then reporting back to Council in the appropriate way, at the earliest opportunity.

*Signed
J Brash
S Griffin
A Marshall
R W Cook
C Simmons*

15. To receive the Chief Executive's report and to pass such resolutions thereon as may be deemed necessary (copy attached)

<p style="text-align: center;">COUNCIL</p> <p style="text-align: center;">MINUTES OF PROCEEDINGS</p> <p style="text-align: center;">16 SEPTEMBER 2010</p>
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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	Atkinson
Barclay	Barker	Brash
Cook	Cranney	Fleet
Flintoff	Gibbon	Hall
Ingham	Jackson	James
Laffey	Lauderdale	Lawton
A Marshall	J W Marshall	Dr. Morris
Payne	Plant	Preece
Shaw	Simmons	Sutheran
Thomas	H Thompson	P Thompson
Wells	Wright.	

OFFICERS:

Paul Walker, Chief Executive
Dave Stubbs, Director of Regeneration and Neighbourhoods
John Mennear, Assistant Director (Community Services)
Andrew Atkin, Assistant Chief Executive
Peter Devlin, Chief Solicitor
Chris Little, Chief Finance Officer
Joan Stevens, Scrutiny Manager
Amanda Whitaker, Democratic Services Manager
Steve Hilton, Public Relations Officer
David Cosgrove, Democratic Services Team

53. APOLOGIES FOR ABSENT MEMBERS

Councillors Aiken, Fleming, Griffin, Hargreaves, Hill, A Lilley, G Lilley, London, Maness, Rogan and Worthy.

54. DECLARATIONS OF INTEREST FROM MEMBERS

None.

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

None.

56. PUBLIC QUESTION

None.

57. MINUTES OF PROCEEDINGS

The Minutes of Proceedings of the Council held on the 5 August 2010 and the Extraordinary Council held on 25 August 2010, having been laid before the Council.

RESOLVED - That the minutes be confirmed.

The minutes were thereupon signed by the Chairman.

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

None.

59. QUESTIONS FROM MEMBERS OF THE COUNCIL

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

None.

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

- (i) Question from Councillor Cook to The Mayor, Stuart Drummond:

“What is the scope of the evaluation of the Tall Ships event, that is under way?”

The Mayor, Stuart Drummond, responded stating that in February 2009, following a tender process, the Council appointed Proportion Marketing Ltd working with Spirul Ltd to undertake the evaluation and economic impact

assessment study for The Tall Ships Races – Hartlepool 2010 project.

This was done for two reasons. Firstly, it was a contractual requirement set down by One North East as a condition in their Single Programme offer letter that the Council had an independent evaluation undertaken. Secondly, it is best practice to reflect on and review how and why things happened and to ensure that lessons are learned for future events.

The design of the study and methodology were agreed by the Tall Ships Office and Proportion/Spirul in consultation with One North East Tourism team and with 'visit Tees valley'.

The scope of the study is two-fold:-

1. Evaluation. This would assess how far we achieved our objectives of attracting 1 million visitors and how satisfied they and other stakeholders, such as HBC, One North East, partners, Sail Training International were with the event. It will also give us demographic information on the visitors, e.g. ages and origins of visitors.
2. Economic Impact Assessment. This would seek to determine the beneficial economic impact that holding this event in Hartlepool had on the local, sub regional and regional economy through research and assessment of visitor spend and public and private revenue generated by the project.

The final evaluation report will be complete by end of October 2010.

In his two supplementary questions, Councillor Cook asked "what was the anticipated cost of the evaluation" and "how was this to be funded"?

The Mayor commented that the evaluation study would cost £17,250 plus VAT. It had originally been intended to meet the cost from monies set aside from the Working Neighbourhoods Fund. The Council had, however, received a grant of £60,000 to fund the statutory economic assessment of Hartlepool. This work had largely been carried out in-house thus making significant savings. It had therefore been possible to fund the tall Ships evaluation report from that money.

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

None.

60. BUSINESS REQUIRED BY STATUTE

None.

61. ANNOUNCEMENTS

The Chair announced that the State of the Borough Debate would be held on Thursday 18 November 2010.

The Chair announced the recent sad death of Councillor London's husband. A letter of condolence would be sent on behalf of the Council.

62. 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.

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

None.

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

None.

65. REPORTS FROM THE EXECUTIVE

(a) Proposals in relation to the Council's budget and policy framework

Hartlepool Local Sites Review

The Mayor reported that the Council had undertaken a review of its non-statutory nature conservation sites. In parallel with this, the local geology group (Tees Valley RIGS) had undertaken a review of non-statutory geological sites. The review process has followed guidance produced by Defra in 2006 in their publication "Local Sites: guidance on their Identification, Selection and Management." The review had been overseen by the Tees Valley Local Sites Partnership. The partnership includes representation from all five Tees Valley unitary authorities, all of which had been carrying out their own Local Sites review.

There were 39 nature conservation sites and one geological conservation site currently listed in the 2006 Hartlepool Local Plan. Of the nature conservation sites, eight did not meet any of the current criteria were, therefore, proposed for de-designation. Certain of the other sites were amalgamated as they were adjacent to each other and had similar interest features. A further 15 new sites were identified as meeting the criteria. There were now 43 sites proposed for

designation as Local Wildlife Sites. A further five geological sites have been identified bringing the total to six. The full list of Local Sites and further information on each of them could be found on the Council's website.

RESOLVED – That the findings of the Local Sites review and the amendments to the list of non-statutory nature conservation and geological sites be approved.

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

None.

66. MOTIONS ON NOTICE

None.

67. APPOINTMENTS TO COMMITTEES, FORUMS AND OTHER BODIES

The Chief Executive reported that notification had been received that Councillor Wells would replace Councillor McKenna on Audit Committee. Council was requested to approve the change in membership of the Committee.

RESOLVED – That the change in the membership of the Audit Committee be noted.

68. HARTLEPOOL UNITED FOOTBALL CLUB

The Chief Executive reported that Council's Hartlepool United Football Club Executive Committee met on 2nd September, 2010 to consider the Club's recent offer to purchase the ground and an extensive area of land to the north.

The Committee fully considered the Club's position and their proposal that the land to the north must be part of any transaction and that the offer for the purchase of this land and the ground was final. Details of the offer received from the club and the council's market valuation of the land were contained in a Confidential Appendix to the report. The appendix contained exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 3) information relating to the financial or business affairs of any particular person (including the authority holding that information).

The Committee also noted that IOR required a decision one way or another by 30th September 2010. As a result the Committee unanimously decided to reject the IOR offer for the ground and the land to the north which was less than a tenth of the estimated value of the Council's interest in the ground. The Committee thought this was a gross under valuation. However, the Committee's support, in principle, for the sale of the ground at market value was confirmed. The market value would, therefore, be a starting point for any

negotiation.

The Council do not accept the Club's assertion that the land to the north was either previously "promised" to the club or that this parcel of land should be gifted to the Club. This was the strong view of the Club. The Council remained of the view that this land needed to be retained for any potential development of the Mill House Site, although implementation of any development was uncertain at present. In this regard the Committee noted that the Club and IOR would be prepared to work with the Council on ideas for developments around the ground although without any commitment to costs / funds in this economic climate.

Any sale at less than 'best consideration' needed to be considered against the constraints set out in Section 123 of the Local Government Act 1972 and the possible application of the General Disposal Consent (England) 2003. This generally entails that a local authority shall not dispose of land for a consideration less than the best that can be reasonably obtained.

It was important to point out that the Council had a legal duty to ensure that it gets "best value" for the town's taxpayers when selling assets and this would not have been the case had we agreed to a sale of Victoria Park and the land to the north on the club's terms.

Additionally in this difficult financial climate the Council was facing severe budget cuts and it must maximise its use of assets and income to reduce adverse effects on the local community. The local taxpayers would expect nothing less.

The Committee considered the investment IOR had made in the club which was welcomed and also noted that IOR were not proposing to sell the club (at the time of their last correspondence) although it was accepted that IOR could not guarantee that this might not happen or that new investors could be involved in the future.

The Committee did consider that the Club could still continue in its current form and operation without the need to own the ground itself.

In conclusion the Committee acknowledged that IOR's offer for the ground and the land to the north was the 'final offer' with a decision required by 30th September, 2010 and under these circumstances the Committee felt they had no option but to turn it down. Nevertheless the Committee confirmed to the Club that the Council remains open to negotiation.

RESOLVED – that the report be noted.

69. ELECTORAL REVIEW

The Chief Executive reported that as Members would be aware the Local Government Boundary Commission for England commenced consultation on 'Council size' on the 20th July, 2010, as part of their review of electoral arrangements, administrative boundaries and structure. This particular period

of consultation expired on 30th August, 2010. Hartlepool had been 'selected' for this further electoral review, as 35% of wards have a variance of over 10%. The Commission were guided by the following statutory criteria;

- electoral equality (considered over a five year period, namely 2011 -2016)
- effective and convenient local government
- community identities and interests

In addition, the Commission had regard to the 'electoral cycle' operated by each authority. For the avoidance of doubt, electorate forecasts which in turn related to achieving 'electoral equality', cover a five year period, which related to the anticipated end of the review (September 2011) to a period five years hence. In considerations upon 'Council size' the Commission considered, the Council's responsibilities, its representational role in the area and how the number of councillors proposed related to the Council's style of political management. These matters were raised by the Commission in their presentations to the Council on 13th July, 2010.

The Council received the following notification from the Commission on 15th September;

"Yesterday the Commission considered the council size for Hartlepool. Although it was a difficult decision for them, on balance they decided that they were minded to recommend a council size of 33. This is because they considered that the Mayor's proposal had provided evidence for a reduction in council size. The Commission's recommendation is for 33 rather than 32 due to the fact that Hartlepool elects in thirds."

A formal letter from the Commission was still awaited and would be circulated to Members upon receipt. The next formal stage of the review ('Stage One') commenced on 28th September and concludes on 20th December, 2010. This will consider, through 'evidence based submissions'; the proposed ward pattern (to reflect community identity), the number of Councillors per ward, the names of the proposed wards and 'how the recommendations would impact on the community'.

RESOLVED – that the report be noted.

The meeting concluded at 7.15 p.m.

CHAIR

SPECIAL CLEVELAND POLICE AUTHORITY EXECUTIVE

A meeting of Cleveland Police Authority Executive was held on Tuesday 15 June 2010 in the Media Briefing Centre at Police HQ.

PRESENT: Councillor Caroline Barker, Councillor Barry Coppinger, Councillor Paul Kirton, Councillor Mary Lanigan, Councillor Ron Lowes, Councillor Dave McLuckie (Chair), and Councillor Hazel Pearson OBE

Independent Members

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

OFFICIALS: Mrs Julie Leng, and Mrs Caroline Llewellyn (CE)
Mr Sean Price, Mr Derek Bonnard, Mr Dave Pickard, Mrs Ann Hall, Miss Kate Rowntree, Mr Michael Porter and Insp Dave Sutherland (CC)
Mr Glenn Gudgeon, Mr Steve Sugden and Mr Rob Beattie (Project I Evaluation Team)
Mr David Cunningham (Eversheds)

15 **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

16 **DECLARATIONS OF INTERESTS**

Members queried if they were required to declare an interest in relation to the Teesside Pension Scheme. The Monitoring Officer confirmed that this was not necessary as the issue in relation to the Teesside Pension Scheme was specifically in relation to the Terms and Conditions of those staff who would transfer if Members agreed to the outsource proposal.

17 **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 Paragraph 3 of Part 1 of Schedule 12A to the Act.

18 **PROJECT I – FINAL DECISION**

Superintendent Gudgeon outlined the various stages of the

competitive dialogue process that Cleveland Police had undertaken since September 2008. The report outlined the procurement process and highlighted key outcomes and issues from the final two bidder solutions. More detail was contained within the appendices document and full copies of the proposals had been made available for Members reference.

Both proposals were economically advantageous and improved service to our communities.

The report did not name the two bidders and the evaluation and commentary were anonymised. The bidders were referred to as bidder A and bidder B. Both bidders and their solution had been assessed by internal service unit experts, external legal and commercial consultants and independent moderators.

Both bidders had agreed to conform to TUPE attain Admitted Body Status to the Teesside Pension Scheme and commit to no compulsory redundancies for ten years linked to the release of officers from back office posts.

Dependent on which bidder, if any, was chosen, their proposal would result in the TUPE transfer of between 472 and 474 staff.

The full scoring matrix was attached at Appendix 5 to the report and a summary of the scores achieved by the two bidders against the evaluation matrix was detailed at paragraph 1.8 to the report.

Both of the bids provide excellent value for money, they would both contribute significantly to the financial challenges that the Authority, along with the majority of other public sector organisations, will face over the next few years by generating both cashable and non cashable savings. These savings would be delivered as would improved service with a significantly better underlying technological base that would provide the Authority with the ability to adapt to future change in a more planned and coordinated way.

This partnership proposal would see the Authority entering into a partnership that would improve services, deliver savings and protect jobs at a time when the majority of other public sector organizations would be facing cuts in service and job cuts.

Both bidders had clearly taken full cognisance of the challenges set by the Information Systems Improvement Strategy (ISIS) when selecting technology, infrastructure and operating

procedures.

Both bidder solutions had been assessed in many areas as exceeding Cleveland Police's solution requirements. Bidder A's proposal was the Most Economically Advantageous Tender.

Members Questions:-

Reference paragraph 6.21 – proposals from the new Government to give power back to Officers to enable them to issue charges against low level offences – what impact would this have? It was confirmed that the proposal to re-instate charging of low level offences back to Custody Sergeants would not impact on the scheme.

Commitment to maintaining frontline officers – how many officers would that be? The DCC confirmed that this would equate to 1400 Officers dedicated to frontline duties.

Callback provision – this could lead to an increase in complaints? This is a risk when taking a pro-active approach but it was hoped that any genuine areas of concern would be addressed appropriately. The callback provision would also be a way of providing feedback to the public and provide updates.

Bond process, is there one in place and what are the terms? The Project Team confirmed that there was a £2.5 m bond provision incorporated within the contract that would enable them to terminate at will or in relation to contract issues.

Would the successful provider recognise trade unions? It was confirmed that both bidders would recognise trade unions and that both bidders had communicated and consulted with both the Federation and Unison throughout the process, including their attendance on external site visits with members of the Project Team and Authority.

Risk perspective – managing relationships and the readiness to be up and running. It was confirmed that both bidders had plans in place for the transition phase, the client side was in place as was the accommodation. A Strategic Board had been introduced to deal with all the high level management and monitoring issues.

Restrictive duty officers – 24 affected by this proposal – how would they be dealt with? The DCC confirmed that he already has monthly review meeting to manage each of the restricted

duty officers and he was confident that they could be managed through the process and confirmed that we would remain committed to looking after officers who require recuperative duties.

Have all the risks been captured and added to the risk register?
Yes all risks as identified had been added to a separate risk register maintained throughout the process.

Paragraph 6.1 – Technology updates – would they be kept up to date? What if technology was imposed? ISIS would be the major impact and was the initial key driver for Project I, therefore both bidders are contractually obligated to technology that is ISIS compliant.

Paragraph 6.18 – 284 call backs per day equates to 23 calls an hour – this is a large commitment – is it achievable? The call back system would not only be quality checks, but would also be a feedback mechanism to update anyone who had placed a call or provided information with a progress update.

Had external stakeholders been consulted – i.e. Criminal Justice Service? Both bidders had engaged with CJS and conducted impact assessments on new technology, both bidders have made recommendations on how they could help them improve their technology, there was no negative impact.

Appendix 5 – reference to the 70 staff surplus to requirements? The Project Team explained that the 70 police staff would be placed into back office roles as they became vacated through moving officers to front line duties – maintaining and initially increasing the number of front line officers.

What does Akatel period of 10 days mean? This is a stand still period of 10 days to allow the unsuccessful bidder(s) to receive feedback and to ensure there is no challenge prior to signing the contract.

ORDERED that:-

1. Having considered the proposals within the report, members unanimously agreed to outsource services.
2. Bidder A be appointed as the successful bidder for the provision of services outlined within the report.

Members were then advised that Bidder A was Steria.

3. The decision to appoint Bidder A was subject to the 10 calendar days Alcatel standstill period.

CLEVELAND POLICE AUTHORITY EXECUTIVE

A meeting of Cleveland Police Authority Executive was held on Friday 25 June 2010 in the Members Conference Room at Police HQ.

PRESENT: Councillor Barry Coppinger, Councillor Paul Kirton, Councillor Dave McLuckie (Chair), Councillor Hazel Pearson OBE.

Independent Members

Miss Pam Andrews-Mawer, Mr Ted Cox JP, Mr Geoff Fell, Mr Peter Hadfield, Mr Aslam Hanif, and Mr Peter Race MBE.

OFFICIALS: Mrs Julie Leng and Mr John Bage (CE)
Mr Sean Price, Mr Derek Bonnard, Mrs Ann Hall, Mr Dave Sutherland and Mr Christian Ellis. (CC)

19 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Caroline Barker, Mr Chris Coombs, Councillor Mary Lanigan, Councillor Ron Lowes and Mr Mike McGrory

20 DECLARATIONS OF INTERESTS

There were no declarations of interests.

21 ANNUAL GOVERNANCE STATEMENT 2009-2010

The Assistant Chief Officer Finance & Commissioning and the Treasurer presented the report to Members, to review the third Annual Governance Statement.

Members were informed that arrangements required under the Account and Audit Regulations define proper practices to publish an Annual Governance Statement (AGS). The Executive agreed to build upon the existing arrangements for production of the Statement of Internal Control.

This meant that the Audit and Internal Control Panel had the responsibility to review the draft AGS, and to make recommendations to the Executive meeting. The draft had been drawn up using the CIPFA/SOLACE framework. A briefing for Members outlining the processes and assurances supporting the production of the AGS for 2009/2010 was given on the 1st June 2010.

Members were informed that at its meeting of the 3rd June 2010 the Audit and Internal Control Panel was asked to consider and amend as appropriate the final draft of the Annual Governance Statement 2009-2010. It was also asked to make recommendations thereon to the Police Authority Executive. The version of the AGS agreed by the Panel is contained at Appendix A to the report.

ORDERED that:

1. the recommendations of the Audit and Internal Control Panel of the 3rd June 2010 in respect of the Annual Governance Statement be agreed.
2. the Annual Governance Statement for 2009/2010 at Appendix A to the report be agreed.

22

DRAFT STATEMENT OF ACCOUNTS 2009-2010 (SUBJECT TO AUDIT)

The Treasurer presented the report to Members to inform them that under the Account and Audit Regulations 2003, local authorities, including police authorities, are required to receive and approve the Statement of Accounts before the end of June in any given year.

Members were informed that the role of the Audit and Internal Control Panel in reviewing the statement of accounts is set out in Appendix D of the Code of Corporate Governance, and that the role of the Police Authority Executive is to approve the Statement of Accounts, subject to the results of the scrutiny undertaken by the Audit and Internal Control Panel, and its recommendations.

The Vice Chair of the Audit & Internal Control Panel confirmed to Members that the Police Authority Executive can be confident that the Audit & Internal Control Panel has scrutinised the draft document and that they can be content with the proposed recommendations.

ORDERED that:

1. the report considered by the Audit & Internal Control Panel be noted.
2. the Statement of Accounts be agreed.

23

REVISED CODE OF CORPORATE GOVERNANCE

The Strategy & Performance Manager informed members that the new style Code of Corporate Governance was agreed by the Police Authority at its meeting in December 2007, becoming effective from 1st January 2008. It was agreed that there would be an annual review of the Code, which would be brought to Members for approval. Since the last update in June 2009 there had been important changes to the working document.

Members were informed of the proposed changes and that by revising and updating the Code of Corporate Governance, the Police Authority will ensure that it continued to meet its legal obligations and further its objective of maintaining good governance of its affairs.

ORDERED that:

1. the revised Code of Corporate Governance be agreed.

24

POLICE AUTHORITY MEETING SCHEDULE 2010 – 2011

The Chairman informed Members that the purpose of the report was to outline an annual meetings schedule for the Police Authority Executive and its Panels.

Members were informed that the meetings schedule at Appendix A to the report, had been drawn up in consultation with the Force Executive and that it is a necessary planning document in the scrutiny process.

ORDERED that:

1. the outline Meetings Schedule at Appendix A to the report be agreed.

25

OUTLINE SCHEDULE OF REPORTS 2010 – 2011

The Strategy & Performance Manager informed Members that the purpose of the report was to outline an annual schedule of reports for the Police Authority Executive and its Panels.

Members were informed that the outline annual schedule of reports will enable the panel/committee business to be more effectively and efficiently planned and executed.

ORDERED that:

1. the Outline Annual Schedule of Reports at Appendix A to the report be agreed.

26

AUDIT OPINION PLAN

The Audit Commission informed Members of the audit work it intends to undertake for the financial statements 2009/10. The plan is based on the Audit Commission's risk-based approach to audit planning.

Members were informed that the Audit Commission had considered additional risks that are appropriate to the current opinion audit, and informed Members that these were to be :

- PFI Schemes
- Air Support Unit
- The new format to income and expenditure account
- Officer remuneration disclosure
- Changes in accounting for Council Tax

The Audit Commission informed Members of the audit team who would be carrying out the work.

Members queried whether or not the Police Authority would get value for money following recent changes in Government policy.

The Audit Commission informed Members that although the Government had made significant changes by ceasing work on Central Area Assessments and Use of Resources, it could confirm that the work had been carried out. However the Audit Commission can only give limited feedback.

ORDERED that:

1. the report be noted.

MINUTES OF THE LEADERSHIP PANEL HELD ON 23 FEBRUARY 2010

ORDERED that the following minutes of the Leadership Panel held on 23 February 2010 were submitted and approved.

LEADERSHIP PANEL

A meeting of the Leadership Panel was held on Tuesday 23 February 2010

in the Chair's office at Police Headquarters.

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

27 **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

28 **DECLARATIONS OF INTERESTS**

There were no declarations of interests.

29 **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 paragraph 2 of Part 1 of Schedule 12A to the Act.

30 **ROLE OF THE CHIEF EXECUTIVE**

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

ORDERED that:-

1. the recommendations detailed within the report be approved.

31 **LEADERSHIP ISSUES**

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

ORDERED that:-

1. the recommendations detailed within the report be approved.

32 **MINUTES OF THE POLICE AUTHORITY EXECUTIVE
HELD ON 25 FEBRUARY 2010**

ORDERED that the minutes of the Police Authority Executive held on 25 February 2010 were approved and signed by the Chair as a true and accurate record.

33 **MINUTES OF THE SPECIAL POLICY & RESOURCES
PANEL HELD ON 16 MARCH 2010**

ORDERED that the following minutes of the Special Policy & Resources Panel held on 16 March 2010 were submitted and approved.

SPECIAL POLICY & RESOURCES / CORPORATE DEVELOPMENT

A meeting of the Special Policy & Resources Panel was held on Tuesday 16 March 2010, commencing at 3.30 pm in the Members Conference Room at Police Headquarters.

Mr Aslam Hanif (Chair), Councillor Hazel Pearson OBE (Vice Chair), Councillor Victor Tumilty, Miss Pam Andrews-Mawer, Councillor Ron Lowes, Councillor Barry Coppinger and Mr Peter Race MBE (ex officio)

Mr Paul Kirkham and Mr John Bage (CE)
Mrs Ann Hall, Mr Derek Bonnard and Miss Kate Rowntree (CC)

34

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Dave McLuckie (ex officio), Mr Chris Coombs and Mr Sean Price (CC)

35

DECLARATIONS OF INTERESTS

There were no declarations of interests.

36

PROCUREMENT REPORT FOR THE NICHE RECORDS MANAGEMENT SYSTEM

The Assistant Chief Office (Finance & Commissioning) informed Members that the purpose of the report was to inform Members that the Niche Records Management System contract was to expire on 31st March 2010.

Members were informed that a review had been undertaken and during the re-negotiation of the contract, the Force had been advised that licenses and maintenance would no longer be supplied through a re-seller network via Office of Government Commerce (OGC). Members were informed that a contract must be established direct with the copyright and Intellectual Property Right (IRP) owners. During this process consultations had been taken with Project I who were content with the method of the award of this contract.

During consultation both bidders for Project I informed the Force that this was the only tendering option currently available. Members were also advised that by approx 2015 national systems may be in place to supersede this current arrangement.

Members sought to clarify why Niche had refused to deal with any participating OGC re-sellers and where managing their own maintenance capability.

The Assistant Chief Officer (Finance & Commissioning) informed Members that Niche had decided to keep their commercial interests with their own organization, however Members were assured that this process had passed procurement testing. In addition, the Force had seven years experience with the current provider, and can evidence a good maintenance record.

Members were further assured that the Procurement Process was completed

in line with European Legislation and it was being recommended that the contract be awarded for five years based on the details provided.

ORDERED that:

1. the procurement method used be noted.
2. the contract be awarded to Tender 1 be agreed.
3. the contract term of 5 years be agreed.

37

**MINUTES OF THE POLICE AUTHORITY ANNUAL
GENERAL MEETING HELD ON 17 MARCH 2010**

ORDERED that the minutes of the Police Authority Annual General Meeting held on 17 March 2010 were approved and signed by the Chair as a true and accurate record.

38

**MINUTES OF THE OPERATIONAL POLICING PANEL
HELD ON 18 MARCH 2010**

ORDERED that the following minutes of the Operational Policing Panel held on 18 March 2010 be submitted and approved.

OPERATIONAL POLICING PANEL

A meeting of the Operational Policing Panel was held on Thursday 18 March 2010 commencing at 10.00 am in the Members Conference Room at Police Headquarters.

PRESENT	Councillor Barry Coppinger (Chair), Miss Pam Andrews-Mawer, Councillor Victor Tumilty, Mr Peter Race MBE (ex officio) and Mr Geoff Fell.
ADDITIONAL ATTENDEES	Mr Ted Cox JP and Councillor Ron Lowes.
OFFICIALS	Mrs Joanne Hodgkinson and Mr John Bage (CE) Mr Sean White, Mr Dave Pickard and Miss Kate Rowntree (CC).

39

APOLOGIES FOR ABSENCE

Apologies for absence were received from, Councillor Dave McLuckie (ex officio), Councillor Steve Wallace (Vice Chair) and Mr Chris Coombs.

40

WELCOME

The Chair on behalf of Members welcomed Mr Geoff Fell to the meeting.

41

DECLARATIONS OF INTERESTS

There were no declarations of interests.

42

MINUTES OF THE MEETING HELD 22 JANUARY 2010

The minutes of the previous meeting were held as a true record.

43

OUTSTANDING RECOMMENDATIONS

ORDERED that:-

1. the outstanding recommendations be noted.

44

PARTNERSHIP STRATEGY & CODE OF PRACTICE

The Strategy Manager presented the report to Members on Partnership Strategy & Code of Practice.

Members were informed that the Police Authority is committed to strengthening the governance arrangements and strategic direction for existing and future partnerships entered into by the Authority.

The Strategy Manager informed Members the Partnership Strategy and Code of Practice should promote our vision of developing communities where people and businesses are allowed to develop and prosper, free from crime and the fear of crime, by improving the effectiveness of partnership arrangements.

ORDERED that:

1. the attached Partnership Strategy and Code of Practice at Appendix A to the report be agreed.

45

FORCE PERFORMANCE REPORT (APRIL 2009 – JANUARY 2010)

The Assistant Chief Constable Territorial presented the report to Members on Force performance to January 2010.

Members were informed that progress against the Policing Plan Priority was monitored using the Priority Indicator Set. The Priority Indicator Set provided a suite of performance measures (i.e. 'a performance dashboard'), which aimed to reflect outcome performance in relation to the local policing priority and the Chief Constables vision of Putting People First.

For 2009-10, there are 18 performance measures within the Priority Indicator Set. Of these 11 are green, 3 are amber and 4 are red.

The Assistant Chief Constable Territorial informed Members that the Force had made good progress in relation to the delivery of the 2009-10 Policing Plan Priority. The Force continued to achieve high levels of public confidence and satisfaction, reduce crime significantly and increase detections, whilst improving the level of sickness absence amongst officers and staff.

Members sought assurance regarding any incidents of dangerous Anti-Social Behaviour (ASB) in the Authority area.

The Assistant Chief Constable Territorial informed Members that there were no dangerous cases of ASB, as recently reported in the national press, occurring in the Authority area. He assured Members that the Neighbourhood Police Teams (NHP) were fully attuned to their particular areas. Officers work closely with partner agencies and ASB targets are

being met. Further long term ASB targets need to be clarified and agreed.

ORDERED that:

1. the report be noted.

46

ANTI-SOCIAL BEHAVIOUR UPDATE

The Assistant Chief Constable Territorial informed Members that the purpose of the report was to provide Members with an overview of current anti-social behaviour (ASB) initiatives.

Members were informed that ASB is any activity that impacts on other people in a negative way. Anti-social behaviour included a variety of behaviours covering a whole range of selfish and unacceptable activities that can blight the quality of life within communities.

Incidents reported to the Force are assigned to categories including: abandoned vehicles; animal problems; hoax calls; rowdy and nuisance neighbours; environmental damage, and rowdy and inconsiderate behaviour. The full list of categories is attached at Appendix 1 to the report.

The Assistant Chief Constable Territorial confirmed to Members that Anti-Social Behaviour is a key concern to local communities and a continued focus will be maintained. A holistic and partnership approach is required to ensure long term solutions are found to local problems.

Members were informed that for next year the Force are to mainly concentrate their ASB priorities on Rowdy/Nuisance Behaviour – Neighbours, Rowdy or Inconsiderate Behaviour (inc solvent misuse), Street Drinking.

Members queried whether the Force kept information relating to constant / repetitive complaints of ASB.

