

Chief Executive's Department
Civic Centre
HARTLEPOOL

29th November, 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 9th December, 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



9 December 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 28 October 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 meeting of the Cleveland Police Authority held on 15th September 2010 are attached.

8. To deal with any business required by statute to be done.
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)
 - (ii) Report of Licensing Committee (copy attached)
12. To consider any other business specified in the summons to the meeting, including consideration of reports of the overview and scrutiny committees for debate and to receive questions and answers on any of those items;
13. To consider reports from the Executive:-
 - (a) Proposals in relation to the Council's budget and policy framework
 - (i) None
 - (b) Proposals for departures from the budget and policy framework
 - (i) None
14. To consider any motions in the order in which notice has been received.
15. To receive the Chief Executive's report and to pass such resolutions thereon as may be deemed necessary (copy attached)

COUNCIL

MINUTES OF PROCEEDINGS

28 October 2010

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

PRESENT:-

The Chairman (Councillor C Richardson) presiding:

The Mayor, Stuart Drummond

COUNCILLORS:

Aiken	Barclay	Barker
Brash	Cook	Fleet
Gibbon	Griffin	Hall
Hill	Ingham	Jackson
James	Laffey	Lauderdale
Lawton	London	Maness
A Marshall	J W Marshall	Dr. Morris
Payne	Preece	Rogan
Simmons	Thomas	H Thompson
P Thompson	Turner	Wright

OFFICERS:

Paul Walker, Chief Executive
Dave Stubbs, Director of Regeneration and Neighbourhoods
Denise Ogden, Assistant Director, Neighbourhood Services
Alan Dobby, Assistant Director, Support Services
Peter Devlin, Chief Solicitor
Chris Little, Chief Finance Officer
Alastair Rae, Public Relations Officer
Denise Wimpenny, Principal Democratic Services Officer
Angela Hunter, Principal Democratic Services Officer

Prior to the commencement of the main business, the Chairman referred in terms of regret to the recent death of former Councillor Maureen Waller. Members stood in a minute's silence as a mark of respect.

70. APOLOGIES FOR ABSENT MEMBERS

Councillors C Akers-Belcher, S Akers-Belcher, Atkinson, Fleming, Flintoff, Hargreaves, A Lilley, G Lilley, Shaw, Wells and Worthy.

71. DECLARATIONS OF INTEREST FROM MEMBERS

Councillor Richardson declared a personal interest in minute 85.

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

None.

73. PUBLIC QUESTION

None.

74. MINUTES OF PROCEEDINGS

The Minutes of Proceedings of the Council held on the 16 September 2010 having been laid before the Council.

RESOLVED - That the minutes be confirmed.

The minutes were thereupon signed by the Chairman.

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

None.

76. 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

None.

- (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 15 June 2010 and 25 June 2010 and the meetings of the Cleveland Fire Authority held on 30 July 2010 were submitted.

None.

77. BUSINESS REQUIRED BY STATUTE

- (i) Report on Special Urgency Decisions

There were no special urgency decisions were taken in respect of the period July 2010-September 2010.

78. ANNOUNCEMENTS

The Chief Executive informed Council that in an announcement by the Government today, it was confirmed that the Tees Valley area had been given Local Enterprise Partnership status. A White Paper was also to be submitted on 'Local Growth and Realising its Potential'. It was hoped that this announcement would enable the Tees Valley area to access funds through the Growth Fund along with the National Housing and Transport Funding.

79. 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.

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

- (i) Report of Constitution Committee

Councillor James, Vice Chair of Constitution Committee, presented a Business Report as follows:-

- General Purposes (Appeals and Staffing) Committee

At the meeting of Constitution Working Group on 24 September 2010 and Constitution Committee on 8 October 2010 Members considered the appointment of Executive Members and their voting rights on the General Purposes (Appeals and Staffing) Committee. It was noted that there may be a conflict of interest in an appeal situation should an Executive Member participating in the Appeals and Staffing Committee have had any involvement

in the original decision that the employee was appealing against. It was therefore considered appropriate that all Executive Members should be ex-officio non-voting Members when invited to participate in General Purposes (Appeals and Staffing) Committees.