The Assistant Chief Constable Territorial confirmed that the Force did keep such information on multiple / repeat areas of ASB. This information is passed to Communication Officers and NHP / PCSO Teams for their intelligence.

Members sought clarification as to how the Force responds to repeat / multiple calls of ASB.

Members were informed that the Force have a wide range of sophisticated systems and devices available to them to pass information to Officers when incidents of ASB are flagged up. Members were informed of these.

Members queried when reporting incidents of ASB, are incidents recorded in multiples or are they recorded separately.

The Assistant Chief Constable Territorial informed Members that all individual reports are recorded separately.

ORDERED that:

1. the report be noted.

47

PROPOSED PERFORMANCE TARGETS 2010/11

The Assistant Chief Constable Territorial informed Members that the purpose of the report was to provide an update in relation to the Force target setting process and to present to Police Authority Members the Force target recommendations for 2010-11.

Members were informed that the Force Executive had identified a 'priority indicator set' which consisted of a suite of key performance measures in relation to the local policing priorities for 2010-11 and the Chief Constable's vision of Putting People First. Appendix 1 to the report provided a detailed summary.

The Assistant Chief Constable Territorial informed Members that a proposed overall crime reduction target of 5% for 2010-11 is proposed and is very ambitious considering the reductions in crime achieved over the past five years.

Members sought clarification as to how many fewer victims of crime this would equate to and whether it was possible to have an actual proposed figure as opposed to a suggested percentage figure.

The Assistant Chief Constable Territorial informed Members that figures would be available, but until the year end figures are not finalised and no detail projections can be offered. These will be forthcoming.

Members noted that the proposals had been compiled following consultation and negotiation with key stakeholders, and sought details and clarification of the process.

The Assistant Chief Constable Territorial informed Members that he would provide Members with details of the consultation process undertaken.

**ACC
Territorial**

Members queried the performance indicator set for Serious Violent Crime and requested further information regarding the setting of an actual numerical figure as a target.

The Assistant Chief Constable Territorial informed Members that this would be made available.

ORDERED that:

1. the report be noted.
2. the proposed targets for 2010-11 at Appendix 1 to the report be agreed.

POLICING PLEDGE UPDATE

The Assistant Chief Constable Territorial informed Members that the purpose of the report was to update Members on progress in implementing the Policing Pledge.

Members were informed that the Pledge is the police service's commitment to the public and sets out minimum standards of service that can be expected to be received.

The Force's Operational Performance Team (OPT) had been tasked to

prepare an action plan to ensure that the Force delivered the Pledge commitments. The action plan was first presented to the Citizen Focus Board for consideration on 15th December 2009.

Members were informed that there are a number of areas of overlap between the National Quality of Service Commitment (NQoSC) and the Policing Pledge. In order to ensure a consistent approach, both will continue to be monitored and delivered by the Citizen Focus Project Board and reported to Members.

ORDERED that:

1. the report be noted.

49

CUSTODY PERFORMANCE REPORT 2009

The Assistant Chief Constable Crime informed Members that the report was to provide Members with an appraisal of the performance of the Custody Support Services Contract over the Financial year 2009/10, to assure Members that the contract is robustly managed by Cleveland Police and to assure Members that the contract still offers 'value for money', performs to, and above the contracted requirements and meets the needs of the Force.

Members were informed that throughout 2009/10 Reliance reported on the performance of the Custody Contract every month to a Contract Performance Board. There are 10 Key Performance Indicators (KPI's) within the contract that must be reported on monthly. These KPI's are linked to the contract price and failure to perform to the required standard would result in penalties.

The Assistant Chief Constable Crime informed Members that the contract continued to deliver efficiency savings for the Authority. Value for money had been achieved by the continued use of this contract. The contract had been recognised nationally for delivering business benefits.

Members sought clarification on the current provision of property services delivered by the contractor.

The Assistant Chief Constable informed Members that the systems and methodology of managing property services had now been embedded and now delivers an efficient and effective service.

Members queried how getting value for money from the service provision was assessed.

Members were informed that there are a number of areas to assess such. These included the measurement of efficiency savings in areas such as the reductions in waiting times in holding room areas, reductions in un-answered bail and bail management and the monthly performance monitoring to the Contract Performance Board.

ORDERED that:

1. the report be noted.

50

LOCAL PUBLIC CONFIDENCE SURVEY

The Assistant Chief Constable Territorial informed Members that the report was to present to the Police Authority the baseline findings from the Local Public Confidence Survey.

Members were reminded that the Local Public Confidence (LPC) Survey was introduced in October 2009 to replace the previous Force Quality of Life, and Neighbourhood Surveys. It is commissioned jointly by both the Force and the Authority.

The survey is conducted on a monthly basis by an independent market research company. The aim of the survey is to measure public confidence and to understand the factors that influence it. Between October 2009 and January 2010 a total of 2,400 interviews were completed across the Authority area.

The Assistant Chief Constable Territorial informed Members that the results of the Local Public Confidence survey will help deliver the local policing priority; 'to enhance public confidence in Cleveland Police', and will assist to achieve the Chief Constable's vision of Putting People First.

ORDERED that:

1. the report be noted.

51

NEIGHBOURHOOD POLICING UPDATE

The Assistant Chief Constable Territorial informed Members that the purpose of the report was to update Members on the progress of implementation of Neighbourhood Policing (NHP).

Members were informed that the Force's approach to Neighbourhood Policing is based on the Chief Constable's Ward based model of a named police constable per neighbourhood. In addition, each neighbourhood had a minimum of one PCSO working alongside the Constable.

The Force recognised the clear benefits of disseminating good practice across the four policing districts and 88 Wards of Cleveland Police in respect of strong and effective neighbourhood and partnership policing. This is achieved in a consistent and coherent way.

Members were informed that the Force continued to build upon the experience and identification of effective practice in embedding Neighbourhood Policing. Surveys continued to indicate public support for Neighbourhood Policing and recognise the increase in visible patrols and improved service. The Force continued to reduce crime rates whilst embedding Neighbourhood Policing.

The Chair welcomed the update and informed Members of a current initiative to introduce a Neighbourhood Police Award Scheme.

Members queried the possible introduction of new police recruits into NHP Teams.

The Assistant Chief Constable Territorial informed Members that following a recent review, it was found that there needs to be a structural introduction of Officers into NHP Teams. It was found that Officers require a degree of grounding (approx 2 years) prior to their introduction.

The Chair informed Members that it was important that the correct balance of Police Officers into Neighbourhood Policing was achieved as public confidence is directly linked to such policing activities.

ORDERED that:

- 1 the report be noted.
2. support for the Neighbourhood Policing Awards be agreed.

52

2010 - 2013 POLICING PLAN

The Assistant Chief Constable Territorial informed Members that the purpose of the report was to present Members with the final draft 2010-13 Policing Plan, and to inform Members of the work carried out in compiling the Plan.

Members were informed that the final content of the Plan must be approved by the Police Authority before 31st March 2010 subject to any minor updates and amendments. The Plan does not have to be published by that date, however publication must be completed by 30th June 2010.

The Assistant Chief Constable Territorial informed that the preparation of the policing plan, including policing priorities and performance targets, delivered a structured approach to identifying key strategic objectives and driving the prioritisation of resource in the delivery of the Chief Constable's vision of Putting People First.

ORDERED that:

1. the final draft of the 2010-13 Policing Plan, subject to the preparation of the Value for Money Statement, agreement of the performance targets, and the 2009/10 outturn results be agreed.

53

2010-11 LOCAL POLICING SUMMARY

Members were informed that the Serious Organised Crime and Police Act 2005 sets out the requirement for Police Authorities to prepare local policing information.

The local policing summary provided an important link to the Community Engagement strand of the Government's Police Reform Programme. The report had been prepared to give background information regarding the production of the 2010-11 Local Policing Summary and requested delegated authority to the Chair and Vice Chair of the Operational Policing Panel to sign off the final version of the summary prior to printing and distribution, to enable the earlier publication timetable to be met.

The Assistant Chief Constable Territorial informed Members that the local policing summary should be prepared as soon as possible after the end of each financial year. The minimum requirement is to produce a Force level local policing summary. The Home Office and best practice suggest that

summaries should be prepared at a more local level.

Members were informed that the production of the local policing summary highlighted some of the policing activities and areas of interest for the public. It supported the implementation and development of our citizen focus activities and helps to drive forward the vision of the Force and Authority.

The Assistant Chief Constable Territorial informed Members that there is a need to provide greater and more specific information to local communities. This will be done by providing specific information to communities as detailed in Appendix 1 to the report.

Members queried whether the information to be provided could be linked to localised Anti Social Behaviour Teams.

The Assistant Chief Constable informed Members that this would be done. In addition the Strategy Manager informed Members that Police Authority Members were to be identified as 'champions' for particular areas, and these details would be circulated via e-mail and Web addresses to the public.

54

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 Paragraph 7 of Part 1 of Schedule 12A to the Act

55

PROTECTIVE SERVICES UPDATES

The Assistant Chief Constable Crime Operations provided an update to Members on the current position on Protective Services.

The Chair and Members welcomed the update and sought clarification as to whether a further update on PREVENT would be brought to a future meeting of the Panel.

Members were informed that this would be carried out.

ORDERED that:

1. the report be noted.

56

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 Paragraph 3 of Part 1 of Schedule 12A to the Act

57

MINUTES OF THE CITIZEN FOCUS POLICING BOARD MEETINGS

The Chair presented to Members the minutes of the Citizen Focus Policing Board for the meetings held:

- 12 January 2010
- 9 February 2010
- 4 March 2010

Members were informed that the rationale behind presenting this information was to ensure Members were fully updated with all aspects of Neighbourhood Policing.

ORDERED that:

1. the report be noted.

58

**MINUTES OF THE AUDIT & INTERNAL CONTROL PANEL
HELD ON 25 MARCH 2010**

ORDERED that the below minutes of the Audit & Internal Control Panel held on 25 March 2010 were submitted and approved.

AUDIT AND INTERNAL CONTROL PANEL

ACTION

A meeting of the Audit and Internal Control Panel was held on Thursday 25 March 2010 commencing at 10.30 am in the Members Conference Room, Police Headquarters.

PRESENT

Mr Mike McGroary JP (Chair), Mr Peter Hadfield (Vice Chair), Councillor Caroline Barker, Mr Geoff Fell, Cllr Mary Lanigan, Councillor Victor Tumilty and Mr Peter Race MBE (ex officio)

**ADDITIONAL
MEMBERS**

Councillor Ron Lowes.

OFFICIALS

Mrs Julie Leng, Mr Paul Kirkham and Mrs Caroline Llewellyn (CE).
Mr Derek Bonnard, Mrs Ann Hall and Miss Kate Rowntree (CC).

AUDITORS

Mr Ian Wallace – Internal Auditor (RSM Tenon), Mr Paul Hepple – External Auditor (Audit Commission)

59

APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr Chris Coombs and Councillor Dave McLuckie (ex officio)

60

DECLARATIONS OF INTERESTS

There were no declarations of interests.

61

MINUTES OF THE PREVIOUS MEETING HELD 20 January 2010

The minutes were agreed as a true and accurate record.

Members sought confirmation that staff had been reminded of the importance of keeping records (e.g. addresses) up to date as detailed in the report on Payroll and Expenses. The Assistant Chief Officer advised Members that appropriate staff had received a reminder in writing and that this would continue to be addressed through the MPR process.

Member requested a further progress report to be submitted in 6 months time.

ACO(F&C)

62

OUTSTANDING RECOMMENDATIONS

ORDERED that -

1. the Outstanding Recommendation was noted and updated to reflect that the briefing to be arranged in relation to the Code of Corporate Governance would now include Risk Management training and that this would take place by the end of April.

**Executive
Accountant**

63

ANNUAL GOVERNANCE STATEMENT

The Executive Accountant advised Members on the requirement on Authorities including Police Authorities to prepare an Annual Governance Statement. The statement is published within the Annual Statement of Accounts, but it should also be considered and agreed as a separate document as it is about all corporate controls and not confined to financial issues. Guidance from CIPFA advises that the statement be reviewed by a Member group during the year (rather than just at year end) as an integral and indeed critical component of the review process

The Audit & Internal Control Panel has been tasked with this role in light of its other remits

The purpose of this report was firstly to update the panel on progress since January 2010 against significant governance issues, and the action points for improvement, identified in the 2008/2009 Statement (approved by the Police Authority Executive on the 4 June 2009).

Secondly it brought forward a further draft of the 2009/2010 Annual Governance Statement.

The purpose of the Annual Governance Statement process was to provide a continuous review of the effectiveness of an organisation's governance arrangements including internal control and risk management systems. This was intended to give assurance on their effectiveness or otherwise leading to an action plan to address identified weaknesses.

Paragraph 4.1 – Members asked if the training had commenced and if it had how far on were we and if not when would it start?

The Executive Accountant advised that Authority staff had undergone training but that was in need of refreshing. The training of Senior Officers within the Force and Stakeholders was still to be addressed.

Paragraph 4.3.1 – Members questioned how the CPA Business Plan would be monitored.

The Executive Account advised that following discussion with the Chairman of the Police Authority it had been agreed that the responsibility for monitoring the business plan would sit with the Leadership Panel.

ORDERED that

1. the current progress against the significant governance issues and action points for 2009/10 identified in the 2008/2009 Annual Governance Statement be noted.
2. the current draft of the 2009/2010 Annual Governance Statement subject to further progression by officers be agreed.

64

CLEVELAND POLICE AUTHORITY MONITORING OFFICER REPORT

The Monitoring Officer reminded Members of the role of the both the Monitoring Officer, and Deputy Monitoring Officer, to promote the ethical standards of Members and Officers, and maintenance of the Register of Interests, Gifts and Hospitality. This report monitored compliance with current codes and procedures, and reports the findings and any action taken to the Authority.

Cleveland Police Authority has systems in place to identify issues and to ensure that Members, Officers and the public are aware of how to raise concerns. The Authority is committed to high standards and to being proactive in providing as much information as possible on its website. This continues to evolve as the website is updated and developed. The Authority is committed to ensuring that its members are trained in Governance and the annual training programme would continue to be developed taking needs identified from annual appraisals, changes in legislation and expectations.

Members questioned the fact that no entries of gifts and hospitality had been recorded and sought clarification around when and when not they should make registrations. The Monitoring Officer reminded Members that it was their responsibility to report any gifts and hospitality. Although it was normal practice that this should occur when it is over the value of £25.00, Cleveland Police Authority policy is that any gift or hospitality should be recorded (even offers of gifts and hospitality that were not accepted). This did not include any hospitality received whilst attending a meeting or conference for example. Members are reminded annually of their responsibility to report.

Members sought assurances that staff were aware of the whistleblowing policy and that it was accessible. It was confirmed that the CPA whistleblowing policy is accessible through the website and that all staff were advised of the policy through an administrator message. The Deputy Chief Constable explained the arrangements the Force had through the confidential e-mail system and confirmed all cases been dealt with in accordance with Force procedures.

ORDERED that

1. the completion of the annual review of Members Register of Interests, Gifts and Hospitality in accordance with the Members Code of Conduct be formally acknowledged.

2. there have been no confidential reporting issues during 2009/2010 be noted.
3. Cleveland Police Authority's Publication Scheme which is accessible through its website and that the Police Authority has received and responded to 13 Freedom of Information request over the past year be noted.
4. 20 documents were signed and sealed in accordance with procedure over the period 2009/10 be noted.
5. no complaints were received against Members during 2009/10 be noted.
6. in future this annual review would be completed by the Standards Committee and reported to the Police Authority Executive be agreed.

**Monitoring
Officer**

65

POLICE AUTHORITY RISK REGISTER MARCH 2010

The Executive Accountant provided Members with the opportunity to review the Cleveland Police Authority Risk Register and Action Plan.

The 2007 CIPFA/APA Guidance for Police Authorities "Delivering Good Governance in Local Government Framework" recommended that an effective risk management system be put in place and that decision be subject to effective scrutiny and the management of risk. In addition it recommended that the authority should ensure that risk management is embedded into the culture of the organisation, with members and managers at all levels recognizing that risk management is part of their job.

Cleveland Police Authority's Risk Register (attached at Appendix A to the report) had been updated after scrutiny by the Joint Risk Management Group. The CPA Risk Register is in the process of migrating onto the new *4Risk* software, alongside the Force Strategic Risk Register and the Service Unit Risk Registers. The Action Plan to mitigate risks was set out at Appendix B to the report for Members to review.

The risk of Fraud had been the subject, along with the risk of Corruption, of strategies over a number of years to mitigate the probability of it occurring to the extent that it has not previously been considered sufficiently material for inclusion in the corporate Cleveland Police Authority risk register. However, both Internal and External Audit have commented on this omission within the context of asserting the Authority's and Force's policing on Counter Fraud and Corruption. It was now detailed at PA8 in both appendices.

This report is part of an ongoing process within both the Authority and Force to embed risk management in every aspect of the business.

Members raised a concern about the apparent absence of Project I from the Risk Register. The Executive Accountant explained that Project I was on the Emerging Risks Register where it was being evaluated subject to the decision of the CPA to proceed or not. The Deputy Chief Constable advised Members that the Project I was similarly being addressed in the Force's risk management processes. The Project I bidders are considering their risk responsibilities as part of the process.

Appendix B – PA5 – Members sought an explanations about why this target had not been met, and asked when this would be rectified. The Executive Account explained that due to a long term absence of a member of staff this had fallen behind but it was something that would be looked at in conjunction with the Force and Stakeholders and an updated timeframe would be put in place.

Members asked who would have responsibility for the ongoing monitoring of the Risk Register. They were advised by the Executive Accountant that this would be monitored by the Leadership Panel at its quarterly meeting.

ORDERED that -

1. "Fraud" be added to the Authority's Risk Register.
2. the Risk Register attached at Appendix A to the report and the Action Plan attached at Appendix B be accepted.

**Executive
Accountant**

**Executive
Accountant**

66

CLEVELAND POLICE AUTHORITY – RISK MANAGEMENT POLICY AND STRATEGY

The Executive Accountant asked Members to review and comment on the revised risk management policy and strategy for the Police Authority.

In 2005 the Police Authority and the Force agreed a joint Risk Management Strategy. This had been substantially in existence since then, subject to amendment as the arrangements for risk management have evolved within the Authority and across the Force. As part of the continuous review of governance it is now considered appropriate that the Authority establishes a separate Policy and Strategy, but one which remains aligned with that of the Force. This is in recognition that the Authority needs to manage its own risks while having oversight of management arrangements within the Force.

One consequence is the further emphasis in the Strategy of the involvement in risk management by all panels, not just the Audit & Internal Control Panel.

A suggested Policy and Strategy was attached at Appendix A to the report. This document had been prepared following research based on documents from other police authorities, particularly South Wales Police Authority and in house developmental work.

Because of the alignment of arrangements with the Force (for example the use of common software, scoring etc) the charts attached to Appendix A, replicated those in the Force's documentation which was attached at Appendix B to the report.

This report was part of the ongoing process to improve governance, efficiency and effectiveness. The Executive Accountant advised members that he would look to arrange some additional member training in relation risk management.

The Internal Auditor stated that this was one of the better policies on risk management that he had seen and that the guidance clearly identified what was significant or not. This policy marked a step change in the Police

Authority's approach to Risk Management.

ORDERED that -

1. the Cleveland Police Authority Risk Management Policy and Strategy at Appendix A to the report be agreed.
2. the Force's Risk Management Strategy at Appendix B to the report, published as part of its Corporate Governance Framework be noted.

**Executive
Accountant**

**Deputy Chief
Constable**

67

CLEVELAND POLICE AUTHORITY – REVISED CODE OF CORPORATE GOVERNANCE

The Executive Accountant advised Members of their role to review proposed changes to the Code of Corporate Governance, and to make recommendations thereon to the Police Authority Executive.

This new style of Code of Corporate Governance was accepted by the Police Authority at its meeting in December 2007 and became effective from 1 January 2008. It was agreed that there would be an annual review of the code, which would be brought to members for approval. Since the last update in June 2009 there had been important changes to the working documents and therefore it was an opportune time to bring these to the attention of Members and seek approval for their inclusion within the Code.

The main changes to the Code were detailed within the report.

Members had received Appendix A, which was a copy of the Code of Corporate Governance, on a disc, and were asked to note that it was also available upon request or by accessing the CPA website at www.clevelandpa.org.uk.

The Code of Corporate Governance had been updated in a timely manner in accordance with agreed procedures.

Paragraph 3.5 – b. – Members sought clarification around the arrangements for elected Mayors to sit on Police Authorities. The Deputy Monitoring Officer confirmed that this was included in the Statutory Instrument for Police Authorities entitled "Community Engagement and Membership" which came into Force on 17 March 2010. This stated that an elected Mayor of a relevant council who indicated that they would like to be appointed to the Police Authority and were supported by their local authority, that they would be so appointed.

Members requested that in future 'below the line' documents be printed on a different colored paper (even if it was just the top sheet).

ORDERED that -

1. the revised Code of Corporate Governance be reviewed and any recommendations for consideration by the full Police Authority Executive meeting in June 2010 be submitted.
2. below the line items be differentiated by use of coloured paper.

**Executive
Accountant**

**Deputy
Monitoring
Officer**

IMPLEMENTATION OF INTERNATIONAL FINANCIAL REPORTING STANDARDS (IFRS) FOR LOCAL AUTHORITIES

The Assistant Chief Officer Finance and Commissioning updated Members on the requirement to adopt International Financial Reporting Standards (IFRS) for Local Authorities (including Police Authorities) financial statement from 2010/11.

These statements are to include comparators for 2009/10, together with an opening balance sheet at 1 April 2009.

In recent years there had been a move towards bringing local government accounts more in line with the private sector. The Statement of Accounts was produced in accordance with UK Generally Accepted Accounting Practice (UK GAAP). Its application led to major changes to the Statement of Accounts for 2006/07 and these were reported to the Police Authority at that time. The differences between the budget and UK GAAP were reconciled in the Statement of Movement on the General Fund Balance.

The introduction of IFRS will mean that the Statement of Accounts will move even further away from the budget and Precept set by the Authority in accordance with statutory and non-statutory proper practices. It is against this budget that the Authority monitors financial performance and is held accountable to local taxpayers for the Precept it sets.

It is generally accepted that although the Statement of Accounts satisfies legal and technical requirements it will not clearly communicate the Authority's financial position to non-technical readers. For this reason it is important that the Authority considers how this will be best undertaken for the future given that the Statement of Accounts will be even more of a technical document than it has been in the past. A summary of the financial statement is produced by many Authorities and this report recommends that the Authority progresses this work.

A significant amount of work has already taken place within the Corporate Finance Department to ensure that all of the required changes as a result of adopting IFRSs are incorporated into the Statement of Accounts in line with the requirements of the timetable for Local Government.

Paragraph 3.15 – Members queried the carry forward of Overtime and Time off in Lieu (TOIL) and how this is accounted for on the balance sheet in relation to annual increments and promotion of the staff concerned. The Assistant Chief Officer Finance and Commissioning explained that this liability is valued and recorded as if it were to be paid in cash at the current rate and is reviewed on an annual basis. This is the case with every Force across the Country, however, Cleveland, have put in place processes to try to encourage time to be taken within a set time, but this has to be carefully managed. Members had received a report and a briefing in relation to TOIL and the proposals to reduce the amount of time owing and asked if they could receive a progress report which the Deputy Chief Constable confirmed he would be happy to add to the Outline Schedule of Reports.

Paragraph 2.3 – members requested further information on the consultation proposal and how this would be managed and if there was a detailed timetable. The Deputy Chief Constable agreed that the consultation process would have to be carefully managed and that they would promote the work

done to ensure improvements to the front line, for example the changes in the shift pattern, increase in Police Officer and PCSO numbers.

The Assistant Chief Officer Finance and Commissioning informed members that a four monthly update report on proposal would be provided (one of which would be at the end of the financial year) and gave reassurances that any problems would be reported as they arose.

ORDERED that-

- | | | |
|----|--|--|
| 1. | the progress made in implementing IFRS for Local Authorities in respect of the Police Authority be noted. | ACO(F&C) |
| 2. | progress be reported to the Panel at 4 monthly intervals be agreed. | ACO(F&C) |
| 3. | initial proposals for summary financial statements are brought to the appropriate panel on a timetable which allows for subsequent consultation on the content and format probably through the vehicle of the local authorities citizens panels be agreed. | ACO(F&C)
Executive
Accountant |
| 4. | a progress report on management of TOIL be added to the Schedule of reports. | DCC |

69

INTERNAL AUDIT SERVICES – ANNUAL REVIEW 2009/2010

The Executive Accountant informed Members of the requirement to review the effectiveness of the Internal Audit Service on an annual basis. This report was intended to allow Members to discharge that responsibility.

The Panel were asked to consider the submission and assure itself about the effectiveness, or otherwise, of the Internal Audit Service.

Under the terms of the Internal Audit Contract RSM Tenon are required to provide assurances about compliance with key items of legislation and also to confirm business continuity arrangements. The assurances for 2009/2010 were contained within Appendix D to the report.

The Head of Internal Audit confirmed that it was his intention to discuss the survey of auditees with the Authority and the Force.

Members sought clarification around a number of items detailed within Appendix B to the report.

NB: An amended Appendix C was circulated to all Members in advance.

ORDERED that-

1. the following documents were reviewed by Members in their role to review the effectiveness of the Internal Audit Service:-
 - Cleveland Police Authority specific analysis at Appendix A to the report.
 - The corporate self assessment from RSM Tenon at Appendix B to the report.
 - Summary of questionnaires returned by auditees as detailed at Appendix C of the report.
 - The Operational Plan Performance 2009/10 contained in the Head of Internal Audit's progress report elsewhere on today's agenda in assessing the effectiveness of the Internal Audit Service.

70

AUDIT PROGRESS – CLEVELAND POLICE AUTHORITY

The External Auditor updated Members on progress of the external audit of Cleveland Police Authority as of 12 March 2010. This report forms an important role in keeping Members of the Audit and Internal Control Panel informed on the progress of the audit.

The 2008/2009 audit had been completed and was now closed.

The External Audit was now in the process of undertaking the 2009/10 audit and had also begun to plan the 2010/11 audit.

The report also informed the Panel of other matters of interest, including promoting the national work undertaken by the Audit Commission, and focusing in on its potential value to the Authority.

The External Auditor advised members that the audit fee for the 2009/10 audit was set at £85,780 and this had been considered further but that it had been agreed that there was no change at this stage.

The key areas of work for the 2009/10 audit were:

- The opinion on the financial statements
- The use of resources assessment and the value for money conclusion.

ORDERED that the report be noted.

71

CLEVELAND POLICE AUTHORITY STRATEGY FOR INTERNAL AUDIT 2009/10 – 2013/14 (DRAFT)

The Head of Internal Audit presented the draft internal audit strategy for 2009/10 – 2013/14.

The Strategy for 2009/2014 was approved by the Audit and Internal Control Panel in May 2009. The purpose of this document was to update that strategy and to provide a more detailed internal audit plan for 2010/11.

Details of the proposed changes to the internal audit plan for 2010/11 were detailed within the report.

In line with the tender and subsequent engagement letter, the fee for internal audit services for 2010/11 would be £44,400.

A breakdown of days input and a fee for each assignment was detailed in Appendix B to the report.

Members were asked to consider the following:-

- Does the detailed internal audit plan for the coming financial year as detailed in Appendix B reflect the areas that the Audit and Internal Control Panel believe should be covered as priority?
- Does the updated Strategy for Internal Audit (as set out at Appendix C) cover the organisation's key risks as they are recognised by the Audit and Internal Control Panel?
- Does the audit strategy include all those areas that the Audit and Internal Control Panel would expect to be subject to internal audit coverage, both in terms of our professional responsibilities as well as covering areas of concern flagged by management?
- Is the level of audit resource accepted by the Panel agreed as appropriate, given the level of assurance required?

A meeting with the Assistant Chief Officer Finance and Commissioning would take place as soon as diaries allowed and then a final report would be issued in June.

The Executive Accountant suggested it would be beneficial to have the plan agreed to commence from the beginning of the financial year in future.

ORDERED that-

1. the draft plan be noted and subject to consultation with the Force that a final plan would be submitted in June 2010.
2. in future years the process should enable the plan to be agreed prior to the commencement of the financial year.

**Head of
Internal
Audit
Chief Exec
ACO(F&C)**

**Head of
Internal**

72

SUBSTITUTE MEMBER

Mr Peter Hadfield had to leave the meeting and nominated Cllr Ron Lowes to be his substitute for the remainder of the meeting.

73

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 7 of Part 1 of Schedule 12A to the Act.

74

INTERNAL AUDIT PROGRESS REPORT

The Internal Auditor presented this summary report on the outcome of work completed to date against the Internal Audit Plan which was approved by the Audit Panel on 28 May 2009. Appendix A to the report provided cumulative data in support of internal audit performance.

The Internal Auditor confirmed that three reports had been finalised since the last Panel meeting, these were:-

- Risk Maturity

- Purchasing and Payments
- Procurement Transformation Programme

There were no issues arising from the Internal Audit work for the year to date that would have a negative impact upon their opinion for 2009/10.

The table at Appendix A showed the work planned and undertaken to date for 2009/10. The Internal Auditor confirmed that the following audits were in the process of being completed:-

- Partnerships
- Business Continuity Planning
- Internet and E-mail
- Network Security
- Follow Up

There have been no changes to the audit plan since the last meeting.

Members sought clarification about the merits of considering the individual audit reports below the line and were advised that this was the subject of continued discussion.

Members sought clarification that the Plan would be delivered on time and questioned whether all the days would be used? The Internal Auditor advised that they had not used any of the 11 planned contingency days, but that these had been paid for so consideration needed to be given to how best to utilise those.

ORDERED that-

1. the internal audit progress report March 2010 be noted.
2. the merits of considering individual audit reports below the line be the subject of a report to the Panel

**Head of
Internal
Audit**

**Monitoring
Officer**

75

INTERNAL AUDIT REPORT – RISK MATURITY

The Internal Auditor notified Members that this risk maturity review built on previous work by looking not just at the building blocks of the risk management framework, but how the Board and management views and uses risk and information relating to the risks facing the organisation in order to support Corporate Governance.

Risk Maturity is defined as: "the extent to which a robust risk management approach has been adopted and applied as planned by management across the organisation, to identify, assess, decide on responses to, and report on opportunities and threats that affect the achievement of the organisation's objectives."

The Internal Auditor had also considered not only the framework that was in place to identify, assess, record and monitor risks, but how that information was used within the organization.

The Internal Auditor reported that based on the work undertaken, their assessment of Cleveland Police Authority's position on the risk maturity spectrum was 'Risk Defined'. The following key findings from the review

were:-

- The risk register was currently in the process of being updated and was therefore not complete;
- The Risk Management Policy and Strategy had not yet been finalised.

ORDERED that:-

1. the risk maturity report be accepted and noted.

76

INTERNAL AUDIT REPORT – PURCHASING & PAYMENTS

An audit of Purchasing & Payments had been undertaken as part of the approved internal audit periodic plan for 2009/10.

The Internal Auditor advised Members that the organisation had made a number of significant changes in its procurement processes, and these had been reviewed separately through the Procurement Transformation Project audit in December 2009.

The audit reviewed the processes in relation to raising and authorizing requisitions and purchase orders and also incorporated the analysis of accounts payable records through the audit software IDEA.

The audit concluded that the Authority could take substantial assurance that the controls upon which the organization relied to manage this risk/this area as currently laid down and operated, were effective.

The review had identified that appropriate systems and controls were in operation to provide assurances that all purchase transactions were raised and authorized appropriately, and subsequently paid accurately.

ORDERED that:-

1. the purchasing & payments report be accepted and noted.

77

INTERNAL AUDIT – PROCUREMENT TRANSFORMATION PROGRAMME

An audit of the Procurement Transformation Programme was undertaken as part of the approved internal audit periodic plan for 2009/10.

Following the review of Procurement practices by Enterprise Consulting, Redcap Associates were appointed to lead the transformation programme and fulfill the role of Interim Procurement Manager.

The purpose of the Programme was to realign the procurement function and process in keeping with modern best practice. As part of the Programme, the Contract Standing Orders and an overarching Procurement Strategy have been reviewed and revised and mapped alongside the Transformation Plan.

The report concluded that taking account of the issues identified within the report, the Internal Auditors were of the opinion that Members could take substantial assurance that the controls upon which the organisation relies to manage this risk/this area as currently laid down and operated, are

ORDERED that -

1. the Procurement Transformation Programme report be accepted and noted.

78

**CONTRACT STANDING ORDER NO. 9 – EXEMPTION FROM THE
NORMAL REQUIREMENT TO TENDER**

The Assistant Chief Officer Finance and Commissioning presented the report to Members. New contract standing orders were introduced on 1 July 2009. Standing Orders paragraph 9 stated that "Utilisation of Contract Standing Order 9 or failure to follow contract standing orders shall be reported to the Audit and Internal Control Panel".

Details of each request were included in Appendix A.

Standing Orders reflect both the policies of Cleveland Police Authority and the requirements of current legislation. Their purpose was to provide help and guidance to all members of staff who were involved in supplier negotiations for the provision of goods and services. They are mandatory and as such must be complied with at all times.

In compliance with Contract Standing Orders it has been the practice to report quarterly every circumstance where it appears that the normal requirement to tender had not been followed.

The details of the exemption request attached at Appendix A not only comply with methodology approved by Members but represent the Force's ongoing commitment to greater efficiency and effectiveness.

Members robustly reviewed each of the exemptions.

ORDERED that -

1. the exemptions in Appendix A to this report which satisfy the criteria for exemption from the normal requirement to tender set out in Contract Standing Order 9 be noted.
2. exemption to Contract Standing orders be granted on this occasion to items 6 to 10 (inclusive and item 12

ACO (F&C)

ACO (F&C)

79

**MINUTES OF THE POLICY & RESOURCES PANEL HELD
ON 31 MARCH 2010**

ORDERED that the following minutes of the Policy & Resources Panel held on 31 March 2010 were submitted and approved.

POLICY & RESOURCES

A meeting of the Policy & Resources Panel was held on Wednesday 31 March 2010, commencing at 10.00 am in the Members Conference Room at Police Headquarters.

PRESENT Mr Aslam Hanif (Chair), Councillor Hazel Pearson OBE (Vice Chair), Mr Peter Race MBE (ex officio), Councillor Victor Tumilty, Mr Ted Cox JP, Miss Pam Andrews-Mawer and Councillor Ron Lowes.

OFFICIALS Mr Paul Kirkham, Mrs Julie Leng, Mrs Clare Hunter and Mr John Bage (CE)
Mr Derek Bonnard, Mrs Ann Hall, and Miss Kate Rowntree (CC).

ADDITIONAL MEMBERS Mr Peter Hadfield.

80 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Dave McLuckie (ex officio), Mr Chris Coombs and Mr Sean Price.

81 DECLARATIONS OF INTERESTS

There were no declarations of interests.

Action

82 MINUTES OF THE POLICY & RESOURCES / CORPORATE DEVELOPMENT PANEL HELD ON 27 JANUARY 2010.

The minutes were agreed as a true and accurate record.

83 OUTSTANDING RECOMMENDATIONS

ORDERED that -

1. the Outstanding Recommendations be noted.

84 BUDGET MONITORING REPORT TO 31 JANUARY 2010

The Assistant Chief officer Finance & Commissioning presented the report to Members. Members had approved a Net Budget Requirement (NBR) of £128,790k and budgeted revenue expenditure of £146,911k, the balance of expenditure being funded by specific grants, other income and transfers from reserves. The report set out the progress against delivery of that budget and was part of the process introduced by the Authority to maintain prudent financial management.

Since setting the 2009/10 budget firmer information was now available that allowed us to revisit the assumptions and best estimates that this budget was based upon. By doing this it was possible to reduce the contribution from General Reserves needed to support the budget during 2009/10 by £975k in total. In addition to this Members also approved that the surplus secondment income of £300k be re-directed to support the pro-active work that is being undertaken within the Major Incident Fund. Members were informed that the Authority is on target to deliver a break even outcome against the revised expenditure plan for 2009/10. The position to date and the year-end forecast are shown at Appendix A to the report. No material risks, other than those set out in the Risk Monitor at Appendix D to the report, had been identified to this position.

Members were pleased to receive the report but made reference to outstanding revenue owed by Middlesbrough FC, and sought clarification about the recovery of such monies.

The Assistant Chief Officer Financing & Commissioning informed Members

that the Force is in weekly dialogue with the football club and are content that there are no invoices outstanding, outside the normal working practice timeframes.

ORDERED that -

1. the report be noted.
2. the carry forward of budgets totaling £268k to 2010-11, as set out in paragraphs 3.14-3.17 to the report, be agreed.

85

CAPITAL MONITORING REPORT TO 31 JANUARY 2010

The Assistant Chief Officer Finance & Commissioning presented the progress against the delivery of the Capital Programme for 2009/10 and the Capital Plan for 2009/13 which Members had approved at their meeting on 26 February 2009.

Members approved a capital programme totaling £9,806k at their meeting on 26th February 2009. This included new capital schemes, schemes carried forward from 2008/09 and unallocated funding. Since the original programme was agreed, a number of changes had been identified. These were detailed at Appendix B to the report.

Members sought assurance that a post implementation review, as opposed to an update, of the CUPID process, would be forthcoming following its completed roll out across the Force.

The Deputy Chief Constable confirmed to Members that a review would be brought to Members, post summer 2010, from the CUPID Team, and this would incorporate a full briefing to Members by the CUPID Team. A briefing note would also be available prior to the forthcoming Inspection.

DCC Bomard

ORDERED that -

1. the report be noted.
2. the addition of the Web Services Integration Architecture (WSIA) Data Hub project which had been approved under delegated authority at a cost of £20.5k be noted.
3. the adding back of £50k on the HQ Lift Upgrade & Replacement Scheme into the unallocated funding be agreed.
4. the £249k remaining in the provision for Estates Strategy to be added back into unallocated funding be agreed.
5. the £451k provision for business cases not spent during 2009/10 to be carried forward into 2010/11 where it will be added into the ISIS provision be agreed.
6. the carry forward of specific budgets into 2010/11, as at para 2.6 to the report, totaling £804.6k, be agreed.

86

TREASURY MANAGEMENT REPORT TO 31 JANUARY 2010

The Assistant Chief Officer Finance & Commissioning presented the report to Members.

Members agreed an investment strategy for 2009/10 at their meeting on 26th February 2009. At that meeting Members resolved to continue to delegate authority to amend the approved List of Counterparties and the investment limits with institutions, to the Chief Executive in consultation with the Deputy Section 151 Officer.

The report updated Members on the status of the Authority's investments and borrowing. This was part of the process introduced by the Authority to maintain prudent financial management.

Members were informed that the protection of the Authority's underlying investments had continued to be of utmost importance throughout 2009-10. The investments of the Authority had continued to be placed in a prudent manner and also one that ensured sufficient funds were available to meet its commitments as they became due.

ORDERED that -

1. the contents of the report be noted.

87

SICKNESS ABSENCE REPORTING

The Deputy Chief Constable presented the report to update Members on sickness absence levels for the current financial year up to 31st December 2009.

The Deputy Chief Constable reminded Members of previous reports on sickness monitoring and reminded Members that 2007/08 had seen a significant reduction for both Officers and Staff. Those reductions had continued to be maintained for police officers with a slight improvement in figures for 2008-9, whilst the police staff rate showed another good reduction on the previous year's figure, primarily as a result of a reduction in long term absence.

Members were informed that the sickness rate kept Cleveland second top (out of seven) of our Most Similar Force (MSF) group for police officer sickness, and top for police staff for the first time. The police officer rate was also reflected on a national basis where there were only three Forces across the UK who had a better rate of 2.7% during this period.

The Deputy Chief Constable informed Members that attendance management continued to be given a high priority by service unit management teams and is managed through Monthly Performance Reviews (MPR's) with their line managers.

Members queried if any monitoring of sickness had taken place, particularly with reference to police staff, since the instigation of the Project I investigations.

The Deputy Chief Constable informed Members that no specific monitoring had taken place as yet, however cognisance was being taken into consideration with monitoring of any trends that may arise being paramount.

Members noted that it was important to recognize that when organisational performance is declining, sickness tended to increase. Conversely, when performance is seen to be in the ascendancy sickness tended to reduce. Members commented that looking at the Force performance over the past few years, performance was improving. This was now being reflected in the sickness / absence levels seen in the report being brought to the Panel.

The Chair requested that a message be sent to all staff congratulating them on their achievements in the continued reduction of sickness / absence levels.

ORDERED that -

1. the contents of the report be noted.

88

EQUALITY UPDATE

The Deputy Chief Constable informed Members that the report provided Members with an overview of the diversity profile of Cleveland Police relating to recruitment, staff profile and turnover by age, sex, ethnic minority, and disability. The report also provided an update on BME and female representation targets.

Members were informed that the continued development of diversity initiatives both internally and externally is vitally important to the organisation. A key activity that remains to be completed is the setting of departmental diversity targets in line with the APA guidelines. This work will be undertaken by the Forces Diversity Unit in collaboration with HR over the coming months.

There are a number of issues associated with diversity initiatives the Force are attempting to implement. The challenges in the areas of increasing BME representation and female officer representation cannot be underestimated. Members were informed that there are challenges and increases that at present cannot be delivered in the short to medium term. The report is the first step in a long term plan to deliver a Force more diversely representative of the communities that they serve.

Members commented that they were encouraged that in recent new cohorts for the Force, it was noted that the number of female recruits was at a healthy level. In addition to this, Members commented on recent meetings where the President of the Black Police Officers Association (BPA), had stated that they had excellent working relationships with the Chief Officers of Cleveland Police.

Members sought clarification regarding the 2% recruitment of BME Officers as detailed in paragraph 3.4. to the report.

The Deputy Chief Constable informed members that the recruitment did reflect the limited number of BME applicants. However, Members were informed that the target was 5%, and that although this appeared to be stretching, it remained a target to be achieved within the next five years.

Members sought assurance that following any recruitment campaign, feedback was offered and made available to candidates.

The Deputy Chief Constable confirmed to Members that this indeed did

occur and that Members of the Police Authority were involved in that process.

ORDERED that -

1. the contents of the report be noted.

89

PROCUREMENT TRANSFORMATION UPDATE

The Assistant Chief Officer Finance & Commissioning presented the report to Members. The transformation project commenced at the end of April 2009 following a period of consultancy support and the operational review of procurement performance between December 2008 and April 2009. Prior to Redcap's engagement Cleveland Police Authority conducted a review of procurement that identified a need for change.

Members were reminded that the LTFP 2009-13 that had been approved at their meeting in February 2009 highlighted a requirement for the Force to deliver significant cashable savings to return the Force to recurring financial balance.

The Procurement transformation programme commenced in April 2009. The Role of the function was redefined identifying the need to support and work with service units in the delivery of value for money for the Force. The redefinition provided the vision to structure the Procurement team to focus on Service Unit needs delivery.

The Assistant Chief Officer Finance & Commissioning informed members that Redcap Consultancy had continued to provide support to the Procurement Unit during the period of Transformation. This had enabled the Force and Authority to encourage process change to adopt new procurement and procure to pay processes, that would further enable delivery of cashable and efficiency savings after the end of the project.

ORDERED that -

1. the contents of the report be noted.

90

ANNUAL REPORT ON THE ACTION STATIONS PFI CONTRACT

The Assistant Chief Officer Finance & Commissioning presented the paper to Members and informed them that the purpose of the paper was to provide Members with an appraisal of the performance of the Action Stations PFI Contract over the Financial year 2009/10. To assure Members that the contract is robustly managed by Cleveland Police, and to assure Members that the contract still offered value for money, performed to the contracted requirements and meets the needs of the Force.

Throughout 2009/10 Reliance reported on the performance of the PFI Contract every month to a Contract Performance Board. This enabled the Force to ensure that the contract is audited and that any concerns raised are dealt with promptly and robustly.

Members were informed that the contract had now been in the operational stage since November 2006. Benchmarking of the contract is required every 5 years. The first benchmarking will be due in early 2012.

Members raised concerns regarding the operation and management of property and sought clarification regarding the on-going operation of such.

The Assistant Chief Officer Finance & Commissioning informed Members that there are three main elements relating to the collection, management and disposal of property. The Operational Performance Team have recently reviewed such matters and indicated that slight improvements can be made in the process and that this is being acted on.

ORDERED that-

1. the contents of the report be noted.

91

BUDGET CONSULTATION 2011/12 AND LATER YEARS

The Executive Accountant presented the report to Members to seek approval for proposals to further consult the public on the budget of the Authority and to ask the Panel to agree to the development of these proposals in conjunction with the Force.

Members were informed that the Authority had made considerable progress in the last few years in managing its finances. In doing so it had established a variety of arrangements including more timely in year monitoring of budget trends, and a more coherent and explicit process linking the budget to business plans. Those arrangements are constantly evolving with specific emphasis in the Business Plan on the closer integration of financial and service planning, coupled with the objective of demonstrating how consultation has influenced the budget. Presently consultation takes many forms. At the BCU and neighbourhood level there are a variety of fora in which stakeholders – the general public, business, and communities of interest – are able to express their views.

The Executive Accountant informed members that there are already arrangements in place to seek views of the public about policing priorities, and indeed this is an essential input to the development of draft service and financial plans. The proposed wider public consultation would take place later in the budget timetable to seek views about principal changes in budget and council tax level. This is a natural progression of the current arrangements to consult on service and budget priorities.

ORDERED that-

1. the proposals for engaging and informing the public set out a para's 3.7 to 3.10 to the report be agreed.
2. officers develop recommendation 1 (above) with the Force and report back to your next meeting be agreed.
3. the adoption of Option 2 at para 3.13 to the report, as the principal method to be used when consulting the public about the draft budget be agreed.
4. the cost £40.4K be provided in the 2010/2011 budget, and £38.4K in future years be agreed.

ORDERED that pursuant to the Local Government Act 1972 the press and public be excluded from the meeting under Paragraph 7 of Part 1 of

Schedule 12A to the Act

92

CLEVELAND POLICE AND DURHAM CONSTABULARY JOINT FIREARMS PROJECT INTERIM COLLABORATION PROTOCOL

The Deputy Chief Constable informed Members that the paper sought to inform Members of Cleveland and Durham Police Authorities of the progress made towards the implementation of joint working practices involving the firearms resources of both Forces. This included the development of interim governance and legal arrangements under an "Interim Collaboration Protocol" which is required to enable joint working to take place from the 1st April 2010.

Members sought clarification and assurance on a wide range of topics relating to these matters.

The Deputy Chief Constable provided information that satisfied Members queries without any further requirement to report back on those queries.

ORDERED that:-

1. the progress of the Project as regards implementation of Option 1 on 1st April 2010 be noted.
2. delegated authority be given to the respective Chief Constable and Chief Executive for each Force, in consultation with the respective Chair of the Police Authority, to jointly agree an Interim Collaboration Protocol be agreed.

93

MINUTES OF THE PROFESSIONAL STANDARDS PANEL HELD ON 29 APRIL 2010

ORDERED that the following minutes of the Professional Standards Panel held on 29 April 2010 were submitted and approved.

PROFESSIONAL STANDARDS PANEL**ACTION**

A meeting of the Professional Standards Panel was held on Thursday 29th April 2010 in the Members Conference Room at Police Headquarters.

PRESENT: Mr Ted Cox JP (Chair), Cllr Caroline Barker, Mr Aslam Hanif, Cllr Ron Lowes, Mr Mike McGroarty JP, Cllr Steve Wallace and Mr Peter Hadfield..

OFFICIALS: DCC Bonnard, Supt Martin Campbell, Mrs Joanne Monkman and Miss Kate Rowntree (CC)
Mrs Jayne Harpe (CE)

ADDITIONAL MEMBERS Cllr Victor Tumilty and Mr Geoff Fell.

The Chair welcomed the new Head of Professional Standards Department to the meeting, Superintendent Martin Campbell.

94

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Mary Lanigan (Vice Chair), Cllr Hazel Pearson OBE, Cllr Dave McLuckie and Mr Peter Race MBE

95 **DECLARATIONS OF INTERESTS**

There were no declarations of interests.

96 **MINUTES OF THE PREVIOUS MEETING 2 FEBRUARY 2010**

The minutes of 2 February 2010 were agreed as a true record.

Matters Arising

In the Deliberate Damage report dated 2 February 2010 the quantity of cash and drugs recovered for Redcar & Cleveland were transposed.

97 **OUTSTANDING RECOMMENDATIONS**

The Grievance Procedure had not been finalised, a report would be submitted to the Policy & Resources Panel in June 2010 and subsequently to this Panel.

Three other outstanding recommendations had been discharged.

98 **CIVIL CLAIM STATISTICS**

The Legal Advisor presented the Civil Claim Statistics for the period 1st April 2009 – 31st March 2010. The Panel was informed of the number and types of civil claims against the Force received during that period, the amount paid out for those claims finalised during the period and the amount recovered. The report also detailed a comparison between the Basic Command Units **ORDERED** that:

1. Members noted the number of claims received remained the same as the number of claims received in the same period last year. Motor liability was the leading category.
2. There had been a 25% increase in the number of claims finalised when compared with the same period last year.
3. 38% of finalised cases during the period were successfully defended which was to be compared with 20% successfully defended during the same period last year.
4. The 62 cases settled during the period cost the Force £386,797. This was to be compared with the 64 cases settled during the same period last year at a cost of £305,510.
5. Middlesbrough remained the area with most claims.
6. The contents of the report be noted.

It was asked for a breakdown of cases and payments to be made available to Members.

Chair
DCC

Whilst Legal Services had no control over the number of claims received,

feedback was provided on a case by case basis to ensure assistance was given to Basic Command Units in managing risks.

99

COMPLAINTS AGAINST POLICE

The Head of Professional Standards Department presented the Complaints Against Police for the period 1st January 2010 to 31st March 2010. The Quarterly Progress Report on Complaint Issues for Cleveland Police for the period 1st January to 31st March 2010 was attached to the report. The report was produced in this format to be National Intelligence Model (NIM) Compliant.

There had been a 24% decrease in the number of cases recorded during that period (108 to 82), with a 36% decrease in the number of complaints (down from 214 to 138).

Complaints of "other neglect/failure in duty" and "Incivility" continued to outnumber those of "Assault" allegations, 33 and 30 complaints respectively, compared to 21 in the "Assault" categories.

22% (37) of completed complaints had been locally resolved. During that period 81% (42) of locally resolved complaints had been by District and 19% (7) by the Professional Standards Department.

A discussion ensued around the lessons learned section -DC/57/09 and Members asked what processes were in place should this situation arise again, was the Sexual Assault Referral Centre used? The Deputy Chief Constable answered the questions and assured Members that the matter had been investigated thoroughly. Written response to the Chair.

DCC

Page 6 of the report showed inaccurate data – the 2009/10 force recorded complaints statistics were incorrect and Stockton was not the District with the highest number of recorded complaints as stated in the key points – a new sheet was tabled at the meeting.

138 letters of appreciation had been received, an decrease of 7 (-4.8%) over those recorded the previous year.

ORDERED that

1. The contents of the report be noted.
2. Pledge 10 issues would continue to be contained in the quarterly report and that work would continue on deciding what information was needed by the panel to fulfill its' scrutiny role.

100

DELIBERATE DAMAGE STATISTICS

The Deputy Chief Constable informed Members of the cost to the Force of deliberate damage by way of forced entry into premises for the period 1st January 2010 to 31st March 2010 and of the operational results achieved through such forced entry and other premises searches.

Members were informed that the Force had paid out £10,091 in compensation for acts of deliberate damage, this compared to £13,028 paid out in the same period during the previous year. Whilst 2963 searches were conducted, only 298 (10.1%) resulted in deliberate damage compared to

8.77% in the previous year. The value of property, cash and drugs seized totaled £850,595 and this compared to £740,429 seized during the same period in 2009.

ORDERED that

1. The contents of the report be noted.
2. The operational benefits accruing to the Force in terms of property, drugs and cash seized, outweigh the cost of the damage claims be noted.

101

EXCLUSION OF THE PRESS AND PUBLIC

ORDERED that pursuant to Section 100a(4) of the Local Government Act 1972, excluding the press and public from the meeting under Paragraphs 1 and 7 of Part 1 of Schedule 12A to the Act.

102

CASES FROM THE COMPLAINTS REGISTER

Members of the Complaints Panel were shown the cases from the Complaints Register which had previously been selected by the Panel Chair.

103

**MINUTES OF THE SPECIAL POLICE AUTHORITY
EXECUTIVE HELD ON 11 MAY 2010**

ORDERED that the minutes of the Special Police Authority Executive held on 11 May 2010 were approved and signed by the Chair as a true and accurate record.

104

**MINUTES OF THE LEADERSHIP PANEL HELD ON 18 MAY
2010**

ORDERED that the following minutes of the Leadership Panel held on 18 May 2010 were submitted and approved.

LEADERSHIP PANEL

A meeting of the Leadership Panel was held
on Tuesday 18th May 2010
in the Chair's office at Police Headquarters.

PRESENT:

Miss Pam Andrews-Mawer, Mr. Chris Coombs, Mr. Ted Cox JP, Mr. P
Hadfield, Mr. Aslam Hanif, Cllr Dave McLuckie (Chair). and Mr. Peter Race
MBE
Mrs. J Leng – Deputy Chief Executive (for part of the meeting),
Mr. P Kirkham - Treasurer

105

APOLOGIES FOR ABSENCE

Cllr Barry Coppinger, Mr. Mike McGrory JP,

106

DECLARATIONS OF INTERESTS

There were no declarations of interests.

107 **Risk Management Report**

The Treasurer outlined the new arrangements agreed by the Audit and Internal Control Panel relating to the CPA Risk Policy and Strategy. This represented a step change in that Chairs, all Members of Panels and support officers were asked to engage in the risk management processes. Initially it is suggested that Risk be an item for discussion at each pre-agenda.

ORDERED that:-

1. Risk is discussed by each Panel within the context of its remit and its contribution to the CPA Business Plan. See para 2.75 of the Policy and Strategy

108 **Risk Register**

The Treasurer presented the CPA Risk Register and explained the process which will include the regular reporting to the Leadership Panel for its review. He advised that if a decision is made to implement Project I, then this would need to be added to the CPA Risk Register.

ORDERED that:-

1. The Risk Register (Appendix A) and Action Plan (Appendix B) be received.

109 **Cleveland Police Authority Business Plan Monitoring**

On behalf of the Chief Executive, the Treasurer explained that as the Business Plan contained areas for development which fall under defined remits of Panels, it was suggested that those Panels should monitor implementation.

ORDERED that:-

1. At each pre-agenda meeting for each Panel that the relevant parts of the CPA Business Plan are reviewed and any significant issues or impediments identified for resolution.
2. The synopsis of progress is reported to the Leadership Panel, rather than the P&R Panel.

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

111 **CHIEF EXECUTIVE**

The Chair presented a verbal report to Members of the Leadership Panel and in doing so reflected on the discussion that took place at the Panel's February meeting. Since then he had been in dialogue with the Chief

Executive and had come to the conclusion that it would forward the objectives of the Police Authority faster if the arrangements discussed in February were modified. The revised proposals received unanimous support of those Members present.

ORDERED that:-

2. The report presented to the Leadership Panel on 23 February 2010 be amended to reflect the change of date to the 30th June 2010.

112

PROPOSAL FOR PROJECT ADVICE AND SUPPORT SERVICES

The Treasurer explained that there were a number of significant matters which faced the Police Authority and the Force over the short to medium term. This included but are not limited to

- The implementation of Project I, if this was the route chosen by the Authority, to achieve the project benefits.
- Significant developmental work to achieve savings and service improvements if Project I did not go ahead.
- Service improvement, including civilianization outside of the scope of Project I.
- HQ option appraisal as a result of the decisions concerning the above.

The precise scale and nature of the advice and support has yet to be mapped out including the availability of finance.

The Chairman referred to the Proposal for Project Advice and Support Services. He stressed the need for the Police Authority to maintain an overview of what was happening in order to ensure that savings and service improvements were actually delivered. To achieve this it is critical to have available proper advice to the Authority and to the Force.

The proposal received unanimous support of those Members present

ORDERED that:-

1. Contract Standing Orders is set aside to permit an arrangement with Enterprise Consulting in order to deliver Project Advice and Support Services, subject to definition of requirements and funding.

113

POLICE AUTHORITY BUDGET 2010/11

The Treasurer introduced the initial Police Authority Budget and the current support officer structure includes names and grades of officers. It was proposed that regular budgetary control reports are brought to the Panel.

ORDERED that:-

1. The Budget monitoring report is received at least quarterly.

114

MEMBERS AND STAFF SKILLS AUDIT, APPRAISALS AND TRAINING PROGRAMMES

The Panel considered the report by the Deputy Chief Executive on the outcomes, objectives and draft 2010/11 training programme. These were the result of the 2009/10 skills audit, appraisals and training programme.

ORDERED that:-

1. The training programmes for 2010/11 are agreed.
2. The development of panel induction packages is agreed.
3. The objectives from the Members appraisals are developed through action plans, monitored three times a year.
4. Action is taken to increase attendance of those members identified in Appendix 'D'.

115

**MINUTES OF THE OPERATIONAL POLICING PANEL
HELD ON 20 MAY 2010**

ORDERED that the following minutes of the Operational Policing Panel held on 20 May 2010 were submitted and approved.

OPERATIONAL POLICING PANEL

A meeting of the Operational Policing Panel was held on Thursday 20 May 2010 commencing at 10.30 am in the Media Briefing Centre at Police Headquarters.

PRESENT Councillor Barry Coppinger (Chair), Miss Pam Andrews-Mawer, Mr Aslam Hanif, Mrs Hazel Pearson OBE, Mr Geoff Fell and Mr Chris Coombs.

**ADDITIONAL
ATTENDEES** Mr Ted Cox JP and Councillor Ron Lowes

OFFICIALS Mr John Bage (CE)
Mr Dave Pickard and Miss Kate Rowntree (CC).

116

APOLOGIES FOR ABSENCE

Apologies for absence were received from, Councillor Dave McLuckie (ex officio), Mr Peter Race MBE (ex officio) Councillor Mary Lanigan and Mr Sean White.

117

DECLARATIONS OF INTERESTS

There were no declarations of interests.

118

MINUTES OF THE MEETING HELD 18 MARCH 2010

The minutes of the previous meeting were held as a true record.

119

OUTSTANDING RECOMMENDATIONS

ORDERED that:-

2. the outstanding recommendations be noted.

FORCE PERFORMANCE REPORT (APRIL 2009 – MARCH 2010)

The Assistant Chief Constable presented the report to Members on Force performance to March 2010.

Progress against the Policing Plan Priority was monitored using the Priority Indicator Set. The Priority Indicator Set provided a reduced suite of performance measures (i.e. 'a performance dashboard'), which aimed to reflect outcome performance in relation to the local policing priority and the Chief Constables vision of Putting People First.

For 2009-10, there are 18 performance measures within the Priority Indicator Set. Of these 14 are green, 0 are amber and 4 are red.