In addition, Members gave consideration to the fact that the Chair of General Purposes Committee was currently a self-selecting appointment from the position of Vice Chair of the Council. The Constitution Committee suggested that Council may wish to review whether this arrangement should continue or whether the Chair of the General Purposes Committee should form part of the annual proportionality and committee membership discussions.

RESOLVED –

- (i) That any Executive Member invited to participate in the General Purposes (Appeals and Staffing) Committee be ex-officio non-voting Members of that Committee.
- (ii) That the appointment of the Chair of General Purposes Committee cease to be a self-selecting appointment from the position of Vice Chair of the Council and that the Chair's appointment form part of the annual proportionality and committee membership allocations.

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

- (i) Petition – Margy's Mission – Support the installation of additional security measures – CCTV cameras, fencing – to Stranton Cemetery in order to protect the dignity of the graves of deceased people.

The above petition had been submitted to the Council by Mrs Margaret Stallard, the petitioner. In accordance with the Council's Petition Scheme, the petitioner presented the petition to Council. As there were no questions of clarification for the petitioner the Portfolio Holder presented his report which outlined the actions identified by the Regeneration and Neighbourhoods Department and options available for Council to consider in response to the petition.

The Portfolio Holder indicated that he gave his full support to the petition as any act of vandalism and desecration of a grave was way beyond what was acceptable in a civilised society. It was also suggested that increased publicity and raising awareness possibly through the creation of a 'Friends of Stranton Cemetery' charitable group may be an effective way forward and may also enable the Group to access funding that the local authority cannot in relation to additional security measures.

In accordance with the Petition Scheme procedure Council moved into debate. All Members wholeheartedly supported the petition and the suggestion that a 'Friends of Stranton Cemetery' charitable group be established was endorsed. The actions outlined in the report at paragraph 2.2 were also endorsed by Council. In addition, it was suggested that a telephone number be made available and widely publicised to enable people to report anyone acting

suspiciously in and around the cemeteries in the town. Members were informed that discussions were already underway with the Hartlepool Mail to urge them to run a campaign to support this petition. It was noted that during a recent investigation undertaken by the Neighbourhood Services Scrutiny Forum on CCTV across the town, it was suggested that the CCTV camera used on the Council yard next to Stranton Cemetery be focussed on the cemetery during the day which would cover part of the affected area.

RESOLVED –

- (i) That the actions outlined in paragraph 2.2 of the report be endorsed with the following additions:
 - That the creation and wide publication of a telephone number be explored to enable people to report anyone acting suspiciously in and around cemeteries in the town.
 - That the establishing of a 'Friends of Stranton Cemetery' charitable group be fully supported.
- (ii) That the issue of additional security measures in and around Stranton Cemetery be explored further and referred to the Portfolio Holder for Adult and Public Health for decision.

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

- (i) Report of Constitution Committee

Further to minute 80 Councillor James, Vice Chair of Constitution Committee, presented the remainder of the Business Report as follows:-

- Local Democracy, Economic Development and Construction Act 2009 – Petition Scheme

The Constitution Working Group and Constitution Committee had reviewed the Petition Scheme in accordance with the recommendation from Extraordinary Council on 10 June 2010. A number of minor modifications to the Scheme were proposed and a Guidance Note to assist with the interpretation and development of the petition scheme had been developed and was appended to the report.

RESOLVED –

- (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.

83. REPORT FROM THE EXECUTIVE

- (a) Proposals in relation to the Council's budget and policy framework
 - (i) Food Law Enforcement Service Plan 2010/11

The Portfolio Holder for Adult and Public Health presented a report which sought Council's approval of the Food Law Enforcement Service Plan for 2010/11. The Plan had previously been considered by Cabinet and the Neighbourhood Services Scrutiny Forum and had been updated to reflect last year's performance. The report included a summary of the main issues raised in the Plan.