However, Members were informed that recorded crime continued to fall significantly. The annual target for 2009-10 was a reduction of 5%. The actual year end figures showed an overall decrease of 14.2% (7,841 less crimes) when compared to last year. Significant reductions had been achieved in all headline target crime categories (Overall Violent Crime, Serious Acquisitive Crime, Criminal Damage and Other Theft).

The Chair sought clarification about the measure for 'public confidence'.

The Assistant Chief Constable informed Members that there had been a slight reduction in the public confidence measure, but Cleveland remained in the top ten performing Forces across the country for public confidence.

Members expressed their appreciation over the recent result of a local murder enquiry. The perpetrator had been identified and apprehended very quickly and had just been handed a very lengthy custodial sentence. This had gone a substantial way to increase public confidence for local communities.

Members queried the slight rise in Most Serious Violent (MSV) crime, and sought clarification to the reasons for this, and whether the Police dealt with this in isolation.

The Assistant Chief Constable informed Members that the overall rise in MSV was down to just one District. The District Commander is preparing a robust response plan to tackle these issues.

Members were informed that an increase in MSV offences is a concern but the numbers are relatively small and a plan to achieve a reduction will be in place for 2010/11.

Members queried whether or not powers to close premises had been used in an effort to reduce MSV crime, and whether the Force work with local Councils to combat such activities.

The Assistant Chief Constable informed Members that the power to close premises is a good one for the Police. The Force had closed two premises using these powers, but need to take into consideration any public order problems that may arise due to this. Members were informed that the Force works closely with local authority's especially local crime reduction partnerships to reduce crime.

ORDERED that:

1. the report be noted.

121

CLEVELAND POLICE CADETS PROGRAMME UPDATE

The Assistant Chief Constable informed Members that the Cleveland Police Cadet Programme had now reached the milestone of 1 year since its launch. He expressed gratitude to the Police Authority, the Force and the four Local Authorities for the generous funding. The Force had developed a robust community safety-themed programme of personal development for young people across Cleveland.

Members were informed that the Cleveland Police Cadets scheme continued to develop as it approached its first anniversary, and there continued to be strong interest from young people who wish to join the scheme.

Members queried why, if the Force currently had a waiting list of 150 young people, have Hartlepool District, a shortage of approximately 10 people.

The Assistant Chief Constable informed members that there was a recruitment programme planned to overcome this shortage. The Force have a waiting list of young people wishing to join the Programme and plan to engage with more of these in the short to medium term by introducing a new recruitment strategy that enabled a number of young people each month, in each District, to experience a taster day and then be fast-tracked into the programme.

Members sought clarification on how the best method of introducing young people from the BME communities into the programme and onto the waiting list.

Members were informed that recruitment was carried out across all communities that make up the Force area, and consideration is taken into account to ensure BME networks are included.

ORDERED that:

1. the report be noted.

122

DOMESTIC ABUSE REPORT

The Assistant Chief Constable updated Members on the current work being undertaken across the Force to tackle domestic abuse. Members were also informed of the ACPO definition of domestic abuse.

Members were informed that Vulnerability Units were launched on 13th July 2009, the North unit sited at Billingham is responsible for Hartlepool and Stockton, the South unit sited at Kircleatham is responsible for Middlesbrough and Redcar and Cleveland.

The Vulnerability Units investigate all serious and complex cases of domestic abuse, this will include:

- Serious assaults
- Domestic abuse linked sexual offences including rape

- Honour Based Violence or Forced Marriage crimes
- Any domestic violence related offence, however minor, when the incident is classified as “high risk” due to previous incidents involving either the perpetrator or the victim.

The Vulnerability Units and partner agencies are working together to identify early, those victims who need support to ensure a successful outcome at court, this will be monitored at the Domestic Abuse Gold Group.

Members queried whether it was possible to include in future reports, statistical information on Honour Based Violence.

The Assistant Chief Constable informed Members that this was to be carried out.

**ACC Crime
Ops**

ORDERED that:

1. the report be noted.

123

APPOINTMENT OF TEMPORARY CHAIR

Due to the urgent need for the Chair of Panel and a number of other Members to leave the meeting, to attend a meeting with HMIC and the Audit Commission, the following was agreed.

ORDERED that:

1. Mr Chris Coombs take over the Chair for the remaining business of the meeting.
2. Cllr Ron Lowes be given delegated powers to vote if required as a replacement for Miss Andrews - Mawer

The meeting remained quorate.

MR CHRIS COOMBS IN THE CHAIR.

124

PREVENT STRATEGY UPDATE

The Assistant Chief Constable informed Members that the purpose of the report is to update the Police Authority on the Prevent work currently taking place within Cleveland Police.

Members were informed that Prevent is one of the four components that make up the Government's national counter-terrorism strategy (CONTEST). These are:

- Prepare - to stop attacks
- Pursue - where we cannot stop an attack, to mitigate its impact
- Protect - to strengthen our overall protection against terrorist attacks
- Prevent - to stop people becoming or supporting terrorists and violent extremists.

Prevent is about developing a community-led approach to tackle violent extremism, led by the Department for Communities and Local Government in partnership with local authorities and a range of statutory and voluntary organisations within the community.

The Assistant Chief Constable informed Members that Terrorism is a key concern for our local communities especially the Muslim community. Negative media coverage of Prevent has impacted on delivery, so it was vital that the trust of the local community is sought and maintained. A clear focus should be continued.

Members noted the recent Ricin discovery in Durham and requested information on whether or not there were possible terrorist links in the Cleveland area.

The Assistant Chief Constable updated Members on the current position in the Force area, and informed Members on some of the methodology used to operate the PREVENT strategy.

ORDERED that:

1. the report be noted.

125

MYSTERY SHOPPING – SCRUTINY OF POLICING PLEDGE

The Secretariat Support Manager informed Members that the purpose of the report is to update Members on the progress of the 'Mystery Shopper' checks which have been implemented as part of the Police Authority's scrutiny of the implementation of the Policing Pledge.

In December 2009 the Police Authority Executive agreed to implement specific measures to oversee the Force's progress with the implementation of the Policing Pledge, one of which was Mystery Shopping by police volunteers to check on aspects of the Pledge. To date, 13 checks have been carried out – 8 police office visits, 4 public meetings and 1 website check.

The Secretariat Support Manager informed Members that the initial Mystery Shopper checks had been largely positive, with many examples of excellent customer service being identified. Those issues which had been noted had been either dealt with directly, or passed to the Force for appropriate action. The full programme, using volunteers, is planned to commence in late May.

Members sought clarification on whether Members can attend beat surgeries.

The Assistant Chief Constable informed the meeting that Members can attend beat surgeries and that he was aware that some Members already do so.

The Chair enquired as to what the usual attendance is at beat surgeries.

The Assistant Chief Constable informed Members that anecdotally the levels were low, but would provide fuller details to Members.

**ACC Crime
Ops**

ORDERED that:

1. the report be noted.

126

REVIEW OF CLEVELAND POLICE AUTHORITY COMMUNITY CONSULTATION ARRANGEMENTS

The Secretariat Support Manager updated Members that Cleveland Police Authority and Force are in the process of revising and reviewing Joint Community Engagement and Consultation Strategy. In order to inform this piece of work, an evaluation of the current approach to community engagement had been commissioned by Cleveland Police Authority to Safe in Tees Valley and Manchester University.

The overall aim of this work was to:

- Make an assessment on whether or not we had robust plans in place for engaging the public and are using them to influence policing priorities and service delivery.

Members were informed that on an annual basis Cleveland Police Authority and Force review and update the Consultation and Engagement Strategy. The current strategy 2009-2012 was due to be updated in May/June 2010.

The Secretariat Support Manager informed Members that there is a number of policy and legislative changes including, 'The Police Authority (Community Engagement and Membership) Regulations 2010', which came into force on 17th March 2010. This had the potential to change the approach and therefore it was felt it was timely and appropriate to commission an independent evaluation of our strategy to ensure our approach is fit for purpose and offers value for money.

Members were informed that the report gave preliminary findings from the review of community consultation arrangements. A further report will be brought to a future Operational Policing Panel outlining the new consultation strategy accompanied by a detailed action plan.

**Strategy
Manager**

ORDERED that:

1. the report be noted.

127

YOUNG PERSONS LOCAL POLICING SUMMARY 2010- 2011

The Secretariat Support Manager informed Members that the report outlined Cleveland Police Authority's approach to participation and engagement with Young People in the Cleveland Police Area. The overall aim of the work was to:

- Communicate Cleveland Police Authority's Local Policing Plan Summary to young people aged 11-19, living in the area.
- Deliver some of the key messages within the plan to young people and obtain their views on policing priorities for 2011-2012.

The Serious and Organised Crime and Police Act 2005 introduced the requirement on Police Authorities to produce and distribute a local policing summary to all council tax paying households in the area. The summaries are seen as a good means of communicating with the public to get across some key messages about the force and its planned activities.

The Police Authority (Community Engagement and Membership) Regulations 2010 which came into force on 17th March 2010 stated that in making arrangements for obtaining the views of people in the police area, the Police Authority had particular regard for people who are under 21.

For the past three years, Cleveland Police Authority had worked with groups of young people from each of our policing districts to produce district versions of the summary specifically for 11-19 year olds.

This project will allow young people in the Cleveland Police area to make a positive contribution through better involvement in our decision making processes.

Members queried whether the police themselves are practically involved in these processes.

The Assistant Chief Constable informed Members that Police and PCSO's had been fully involved in the consultation process and activities with the Police Authority.

The Chair passed on the thanks of the Panel to Joanne Hodgkinson and Sarah Wilson for their work on these matters, and instructed that this be recorded in the minutes.

ORDERED that:

1. the report be noted.

128

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 Paragraph 3 of Part 1 of Schedule 12A to the Act.

129

MINUTES OF THE STRATEGIC PERFORMANCE GROUP

Members inspected the minutes of the Strategic Performance Group meetings held on:

- 18 January 2010 and
- 15 March 2010

Members sought clarification as to whether substitutes were permitted to attend such meetings when the nominated Member was unable to attend.

The Assistant Chief Constable informed Members that that was permissible.

ORDERED that:

1. the minutes be noted.

130

MINUTES OF THE CITIZEN FOCUS PROJECT BOARD

The minutes of the Citizen Focus Project Board held on the 11 May 2010 were unavailable for inspection, however Members noted an informal working note of the meeting.

131 **MINUTES OF THE STANDARDS COMMITTEE HELD ON 27 MAY 2010**

ORDERED that the following minutes of the Standards Committee held on 27 May 2010 were submitted and approved.

	Standards Committee	ACTION
	A meeting of the Standards Committee was held on Thursday 27th May 2010 in the Members Conference Room at Police Headquarters.	
PRESENT:	Ms Ann O'Hanlon (Chair), Miss Pam Andrews-Maver, Mr Aslam Hanif, Mr Joe Rayner, Mr Peter Race, Mr John Robinson, Mr Gerard Walsh.	
OFFICIALS:	Mrs Caroline Llewellyn, Mrs Kath Allaway (CE)	
ADDITIONAL MEMBERS	Mr Geoff Fell.	
	The Chair welcomed the new Members to the Committee and asked that they introduce themselves.	
132	APOLOGIES FOR ABSENCE	
	Apologies for absence were received from Ms Vicky Lawson-Brown and Cllr Dave McLuckie.	
133	DECLARATIONS OF INTERESTS	
	There were no declarations of interests.	
134	ELECTION OF VICE CHAIR FOR STANDARDS COMMITTEE	
	Mrs Carole Pollard was appointed as Vice Chair of Standards Committee.	
135	OUTSTANDING RECOMMENDATIONS	
	The question of the Police Authority making gifts was raised and it was agreed that the Monitoring officer would look at the inclusion of guidance on this within the Code of Conduct.	Monitoring Officer
136	TERMS OF REFERENCE	
	The Monitoring Officer presented the terms of reference which included the statutory obligations of Standards Committees to Review the code of conduct and to hear complaints against members. The terms also included monitoring the reason and number of reports given exemption under the 1972 Local Government Act.	
	ORDERED that	
	5. Members agree the terms of Reference as attached to the report.	
137	REPORT OF THE MONITORING OFFICER	

The Monitoring Officer informed Members that this report had initially been presented to the Audit and Internal Control panel but would in future come direct to this Committee.

The Monitoring Officer supported by the Deputy Monitoring officer, is responsible for promoting ethical standards of Members and Officers including maintaining the Register of Interests, Gifts and Hospitality. The Monitoring Officer is responsible for ensuring the implementation of monitoring of good Governance and associated policies.

The Register of Interests is maintained by the Monitoring Officer, details of which are available through the CPA website. The register is reviewed annually. The register of Gifts and Hospitality is also maintained by the Monitoring Officer and Members are reminded annually of their obligations to declare any Gifts or hospitality. No declarations were received in 2009/10.

The Code of Corporate Governance is updated annually and submitted to the Policy and Resources Panel. Members were also trained in Corporate Governance. Members were informed that the Code is also available on the CPA website.

Members were advised of the Freedom of Information obligations and that 13 requests had been received during 2009/10.

A main role of the Standards Committee was to consider Complaints against Members and training had taken place in February 2010. There had been no complaints against members in 2009/2010.

The question of the Police Authority making gifts was raised and it was agreed that the Monitoring officer would look at the inclusion of guidance on this within the Code of Conduct.

Monitoring
Officer

ORDERED that Members:

1. Formally acknowledge the completion of the annual review of the Members Register of Interests, Gifts and Hospitality in accordance with the members Code of Conduct.
2. Note that there have been no confidential reporting issues during 2009/2010.
3. Note that Cleveland Police Authority Publication scheme is accessible through its website and that the Police Authority has received 13 Freedom of Information requests over the past year.
4. Note that 20 documents were signed and sealed in accordance with procedure over the period 2009/10.
5. Note that no complaints were received against Members during 2009/10.
6. Agree that in future this annual review will be completed by the Standards Committee and reported to the Police Authority Executive.
7. Require the Monitoring Officer to include guidance on giving gifts within the Code of Conduct.

POLITICALLY RESTRICTED POSTS – APPEALS PROCESS

The Monitoring Officer outlined the requirement within the Local Government and housing Act 1989 for Authorities to hold a list of posts designated as Politically restricted. The Police Authority Standards Committee is responsible for hearing appeals against an individual post

being designated as politically restricted.

The monitoring officer outlined the process for hearing such appeals.

Any appeal would be heard by three members of the Standards Committee. Any individual wishing to lodge an appeal must do so in writing to the Monitoring Officer. The Monitoring officer would then distribute relevant information to the three members allocated to hear the appeal.

ORDERED that

1. Members agree the process for hearing appeals as set out at paragraph 3.15 of the report:

“Employees included in the lists compiled by the Police Authority on duties related grounds can appeal to the Local Standards Committee against their inclusion if they feel that they cannot influence policy or that the Police Authority has incorrectly applied the criteria.

All such appeals require a letter from the applicant formally seeking exemption and a full job description of the post, these documents should be sent to the monitoring officer.

When a letter of appeal is received by the Monitoring Officer, he/she must convene a meeting of three Members of the Standards Committee to hear such an appeal.

The Monitoring officer must seek to gather and distribute to members of the hearing relevant information which may assist Members in their deliberations:–

- A report stating why a post is considered to be politically restricted and

A report from the individual stating why he/she does not agree with the designation, together with any supporting information – eg similar posts not designated.”

139

DISPENSATION PROCEDURE

The Monitoring Officer outlined the requirement for members to seek dispensation to take part in a meeting when they had a prejudicial interest. The report included a pro forma for members to complete when they are making such a request and also a list of criteria for Members of the Standards Committee to consider when using the process. Members considered the recommendation in respect of the membership of a sub committee and decided that a sub committee would only be used if it was not possible to convene a quorate meeting of the Standards Committee at short notice. It was agreed to amend recommendation 2 to reflect this.

ORDERED that

1. The system and pro forma to be used when Police Authority Members are seeking dispensation when they have a prejudicial interest be agreed.
2. Consideration of granting dispensations be with the full Standards

Committee where practicable but if not able to convene a quorate meeting a sub committee be convened consisting of 2 Independent Members of Standards and one Police Authority Member. This sub-committee to report retrospectively to the full Standards Committee any decisions taken at the sub-committee.

140

REGULATIONS FOR PROVISION FOR STANDARDS FOR ENGLAND TO SUSPEND THE FUNCTIONS OF A LOCAL STANDARDS COMMITTEE

The Monitoring Officer outlined the regulations and circumstances in which Standards for England would take over the functions of the Standards Committee. Members discussed the action required to avoid this and agreed that they would ensure that they were trained and that procedures would be in place to safeguard against this.

ORDERED that

1. Members should be trained and that the Monitoring Officer would ensure that procedures were in place to prevent circumstances arising where Standards for England would suspend the functions of the local Standards Committee.
2. The amendment to paragraph 5, in that training had taken place on 22nd February 2010, be noted.

Monitoring
Officer

141

MEETING SCHEDULE AND TRAINING PROGRAMME

The Monitoring Officer outlined the training and meeting schedule which had been drafted to ensure that Members were fully trained and briefed to carry out their role. It was also discussed that if Standards for England had not produced the next stage of guidance and training within 6 months then the Monitoring Officer should produce and deliver a training package in respect of 'hearing a complaint'

Monitoring
Officer

142

MINUTES OF THE STRATEGIC AIR SUPPORT PANEL HELD ON 27 MAY 2010

ORDERED that the following minutes of the Strategic Air Support Panel held on 27 May 2010 were submitted and approved.

STRATEGIC AIR SUPPORT

An meeting of the Strategic Air Support Panel was held on Thursday 27 May 2010 commencing at 2.00pm, in the Members Conference Room at Police Headquarters.

PRESENT: Mr Peter Race MBE (Chair), Mr Ted Cox JP (ViceChair), Mr Chris Coombs, Councillor Ron Lowes

OFFICIALS: Mr John Bage (CE)
Mr Dave Pickard, Mr Simon Wilkinson and Miss Kate Rowntree (CC)

143

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Dave McLuckie (ex officio), Councillor Mary Lanigan

144

MINUTES OF THE PREVIOUS INFORMAL MEETING HELD ON 2 MARCH 2010

The minutes were held as a true and accurate record

145

AIR OPERATIONS UNIT PERFORMANCE & FINANCE

The Assistant Chief Constable Crime Operations informed Members that the purpose of the report was to provide Members with an update on the performance and finance of the Air Operations Unit.

Members were informed that during the period February to April 2010, the aircraft had flown for 193 hours, including 20 hours mutual aid, resulting in 96 arrests, recovered £52,500 worth of property, and undertaken 4 casualty evacuations. The detailed performance figures are shown at appendix A to the report.

The Assistant Chief Constable Crime Operations informed Members that the budget for the 2010/11 financial year is £1,097,600 and included a requirement for income generation. Lately the income generation had slowed down but it is believed that this is mainly down to the poor weather and slightly because of a lack of availability.

Members were informed that for the reporting period, there had been 7 letters of appreciation and no letters of complaint.

Members requested information on how many occasions the crew had been directly involved in the reported 96 arrests over the reporting period.

Members were informed that the main role of the Unit was to direct ground staff so that arrests could take place, but it was noted that on a number of occasions the observers had made arrests. Members were assured that if the Unit had not been involved with the various air activities, up to 75% of all arrests would not have occurred.

Members noted that there was no materialized risks highlighted within the report, but did query whether there was a financial risk to the Authority due to the recent volcanic ash cloud.

The Assistant Chief Constable Crime Operations informed Members that the Unit did have permission to fly into the 'no fly area' and would have done so in an emergency. The Unit Executive Officer (UEO), was updated every six hours by the Meteorological Office. As with the rest of the aviation business, advice had also been taken from the CAA and the engine manufacturer on the ash cloud's movements / effects and amended their flying capabilities accordingly. Members were informed that the helicopter gets a 'chemical' wash as appropriate.

Members noted that complaints about noise had been non-existent. As a result of visits to community venues, members of the public were reassured and welcomed the use of the helicopter.

Members sought an update as to the present use of Laser type devices

shone at the helicopter.

The Unit Executive Officer updated Members on a number of recent cases and assured Members that Courts take very seriously this type of crime, handing down heavy sentences when proven.

The Chair sought an update on the security implications for the helicopter and Air Support Unit.

The Assistant Chief Constable Crime Operations fully briefed the Panel on these matters.

The Chair requested future finance information to be presented in a more standard manner.

ORDERED that:

1. Finance information to be presented in the standard finance reporting manner.
2. Members noted the report.

**ACC Crime
Ops**

146

PROCUREMENT UPDATE IN RELATION TO THE PURCHASE OF THE NEW HELICOPTER

The Assistant Chief Constable Crime Operations informed Members that in September 2008, Cleveland Police Authority placed an order for a new helicopter to replace our present aircraft. The new helicopter is a Eurocopter EC135 P2i.

Cleveland's new helicopter is currently being built and will be delivered to Eurocopter UK some time in the next few weeks. Once it arrives at Eurocopter UK, the Unit Executive Officer (UEO) will go through a short acceptance process which involves accepting it as a working helicopter together with examining all the associated paperwork.

Members were informed that when the helicopter has had all the role equipment installed, the UEO must return to Eurocopter UK for the full acceptance process. This will involve testing all the equipment and rectifying any faults. This process takes up to 2 weeks and on completion it is likely there may still be a few minor faults. It is a decision for the UEO to decide whether these faults are of such a minor nature that the aircraft can be accepted. Part of this decision will be the confidence that the faults will get rectified in a short time scale following delivery.

The exact delivery date is unknown as it depends on a number of factors and how quickly Eurocopter UK install the role equipment. The expected date is either December 2010 or January 2011.

The Assistant Chief Constable informed Members that there was a number of risk elements to the process such as the current CAA exemption pertaining to night flying. This exemption will run out in December 2010, but current information suggests that future short term exemptions are likely to be granted, as a new helicopter in service would be imminent. Similarly, current currency fluctuations will have an effect on the final costing. However these are being monitored daily.

Members sought clarification on any additional training needs for pilots and observers upon receipt of the new helicopter.

The UEO informed Members that there would be a period of learning for both pilots and observers. However Members were re-assured that the extra training for the pilots is likely to be less than the additional training for observers, due to the fact that the majority of change is to the additional new role equipment on the helicopter and not necessarily the operation of the manual flight controls.

ORDERED that:

1. the report be noted.

147

NATIONAL AIR SUPPORT SERVICE UPDATE

The Assistant Chief Constable Crime Operations informed Members that on the 18th June 2009 the report 'Review of the National Strategy for Police Air Operations' was put before Chief Constables Council. This report proposed setting up a national air support service with borderless tasking of aircraft and all assets being owned by the national body.

Members were informed that the current position regarding helicopters in the North had been discussed, and it was accepted that the two aircraft currently based in the north is the bare minimum. There are on-going discussions as to what extra assets would be in the area as part of a national service.

The plans for a national air support service are progressing, with the aim of having a fully operational national unit in place by April 2012. Members were to be kept fully informed on future discussions.

ORDERED that:

1. the report be noted.

148

ANY OTHER ITEMS OF URGENT BUSINESS

The Chair requested an update regarding security provisions for the helicopter at Durham Tees Valley Airport

The Assistant Chief Constable Crime Operations gave Members a full briefing on the security provisions at Durham Tees Valley Airport

149

MINUTES OF THE LEADERSHIP PANEL HELD ON 1 JUNE 2010

ORDERED that the following minutes of the Leadership Panel held on 1 June 2010 were submitted and approved.

LEADERSHIP PANEL

A meeting of the Leadership Panel was held on Tuesday 1st June 2010 in the Chair's office at Police Headquarters.

PRESENT Cllr Dave McLuckie (Chair), Mr. Peter Race MBE, Miss Pam Andrews-Mawer, Mr. Aslam Hanif, Cllr Barry Coppinger and Mr. Mike McGrory JP,

ADDITIONAL MEMBER Mr Geoff Fell

OFFICIALS Mr. P Kirkham (CE)

150 **APOLOGIES FOR ABSENCE**

Mr. Ted Cox JP

151 **DECLARATIONS OF INTERESTS**

There were no declarations of interests.

152 **EXCLUSION OF THE PRESS AND PUBLIC**

ORDERED that pursuant to Section 100A(4) of the Local Government Act 1972, excluding the press and public from the meeting under Paragraph 1 & 3 of Part 1 of Schedule 12A to the Act

153 **MINUTES OF THE PREVIOUS MEETING HELD ON 18 MAY 2010**

The minutes were accepted as a true and accurate record.

ORDERED that:-

1. The minutes of the meeting of the Leadership Panel held on 18th May 2010 be agreed.

154 **CHIEF EXECUTIVE**

The Treasurer informed Members that the objective of the report presented was to mitigate a potential risk of challenge to the decision making process in respect of the Chief Executive's redundancy and severance package, in that it was considered that a trigger date had not effectively been addressed at the previous meeting.

ORDERED that:-

1. the intention of the Police Authority to apply the full terms of the severance payment, incorporating the redundancy element, agreed at the Leadership Panel meeting, held on 23rd February 2010, to the decision on redundancy, referenced at para 3.4 of the report tabled on 1 June 2010, be reaffirmed.
2. the decision to bring the redundancy date forward by 9 months will result in a financial saving to the Authority of £112,729.32 in the financial year 2010- 11, be noted

155 **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 Paragraph 1 of Part 1 of Schedule 12A to the Act.

156

CHIEF EXECUTIVE

The Chairman presented the report to Members and explained the rationale behind the report and further explained the content of a communication received from the Audit Commission on these matters. Members were informed that the Police Authority finds itself in exceptional circumstances.

The Head of Finance informed Members of the financial ramifications of any decision taken and explained to Members the Value for Money profile, possible efficiency gains and possible savings proposed within the process.

Members expressed content that the process had not only been to previous Leadership Panel's but had now been brought to a full Police Authority Executive. They sought clarification on the financial aspects and whether or not they represented a confirmed amount.

The Head of Finance informed that the final confirmed figures could only be ascertained once a number of processes such as the method of any possible re-construction / re-organisation had been agreed and also the result of any future recruitment considerations.

Members sought clarification on the processes and decisions that had been undertaken since the Leadership Panel meetings on this matter commenced in February 2010.

The Chairman reminded Members of the process and provided a step by step explanation of the methodology used. Members were informed of the expeditious manner of changing events, surrounding a number of high profile projects and the actions that had been taken, leading to such decisions being required to be taken.

Members sought further clarification on the suggested recommendations and consequences of their decision making actions.

Members were informed that the Police Authority had seen many fundamental changes since the problems encountered in 2003. The Chairman informed Members that there had been many improvements to the Police Authority and that with the most recent decision regarding Project I being taken, the Police Authority are now in a position that requires a differing

strategic function and operation to the one put in place in 2003. The decision Members may take today, would be a reflection on what the Police Authority require now, as opposed to what it required in 2003, thus providing up to date value for money profile for the Police Authority.

The Chairman informed Members that there would be a vote to ascertain whether Members would agree or not to the proposed recommendations.

A vote took place with 9 Members voting in support of the recommendations. There were no votes against with one abstention.

ORDERED that:-

1. the recommendation of the Leadership Panel held on 30 June 2010 be agreed.
2. that the recommendation agreed at the Leadership Panel held on 23 February 2010 be amended as follows - *the post of Chief Executive will be reviewed and advertised over the next 6 months.*

CLEVELAND FIRE AUTHORITY



MINUTES OF ORDINARY MEETING HELD ON

FRIDAY, 30 JULY 2010

PRESENT:

CHAIR:-

Councillor O'Donnell – Stockton on Tees Borough Council

HARTLEPOOL BOROUGH COUNCIL:-

Councillors Akers-Belcher, Atkinson, Flintoff, Payne

MIDDLESBROUGH COUNCIL:-

Councillors Brunton, Morby, Porley, Rogers

REDCAR AND CLEVELAND BOROUGH COUNCIL:-

Councillors Cooney, Dunning, Forster

STOCKTON ON TEES BOROUGH COUNCIL:-

Councillors Kirton, Lewis, Patterson, Salt, Stoker, Woodhead

AUTHORISED OFFICERS:-

Legal Adviser/Monitoring Officer, Treasurer

FIRE BRIGADE OFFICERS:-

Director of Service Transformation, Head of Corporate Support

APOLOGIES FOR ABSENCE:

Councillor Abbott (Redcar and Cleveland Borough Council)

Councillor Briggs (Redcar and Cleveland Borough Council)

Councillor Clark (Middlesbrough Council)

Councillor Ovens (Redcar and Cleveland Borough Council)

Councillor Thompson (Middlesbrough Council)

39. DECLARATIONS OF MEMBERS INTEREST

Councillor Brunton declared a non prejudicial interest with regard to the contents of the NE Fire Control Company briefing at Agenda Item 8.

40. MINUTES

RESOLVED - that the Minutes of the Cleveland Fire Authority Annual Meeting held on 4 June 2010 be confirmed.

41. MINUTES OF COMMITTEES

The Director of Service Transformation asked Members to note that the Tender Committee, at its meeting on 23 July 2010, had approved the use of the Regional Tender process for the Procurement of Uniform and Personal Protective Equipment (PPE). This will enable procurement of the uniform to be progressed.

RESOLVED - that the Minutes of the Executive Committees held on 25 June and 2 July 2010, the Standards Committee held on 13 July 2010 and the Tender Committee held on 23 July 2010 be confirmed.

42. REPORT OF THE LEGAL ADVISER/MONITORING OFFICER

42.1 Amendments to Standing Orders

The Legal Adviser/Monitoring Officer explained that following the review and update of the Authority's Standing Orders at the Annual Meeting on 4 June 2010, these amendments had now stood adjourned without discussion since that meeting as

42.1 Amendments to Standing Orders (cont)

required under Standing Order No 28 and he requested that Members note the amendments and sought approval of the Standing Orders attached at Appendix 1 of his report.

RESOLVED - that Members noted and approved the updated Authority's Standing Orders as outlined at Appendix 1.

43. REPORTS OF THE CHIEF FIRE OFFICER

43.1 Service Transformation Programme

The Director of Service Transformation presented the background and objectives of the Service Transformation Programme to Members. He explained the impact surrounding the potential reduction in public sector spending and our approach to Service Transformation. The Director of Service Transformation highlighted the options in order of consideration:

- Efficiencies
- Streamlining Management Structures
- Shared Services
- Reconfiguration
- Commissioning
- Service Cuts – non Statutory
- Combination Order
- Service Cuts – Statutory

He explained that whilst the Transformation Programme is a whole organisation change exercise, it is structured into five key Workstreams:

- Service Delivery
- Support Services
- Cultural Transformation
- Management Structures
- Assets and Technology

The Director of Service Transformation also detailed the processes in place to achieve Service Transformation, the timeline of the process and the Communications and Engagement Strategy.

With regard to new ways of working, Councillor Rogers referred to a news article which had highlighted Merseyside Fire & Rescue using motorcycles to attend vehicle fires. The Director of Service Transformation confirmed that the Brigade were monitoring the situation, but that further research was required regarding, some of the implications and the safety of Firefighters.

43.1 Service Transformation Programme (cont)

RESOLVED-

- (i) that the content of the Authority's Service Transformation Roadmap and its Appendices be noted.
- (ii) that the Transformation Programme's objectives and scope be noted.
- (iii) that the Governance Framework of the Transformation Roadmap and the associated roles and responsibilities be noted.
- (iv) that the Communication and Engagement Framework, inclusive of the Consultation arrangements be noted.
- (v) that future Reports in line with the Governance Reporting and Communication and Engagement Strategy be received.

43.2 Chief Fire Officers Information Pack

- 43.2.1 Fire and Rescue Service Circulars
- 43.2.2 Employers Circulars
- 43.2.3 National Joint Circulars
- 43.2.4 Community Awards
- 43.2.5 South Tees Hospitals NHS Foundation Trust

RESOLVED – that the report be noted.

44. REPORTS OF THE DIRECTOR OF CORPORATE SERVICES

44.1 Audit & Governance Committee FWP 2010/11

The Head of Corporate Support asked Members to consider the Audit & Governance Forward Work Programme for 2010/11, as attached at Appendix 1 of the report.

Councillor Kirton asked if the Programme could be amended and reviewed during the year, if necessary, to reflect any changes brought about by Service Transformation. The Treasurer confirmed that the Programme was not 'set in stone' and could be amended if necessary.

RESOLVED – that the Audit & Governance Forward Work Programme for 2010/11 be approved.

44.2 Corporate Governance Information Pack

- 44.2.1 Standards Committee
- 44.2.2 Fire Conference, Harrogate

RESOLVED – that the report be noted.

45. VERBAL BRIEFING ON THE NE FIRE CONTROL COMPANY BOARD

Councillor Forster provided Members with an update regarding the NE Fire Control Company Limited. LACC Officers were awaiting a formal announcement on project rescheduling which is urgently needed to re-prioritise outstanding activities and to confirm funding beyond September 2010. Meanwhile planning continues for the delivery of staff workshops which are due to take place in August.

Further meetings of the JCC Review Group have taken place and agreement has been reached in a number of key areas including shift patterns, rationalisation/allocation of annual leave and policies covering redundancy, redeployment, retirement and pay protection. The LACC Board met on 22 July when Directors validated policies agreed by the JCC. Copies of the latest FireControl NE Newsletter are available from Democratic Services.

RESOLVED: that the report be noted.

46. REPORT OF THE CHAIR OF THE AUDIT AND GOVERNANCE COMMITTEE

46.1 Information Pack

- 46.1.1 Audit Commission – Audit Progress
- 46.1.2 Audit & Governance Remit and Roles 2010/11
- 46.1.3 Forward Work Programme 2010/11
- 46.1.4 Corporate Risk Register Review 2010/11
- 46.1.5 Revenue and Capital Budget Outturn Report 2009/10
- 46.1.6 Progress against Revenue and Capital Budgets 2010/11
- 46.1.7 2009/10 Outturn Position and 2009/10 Statement of Accounts

RESOLVED: that the report be noted.

47. ANY OTHER BUSINESS

The Chairman informed Members that prior to the meeting, she had attended a meeting in Gateshead where she had been presented, on behalf of the Authority, with an award to for achieving Member Development Charter status.

RESOLVED: that the report be noted.

48. 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 Nos 49 & 50 – paragraphs 1 and 3

Minute No 51 – paragraph 3

- 48. LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) (VARIATION ORDER) 2006 (cont)**
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)
- 49. CONFIDENTIAL MINUTES**
RESOLVED – that the Confidential Minutes of the Cleveland Fire Authority Annual Meeting held on 4 June 2010 be confirmed.
- 50. CONFIDENTIAL MINUTES**
RESOLVED – that the Confidential Minutes of the Executive Committee meeting held on 2 July 2010 and Tender Committee meeting held on 23 July 2010 be confirmed.
- 51. JOINT REPORT OF THE CHIEF FIRE OFFICER & TREASURER**
51.1 PFI Update
The Director of Service Transformation provided Members with an update on the NEFRA2 Private Finance Initiative (PFI) Project.

COUNCILLOR JEAN O'DONNELL
CHAIR

COUNCIL
28 October 2010



Report of: CONSTITUTION COMMITTEE

Subject: BUSINESS REPORT

1) GENERAL PURPOSES (APPEALS AND STAFFING) COMMITTEE

- 1.1 At the meeting of the Constitution Working Group on 24 September 2010 and subsequently the Constitution Committee on 8 October 2010 Members gave consideration to the appointment of Executive Members and their voting rights on the General Purposes (Appeals and Staffing) Committees. Members considered that invariably there may be conflicts of interest in an appeal situation, should the Executive Member on the Appeals and Staffing Committee have had any involvement in the original decision that the employee is appealing against. It was therefore considered appropriate that all Executive Members should be ex-officio non-voting Members when invited to attend the General Purposes (Appeals and Staffing) Committee.
- 1.2 Members also gave consideration to the fact that the Chair of the General Purposes Committee was currently a self-selecting appointment from the position of the Vice Chair of Council. It was suggested that Council may wish to give consideration to whether it wished this arrangement to continue or whether the Chair of the General Purposes Committee should form part of the annual proportionality and committee membership discussions.

RECOMMENDATIONS

- (i) That any Executive Members invited to participate in the General Purposes (Appeals and Staffing) Committee be ex-officio non-voting Members;
- (ii) That consideration is given to whether the current arrangement of the Chair of General Purposes Committee being a self-selecting appointment from the position of Vice Chair of the Council should continue or whether this appointment should form part of the annual proportionality and committee membership discussions.

2) LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION ACT 2009 – PETITION SCHEME.

- 2.1 At an Extraordinary Meeting of Council on the 10th June, 2010, the Authority adopted a Petition Scheme, based upon the model provided through the Department of Communities and Local Government with some modifications. It was also resolved by Council, that there should be a review of the scheme after a period of three months and a further report should be tabled to Council. The Constitution Working Group considered a report on this topic at their meeting on 13th August, and 24th September 2010. This report to the Constitution Committee on 8th October 2010 sought to address the issues raised from those meetings and appends a 'Guidance Note' (**Appendix 1**) to assist with the interpretation and development of the petition scheme. Also attached for Members further information is a copy of the Petition Scheme as adopted by the authority (**Appendix 2**).
- 2.2 At the time of this report the authority is yet to receive any submissions in relation to its petition scheme. Council officers as part of the statutory requirements are seeking to implement an 'e-petition' facility by the appointed date, namely the 15th December, 2010. Further, endeavours are being made to publicise the petition scheme, in line with measures being undertaken by our neighbouring authorities.

RECOMMENDATION

- (i) That the 'Guidance Note' be adopted to assist with the interpretation and development of the Petition Scheme.
- (ii) That the Petition Scheme be kept under regular review.

GUIDANCE NOTE – DUTY TO RESPOND TO PETITIONS

Introduction

There is a statutory requirement upon principal local authorities to adopt a petition scheme and a duty to respond to those petitions. This duty follows the commitment to ‘empower’ local communities in the White Paper “Communities in Control: Real People, Real Power”. The Borough Council have adopted a petition scheme effective from 15th June, 2010 with the operation of an “e-petition” scheme scheduled to commence from 15th December, 2010. In accordance with the provisions of the Local Democracy, Economic Development and Construction Act, 2009, Hartlepool Borough Council has published its petition scheme on its website (www.hartlepool.gov.uk) and copies are available from the Civic Centre and other Council locations in order to bring this petition scheme to the attention of persons who live, work or study in its area.

In the statutory guidance on the duty to respond to petitions it is stated;

“Government believe that local authorities should approach their petition scheme from a starting point of responding to all the petitions they receive. Petitions are an important tool for local people to raise concerns with their locally elected representatives and we expect petitions to trigger action where appropriate”.

It is also indicated within the statutory guidance certain “key principles”, as follows;

- In ensuring that local people know how to express their views
- Local authorities will take action to respond to petitions
- Local people know that their views have been listened to
- Keeping prescribed requirements on Councils to a minimum, and
- Building on local authority best practice

The Scheme

Anyone who lives, works or studies in a local authority area including under 18s, can organise a petition and trigger a response. All petitions sent to the Council will receive an acknowledgement **within 14 days of receipt**.

Petitions submitted to the Council must include;

- a clear concise statement covering the subject of the petition.
- what action the petitioners wish the Council to take.
- the name and address and signature of any person supporting the petition.

The petition should be accompanied by contact details, including an address for the petition organiser. This will be the person the Council will contact as to how the Council will respond to the petition.

An “active petition” must relate to a “relevant matter” that is not in the opinion of the authority, vexatious, abusive or otherwise inappropriate to be dealt with.

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A “relevant matter” means;

- a matter which relates to the functions of the authority, or
- relates to an improvement in the economic, social or environmental wellbeing of the authority's area to which any of its partner authorities could contribute.

The Local Authorities (Petitions) (England) Order 2010 prescribes that the following are to be ‘excluded’ from the definition of a ‘relevant matter’, namely;

- Any matter relating to a planning decision;
- Any matter relating to a licensing decision;
- Any other matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment.

However, a matter will not be excluded if it consists of an allegation that a function for which the authority is responsible has not been discharged at all or that its discharge has failed or is failing on a systematic basis, notwithstanding that the allegation particularly refers to a planning decision, a licensing decision or any other matter to which that individual would have recourse to a review or an appeal.

This Order also specifies the maximum number of signatures that authorities may include in their petition schemes as being required to trigger a debate with full Council, being 5% of the local population as estimated by the Office of National Statistics. The Borough Council has prescribed that a petition must contain **more than 1,500 signatures** before it will be debated by full Council. The Council has also prescribed a figure of **at least 750 signatures** for a Senior Officer of the Council to give evidence at a public meeting of an Overview and Scrutiny Committee about something for which the Officer is responsible as a part of their employment.

Among the many possible steps that a principal local authority may choose to take in response to a petition the following are required to be included within a petition scheme;

- Taking the action requested in the petition
- Considering the petition at a meeting of the authority
- Holding an inquiry
- Holding a public meeting
- Commissioning research
- A written response to the petition organiser setting out the authority's views on the request in the petition
- Referring the petition to an Overview and Scrutiny Committee

Local authorities may choose to verify the signatures given on a petition at their discretion. Authorities are required to take into account signatures of people who provide valid addresses where they live, work or study within the

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local authority area, but authorities may also take account of those signatories who do not supply such information.

Vexatious, Abusive or Otherwise Inappropriate Petitions

The Council will approach the petitions they receive in a positive manner. However, petitions which are in the opinion of the Council vexatious, abusive or otherwise inappropriate do not qualify for the authority to take the 'required steps' as indicated above. In making their response to a petition organiser the authority will provide reasons of why they consider that they will not be taking action through a petition being vexatious, abusive or otherwise inappropriate.

The Council's Monitoring Officer (or in his/her absence the Deputy Monitoring Officer), in consultation with the Chair of Council (or in his/her absence, the Vice Chair of the Council.) will consider whether or not a petition is vexatious, abusive or otherwise inappropriate. However, should both the Chair and Vice Chair be unavailable, then the petition will be submitted to a meeting of the Overview and Scrutiny Committee to ascertain whether the petition was vexatious, abusive or otherwise inappropriate.

As a starting point, guidance as to whether a petition is vexatious indicates;

"...it is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or definition, and it will often be easy to recognise. The key question is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause".

Petitions made under any other enactments, for example, those relating to the Local Government Act, 2000 concerning executive arrangements of local authorities should be dealt with according to the procedure set out in those enactments.

Petition Debates

If a petition contains more than **1,500 signatures** it will be debated by the full Council unless it is a petition asking for a Senior Officer to give evidence at a public meeting through the Council's scrutiny process. At the discretion of the Chair of the Council this debate may be added to the agenda of a normal meeting of the full Council. Where a petition triggers a Council debate the Council should also consider what other steps they should take in order to ensure their response is adequate. The petition organiser will be informed in writing when the debate will be held with sufficient notice to enable their attendance. The Council will also publish details of a Council meeting on the Council's website.

The petition organiser will be given 5 minutes to present their petition and at the discretion of the Chair of the Council answer questions put by Councillors. The petition will be discussed by the Councillors for a maximum of 15

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minutes, although, the Chair of the Council will have a discretion to extend this period of discussion. The debate will conclude with a decision being taken by Council in line with the best possible steps the Council may take in response to the petition. The petition organiser will receive written notification of this decision which will also be published on the Council's website.

At the discretion of the Chair, a maximum of 2 petitions triggering a Council debate will be dealt with at any one Council meeting.

Officer Giving Evidence

Local people have the right to petition a Senior Council Officer to attend a public meeting of a Council's Overview and Scrutiny Committee. The Council have decided that if a petition contains **at least 750 signatures**, a Senior Officer would have to attend the meeting, answer questions and explain how they are delivering public services. This builds upon the already existing powers of Overview and Scrutiny Committees to call before them both Members and Officers to give evidence and therefore allows members of the local community to influence the way that this particular scrutiny takes place. A list of senior staff that can be called to give evidence can be found - HBC Constitution/Constitution 2009-2010/Sections of Constitution/Man Structure Flow Chart.

Local authorities will determine which of their Officers should be called to account in this way and in order for petitions to have a meaningful impact, the more Senior Council Officers will be required to attend the meetings and give evidence. Overview and Scrutiny Committees can decide that for the purpose of addressing the concerns raised in a petition that it is more appropriate for another Officer to be called, at their absolute discretion.

Officers will not be exposed to inappropriate public scrutiny of their private lives, nor to any form of harassment or bullying. The "grounds" given in the petition must relate to their specific post and their overall responsibility to the Council and its community. An Officer will not be required to attend a meeting of Overview and Scrutiny if the person calling for attendance is deemed to be vexatious, abusive or otherwise is inappropriate.

The Council will inform the petition organiser when the Overview and Scrutiny meeting will take place with sufficient notice to allow for attendance. Should the subject of a petition be likely to lead to exposure of confidential information, a resolution under the provisions of the Local Government Act, 1972, as amended, to hold any part of the meeting in private, must be justifiable, with reasons that are made clear in notification to the petition organiser. Overview and Scrutiny Committee will thereafter make a report containing recommendations to the authority and send a copy to the petition organiser and if appropriate, the report will also be published on the Council's website.

Both in relation to a petition which triggers a full Council debate and also which calls an Officer to give evidence, if the matter specifically relates to a

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particular ward within the Borough, initial notification will also be given to the applicable ward Councillors.

Petition Reviews

Petitioners will be able to appeal to the Council's Overview and Scrutiny Committee if they feel the response from the Council is not adequate. The Overview and Scrutiny Committee will decide whether the steps taken in response to the petition were appropriate, having regard to the possible steps which can be taken in response to a petition. If the Committee has reason to be concerned about the adequacy of the Council's response it can decide to carry out a full review of the issues raised using its powers under the Local Government Act, 2000. This can include, Overview and Scrutiny arranging for the authority's response to be discussed at a meeting of full Council. **If the Overview and Scrutiny Committee took part in the original decision/response of the authority, then the appeal would be referred to full Council.**

The Council will again inform the petition organiser of the results of the review, following initial consideration within 30 days of the receipt of the request for a review. The petition organiser will be informed of the outcome of the review within 7 days and the same will also be published on the Council's website.

A flow chart is appended herewith (**Appendix 1**) which details how a petition would be dealt with by the Council under various options relating to the consideration of a petition under the Council's adopted scheme.

Petition Received By Democratic Services

Monitoring Officer in conjunction with Members) to assess if it is a valid petition (if 'yes' is it vexatious or otherwise inappropriate - in accordance with the agreed criteria) or can be dealt with by other procedures, i.e. complaints procedure (14 days for Dem Services to acknowledge – outlining the way in which the petition is to be dealt with or reasons for refecction)

Petition **accepted**

- i) Where the petition is about an issue over which the Council **has no direct control** representations will be made on behalf of the community to the relevant body.*
- ii) Where the petition is about an issue over which the Council **has direct control** there are three options to deal with petitions.*

Petition **not accepted** – More appropriate to be dealt with by other procedure route

Option 2 - Referred to appropriate department for consideration / action
(in accordance with the agreed procedure)

Action requested in petition taken / implemented –
No further action required

Option 1 - Public / Full Council Debate

- i) At least 1500 signatures are required to trigger this.*
- ii) The petition will be considered at the next Full Council meeting or the meeting after that.*
- iii) There are four options for a Council decision in dealing with a petition.*

Council – agrees to takes the action asked for in the petition

Council – agrees to take no further action

Council - makes recommendations to inform the decision where the issue requires an Executive Decision

Council – commissions further investigation of the issue by a relevant Committee

Option 3 - Referral to Overview and Scrutiny - petitioners can request that Senior Members of Council Staff to attend a meeting of the Scrutiny Co-ordinating Committee to explain how they are delivering public services.

(At least 750 signatures required for this to occur)

If petitioners are unhappy with action taken in relation to the petition - indicate to the Monitoring Officer that they wish to appeal.

Appeal to Overview and Scrutiny

Scrutiny Co-ordinating Cttee to:

- have the option to refer the issue to a Forum for consideration.
- have 30 days to consider the appeal.
- be required to inform petitioners of the outcome of the appeal within 7 days.)

There are two possible options for the outcome of an appeal

Scrutiny support or reject the views / actions requested within the petition

Instigate a more detailed Scrutiny investigation

Scrutiny to report to be presented to Cabinet, Portfolio Holder or Council (as appropriate) – Copy of report also to petitioners

HARTLEPOOL BOROUGH COUNCIL

Draft Petition Scheme

Petitions

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 14 days of receipt. This acknowledgement will set out what we plan to do with the petition.

Paper petitions can be sent to Democratic Services Team, Civic Centre, Victoria Road, Hartlepool TS24 8AY

Or be created, signed and submitted online by following this link *[link to be inserted following development of system – system to be in place December 2010]*

Petitions can also be presented to a meeting of the full Council. These meetings take place on dates and times that can be found here *[link to be inserted following approval of Council meeting dates]*. If you would like to present your petition to the Council, or would like your local Councillor to present it on your behalf, please contact Democratic Services Team on 01429 523013 at least 10 working days before the meeting and they will assist you through that process.

What are the guidelines for submitting a petition?

Petitions submitted to the Council must include

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take
- the name and address and signature of any person supporting the petition

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will **not** be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

What will the Council do when it receives my petition?

An acknowledgement will be sent to the petition organiser **within 14 days** of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as Council tax banding and non-domestic rates, other procedures apply.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.

How will the Council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a full Council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the Council's Scrutiny Co-ordinating Committee who have responsibility for scrutinising the work of the Council in conjunction with the five Scrutiny Forums:

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- Children's Services Scrutiny Forum
- Regeneration Planning Services Forum
- Adult & Community Services Scrutiny Forum
- Health Scrutiny Forum
- Neighbourhood Services Scrutiny Forum
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition. The table below gives some examples.

Petition subject	Appropriate steps
Alcohol related crime and disorder	If your petition is about crime or disorder linked to alcohol consumption, the Council will, among other measures, consider the case for placing restrictions on public drinking in the area by establishing a designated public place order or, as a last resort, imposing an alcohol disorder zone. When an alcohol disorder zone is established the licensed premises in the area where alcohol related trouble is being caused are required to contribute to the costs of extra policing in that area. The Council's response to your petition will set out the steps we intend to take and the reasons for taking this approach.
Anti-social behaviour (ASB)	<p>As the elected representatives of your local area, and licensing authority, the Council plays a significant role to play in tackling anti-social behaviour. The Council, in conjunction with our partners in the local crime and disorder partnership have set out minimum service standards for responding to issues of anti-social behaviour, you can find more details about these standards here [insert link].</p> <p>When responding to petitions on ASB, we will consider in consultation with our local partners, all the options available to us including the wide range of powers and mechanisms we have to intervene as part of our role as licensing authority. For example, we will work with the partner agencies in the affected area to identify what action might be taken, consider identifying a dedicated contact within the Council to liaise on issues of ASB in the area in question.</p>

APPENDIX 2

Petition subject	Appropriate steps
Under-performing schools	We will consider, in consultation with local partners, all the options available to us when working with schools to secure their improvement. For example, on our behalf, the school improvement partner (SIP) will play a pivotal role, challenging and brokering support for poorly performing schools. Where a school is under performing we will consider whether it is appropriate in the circumstances to issue a warning notice outlining expectations and a timeframe for the school to improve its performance standards. Other measures available to us, where schools fail to comply with a warning notice or are in an Ofsted category of notice to improve (requiring significant improvement) or special measures including; appointing additional governors, establishing an interim executive board, removal of the school's delegated budgets, requiring the school to enter into a formal contract or partnership or, only if the school is in special measures, closure.
Under-performing health services	We will work with local health partners to consider the matter raised in the petition including, where appropriate, exploring what role the Local Involvement Network (LiNK) might have in reviewing and feeding back on the issue (the LiNK is run by local individuals and community groups and independently supported – their role to find out what people want in terms of local health services, monitor those services and to use their powers to hold them to account).

If your petition is about something over which the Council has no direct control we will aim to make representations on behalf of the community to the relevant body. The Council works with a large number of local partners [link list of LAA partners] and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you. You can find more information on the services for which the Council is responsible here [[Hartlepool Borough Council Homepage](#)].

If your petition is about something that a different Council is responsible for we will give consideration to what the best method is for responding to it. It might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event we will always notify you of the action we have taken.

Full Council debates

If a petition contains **more than 1,500 signatures** it will be debated by the Full Council unless it is a petition asking for a senior Council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Officer evidence

Your petition may ask for a senior Council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior Council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains **at least 750 signatures**, the relevant senior officer will give evidence at a public meeting of the Council's Scrutiny Committee. A list of the senior staff that can be called to give evidence can be found here [HBC constitution\Constitution 2009-2010\Sections of Constitution\Man Structure Flow Chart.doc](#). You should be aware that the Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the committee by contacting Democratic Services Team on Ext 3013 up to three working days before the meeting.

E-petitions (under development)

The Council welcomes e-petitions which will be created and submitted through our website [*link to be inserted following development of system*]. E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.

When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 14 days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted to Democratic Services Team. In the same way as a paper petition, you will receive an acknowledgement within 14 days. If you would like to present your e-petition to a meeting of the Council, please contact Democratic Services Team within ten days of the petition closing.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

How do I 'sign' an e-petition?

You can see all the e-petitions currently available for signature here [*link to be inserted following development of system*].

When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible. The e-petition signature process will also include a mechanism to prevent robot signatures.

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's Scrutiny Co-ordinating Committee review the steps that the Council has taken in response to your petition.

The committee will consider your request within 30 days of receiving it. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council's Executive and arranging for the matter to be considered at a meeting of the Full Council.

Once the appeal has been considered the petition organiser will be informed of the results within seven days. The results of the review will also be published on our website.

COUNCIL
28 October 2010



Report of: Portfolio Holder for Adult and Public Health

Subject: PETITION TO IMPROVE SECURITY MEASURES AT STRANTON CEMETERY

1. PURPOSE OF REPORT

- 1.1 To inform Council of a petition received requesting the Council improve security measures at Stranton Cemetery.
- 1.2 For the Council to debate the issues included within the petition.

2. BACKGROUND

- 2.1 Members have just considered a “Guidance Note” on how to deal with petitions and a petition was presented to the Mayor earlier this month, signed by 2000 people, calling for an increase in security at Stranton Cemetery following two incidents of theft and vandalism at the grave of the organizer of the petition’s daughter.
- 2.2 A number of actions have been identified and are currently being pursued:-
 - (i) media campaign in respect of reporting incidents in the cemetery
 - (ii) costing of CCTV in the cemetery
 - (iii) setting up a Friends of Stranton Cemetery Group
 - (iv) co-ordinating patrols between the Council Contractor and Neighbourhood Policing Teams.
 - (v) increased surveillance by cemetery operatives and other Council officers
- 2.3 An acknowledgement has been sent to the petition organiser advising her of the Council’s plans for the petition and when she can expect to hear from us again. It will also be published on the Council’s website.

3. CONCLUSION

- 3.1 A petition has been received to improve the security at Stranton Cemetery. As the petition has over 2,000 signatures it triggers the Council's petition scheme adopted in June 2010.
- 3.2 There are four options for the Council to consider in dealing with a petition:
- (i) Council agrees to take the action asked for in the petition
 - (ii) Council commissions further investigations of the issue by a relevant committee
 - (iii) Council makes recommendations to inform the decision when the issue requires an Executive decision
 - (iv) Council agrees to take no action.

4. RECOMMENDATION

- 4.1 Council are requested to debate the petition content and determine the most appropriate actions

6. FINANCIAL IMPLICATIONS

- 6.1 Estimates for increased security measures are currently being gathered. The source of funding for the works has not been identified. The Cemeteries and Crematorium budget is currently operating at budget level and is unlikely to be able to provide any significant level of contribution to the works without a further rise in cremation and burial fees.

7. BACKGROUND PAPERS

Petition Scheme, Council Report June 2010
Petition

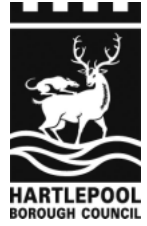
8. CONTACT OFFICER

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COUNCIL

28th October 2010



Report of: The Executive (to be presented by the Adult and Public Health Services Portfolio Holder)

Subject: FOOD LAW ENFORCEMENT SERVICE PLAN 2010/11

1. PURPOSE OF REPORT

- 1.1 To present the draft Food Law Enforcement Service Plan for 2010/11, which is a requirement under the Budget and Policy Framework, and seek Council's approval.

2. BACKGROUND

- 2.1 The Food Standards Agency has a key role in overseeing local authority enforcement activities. They have duties to set and monitor standards of local authorities as well as carry out audits of enforcement activities to ensure that authorities are providing an effective service to protect public health and safety.
- 2.2 On 4 October 2000, the Food Standards Agency issued the document "Framework Agreement on Local Authority Food Law Enforcement". The guidance provides information on how local authority enforcement service plans should be structured and what they should contain. Service Plans developed under this guidance will provide the basis on which local authorities will be monitored and audited by the Food Standards Agency.
- 2.3 The service planning guidance ensures that key areas of enforcement are covered in local service plans, whilst allowing for the inclusion of locally defined objectives.
- 2.4 A Food Law Enforcement Plan for 2010/11 is attached as **Appendix 1** and takes into account the guidance requirements.

- 2.5 The plan has been previously been considered by Cabinet on the 16th August 2010, Neighbourhood Services Scrutiny Forum on 15th September 2010 and by Cabinet on 11th October 2010.

3 THE FOOD LAW ENFORCEMENT SERVICE PLAN

- 3.1 The Service Plan for 2010/11 has been updated to reflect last year's performance.

- 3.2 The Plan covers the following:

- (i) Service Aims and Objectives:

That the Authority's food law service ensures public safety by ensuring food, drink and packaging meets adequate standards.

- (ii) Links with Community Strategy, Corporate Plan, Departmental and Divisional Plans:

How the Plan contributes towards the Council's main priorities (Jobs and the Economy, Lifelong Learning and Skills, Health and Wellbeing, Community Safety, Environment, Culture and Leisure and Strengthening Communities).

- (iii) Legislative Powers and Other Actions Available:

Powers to achieve public safety include programmed inspections of premises, appropriate registration/approval, food inspections, provision of advice, investigation of food complaints and food poisoning outbreaks, as well as the microbiological and chemical sampling of food.

- (iv) Resources, including financial, staffing and staff development.

- (v) A review of performance for 2009/10.

4. SUMMARY OF MAIN ISSUES RAISED IN THE PLAN

- 4.1 During 2009/10 the service completed 100% of all programmed food hygiene inspections planned for the year. As a result of prioritising resources in this area we were unable to achieve the targets set in respect of food standards and feeding stuffs inspections; 86% of food standards inspections were achieved and 63.4% of feeding stuffs inspections. The outstanding inspections will be added to the programme for 2010/2011.

- 4.2 The results from the 2009/10 sampling programme were disappointing. A total of 218 microbiological samples were taken, of which 73 were regarded as unsatisfactory, mainly as a result of high bacteriological counts. Advisory visits have been carried out and the majority of follow up samples subsequently improved. Of the 246 compositional/labelling samples that were taken, 11 were unsatisfactory, mainly due to labelling irregularities.
- 4.3 On 1st April 2007 the Council launched the Tees Valley Food Hygiene Award Scheme. Each business is awarded a star rating which reflects the risk rating given at the time of the last primary inspection. The star rating is made available to the public via the Council's website and the business is provided with a certificate to display on their premises.
- 4.4 The table below shows the results of the star ratings awarded to businesses at the start of the scheme on 1 April 2007, as compared with after 12 months (on 1 April 2008), after 24 months (on 1 April 2009) and after 36 months (on 1 April 2010):

Number of Stars	Number of Premises (1/4/07)	%	Number of Premises (1/4/08)	%	Number of Premises (1/4/09)	%	Number of Premises (1/4/10)	%
5 Stars	24/759	3%	85/762	11.1%	163/721	22.6%	237/709	33.4%
4 Stars	155/759	20%	217/762	28.5%	233/721	32.3%	205/709	28.9%
3 Stars	226/759	30%	294/762	38.6%	237/721	32.9%	195/709	27.5%
2 Stars	262/759	35%	137/762	18.0%	65/721	9%	60/709	8.5%
1 Star	60/759	8%	26/762	3.4%	17/721	2.4%	12/709	1.7%
0 Stars	32/759	4%	3/762	0.4%	6/721	0.8%	0/709	0%

- 4.5 It can be seen that the number of premises awarded 3 stars and above has risen significantly from 53% to 89.8%, with a more than tenfold increase in the number of premises awarded 5 stars. There are currently no zero rated premises.
- 4.6 Whilst the number of businesses trading fluctuates throughout the year the above figures show a decline in the number of food businesses operating in the borough. This information is consistent with national returns made for 2008/09 which indicate that there has been a slight decrease in the numbers of food businesses, but that there was a notable increase in business turnover and new business registrations, especially in relation to home catering and change in ownership.
- 4.7 Compliance levels of food businesses in our area are measured and reported on against National Indicator 184. As at the 1st April 2010, 91.5% of businesses in the borough were "Broadly Compliant" with food safety requirements (in 2008-09 the figure was 89.3%, which was 3.3% higher than the national average). For food standards 96.3% of businesses achieved broad compliance (in 2008-09 the figure was

93.3%). We aim to concentrate our resources to further increase our current rate by the end of 2010/11.

- 4.8 The service is committed to focussing its resources on carrying out interventions at those businesses which are deemed not to be 'broadly compliant' and has written to those awarded 2 stars or less offering advice and support. In the current financial climate we anticipate that it may become increasingly difficult to secure improvements however where necessary enforcement action will be taken.
- 4.9 During 2009/10, no emergency prohibition notices were served on businesses. A Hygiene Improvement Notice was served on a business to ensure compliance with food safety issues. No prosecutions or formal cautions were undertaken.
- 4.10 During 2010/11 there are 394 programmed food hygiene interventions, 248 programmed food standards inspections and 47 feed hygiene inspections planned. The number of premises liable for inspection has increased on last years figures. (The number of premises liable for inspection fluctuates from year to year as the programme is based on the risk rating applied to the premises which determines the frequency of intervention). An estimated 80 re-visits and 70 additional visits to new / changed premises will be required during the year.
- 4.11 Further to the above planned inspections it is predicted that an additional 150 visits will need to be carried out in relation to the Tall Ships Event and Headland Carnival. Such inspections must be carried out by a small team of officers with the suitable qualifications and competencies to undertake them. The volume of planned inspections and the need to carry out visits outside normal working hours will place an additional demand on an already heavy workload.

5. RECOMMENDATIONS

- 5.1 It is recommended that Council approves the draft Food Law Enforcement Plan 2010/11.

6. CONTACT OFFICER

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Hartlepool Borough Council

Food Law Enforcement Service Plan

2010/11

FOOD SERVICE PLAN 2010/11

This Service Plan accords with the requirements of the Framework Agreement on Local Authority Food Law Enforcement, and sets out the Council's aims in respect of its food law service and the means by which those aims are to be fulfilled. Whilst focussing primarily on the year 2010/11, where relevant, longer-term objectives are identified. Additionally, there is a review of performance for 2009/10 and this aims to inform decisions about how best to build on past successes and address performance gaps.

1. **Background Information**

Hartlepool is situated on the North East coast of England. The Borough consists of the town of Hartlepool and a number of small outlying villages. The total area of the Borough is 9,390 hectares.

Hartlepool is a unitary authority, providing a full range of services. It adjoins Durham County Council to the north and west and Stockton on Tees Borough Council to the south. The residential population is 90,161 of which ethnic minorities comprise 1.2% (2001 census).

The borough contains a rich mix of the very old and the very new. Its historic beginnings can be traced back to the discovery of an iron-age settlement at Catcote Village and the headland, known locally as "Old Hartlepool" is steeped in history. On the other hand, the former South Docks area has been transformed into a fabulous 500-berth Marina.

In August, Hartlepool will welcome up to one million visitors for the finale of the prestigious 2010 Tall Ships' Races; an internationally acclaimed annual competition held every summer in European waters. Approximately 70 vessels from 15-20 countries, crewed by some 5-6,000 young people from over 30 countries worldwide are expected to take part. A wide range of entertainment events are planned to coincide with the event.

The tourist industry impacts upon recreational opportunities, shopping facilities and leisure facilities, including the provision of food and drink outlets that include restaurants, bars and cafes. There are currently 735¹ food establishments in Hartlepool, all of which must be subject to intervention to ensure food safety and standards are being met.

2. **Service Aims and Objectives**

Hartlepool Borough Council aims to ensure:

- that food and drink intended for human consumption which is produced, stored, distributed, handled or consumed in the borough is without risk to the health or safety of the consumer;

¹ This figure includes a number of low risk premises which fall outside the intervention programme.

- food and food packaging meets standards of quality, composition and labelling and reputable food businesses are not prejudiced by unfair competition; and
- the effective delivery of its food law service so as to secure appropriate levels of public safety in relation to food hygiene, food standards and feeding stuffs enforcement.

In its delivery of the service the Council will have regard to directions from the Food Standards Agency (FSA), Approved Codes of Practice, the Regulators Code of Compliance, and guidance from Local Authorities Co-ordinators of Regulatory Services (LACORS).

Service delivery broadly comprises:

- Programmed inspections of premises for food hygiene, food standards and feed hygiene;
- Registration and approval of premises;
- Microbiological sampling and chemical analysis of food and animal feed;
- Food & Feed Inspection;
- Contributing to the step change on imported food/feed control through inspection and checks of imported food/feed at retail and catering premises;
- Provision of advice, educational materials and courses to food/feed businesses;
- Investigation of food and feed related complaints;
- Investigation of cases of food and water borne infectious disease, and outbreak control;
- Dealing with food/feed safety incidents; and
- Promotional and advisory work.

Effective performance of the food law service necessitates a range of joint working arrangements with other local authorities and agencies such as the Health Protection Agency (HPA), Food Standards Agency (FSA), HM Revenue & Customs (HMRC), Meat Hygiene Service (MHS), Department of Environment, Food & Rural Affairs (Defra) & the Animal Medicines Inspectorate (AMI). The Council aims to ensure that effective joint working arrangements are in place and that officers of the service contribute to the on going development of those arrangements.

The service is also responsible for the following:

- Health and Safety enforcement;
- The provision of guidance, advice and enforcement in respect of Smoke free legislation;
- Water sampling; including both private and mains supplies & bathing water; and
- Provision of assistance for animal health and welfare inspections, complaint investigation and animal movement issues.

3. **Policy Content**

This service plan fits into the hierarchy of the Council's planning process as follows:

- Hartlepool's Community Strategy - the Local Strategic Partnership's (the Hartlepool Partnership) goal is to regenerate Hartlepool by promoting economic, social and environmental wellbeing in a sustainable manner.
- Corporate (Best Value Performance) Plan
- Regeneration and Neighbourhoods Departmental Plan
- Community Safety and Protection Divisional Plan
- Food Law Enforcement Service Plan - sets out how the Council aims to deliver this statutory service and the Consumer Services section's contribution to corporate objectives

The Council's Community Strategy, called Hartlepool's Ambition, looks ahead to 2020 and sets out its long-term vision and aspirations for the future:

'Hartlepool will be an ambitious, healthy, respectful, inclusive, thriving and outward-looking community, in an attractive and safe environment, where everyone is able to realise their potential.'

This Food Law Service Plan contributes towards the vision and the Council's main priorities in the following ways:

Jobs and the Economy

By providing advice and information to new and existing businesses to assist them in meeting their legal requirements with regard to food law requirements, and avoid potential costly action at a later stage;

Lifelong Learning and Skills

By providing and facilitating training for food handlers on food safety as part of lifelong learning, and promoting an improved awareness of food safety and food quality issues more generally within the community;

Health and Wellbeing

By ensuring that food businesses where people eat and drink, or from which they purchase their food and drink, are hygienic and that the food and drink sold is safe, of good quality and correctly described and labelled to inform choice;

Community Safety

By encouraging awareness amongst food businesses of the role they can play in reducing problems in their community by keeping premises in a clean and tidy condition;

Environment

By encouraging businesses to be aware of environmental issues which they can control, such as proper disposal of food waste;

Culture and Leisure

By exploring ways to promote high standards of food law compliance in hotels, other tourist accommodation, public houses and other catering and retail premises.

Strengthening Communities

By developing ways of communicating well with all customers, including food business operators whose first language is not English, and ensuring that we deliver our service equitably to all.

This Food Law Enforcement Service Plan similarly contributes to the vision set out in the Regeneration and Neighbourhoods Department Plan *“to work hand in hand with communities and to provide and develop excellent services that will improve the quality of life for people living in Hartlepool neighbourhoods”*.

Within this, the Consumer Services Section has a commitment to ensure the safe production, manufacture, storage, handling and preparation of food and its proper composition and labelling.

The Council has in place a Food Law Enforcement Policy, which has been revised and subsequently approved by the Adult & Public Health Services Portfolio Holder on 21 March 2005.

The Council is committed to the principles of equality and diversity. The Food Law Enforcement Service Plan consequently aims to ensure that the same high standards of service is offered to all, and that recognition is given to the varying needs and backgrounds of its customers.

4. Interventions

The Council has a wide range of duties and powers conferred on it in relation to food law enforcement.

The Council must appoint and authorise inspectors, having suitable qualifications and competencies for the purpose of carrying out duties under the Food Safety Act 1990 and Regulations made under it and also specific food regulations made under the European Communities Act 1972, which include the Food Hygiene (England) Regulations 2006 and the Official Feed and Food Controls (England) Regulations 2007.

Authorised officers can inspect food at any stage of the production, manufacturing, distribution and retail chain. The Council must draw up and implement an annual programme of risk-based interventions so as to ensure that food and feeding stuffs are inspected in accordance with relevant legislation, the Food Law Code of Practice and centrally issued guidance.

Prompted by the introduction of the Legislative and Regulatory Reform Act 2006 the Food Standards Agency (FSA) has made changes to the Food Law Code of Practice that took effect from June 2008.

The changes to the Code replaced an enforcement policy focussed primarily on inspections, with a new policy for a suite of interventions. This allows local authorities to choose the most appropriate action to be taken to drive up levels of compliance by food establishments with food law. This takes account of the recommendations in the 'Reducing Administrative Burdens: Effective Inspection and Enforcement'.

Interventions are defined as activities that are designed to monitor, support and increase food law compliance within a food establishment. They include:

- Inspections / Audit;
- Surveillance / Verification;
- Sampling;
- Education, advice and coaching provided at a food establishment; and
- Information and intelligence gathering.

Other activities that monitor, promote and drive up compliance with food law in food establishments, for instance 'Alternative Enforcement Strategies' for low risk establishments and education and advisory work with businesses away from the premises (e.g. seminars/training events) remain available for local authorities to use.

The revised Code also introduces the concept of 'Broadly Compliant' food establishments. In respect of food hygiene, "broadly compliant", is defined as an establishment that has an intervention rating score of not more than 10 points under each of the following components;

- Level of (Current) Hygiene Compliance;
- Level of (Current) Structural Compliance; and
- Confidence in Management/Control Systems

"Broadly Compliant", in respect of food standards, is defined as an establishment that has an intervention rating score of not more than 10 points under the following:

- Level of (Current) Compliance
- Confidence in Management/Control Systems

Local Authorities are required to report the percentage of “Broadly Compliant” food establishments in their area to the FSA on an annual basis through the Local Authority Enforcement Monitoring System (LAEMS). The Agency will use this outcome measure to monitor the effectiveness of a local authority’s regulatory service.

As at the 1st April 2010, 91.5% of businesses in the borough were “Broadly Compliant” with food safety requirements (in 2008-09 the figure was 89.3%, which was 3.3% higher than the national average). For food standards 96.3% of businesses achieved broad compliance (in 2008-09 the figure was 93.3%). We aim to concentrate our resources to further increase our current rate by the end of 2010/11 however given the current financial climate this will be extremely challenging.

Since April 2008 local authorities are required to report the same information to the National Audit Office under National Indicator 184. We are also required to report on business satisfaction rates with the service under NI 182.

The Food Law Enforcement Plan will help to promote efficient and effective approaches to regulatory inspection and enforcement that will improve regulatory outcomes without imposing unnecessary burdens. The term enforcement does not only refer to formal actions, it can also relate to advisory visits and inspections.

5. Service Delivery Mechanisms

Intervention Programme

Local Authorities must document, maintain and implement an interventions programme that includes all the establishments for which they have food law enforcement responsibility.

Interventions carried out for food hygiene, food standards and for feeding stuffs are carried out in accordance with the Council’s policy and standard operating procedures on food/feed premises inspections and relevant national guidance.

Information on premises liable to interventions is held on the APP computerised system. An intervention schedule is produced from this system at the commencement of each reporting year.

The food hygiene, food standards and feeding stuffs intervention programmes are risk-based systems that accord with current guidance. The current premises profiles are shown in the tables overleaf:

Food Hygiene:

Risk Category	Frequency of Inspection	No of Premises
A	6 months	1
B	12 months	38
C	18 months	290
D	24 months	185
E	36 months or other enforcement	202
Unclassified	Requiring inspection/risk rating	0
No Inspectable Risk (NIR)		19
Total		735

Food Standards:

Risk Category	Frequency of Inspection	No of Premises
A	12 months	2
B	24 months	118
C	36 months or other enforcement	595
Unclassified		1
No Inspectable Risk (NIR)		19
Total		735

Feed Hygiene

Risk Category	Frequency of Inspection	No of Premises
A	12 months	0
B	24 months	23
C	60 months	41
Unclassified		23
Total		87

The intervention programme for 2010/11 comprises the following number of scheduled food hygiene and food standards interventions:

Food Hygiene:

Risk Category	Frequency of Inspection	No of Interventions
A	6 months	1
B	12 months	39
C	18 months	205
D	24 months	86
E	36 months or alternative enforcement strategy	63
Unclassified		0
Total		394

Approved Establishments:

There are 2 approved food establishments in the borough; a fishery products establishment and a manufacturer of food ingredients. These premises are subject to more stringent hygiene provisions than those applied to registered food businesses. These premises require considerably more staff resources for inspection, supervision and advice on meeting enhanced standards.

Primary Producers

From 1 January 2006 EU food hygiene legislation applicable to primary production (farmers & growers) came into effect. On the basis that the local authority officers were already present on farms in relation to animal welfare and feed legislation, the responsibility was been given to the Consumer Services Section to enforce this legislation. The service has an estimated 68 primary producers. Targets have been set for Councils to inspect 25% of farms classified as high risk and 2% of low risk premises. We currently do not have any high risk premises.

Food Standards:

Risk Category	Frequency of Inspection	No of Interventions
A	12 months	2
B	24 months	51
C	36 months or alternative enforcement	194
Not classified		1
Total		248

Feed Hygiene :

Risk Category	Frequency of Inspection	No of Interventions
A	12 months	0
B	24 months	21
C	60 months	0
Unclassified		23
Total		47

An estimated 10% of programmed interventions relate to premises where it is more appropriate to conduct visits outside the standard working time hours. Arrangements are in place to visit these premises out of hours by making use of the Council's flexible working arrangements, lieu time facilities and, if necessary, paid overtime provisions. In addition, these arrangements will permit the occasional inspection of premises which open outside of, as well as during standard work time hours. The Food Law Code of Practice requires inspections of these premises at varying times of operation.

As a follow-up to primary inspections, the service undertakes revisits in accordance with current policy. For the year 2010/11, the inspection programme is expected to generate an estimated 80 revisits. A number of these premises revisits will be undertaken outside standard working hours and arrangements are in place as described above to facilitate this.

It is anticipated that consistent, high quality programmed inspections by the service will, over time, result in a general improvement in standards, reducing the frequency for recourse to formal action.

The performance against inspection targets for all food hygiene and food standards inspections is reported monthly as part of the Regeneration & Neighbourhoods Department internal performance monitoring. In addition, performance against inspection targets is reported quarterly to the Adult & Public Health Services Portfolio Holder as part of the Regeneration & Neighbourhoods Department plan update and recorded on Covalent.

Tall Ships Event

In addition to the above planned inspection programme of fixed establishments, in the first quarter of the year we aim to visit all food businesses which are likely to be affected during the Tall Ships Event. We will provide tailored advice regarding planning for additional demands for service, changes to delivery times etc. In addition we aim to inspect all of the food vendors which will be operating as part of the Tall Ships Event (7-10th August) and the Headland Carnival. We anticipate that this will generate an additional 150 visits.

Port Health

Hartlepool is a Port Health Authority however it is not a Border Inspection Post or Point of Entry, therefore no food enters the port.

Fish Quay

There is a Fish Quay within the Authority's area which provides a market hall although it is not currently operational and there are associated fish processing units, one of which is an approved establishment.

Registration and Approval of Premises

Food and feed business operators must register their establishments with the relevant local authority. This provision allows for the service to maintain an up-to-date premises database and facilitates the timely inspection of new premises and, when considered necessary, premises that have changed food/feed business operator or type of use.

The receipt of a food/feed premises registration form initiates an inspection of all new premises. In the case of existing premises, where a change of food/feed business operator is notified, other than at the time of a programmed inspection, an assessment is made of the need for inspection based on the date of the next programmed intervention, premises history, and whether any significant change in the type of business is being notified. It is anticipated that approximately 70 additional premises inspections will be generated for new food businesses during 2010/11.

A competent authority must with some exceptions, approve food business establishments that handle food of animal origin. If an establishment needs approval, it does not need to be registered as well.

Food premises which require approval include those that are producing any, or any combination of the following; minced meat, meat preparations, mechanically separated meat, meat products, live bivalve molluscs, fishery products, raw milk (other than raw cows' milk), dairy products, eggs (not primary production) and egg products, frogs legs and snails, rendered animal fats and greaves, treated stomachs, bladders and intestines, gelatine and collagen and certain cold stores and wholesale markets.

The approval regime necessitates full compliance with the relevant requirements of Regulation (EC) No 853/2004 and Regulation (EC) 853/2004.

There are 2 premises in the Borough which are subject to approval; a fishery products establishment and a manufacturer of food ingredients.

Microbiological and Chemical Analysis of Food/Feed

An annual food/feed sampling programme is undertaken with samples being procured for the purposes of microbiological or chemical analyses. This programme is undertaken in accordance with the service's Food/Feed Sampling Policy.

All officers taking fomal samples must follow the guidance contained in and be qualified in accordance with relevant legislative requirements and centrally issued guidance, including that contained in the Food Law Code of Practice/Feed Law Enforcement Policy and associated Practice Guidance. Follow-up action is carried out in accordance with the service's sampling policy.

Microbiological analysis of food and water samples is undertaken by the Health Protection Agency's Laboratory based at Leeds. Chemical analysis of infomal food/feed samples is undertaken by Tees Valley Measurement (a joint funded laboratory based at Canon Park, Middlesbrough) and fomal samples are analysed by Durham Scientific Services, who the Authority has appointed as their Public/Agricultural Analyst.

From April 2005 sampling allocations from the Health Protection Agency, which is responsible for the appropriate laboratory facilities, has been based on a credits system dependant on the type of sample being submitted and examination required.

The allocation for Hartlepool is 8,300 credits for the year 2010/11.

Points are allocated as follows:

Sample type	No of credits
Food Basic	25
Food Complex	35
Water Basic	20
Water Complex	25
Dairy Products	10
Environmental Basic	25
Environmental Complex	35
Certification	15

A sampling programme is produced each year for the start of April. The sampling programme for 2010/11 includes national and regional surveys organised by LACORS and HPA/Local Authority Liaison Group.

Sampling programmes have been agreed with the Food Examiners and Tees Valley Measurement. These have regard to the nature of food/feed businesses in Hartlepool and will focus on locally manufactured/processed foods/feed and food/feed targeted as a result of previous sampling and complaints.

In 2007 the Food Standards Agency, the Local Authorities Coordinators of Regulatory Services (LACORS) and the Association of Port Health Authorities set a national target that imported food should make up 10% of the food samples taken by local and port health authorities. The service shall therefore aim to meet this target.

Microbiological Food Sampling Plan 2010 /11

April Butchers Survey (re-samples) Rice from Chinese Takeaways (re-samples)	May Butchers Survey (re-samples) Rice from Chinese Takeaways (re-samples)	June Mobile Survey LACORS/HPA Pennington Study Dishwasher Study
July Ice-cream vendors LACORS/HPA Pennington Study Dishwasher Study	August Ice-cream vendors LACORS/HPA – Listeria in RTE Foods Dishwasher Study	September Sandwich shops/Cafes Salmonella in Fresh Herbs LACORS/HPA – Listeria in RTE Foods Dishwasher Study
October Sandwich shops/Cafes LACORS/HPA – Listeria in RTE Foods Dishwasher Study	November Sandwich shops/Cafes LACORS/HPA – Listeria in RTE Foods Dishwasher Study	December Pubs/Restaurants LACORS/HPA – Listeria in RTE Foods Dishwasher Study
January Pubs/Restaurants LACORS/HPA – Listeria in RTE Foods Dishwasher Study	February Pubs/Restaurants LACORS/HPA Pennington Study Dishwasher Study	March LACORS/HPA – Cleaning Cloths LACORS/HPA Pennington Study Dishwasher Study

Composition and Labelling Sampling Plan 2010 /11

MONTH	TEST	SAMPLES
April	Added water - processed meats Labels of the above products	7 7
May	Fat, salt & sugars – canned meals Labels of the above products	6 6
	<u>FSA Imported Food Survey:</u> The following foods will be sampled: Honey – moisture, sugars, HMF, labelling Crab – cadmium Chicken – added water, salt	6 2 4
June	Reformed meats in locally produced sandwiches	19
July	Saturated fat – fish & meat ready meals Labels of the above products	12 12
Aug	Meat content of locally produced sausage	3
Sept	Meat content of locally produced sausage	3
Oct	Gluten free – pre-packed goods Labels of the above products	12 12
Nov	Sodium – breakfast cereals/bars Labels of the above products	12 12
Dec	ABV – alcohol in restaurants Spirit testing	15
Jan	Added sugars – soft drinks Labels of the above products	8 8
Feb	Vegetarian foods, peanuts	12
Mar	Imported canned vegetables – heavy metals Labels of the above products	4 4

Total samples = 186

Feeding Stuffs

It is planned that six informal animal feeding stuffs samples will be taken this year.

At present feeding stuffs sampling is being given a low priority due to the lack of local manufacturers and packers. An annual feeding stuffs sampling plan however has been drawn up to carry out informal sampling at the most appropriate time of the year in respect of farms, pet shops and other retail establishments.

Feeding stuffs Sampling Plan 2010/11

April - June	0
July - September	2 feed samples (statutory statements)
October - December	2 samples from grain stores for mycotoxins
January - March	2 supplements

Private Water Supplies

A local brewery uses a private water supply in its food production. Regular sampling is carried out of this supply in accordance with relevant legislative regulations.

Food inspection

The purpose of food inspection is to check that food complies with food safety requirements and is fit for human consumption, and is properly described and labelled. As such, the activity of inspecting food commodities, including imported food where relevant, forms an integral part of the food premises inspection programme. Food inspection activities are undertaken in accordance with national guidelines.

Provision of advice, educational materials and courses to food/feed businesses

Following changes in relation to certified courses we are reviewing the training courses offered by the section. Where we are unable to deliver courses we will advise businesses of alternative local providers.

It is recognised that for most local food businesses contact with an officer of the service provides the best opportunity to obtain information and advice on legislative requirements and good practice. Officers are mindful of this and aim to ensure that when undertaking premises inspections sufficient opportunity exists for business operators to seek advice. Leading up to the Tall Ships Event officers will be providing tailored advice to businesses.

In addition, advisory leaflets including those produced by the Food Standards Agency are made available.

In February 2006 the Food Standards Agency introduced Safer Food Better Business (SFBB) aimed at assisting smaller catering businesses to introduce a documented food safety management system. Since this time significant resources have been directed towards assisting businesses to fully implement a documented food safety management system.

Guidance is also prepared and distributed to food businesses relating to changes in legislative requirements. The service also encourages new food/feed business operators and existing businesses to seek guidance and advice on their business. It is estimated that 35 such advisory visits will be carried out during the year.

On 1st April 2007 the Council launched the Tees Valley Food Hygiene Award Scheme. At this time each business was awarded a provisional star rating which reflected the risk rating given at the time of the last primary inspection. The star rating was made available to the public via the Council's website and the business was provided with a certificate to display on their premises. The service has made a commitment to work with businesses to improve their rating.

Feeding stuffs advice is available via the Council's web site.

A limited level of promotional work is also undertaken by the service on food safety, with minimal impact on programmed enforcement work.

Investigation of Food / Feed and Food / Feed-Related Complaints

The service receives approximately 21 complaints, each year concerning food/feed, all of which are subject to investigation. An initial response is made to these complaints within two working days. Whilst many complaints are investigated with minimal resource requirements, some more complex cases may be resource-intensive and potentially affect programmed inspection workloads.

All investigations are conducted having regard to the guidance on the 'Home Authority Principle'.

The procedures for receipt and investigation of food/feed complaints are set out in detailed guidance and internal policy documents.

Investigation of cases of Food Poisoning and Outbreak Control

Incidents of food related infectious disease are investigated in liaison with the North East Health Protection Unit and in the case of outbreaks in accordance with the Health Protection Unit's Outbreak Control Policy.

Where it appears that an outbreak exists the Principal EHO (Commercial Services) or an EHO, will liaise with the local Consultant in Communicable Disease Control and, where necessary, the North East Health Protection Unit, to determine the need to convene an Outbreak Control Team. Further liaison may be necessary with agencies such as the Food Standards Agency, the Health Protection Agency, Hartlepool Water and Northumbrian Water.

Statistical returns are made weekly by the service to the Communicable Disease Surveillance Centre. It is estimated that between 90-100 food poisoning notifications are received each year, a large proportion of which are confirmed cases of Campylobacter. Historically we have investigated all reports either by interviewing cases or sending out questionnaires and advice leaflets.

It was identified that there was variation in the practice of Environmental Health departments both regionally and nationally in relation to the investigation of sporadic cases of Campylobacter therefore the Health Protection Agency (HPA) proposed that a common approach be agreed by North East Environmental Health Departments. As relatively little benefit has been demonstrated from the investigation of individual sporadic cases of Campylobacter only those who are food handlers or live/work in a residential setting will now be routinely investigated.

Any cluster or outbreak identified by the HPA or Environmental Health will be investigated following the agreed outbreak investigation arrangements. In the event of any major food poisoning outbreak a significant burden is likely to be placed on the service and this would inevitably impact on the performance of the inspection programme.

Dealing with Food / Feed Safety Incidents

A national alert system exists for the rapid dissemination of information about food and feed hazards and product recalls, this is known as the food/feed alert warning system.

All food and feed alerts received by the service are dealt with in accordance with national guidance and internal quality procedures.

Food and feed alert warnings are received by the service from The Food Standards Agency via the electronic mail system, and EHCNet during working hours. Several officers have also subscribed to receive alerts via their personal mobile phones.

The Principal EHO (Commercial Services) or, if absent, the Public Protection Manager ensures that a timely and appropriate response is made to each alert.

Out of hours contact is arranged through Hartlepool Housing's Greenbank Offices, telephone number 01429 869424.

In the event of a serious local incident, or a wider food safety problem emanating from production in Hartlepool, the Food Standards Agency will be alerted in accordance with guidance.

Whilst it is difficult to predict with any certainty the number of food safety incidents that will arise, it is estimated that the service is likely to be notified of 50 food alerts during 2010/11, a small proportion of which will require action to be taken by the Authority. This level of work can ordinarily be accommodated within the day-to-day workload of the service, but more serious incidents may require additional resources which may have an effect on the programmed inspection workload and other service demands.

In addition a significant number of Allergy Alerts are being sent to local authorities. A total of 34 were received during 2009/10 many relating to labelling irregularities by UK manufacturers who have for example omitted to declare the presence of an allergen in the food.

Investigation of Complaints relating to Food/Feed Safety and Food Standards in Premises

The service investigates all complaints that it receives about food/feed safety and food standards conditions and practices in food/feed businesses. An initial response to any complaint is made within two working days. In such cases the confidentiality of the complainant is paramount. All anonymous complaints are also currently investigated.

The purpose of investigation is to determine the validity of the complaint and, where appropriate, to seek to ensure that any deficiency is properly addressed. The general approach is to assist the food/feed business operator in ensuring good standards of compliance, although enforcement action may be necessary where there is failure in the management of food/feed safety, or regulatory non-compliance.

Based on the number of complaints in 2009/10 it is estimated that approximately 21 such complaints will be received in 2010/11.

Feed Law Enforcement

From 1 January 2006 feed businesses must be approved or registered with their local authority under the terms of the EC Feed Hygiene Regulation (183/2005).

This legislation relates to nearly all feed businesses. This means, for example, that importers and sellers of feed, hauliers and storage businesses now require approval or registration. Livestock and arable farms growing and selling crops for feed are also within the scope of the provisions of the regulation.

Liaison arrangements

The service actively participates in local and regional activities and is represented on the following:

- North East Regional Heads of Regulatory Services Group
- Tees Valley Heads of Public Protection Group
- Tees Valley Food Liaison Group
- The Local HPA/Local Authority Sampling Group
- Tees Valley Public Health Group
- North East Trading Standards Liaison Group
- North East Trading Standards Animal Feed Group

There is also liaison with other organisations including the Chartered Institute of Environmental Health, the Trading Standards Institute, LACORS, the Health Protection Agency, Defra, OFSTED and the Care Quality Commission.

Officers also work in liaison with the Council's Planning, Building Control and Licensing Sections.

Home Authority Principle / Primary Authority Scheme

The introduction of the Primary Authority Scheme in April 2009 under the provisions of the Regulatory Enforcement and Sanctions Act 2008 placed a statutory obligation on the Council to provide a significantly expanded range of Home Authority services to local businesses when requested by that business. There are opportunities for local authorities to recover costs from businesses to provide this premium service.

The Authority is committed to the LACORS Home Authority Principle, although at present there are no formal arrangements with food/feed businesses to act as a Primary Authority. The Authority does however act as Originating Authority for a brewery and a food manufacturer. Regular visits are made to these premises to maintain dialogue with management and an up to date knowledge of operations.

General

The delivery point for the food/feed law enforcement service is at:

Bryan Hanson House
Hanson Square
Hartlepool
TS24 7BT

Members of the public and businesses may access the service at this point from 08.30 - 17.00 Monday to Thursday and 08.30 - 16.30 on Friday.

A 24-hour emergency call-out also operates to deal with Environmental Health emergencies, which occur out of hours.

6. Resources

Staffing Allocation

The Director of Regeneration & Neighbourhoods has overall responsibility for the delivery of the food/feed law service. The Assistant Director Community Safety & Protection has responsibility for ensuring the delivery of the Council's Environmental Health service, including delivery of the food/feed law service, in accordance with the service plan.

The Public Protection Manager, with the requisite qualifications and experience, is designated as lead officer in relation to food safety and food standards functions and has responsibility for the management of the service.

The resources determined necessary to deliver the service in 2010/11 are as follows:

1 x 0.10 FTE Public Protection Manager (with responsibility also for Health & Safety, Licensing, Trading Standards, Private Sector Housing & Environmental Protection)

1 x 0.35 FTE Principal EHO (Commercial Services) (with responsibility also for Health & Safety and Animal Health)

3 x FTE EHO (with requisite qualifications and experience and with responsibility also for Health & Safety)

1 x 0.56 FTE Part-time EHO (with requisite qualifications and experience and with responsibility also for Health & Safety)

1 x FTE Technical Officer Food (with requisite qualifications and experience)

The Public Protection Manager has responsibility for planning service delivery and management of the Food Law service, Health & Safety at Work, Licensing, Public Health, Water Quality, Trading Standards, Animal Health & Welfare, Private Sector Housing, Environmental Protection and I.T. as well as general management responsibilities as a member of the Community Safety & Protection Management Team.

The Principal EHO (Commercial Services) has responsibility for the day to day supervision of the Food/Feed Law Service, Health & Safety at Work, Public Health, Water Quality and Animal Health & Welfare. The Principal EHO (Commercial Services) is designated as lead officer in relation to animal feed and imported food control.

The EHO's have responsibility for the performance of the food premises inspection programme as well as the delivery of all other aspects of the food law service, particularly more complex investigations. In addition these officers undertake Health & Safety at Work enforcement.

The Technical Officer (Food) is also responsible for inspections, as well as revisits, investigation of less complex complaints and investigation of incidents of food-borne disease.

Authorised Trading Standards Officers have responsibility for the performance of the feed premises inspection programme as well as the delivery of all other aspects of the feed law service.

Administrative support is provided by Support Services based within the Regeneration & Neighbourhoods department.

All staff engaged in food/feed safety law enforcement activity will be suitably trained and qualified and appropriately authorised in accordance with guidance and internal policy.

Staff undertaking educational and other support duties will be suitably qualified and experienced to carry out this work.

Financial Resources

The annual budget for the Consumer Services section in the year 2010/11 is:

	£ 000.0
Employees	457.9
Other Expenditure	182.5
Income	(4.3)
Net Budget	807.6

This budget is for all services provided by this section including Health & Safety, Animal Health, Trading Standards and resources are allocated in accordance with service demands. The figures do not include the budget for administrative / support services which are now incorporated into the overall budget.

Equipment and Facilities

A range of equipment and facilities are required for the effective operation of the food/feed law service. The service has a documented standard operating procedure that ensures the proper maintenance and calibration of equipment and its removal from use if found to be defective.

The service has a computerised performance management system, the Authority Public Protection computer system (APP). This is capable of maintaining up to date accurate data relating to the activities of the food/feed law service. A documented database management standard operating procedure has been produced to ensure that the system is properly maintained, up to date and secure. The system is used for the generation of the inspection programmes, the recording and tracking of all food/feed interventions, the production of statutory returns and the effective management of performance.

Training Plans

The qualifications and training of staff engaged in food/feed law enforcement are prescribed and this will be reflected in the Council's policy in respect of appointment and authorisation of officers.

It is a mandatory requirement for officers of the food/feed law service to maintain their professional competency by undertaking a minimum of 10 hours core training each year through attendance at accredited short courses, seminars or conferences. This is also consistent with the requirements of the relevant professional bodies.

The Council is committed to the personal development of staff and has in place Personal Development Plans for all members of staff.

The staff Personal Development Plan scheme allows for the formal identification of the training needs of staff members in terms of personal development linked with the development needs of the service on an annual basis. The outcome of the process is the formulation of a Personal Development Plan that clearly prioritises training requirements of individual staff members. The Personal Development Plans are reviewed six monthly.

The details of individual Personal Development plans are not included in this document but in general terms the priorities for the service are concerned with ensuring up to date knowledge and awareness of legislation, building capacity within the team with particular regard to approved establishments, the provision of food hygiene training courses, developing the role of the Food Safety Officer, and training and development of new staff joining the team.

Detailed records are maintained by the service relating to all training received by officers.

7. Service Review and Quality Assessment

Quality Assessment

The Council is committed to quality service provision. To support this commitment the food law service seeks to ensure consistent, effective, efficient and ethical service delivery that constitutes value for money.

A range of performance monitoring information will be used to assess the extent to which the food service achieves this objective and will include on-going monitoring against pre-set targets, both internal and external audits and stakeholder feedback.

Specifically the Principal EHO (Commercial Services) will carry out accompanied visits with officers undertaking inspections, investigations and other duties for the purpose of monitoring consistency and quality of the inspection and other visits carried out as well as maintaining and giving feedback with regard to associated documentation and reports.

It is possible that the Food Standards Agency may at any time notify the Council of their intention to carry out an audit of the service.

Review

It is recognised that a key element of the service planning process is the rational review of past performance. In the formulation of this service plan a review has been conducted of performance against those targets established for the year 2009/10.

This service plan will be reviewed at the conclusion of the year 2010/11 and at any point during the year where significant legislative changes or other relevant factors occur during the year. It is the responsibility of the Public Protection Manager to carry out that review with the Assistant Director Community Safety & Protection.

The service plan review will identify any shortfalls in service delivery and will inform decisions about future staffing and resource allocation, service standards, targets and priorities.

Following any review leading to proposed revision of the service plan Council approval will be sought.

Performance Review 2009/10

This section describes performance of the service in key areas during 2009/10.

Inspection Programme

Our target is to complete 100% of the inspection programme for food hygiene, food standards and feeding stuffs. These are extremely challenging targets particularly since the section lost three posts due to budget pressures during 2008/09. Although none of these posts directly enforced food legislation their workload had to be distributed to the remaining workforce.

During the year we successfully completed all planned food hygiene inspections, however as a result of prioritising resources in this area we were unable to achieve our targets in respect of food standards and feeding stuffs inspections; 86% of food standards inspections were achieved and 63.4% of feeding stuffs. The outstanding inspections will be added to the programme for 2010/11.

We met our 2 working day response time, for all complaints with one exception, which related to a food labelling issue.

Registration and Approval of premises

Premises subject to approval were inspected and given relevant guidance.

Food Sampling Programme

The food sampling programme for 2009/10 has been completed. The microbiological results are as follows:

Microbiological Sampling (1/4/09 - 31/3/10)

<u>Bacteriological Surveys</u>	Total no. of samples	Number of Samples	
		Satisfactory	Unsatisfactory
Local Shopping Basket Survey (foods sampled included: pasta salad, trifle, quiche, smoked/cured meats)	14	13	1*
LACORS/HPA Butchers Survey	77		
Meat	33	21	12*
Sw abs	33	8	25*
Cloths	11	6	5
Imported Food Survey - Herbs	10	10	
LACORS/HPA Butchers Survey (Re-samples)	50		
Meat	23	20	3
Sw abs	22	18	4
Cloths	5	1	4
LACORS / HPA Pre-Packed Sandwich Survey	16	14	2
Raw Shell Eggs from Residential Care Homes	5	5	
Take Away Premises Survey	46		
Rice	23	17	6*
Salad	9	8	1
Cloths	14	4	10
Total:	218	145	73

* Resampled and found to be satisfactory

The results from this years sampling programme were disappointing. A high proportion of the samples obtained from butchers' shops failed to comply with the Guidelines for Assessing the Microbiological Safety of Ready-to-Eat Foods. Advice was given and the results upon resampling showed a marked improvement.

A significant number of wiping cloths taken from butchers shops and takeaway premises were also found to be unsatisfactory. (63%). This trend has been mirrored across the region. Advice has been given and a guidance note is currently being prepared in conjunction with the Health Protection Agency and other Local Authorities who participated in the survey. A follow up survey is planned.

Whilst six rice samples were reported as unsatisfactory, all of these samples were taken after the initial cooking stage. All samples taken after the secondary cook were found to be satisfactory.

The composition and labelling results are shown below:

Food Standards Sampling (01.04.09 – 31.03.10):

Nature of Sample	Reason for Sampling	Satisfactory	Unsatisfactory
Soft Drinks	Sugar Free Declaration	16	
Honey	Floral Origin	12	
	Labelling	12	
Canned Vegetables	Sodium Content	3	1
	Labelling	4	
Ready Meals	Fat, Sodium & Total Sugars	5	1
	Labelling	6	
Basmati Rice*	Authenticity	10	
	Aflatoxins	10	1**
Ready Meals	Fish Content	5	
	Labelling	4	1
Fish*	Mercury, Lead, Cadmium	10	1**
	Labelling	5	5
Pre-Packed Food	Calcium Claims	12	
	Labelling	12	
Margarine	Saturated Fat Levels	15	1**
	Labelling	15	
Sandwiches	Distinguishing between Mayonnaise & Salad Cream	24	
Ground Nuts	Species	6	
	Labelling	6	
Fish	Species	15	
Cooked Meat	Species	12	
Canned Fruit or Veg	Arsenic	8	
	Labelling	8	
Totals:	246	235	11

* The Authority received funding from the FSA in conjunction with Stockton Borough Council to sample food originating from outside the EU (Basmati Rice & Fish were sampled).

** Resampled and found to be satisfactory

Overall there were relatively few food standards samples which failed to meet statutory requirements. All five of the imported fish samples did however fail to comply with the Food Labelling Regulations 1996 (e.g. some of the products did not include a 'Best Before' date on their labels.) Advice was provided to the businesses concerned.

Routine sampling of animal feeding stuffs has been given a low priority due to the lack of local manufacturers and packers. We were unable to complete the feeding stuffs sampling programme due to staffing resources however four samples of a molassed feeding stuff were taken in response to a complaint, one of which was submitted as a formal sample.

The composition of the samples was found to significantly differ from the information on the statutory statement which accompanied the product. The Home Authority for the manufacturer of the feeding stuff was contacted and an investigation was undertaken, the Food Standards Agency was also notified of the incident.

Food Inspection

The service undertook no formal seizure of unfit food in the year.

Promotional Work

Food safety promotion whether by advice, education, training or other means is a key part of the food team's strategy in changing behaviour and increasing compliance in businesses.

In February 2006 the Food Standards Agency (FSA) introduced Safer Food Better Business (SFBB) aimed at assisting smaller catering businesses to introduce a documented food safety management system. Since this time our resources have been directed towards continuing to assist businesses to fully implement a documented food safety management system.

The service was unable to provide food hygiene training during the year due to insufficient resources. The team has however continued to offer advice and information on request with 35 advisory visits to businesses being carried out during the year.

A variety of information leaflets, some in foreign languages, are available. Circular letters are issued as required to inform food business operators of food safety matters relevant to their operations e.g. changes in legislation, food alerts.

Food Hygiene Award Scheme

On 1 April 2007 the Authority in conjunction with the other Tees Valley authorities launched the Tees Valley Food Hygiene Award scheme. The

scheme was based around a national pilot being undertaken by the Food Standards Agency.

In accordance with the 'Food Law Code of Practice', following every 'primary' inspection a risk rating is undertaken which is used to determine the frequency of inspection for the business. Of the seven main categories used to determine the overall rating score the following three factors are used to create a star rating:

1. Food Hygiene and Safety
2. Structure and Cleaning
3. Management and Control

These ratings are the only ones that are directly controllable by the business and are the reason they have been used to obtain the food businesses star rating.

The total score from the 3 categories is then used to derive the star rating ranging from 0 (major improvements needed) through to 5 stars (excellent).

The table below shows the results of the star ratings awarded to businesses at the start of the scheme on 1 April 2007, as compared with after 12 and 24 months of operation:

Number of Stars	Number of Premises (1/4/07)	%	Number of Premises (1/4/08)	%	Number of Premises (1/4/09)	%	Number of Premises (1/4/10)	%
5 Stars	24/759	3%	85/762	11.1%	163/721	22.6%	237/709	33.4%
4 Stars	155/759	20%	217/762	28.5%	233/721	32.3%	205/709	28.9%
3 Stars	226/759	30%	294/762	38.6%	237/721	32.9%	195/709	27.5%
2 Stars	262/759	35%	137/762	18.0%	65/721	9%	60/709	8.5%
1 Star	60/759	8%	26/762	3.4%	17/721	2.4%	12/709	1.7%
0 Stars	32/759	4%	3/762	0.4%	6/721	0.8%	0/709	0%

Whilst the number of businesses trading fluctuates throughout the year the above figures show a decline in the number of food businesses operating in the borough. This information is consistent with national returns made for 2008/09 which indicate that there has been a slight decrease in the numbers of food businesses, but that there was a notable increase in business turnover and new business registrations, especially in relation to home catering and change in ownership.

It can be seen that the number of premises awarded 3 stars and above has risen significantly from 53% to 89.8%, with a more than tenfold increase in the number of premises awarded 5 stars.

The service is committed to focussing its resources on carrying out interventions at those businesses which are deemed not to be 'broadly compliant' and has written to businesses that have been awarded 2 stars or

less offering advice and support. Where necessary enforcement action will be taken to secure compliance.

In December 2008 the Food Standards Agency confirmed its intention to introduce a National 'scores on the doors' scheme for England, Wales and Northern Ireland. A UK steering group has been established to ensure that the new scheme will be clear, robust and easy to use for both businesses and consumers. The scheme will have six tiers, which is consistent with the existing Tees Valley Scheme, although the band widths may differ.

Complaints

During the year the service dealt with 8 complaints relating to the condition of food premises and/or food handling practice. In addition, 13 complaints were received regarding unfit or out of condition food or extraneous matter and 10 complaints concerning the composition or labelling of food items. One complaint was received regarding animal feeding stuffs.

With one exception, investigations into the above were undertaken within our target of 2 working days.

Food Poisoning

The service received 100 notifications of food borne illness during the year, this figure was significantly higher than the previous year (61 notifications were received during 2009-10). No outbreak investigations were conducted.

Food Safety Incidents

The Service received 37 food alerts and 34 allergy alerts from the Food Standards Agency during the year. All requiring action were dealt with expeditiously. No food incidents were identified by the Authority that required notification to the Food Standards Agency, however the feed complaint referred to above was referred as a localised incident. No further action was required.

Enforcement

During 2009/10, no emergency prohibition notices were served on businesses. A Hygiene Improvement Notice was served on a business to ensure compliance with food safety legislation. No prosecutions or formal cautions were undertaken.

Improvement Proposals/Challenges 2009/10

The following areas for improvement/challenges were identified in the 2009/10 Food Service Plan.

1. Resources challenging. The section has lost 3 posts due to budget pressures during 2008/09. Although none of these posts directly enforced food

legislation their workload has to be distributed to the remaining workforce this will result in extremely challenging targets in 2009/10.

Whilst officers attained the 100% target to complete all food hygiene inspections it was not possible to complete all planned food standards and feeding stuffs inspections. The outstanding inspections will be added to the inspection programme for 2010/11.

2. We will continue to review and update our standard operating procedures to reflect the requirements of the revised Code of Practice and in response to the recommendations made in the Public Inquiry Report into the 2005 *E.coli* O157 outbreak in South Wales, which was published in March 2009.

We have reviewed our procedures in light of the recommendations made in the Public Inquiry Report into the 2005 *E.coli* O157 outbreak in South Wales, which was published in March 2009. Officers have also received further update training in respect of hazard analysis.

3. Produce a summary of the Food Enforcement Policy.

Due to other priorities and resource constraints this was not completed.

8. Key Areas for Improvement & Challenges 2010/11

In addition to committing the service to specific operational activities such as performance of the inspection programme, the service planning process assists in highlighting areas where improvement is desirable. Detailed below are specifically identified key areas for improvement that are to be progressed during 2010/11.

1. We aim to visit all established food businesses which may be affected by the Tall Ships event beforehand to offer advice. We also aim to inspect all food vendors trading as part of the Tall Ships Event and Headland Carnival.
2. Resources challenging. The section lost 3 posts due to budget pressures during 2008/09. Although none of these posts directly enforced food legislation their workload has had to be distributed to the remaining workforce. Allocating targets for 2010/11 with existing resources will be extremely challenging with the additional workload associated with the Tall Ships Event.
3. Review the Food Enforcement Policy and produce a summary.

COUNCIL

28 October 2010



Report of: The Executive

Subject: The Tall Ships Races 2010 – Outturn Position

1. PURPOSE OF REPORT

- 1.1 To provide Council with details on the success of the Tall Ships event and Cabinet's proposed strategy for funding the out-turn deficit.

2. REASON FOR SUBMITTING REPORT

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

3. CABINET PROPOSAL

- 3.1 A comprehensive report was submitted to Cabinet on 11th October 2010 detailing the success of the Tall Ships event and the financial position. A copy of this report is attached at Appendix A.
- 3.2 As indicated in the attached report the event must be put into context in that it has been described as the largest free event in England in 2010. The size and complexity of the event was evident to all who visited Hartlepool during the 6th - 10th of August which attracted much complimentary feedback from both visitors and resident alike. The event proved to be an enormous success with tremendous coverage in the media which has greatly assisted in changing public perceptions of Hartlepool and placing the town 'centre stage' for all the right reasons. The publication of the Economic Impact Assessment is awaited, however, this is anticipated to confirm an equally positive message. It is accepted that an event of this size will have its share of issues and problems, these have been proportional and have not undermined the overall positive nature of the whole experience.
- 3.3 The identified budget outturn reflects the risks associated in undertaking and delivering an event of this complexity, where so many partners and agencies bring valid issues and evolving demands to the developing delivery schedule. In financial terms the most significant issue is the shortfall in event parking income, which is the main cause of the unfunded deficit of £0.72m. The proposed funding strategy suggests using a number of one-off

benefits to address this deficit to avoid this issue impacting on the ongoing delivery of services.

- 3.4 The true economic benefits that will result from Hartlepool hosting this major International event will take time to emerge, it is to be hoped that the short term costs will be offset by long term benefits and improved reputation for Hartlepool, the sub region and the North East as a whole.

4. PROPOSAL

- 4.1 Council is requested to consider and approve the following strategy, in priority order, for funding the out-turn deficit:

- i) £0.4m from lower borrowing costs and higher investment returns, then;
- ii) £0.1m from a reduction in the provision earmarked for Compulsory Purchase Order final settlements, then;
- iii) Allocate any in-year revenue departmental underspends towards the remaining deficit, subject to these amounts not being needed to address specific timing issues relating to the underspend, then;
- iv) Allocate any uncommitted one-off resources currently earmarked to fund termination costs arising from implementing the strategy to address the Area Based grant cuts towards the remaining deficit.

APPENDIX A

CABINET REPORT

4 October 2010



Report of: Director of Child & Adult Services and Chief Finance Officer

Subject: The Tall Ships Races 2010 – Outturn Position

SUMMARY

1. PURPOSE OF REPORT

To report to Cabinet on the success of the event and to identify the budget out-turn and proposed strategy for managing the budget deficit.

2. SUMMARY OF CONTENTS

The report summarises the success of the event from a visitor and delivery perspective and provides an outturn budget position statement which indicates an unfunded deficit. The report highlights that part of the costs of staging the event would be funded from income generated during the event, this income is less than anticipated, the report provides details of the financial outturn and seeks agreement of the financial strategy for managing this position.

3. RELEVANCE TO CABINET

The Hartlepool Tall Ships Races 2010 is the largest event to have been held in Hartlepool and is a part of the Budget & Policy Framework.

4. TYPE OF DECISION

Key Decision reference number CE41/10, test (ii) applies.

5. DECISION MAKING ROUTE

Cabinet 4th October 2010 and Council 28th October 2010.

6. DECISION(S) REQUIRED

It is recommended that Cabinet approve the proposed funding strategy detailed in paragraph 5.1 and refer to Council for approval.

Report of: Director of Child & Adult Services and Chief Finance Officer

Subject: The Tall Ships Races 2010 – Outturn Position

1. PURPOSE OF REPORT

- 1.1 To report to Cabinet on the success of the event and to identify the budget out-turn and proposed strategy for managing the budget deficit.

2. BACKGROUND

- 2.1 Hartlepool was successful in being awarded The Tall Ship Races 2010 in June 2006 and measures were put in place to plan for the event which was held in Hartlepool between the 7th and 10th August 2010. The 2010 North Sea Races were held between Antwerp and Aalborg and then between Kristiansand and Hartlepool.
- 2.2 Overall the event was a huge success with an estimated 970,000 visitors making it England's largest free event in 2010. We have been overwhelmed with the sheer volume of positive comments received from people living in Hartlepool and from visitors from all over the country.
- 2.3 Feedback from Sail Training International (STI), the organizers of The Tall Ships Races, was glowing and officials have said how impressed they were. This is encouraging as it demonstrates that from an STI perspective Hartlepool has been seen to deliver. The Tall Ships captains and crew were highly delighted with the crew activity programme, the entertainment on site and in particular, the impressive Captain's Dinner in the Borough Hall. This part of the event used the town's assets to best advantage and successfully married the port estate, the marina and the heritage and cultural attractions of the town together to best advantage which has left a good impression of the town with the visitor and made local people proud of the town that they live in.
- 2.4 Media coverage of the event was extensive and hugely positive showing the town in the very best light. This was in large part due to the support of our media partners, Real Radio, Hartlepool Mail and Radio Hartlepool, along with hundreds of other local, regional and national and international media that we welcomed through the official Media Centre. Of course the promotion continues as post event coverage is being printed in a variety of media and not forgetting the tremendous coverage on twitter, facebook and web sites such as flickr etc. Early indications confirm that the value of media coverage exceeds well over £3m and rising. The website records show very

high viewing figures, particularly during the days of the event where hits to the website surpassed those to visit Britain.

- 2.5 The event proved to be a safe and well managed event for the welfare of the visitor and participants with any incidents being efficiently addressed by the emergency medical aid agencies. Concerns regarding travel and congestion either failed to emerge or were mitigated where necessary due to the contingency measures in place, this being despite Highway Agency projections. Although a member of the Safety Advisory Group, the Highways Agency placed real pressure on the Authority to make additional contingency arrangements very late in the day. Highway Agency costs of £67,000 were presented as a fait accompli for their Highway Network arrangements. This also had a knock on effect and increased our costs for Hatton, our traffic management company.
- 2.6 It is important to report that we have received complaints and it is acknowledged that there are areas that we would seek to do differently in any future large scale event. The complaints can be categorized into three main areas;- condition of the ground in part of the Tall Ships Village, a lack of seating and the distances that people had to walk to explore the whole event. Whilst a reactive message was placed on the event web site over the weekend to assist in giving advice and reminders, it is acknowledged that other mitigating measures could, with hindsight, have been taken. That said, these issues must be put into the context of the size and overall success of the event. The preliminary results of visitor evaluation indicate satisfaction rates in excess of 90% and a high intent from out of area visitors intending to visit Hartlepool and the Tees Valley in the future. A brief summary of what went well, what we can learn, headline facts & figures and initial findings from the visitor survey are attached at **Appendix 1**.
- 2.7 The full impact and economic benefit of the event to the town and sub region will emerge from the Event Evaluation and Economic Impact Study currently being undertaken and due for delivery at the end of October.

3. FINANCIAL PLANNING & HISTORY

- 3.1 In February 2007 full Council approved the Council's 2007/08 Medium Term Financial Strategy (MTFS). The report advised Members that the costs of hosting the Tall Ships event had not been quantified and this work would need to be completed as the Council developed a detailed plan for the event and confirmed the level of external funding for the event. At that time Council was advised that a one-off benefit of £800,000 had recently been achieved from a partial restructuring of the Council's debt, which had been undertaken in accordance with the approved Treasury Management Strategy. Council approved the proposal to earmark this amount as an initial contribution towards the cost of the Tall Ships event.
- 3.2 Following approval of the 2007/08 budget officers began developing a detailed plan for the event and also sought external funding. A key

component of this work was confirmation of a grant from ONE of £775,000. Although it was less than the grant previously provided when Newcastle/Gateshead held the event at well over £1m in 2005, it represented the outcome of significant negotiations, an original offer of £500,000 was increased to £775,000 in Sept 2008 following submission of our final formal business case. The lower contribution for the Hartlepool event reflected the financial position of ONE and other commitments against their budgets.

- 3.3 The financial position for the Tall Ships event was reviewed as part of the 2009/10 budget process and details reported to Cabinet and Council in February 2009. This report advised Members of the risk of potential income shortfalls, including adverse weather during the event. To manage this issue a specific risk reserve of £500,000 was established. This was funded from additional investment income generated on the Council's reserves and cash flows.
- 3.4 In February 2010 Cabinet and Council considered the 2010/11 MTFS and resolved that as the Tall Ships income risks still existed that the income risk reserve of £500,000 should be maintained. Members were also advised that officers had investigated the possibility of insurance cover for the income risk and were advised that cover was not available. This position reflects the fact that insurance is only available where income is known in advance based on ticket sales, as insurance underwriters can assess risk and therefore determine an insurance premium. In relation to the Tall Ships event the parking income could not, in insurance terms, be assessed in advance of the event. Therefore, insurance underwriters could not assess the risk and were therefore unable to provide insurance cover. The report therefore advised Members that this risk still existed and would need to be managed by the Council in the event that it became a reality.
- 3.5 As indicated in the previous paragraphs the Council was able to set resources aside for the Tall Ships event from one-off benefits accruing from Treasury Management activities. This avoided these commitments being a call on the Council's core revenue budget over the period 2007/08 to 2009/10 and therefore protected existing services from the impact of this flag ship event.

4. TALL SHIPS DELIVERY COSTS

- 4.1 The development of the project was managed through a Tall Ships Office and six workstream areas, all with experienced and appropriate specialist representatives on their groups. The activity and spending pattern of each workstream varied enormously, some, such as the Tall Ships Office had commitments from day one, over a four year period from when the project was awarded, others such as the Fleet Technical and Safety Advisory Group were very much later commitments which reflected the event delivery, particularly the last 3 months of the planning process.

4.2 As Members will appreciate the Tall Ships visit was an extremely complex event and took over 3 years of detailed planning to ensure the event was successful and safe. Over the last few weeks officers have been working to produce a detailed financial outturn for the event as detailed in **Appendix 2**. The financial outturn statement shows that the total cost of the Tall Ships event came in on budget, although the whole of the budget held as a contingency was needed to meet increased costs arising from mainly two Workstream areas. Well-documented concerns about anticipated traffic congestion led to increased signage and staffing input from the Highways Agency and Hatton Traffic Management, and the decision to provide an enhanced rail service and contingency buses, both generated significant additional costs to Transport & Travel workstream. In addition the recruitment of a professional site management team and the increased cost of essential infrastructure and support such as power, fencing, toilets and stewarding generated additional costs to the Event Management workstream. It will be helpful to identify the detailed areas being undertaken within each workstream area and the forecast out-turn:

- (i) Tall Ships project office – Sail Training International contract fees and costs, joint host port activity, project staff & administration costs, Fleet Social programme, evaluation/economic impact study, fleet liaison & volunteer costs and trainee recruitment. Total - £735k
- (ii) Transport & Travel – Waste removal & cleansing, event car parking infrastructure and shuttle bus costs, road closure costs, coach parking, rail services, cycling, Highways Agency, vat on event car parking income. Total - £756k
- (iii) Fleet Technical – ships waste, mooring arrangements, dredging, RIBS, media / liaison vessels, pilotage, laundry service. Total - £165k
- (iv) Safety Advisory Group – police, PCT, NEAS/St Johns/Red Cross, fire service, event control, CCTV. Total - £366k
- (v) Event Management – entertainment, fireworks, site power, site water, ICT, Portacabin units town wide, staging, sound & lighting, big screens, site pa, marquees, site fencing, toilets, event staff, stewarding & security, site manager, village site preparation. Total - £1.307m
- (vi) Marketing & Communications – marketing, site info, pr costs, publicity, advertising, media costs, helicopter hire. Total - £362k
- (vii) Finance & Legal – licensing, fund raiser fees, sponsorship package costs, insurances. Total - £243k

The total project cost is identified as £3.934m.

4.3 The project could only have been delivered with a substantial level of income from grants, sponsorship, site fees and earned income. Whilst the delivery costs increased towards the event period due to the need to meet emerging risk and safety factors identified by the Management Group or imposed by outside agencies, the project remained broadly 'in balance' provided the income streams, those secured and those anticipated, held up. Cost increases were funded from the contingency provision included within the overall project budget as it was always known such a complex event needed financial flexibility. This was identified as a significant risk factor from the

outset and was to some degree mitigated by the financial planning put in place over the planning period.

- 4.4 Allowing for last minute cost increases as we entered the event weekend we anticipated a deficit of £123,000. A provisional financial outturn position for the event indicates an actual worst case unfunded deficit of £0.72m, as detailed in **Appendix 2**. The main reason for this deficit is owing to income shortfalls and the main variances in income projections are detailed in the following paragraphs:-
- 4.5 As detailed in **Appendix 2** the greatest shortfall in anticipated income occurred within event parking income. This is partly due to alternative parking arrangements being made within the town at a variety of sites, an obvious lower take up than anticipated at the event parking facilities and visitors effectively finding alternative means to access the event. Why did this occur and should it have been anticipated? The research and preplanning identified the important role the Park and Ride facilities played elsewhere. However every event and city is different, park & ride intelligence from Liverpool and Newcastle for instance, was not particularly transferable as these are major cities with large public transport infrastructure. Hartlepool does not have this and therefore Park and Ride provision was deemed to be particularly important, furthermore this was a one off event and we could not be left exposed, particularly with the demands of the Highways Agency.
- 4.6 Income from corporate trading was some £65k below the estimate of £80k due to a resistance or simply lack of desire to purchase souvenir clothing, programmes, merchandise and corporate hospitality. Income from site fees was also affected by contractual issues within catering services. Similarly a profit share arrangement with the site bar trader will fail to secure the anticipated level of additional income due to a lack of expected trading levels. A combined shortfall of £114k below the estimate of £352k.

5. **PROPOSED STRATEGY FOR MANAGING TALL SHIPS OUTTURN**

- 5.1 A funding strategy needs to be developed to address the unfunded deficit for the event of £0.72m. The strategy will need to avoid this issue impacting on the ongoing delivery of services. It is therefore, suggested that this amount is funded in the following order of priority:
- (i) £0.4m from lower borrowing costs and higher investment returns. As reported when the strategy for managing the in-year Area Based Grant cuts was prepared an initial assessment of borrowing costs and investment income indicated there would be a benefit to the Council in the current year from lower net borrowing costs. Further work has now been completed to reflect the position for the first six months of the financial year and the expected position for the remainder of the year. This indicates that there will be a higher benefit for the full year owing to interest rates for the Councils borrowing being less than expected

owing to continued favourable interest rate structures which mean it is more cost effective to delay long term borrowing. This is being achieved by netting down investments and borrowings. As reported previously this strategy is not sustainable as the level of investments will reduce as the Council use its reserves to support the revenue budget and to meet planned one-off commitments. As this happens the Council will need to undertake external borrowing and this will be at a higher cost than the current strategy and mean that the actual costs of financing long term borrowing increase, although these costs are expected to remain within the existing budget provision, provided increases in interest rates do not exceed forecast levels;

- (ii) £0.1m from a reduction in the provision earmarked for Compulsory Purchase Order final settlements. The Council has previously set aside resources to meet these potential liabilities. Agreement was reached on Sept 16th September to settle the main outstanding liability and as a result the provision can be reduced by £0.1m.
- (iii) Allocate any in-year revenue departmental underspends towards the remaining deficit, subject to these amounts not being needed to address specific timing issues relating to the underspend. The first forecast outturns will be prepared as part of the half year financial management report and this work will be undertaken in October. Therefore, at this stage it is not possible to quantify if there will be any resources available from departmental underspends to offset this deficit and details will be reported to a future Cabinet meeting; it is therefore not yet possible to quantify if there will be any resources available to support this deficit;
- (iv) Allocate any uncommitted one-off resources currently earmarked to fund termination costs arising from implementing the strategy to address the Area Based grant cuts towards the remaining deficit. The potential Area Based grant termination costs are currently being quantified and will be reported to a future Cabinet meeting. It is therefore not yet possible to quantify if there will be any resources available to support this deficit;

6. CONCLUSION

The event must be put into context in that it has been described as the largest free event in England in 2010, the size and complexity of the event was evident to all who visited Hartlepool during the 5th - 10th of August which attracted much complimentary feedback from both visitors and resident alike. The event proved to be an enormous success with tremendous coverage in the media which has greatly assisted in changing public perceptions of Hartlepool and placing the town 'centre stage' for all the right reasons. The publication of the Economic Impact Assessment is awaited, however, this is anticipated to confirm an equally positive message. It is accepted that an event of this size will have its share of issues and problems, these have

been proportional and have not undermined the overall positive nature of the whole experience.

The identified budget outturn is a significant disappointment and reflects the risks associated in undertaking and delivering an event of this complexity, where so many partners and agencies bring valid issues and evolving demands to the developing delivery schedule. The lack of expected income from event parking in particular, has caused the most significant budgetary pressure and the proposed strategy seeks to address the unfunded deficit of £0.72m which has resulted.

The true economic benefits that will result from Hartlepool having the foresight and ability to deliver this major International event will take time to emerge, it is to be hoped that the short term costs will be offset by long term benefits and improved reputation for Hartlepool, the sub region and the North East as a whole.

7. RECOMMENDATIONS

- 7.1 It is recommended that Cabinet approve the proposed funding strategy detailed in paragraph 5.1 and refer to Council for approval.

Appendix 1

What went well

- Little disruption to town centre movement due to procurement of an experienced **traffic management** company, Hatton, and traffic management measures put in place.
- A **safe event** with few incidents requiring police intervention, and no serious casualties.
- Extensive **positive media coverage** generated through integrated marketing and PR campaign and joint working with visitTeesvalley and One NorthEast.
- Successful **volunteer programme** implemented to support fleet activity.
- Good working relationships built up across HBC departments and external partners during planning stages resulting in **good partnership working** during event.
- Recruitment of **experienced Site Manager** with large scale events experience gained at Glastonbury and other Tall Ships events.
- **Increased pride** in the town by local people.
- **Official Tall Ships website** was well promoted and well used as a source of information about the event. Social networking, e.g. facebook and Twitter proved popular.

What we can learn for the future

- **More event staff** on the ground at a future large scale event to support the needs of traders, exhibitors and sponsors.
- Insufficient clarity in the pre-event publicity as to the **size and complexity of the site** and in particular the distance from the event car parking sites to the Tall Ships Village. This affected visitors from out of town in particular and those people not used to attending large scale events.
- **More seating** should have been considered particularly as the whole site encompassed such a large area - Harbour Walk, Marina, Navigation Point, berthing at PD Ports, Tall Ships Village.
- **Ground surface conditions** on a part of the Tall Ships Village site were not ideal for wheelchairs and pushchairs and if using a working commercial port again, this would need to be rectified.

Facts and figures

Estimated numbers of visitors Wed 4 th – Tues 10 th Aug	970,000
Participating Tall Ships	59, of which 21 were class A vessels
Numbers of volunteers recruited and trained	275 of which 43% were from Hartlepool
Value of print coverage generated	£1.23m
Value of TV and radio coverage generated	£1.866m

Initial findings from visitor survey

Origin of visitors	27% Hartlepool; 42% TV; 65% NE; 14% Y'shire; c21% rest of UK
% visitors whose expectations were met or exceeded	90%
% visitors who thought Tall Ships Village was good or very good	83%
% visitors who thought atmosphere was good or very good	94%
% visitors likely to visit the following in future	79% Hartlepool; 76% Tees Valley; 78% North East

Appendix 2**TALL SHIPS SUMMARY FINANCIAL POSITION**

	Estimate as of 3rd Aug 2010 £ '000	Forecast Out-turn £'000
<u>Expenditure</u>		
Tall Ships Office	735	735
Transport and Travel	708	748
VAT payable on event parking income	92	8
Fleet Technical	163	165
Safety Advisory Group	376	366
Event Management	1,257	1,307
Marketing and Comms	362	362
Finance/Legal	243	243
TOTAL EXPENDITURE	3,936	3,934

	Estimate as of 3rd Aug 2010 £ '000	Forecast Out-turn £'000
<u>Income and Funding</u>		
Income from event car parking @ £10 per car	1,200	200
HBC Contribution	800	800
ONE Contribution	775	775
Income from other sources, site fees, sponsorship, PCT etc.	1,037	819
Income Risk Reserve	0	500
Windfall Adult and Community Services income	0	120
TOTAL INCOME AND FUNDING	3,812	3,214

FORECAST UNFUNDED DEFICIT	720
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COUNCIL
28 October 2010



Report of: Chief Executive

Subject: BUSINESS REPORT

1. HARTLEPOOL CREDIT UNION

- 1.1 The Finance and Procurement Portfolio Holder, at his meeting on 22 September 2010, considered a report in respect of a request which had been received from the Hartlepool Credit Union. The portfolio holder determined that a condition of any support should be that the Hartlepool Credit Union Forum be disbanded and that the Board of the Hartlepool Credit Union be reconstituted to include 4 councillors. The Assistant Chief Finance and Customer Services Officer advised that consideration was currently being given to merge the Credit Union and the Credit Union Forum and that to disband the organisation completely would require legal procedures to take place.
- 1.2 Members are advised that each new councillor on the Credit Union Board will be subject to Financial Services Authority Regulations.

2. NORTH EAST PURCHASING ORGANISATION (NEPO) – AMENDMENT TO MEMBER REPRESENTATION

- 2.2 A review of the regional governance framework for collaborative procurement has been undertaken with a revised constitution for NEPO being approved by the Association of North East Council's Leaders and Elected Mayors Board on 15th June 2010. The review was considered by Cabinet at its meeting on 11th October 2010.
- 2.3 The revised constitution which comes into effect on 28th October 2010 includes a new Joint Committee of 24 Members rather than 36 Members. The Council presently has three Members on the Joint Committee and this will be reduced to two. Although, Council makes these appointments, it includes one Executive Member (the Portfolio Holder with purchasing responsibility), as the Joint Committee exercises executive and non-executive functions.

2.4 Council is therefore requested to nominate 2 Member representatives to serve on the NEPO Joint Committee, to include the Executive Member with responsibility for procurement.

2.5 The current representatives are:-

- Councillor Robbie Payne (Executive Member for Finance and Procurement)
- Councillor Stephen Akers Belcher
- Councillor Lillian Sutheran

RECOMMENDATION

2.6 Council is requested to nominate two representatives to the NEPO Joint Committee, to include the Executive Member (Finance and Procurement).

3. TREASURY MANAGEMENT OUTTURN 2009/2010

PURPOSE OF REPORT

3.1 This report provides a review of the Treasury Management activity for 2009/2010 and the outturn Prudential Indicators for this period.

BACKGROUND

3.1 As part of the annual Budget and Policy Framework process Council approved the 2009/10 Treasury Management Strategy and associated Prudential Indicators on the 12th February 2009.

3.2 The submission of this report to Council is a requirement of the CIPFA Code of Practice on Treasury Management, CLG Investment Guidance and the CIPFA Prudential Code for Capital Finance in Local Authorities. This report was considered by the Audit Committee on 22nd September and there are no issues which the Audit Committee wishes to bring to Council's attention. This report enables Council to consider the Treasury Management Outturn position and finalises the reporting requirements for 2009/10 Treasury Management Issues.

3.3 The 2009/10 financial year continued the challenging economic environment of the previous year with weak signs of recovery in the second half of the year. The implications have been the continuation of low investment returns and counterparty risk, albeit less severe than in previous years.

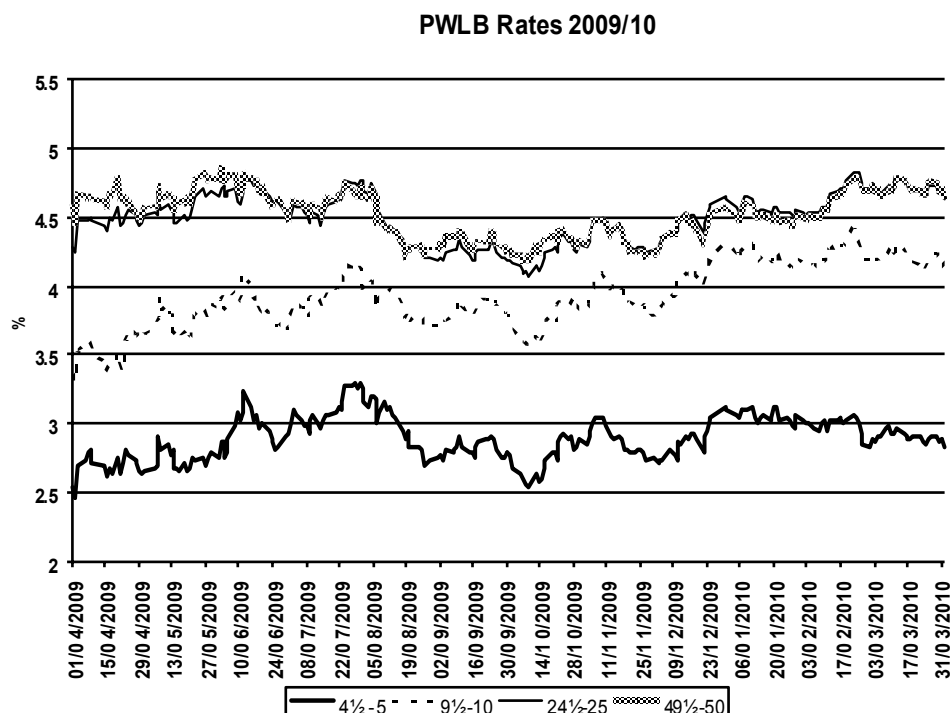
3.4 The focus of this report is events relating to the financial year 2009/2010 and summarises:

- the economic background for the year;
- the Councils capital expenditure and financing in 2009/2010;

- the Council's overall treasury position, including borrowing and investment activity;
- the regulatory framework, risk and performance considerations, including compliance with key prudential indicators;
- Pooled Investment Fund termination

ECONOMIC BACKGROUND FOR 2009/2010

- 3.5 Financial markets entered calmer waters in the early stages of the 2009/10 financial year as the worst fears of global depression and bank meltdown subsided. However, while economies showed tentative signs of stabilising, a return to a positive growth path was still considered to be a long way off. Indeed, UK GDP data for the first half of 2009 registered its sharpest fall for over 20 years.
- 3.6 It was not until the summer months that economic performances began to stage a small improvement. Fear of a collapse of another leading financial institution lessened markedly and this was reflected in the more 'normal' behaviour of money market rates. However, banking sectors in most countries were far from trouble free; asset write downs persisted, minor US banks continued to fail and the troubles of a number of building societies continued to make the headlines.
- 3.7 The UK economy continued to display mixed performance with the first signs of recovery not materialising until the fourth quarter of 2009/2010. The bias of the Bank of England decisions remained directed towards low interest rates. Official interest rates had been reduced to 0.5% in March 2009 and continued monetary relaxation took the form of the extension of the Quantitative Easing programme. The £125bn tranche sanctioned in March was followed by two further boosts, £50bn in August and £25bn in November.
- 3.8 The accommodative policy approach, coupled with dwindling fears of financial collapse, created an environment in which money market rates eased to lower levels. However, although banks were more comfortable about transacting business between each other, the availability of credit to a wider cross-section of the economy remained problematic.
- 3.9 Long-term interest rates did not rise significantly in response to the massive gilt funding requirement created by the surge in the public sector deficit, as was feared, partly because of the policy of Quantitative Easing (QE). Overall long-term rates remained generally erratic, but fluctuating within a comparatively narrow range. The graph overleaf shows changes to Long term borrowing rates for loans with different maturity periods.



THE COUNCIL'S CAPITAL EXPENDITURE AND FINANCING 2009/2010

- 3.10 The Council's approved capital programme is funded from a combination of capital receipts, capital grants, revenue contributions and Prudential Borrowing.
- 3.11 Part of the Council's treasury activities is to address this Prudential borrowing need, either through borrowing from external bodies, or utilising temporary cash resources within the Council. The wider treasury activities also include managing the Council's day to day cash flows, its previous borrowing activities and the investment of surplus funds. These activities are structured to manage risk foremost, and then optimise performance.
- 3.12 Actual capital expenditure forms one of the required prudential indicators. As shown at Appendix A, the total amount of capital expenditure for the year was £25.9m, of which £7.3m was funded by Prudential Borrowing. A further £20.2m was rephased into 2010/2011.
- 3.13 The Council's underlying need to borrow is called the Capital Financing Requirement (CFR). This figure is the accumulated value of capital expenditure which has been financed from Prudential Borrowing. Each year the Council is required to apply revenue resources to reduce this outstanding balance.
- 3.14 Whilst the Council's limit of its underlying need to borrow is the CFR, the Council can manage the actual borrowing position by either:
- borrowing to the level of the CFR; or

- choosing to use temporary internal cash flow funds instead of borrowing; or
- borrowing for future planned increases in the CFR up to 3 years in advance.

3.15 The Council's CFR for the year was £86m as shown at Appendix A. This is lower than the approved estimate owing to the rephasing of capital expenditure until 2010/2011. The Council's total borrowing as at 31st March, 2010 was £50.8m. This is currently less than the CFR as a result of being able to use its balances to internalise the funding of capital expenditure. This strategy was approved in February 2009 and enabled the council to significantly reduce counterparty risk by reducing the level of external investments.

TREASURY POSITION AT 31ST MARCH, 2010

3.16 The table below shows the treasury position for the Council as at the 31st March, 2010 compared with the previous year:

Treasury position	31st March 2009		31st March 2010	
	Principal	Average Rate	Principal	Average Rate
Fixed Interest Rate Debt				
- PWLB	£4.3m	4.77%	£1.8m	4.12%
- Market Loans	£45m	4.00%	£45m	4.00%
Total Long Term Debt	£49.3m	4.07%	£46.8m	4.00%
Variable Interest Rate Debt				
- Temporary loans	£25.6m	0.86%	£4m	0.45%
Total Debt	£74.9m	2.97%	£50.8m	3.24%
Total Investments	£39.5m	4.85%	£29.40	2.68%
Net borrowing position	£35.4m		£21.4m	

3.17 Note that amounts shown only include the Councils share of investments held as part of the 'Pooled Investment Fund' and excludes the £8.1m held on behalf of the Cleveland Fire Authority from both investments and borrowing figures.

3.18 As shown in the table, the Council has reduced the level of total debt by repaying £2.5m PWLB borrowing and £21.6m temporary borrowing. This resulted from the Council's Treasury Strategy of funding a greater share of the Councils Capital Finance Requirement by using balance sheet resources, such as reserves and reducing the level of investments. This strategy has enabled the Council to achieve the optimum level of cost

effectiveness while also managing to reduce exposure to counterparty default risk.

- 3.19 A key performance indicator shown in the above table is the very low average rate of external debt of 3.24% for debt held as at 31st March 2010. The latest available data from CIPFA shows that the Council ranked 2nd lowest out of 46 unitary Councils in terms of lowest average rate for external borrowing.
- 3.20 The Council's investment policy is governed by Department of Communities and Local Government (DCLG) guidance, which has been implemented in the annual investment strategy approved by Council on 12th February, 2009. The investment activity during the year conformed to the approved strategy and the Council had no liquidity difficulties.

REGULATORY FRAMEWORK, RISK AND PERFORMANCE

- 3.21 The Council's treasury management activities are regulated by a variety of professional codes and statutes and guidance:
- The Local Government Act 2003 (the Act), which provides the powers to borrow and invest as well as providing controls and limits on this activity;
 - The Act permits the Secretary of State to set limits either on the Council or nationally on all local authorities restricting the amount of borrowing which may be undertaken (although no restrictions were made in 2009/2010);
 - Statutory Instrument (SI) 3146 2003, as amended, develops the controls and powers within the Act;
 - The SI requires the Council to undertake any borrowing activity with regard to the CIPFA Prudential Code for Capital Finance in Local Authorities;
 - The SI also requires the Council to operate the overall treasury function with regard to the CIPFA Code of Practice for Treasury Management in the Public Services;
 - Under the Act the ODPM (now DCLG) has issued Investment Guidance to structure and regulate the Council's investment activities;
 - Under section 238(2) of the Local Government and Public Involvement in Health Act 2007 the Secretary of State has taken powers to issue guidance on accounting practices. Guidance on Minimum Revenue Provision was issued under this section on 8th November, 2007.
- 3.22 The Council has complied with all of the above relevant statutory and regulatory requirements which limit the levels of risk associated with its Treasury Management activities. In particular its adoption and implementation of both the Prudential Code and the Code of Practice for Treasury Management means both that its capital expenditure is prudent, affordable and sustainable and its treasury practices demonstrate a low risk approach.

- 3.23 The Council is aware of the risks of passive management of the Treasury Portfolio and with the support of Butlers, the Council's advisers, has proactively managed its treasury position.

Prudential Indicators and Compliance Issues

- 3.24 Details of each Prudential Indicator are shown at Appendix A. Some of the prudential indicators provide either an overview or specific limits on treasury activity. The key Prudential Indicators to report at outturn are described below.
- 3.25 The **Authorised Limit** is the "Affordable Borrowing Limit" required by Section 3 of the Local Government Act 2003. The Council does not have the power to borrow above this level. Appendix A demonstrates that during 2009/2010 the Council has maintained gross borrowing within its Authorised Limit.
- 3.26 **Net Borrowing and the CFR** - In order to ensure that borrowing levels are prudent, over the medium term the Council's external borrowing, net of investments, must only be for a capital purpose. Net borrowing should not have exceeded the CFR for 2009/2010 plus the expected changes to the CFR over 2010/2011 and 2011/2012. The Council has complied with this Prudential Indicator.

POOLED INVESTMENT FUND TERMINATION

- 3.27 The Council with Cleveland Fire Authority has operated a Pooled Investment fund since January 2009. The fund was set up to enable the Council and Fire Authority to diversify the risk of counterparty default by increasing the spread of investments.
- 3.28 The current investment climate has seen a reduction in the risk of potential banking failures and the emphasis on counterparty default is no longer as acute.
- 3.29 The Council and Fire Authority now have differing treasury management needs, as the Council increases its borrowing as reserves are reduced. This creates complexities for sharing investment returns on a neutral basis. It has therefore been agreed with the Fire Authority to terminate the pooled investment fund and replace it with new separate investments for each Authority by 31st March 2011.

CONCLUSION

- 3.30 The report provides members with an overview of the Treasury Management activities for 2009/2010, as required by legislation. The report demonstrates that these activities have been undertaken in accordance with relevant legislation, regulations and the Council's approved Treasury Management Strategy. Therefore, there are no specific issues to bring to Members attention.

RECOMMENDATION

3.31 It is recommended that Members note the report.

Appendix A**Prudential Indicators 2009/10 Outturn****1. Ratio of Financing Costs to Net Revenue Stream**

This indicator shows the proportion of the total annual revenue budget that is funded by the local tax payer and Central Government, which is spent on servicing debt. The outturn is lower than the estimate, mainly as a result of savings from long term borrowing repayment and the very low rates of interest on short term loans. In addition investment income was higher than budget as a result of deals made late 2007/2008 before the economic downturn resulted in a massive reduction in interest rates.

2009/10 Estimate £'000		2009/10 Outturn £'000
6.89%		2.00%

2. Capital Expenditure

This indicator shows the total of capital expenditure for the year.

2009/10 Estimate £'000		2009/10 Outturn £'000
22,194	Capital Expenditure	25,938

The actual is higher than the estimate as a result of additional grant funded capital schemes. A further £20,217,000 of budgeted capital expenditure was rephased into 2010/2011.

3. Capital Expenditure Financed from Borrowing

This shows the borrowing required to finance the capital expenditure programme.

2009/10 Estimate £'000		2009/10 Outturn £'000
6,282	Capital Expenditure Financed from Borrowing	7,372

The actual is higher than the estimate because it includes approved expenditure rephased from the previous financial year.

4. Capital Financing Requirement

CFR is used to determine the minimum annual revenue charge for capital expenditure repayments (net of interest). It is calculated from the Authority's Balance Sheet and is shown below. Forecasts for future years are directly influenced by the capital expenditure decisions taken and the actual amount of revenue that is set aside to repay debt.

2009/10 Estimate £'000		2009/10 Outturn £'000
86,280	Capital Financing Requirement	86,035

The actual is lower than the estimate as a result of capital expenditure included within the estimate which has been rephased into 2010/2011.

5. Authorised Limit for External Debt

The authorised limit determines the maximum amount the Authority may borrow at any one time and the levels for each forthcoming year are detailed below. The authorised limit covers both long term borrowing for capital purposes and borrowing for short term cash flow requirements. The authorised limit is set above the operational boundary to provide sufficient headroom for operational management and unusual cash movements. In line with the Prudential Code, the level has been set to the flexibility to borrowing to finance capital expenditure occurring for up to three years in advance if more favourable interest rates can be obtained.

2009/10 Limit £'000	
125,000	Authorised limit for external debt

The above Authorised Limit was not exceeded during the year. The level of debt as per the Balance Sheet at the year end, excluding accrued interest and Cleveland Fire Authority's share of the Pooled Investment Fund was £50.8m. The peak level during the year was £75m.

6. Operational Boundary for External Debt

The operational boundary is the most likely prudent, but not worst case scenario, level of borrowing without the additional headroom included within the authorised limit. The level is set so that any sustained breaches serve as an early warning that the Authority is in danger of overspending or failing to achieve income targets and gives sufficient time to take appropriate corrective action.

2009/10 Limit £'000	
87,000	Operational limit for external debt

The operational limit was not exceeded in the year. The peak level of debt was £75m.

7. Interest Rate Exposures

This indicator is designed to reflect the risk associated with both fixed and variable rates of interest, but must be flexible enough to allow the Authority to make best use of any borrowing opportunities.

2009/10 Estimate £'000	Upper limits on fixed and variable interest rate exposure	2009/10 Outturn £'000
91,000	Fixed Rates	50,800
60,000	Variable Rates	25,600

The Outturn figures represent the peak values during the period.

8. Maturity Structure of Borrowing

This indicator is designed to reflect and minimise the situation whereby the Authority has a large repayment of debt needing to be replaced at a time of uncertainty over interest rates, but as with the indicator above, it must also be flexible enough to allow the Authority to take advantage of any borrowing opportunities.

	Upper Limit £000	Lower Limit £000	Actual £000
under 12 months	50,000	0	25,600
12 months and within 24 months	50,000	0	3
24 months and within 5 years	50,000	0	73
5 years and within 10 years	50,000	0	146
10 years and above	90,000	0	49,097

The actual figures show the peak position during the period.

9. Investments over Maturing over One Year

This sets an upper limit for amounts invested for periods longer than 364 days. The limit was not exceeded.

2009/10 Estimate £'000	Total Principal Sums Invested over 364 days	2009/10 Outturn £'000
30,000		10,000

COUNCIL

28 October 2010



Report of: Chief Executive

Subject: BUSINESS REPORT (2)

4. SPENDING REVIEW ANNOUNCEMENT

- 4.1 Details of the Government's Spending Review were presented by the Chancellor to Parliament on 20th October 2010. The Spending Review provided details of proposed reductions in expenditure over four years commencing 2011/12. The Spending Review is particularly challenging for local authorities as grant cuts will total 28% over 4 years. This is broadly in line with local forecast grant cuts of between 25% and 30%. Comparative reductions for the worst affected Government departments are illustrated below:

Key cumulative cuts by 2014/15:

- 51% - CLG departmental expenditure
- 33% - Treasury
- 29% - Environment, Food and Rural Affairs
- **28% Local Government (excluding Police and Fire)**
- 27% Small and Independent bodies
- 25% Business, Innovation and Skills
- 24% Law Officers
- 24% Foreign and Commonwealth
- 23% Justice
- 23% Home Office

- 4.2 The Spending Review states that the 'average' cuts in local government grant will be 7.25% for each of the next four years (commencing 2011/12). An analysis of the detailed figures included in the Spending Review shows that these cuts will be front loaded in 2011/12 and 2012/13. Our forecasts anticipated front loaded cuts over these two years of between 15% and 20%. The detailed Spending Review figures indicated a 17.1% reduction over these two years.
- 4.3 The Spending Review has removed the ring fence from £3.4 billion of specific grants and states that 'this will devolve significant financial control to councils'. The reality is that local authorities will have control over a smaller pot of

funding. This change also carries risks for authorities serving deprived communities as the method for distributing grant may change. An initial assessment indicates that this could add £1 million to the local grant reductions already anticipated as a result of the cuts detailed in the Spending Review.

- 4.4 The Working Neighbourhood Fund has been abolished.
- 4.5 In relation to Council Tax the Government has stated that for 2011/12 a grant equivalent to a 2.5% increase in an authority's 2010/11 Council Tax will be paid. This grant will continue to be paid for the three subsequent years. At the end of four years it is unclear how the Government will address the removal of this grant. The Spending Review does not indicate what will happen to Council Tax in 2012/13 or subsequent years.
- 4.6 The detailed impact of the Spending Review on the Council will not be known until details of the Local Government Grant settlement and individual grant allocations from Government departments are known.
- 4.7 On the basis of the Spending Review figures the financial settlement for local authorities is as bad as feared and the Council will need to make very difficult decision for next years budget and the subsequent three years. Cabinet will determine initial budget proposals for 2011/12 on 29th November 2010 and these issues will be considered by Scrutiny Co-ordinating Committee commencing 3rd December.