The Portfolio Holder raised some concerns as current resources had resulted in some slippage in the number of inspections undertaken. However, Members were asked to note that there had been a major increase in standards across the town in the awarding of stars with no premises within the town being in an extremely poor state. The service was currently being managed through a balanced programme of planned and reactive inspections and members of the public were encouraged to be vigilant and report any concerns they had with particular premises.

RESOLVED – That the Food Law Enforcement Service Plan 2010/11 be approved.

- (b) Proposal for Departure from the Budget and Policy Framework
 - (i) Tall Ships Races 2010

The Portfolio Holder for Finance and Procurement presented a report which provided Council with details on the success of the Tall Ships event and Cabinet's proposed strategy for funding the out-turn deficit. The Portfolio Holder was concerned that despite the success of the event, there was a £720,000 deficit which would have to be funded from resources that could have been utilised for the provision of local authority services in Hartlepool.

It was acknowledged that this funding deficit could have been utilised to support other services but would be funded on a one-off basis. It was noted that there was a full evaluation of the economic and overall impact of the event currently being undertaken and it was acknowledged that there would be lessons to be learned from hosting such a prestigious event. It was suggested that one of the key issues that should be examined should be why the estimated car parking and associated income were over estimated. However, it was noted that local people had used their entrepreneurial skills and set up car parking sites to generate income and it was questioned whether any additional steps could have been taken to maximise entrepreneurial advantages for the people of the town during the event. There had been some issues around the IT and website which supported the event and Members felt it was crucial that Members were involved in looking at the detail surrounding all the above issues with a report being submitted to Council examining exactly what happened and

what lessons can be learned for future events.

Members expressed concerns about the signs provided by the Highways Agency on the A1(m) which had, for some time before the event, warned motorists that an event was taking place in Hartlepool which may result in traffic issues getting into and out of the town during the Tall Ships weekend. Although problems with access to and from the town did not materialise, Members felt that this signage may have had a negative effect and put people off attending the event.

It was acknowledged that hosting an international event of this scale would incur significant expenditure although it was hoped that it would also generate significant income. There had been tremendous positive publicity for the town before, during and after the event both nationally and internationally and Hartlepool had proven that it could host such a prestigious event successfully. However, it was acknowledged that lessons could be learned

RESOLVED –

- 1) Council approved 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.
- 2) In addition a report be submitted to a future meeting of Council detailing:
 - i) The reasons why the car parking and associated income were over-estimated;
 - ii) What further steps could have been taken to maximise entrepreneurial advantage for people in the town.

84. MOTIONS ON NOTICE

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 £1 billion

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

The motion was deferred to the next meeting of Council.

85. HARTLEPOOL CREDIT UNION

The Finance and Procurement Portfolio Holder had considered a report in respect of a request received from the Hartlepool Credit Union. The Portfolio Holder determined that a condition of any support should be that the Credit Union Forum be disbanded and that the Board of Hartlepool Credit Union be reconstituted to include four Members. However, after discussing the issue with the Chief Solicitor and the Financial Services Authority (FSA) the Chief Executive confirmed that the Council could not appoint Members to the board of the Credit Union but could appoint individual Members although they would not be a representative of the Council. These individual Members would then need to be elected by other members of the Board and the Council would need to apply to the FSA to enable the individual to become personally accountable to the FSA.

A Member sought clarification on the terms of the agreement under which the Credit Union had recently received funding. The Chief Solicitor confirmed that there were two alternatives to secure and regulate the funding provided by the Council by either appointing four councillors as individuals or through a contractual agreement between the Council and Credit Union.

RESOLVED –

The report was noted.

86. NORTH EAST PURCHASING ORGANISATION (NEPO) – AMENDMENT TO MEMBER REPRESENTATION

A review of the regional governance framework for collaborative procurement had been undertaken and a revised Constitution for NEPO approved. The revised constitution reduces the Council's representation on the NEPO Committee from three to two Members, including one Executive Member (the Portfolio Holder with procurement responsibility). Council was therefore requested to nominate two Members to serve on the NEPO Joint Committee including the Executive Member with responsibility for procurement.

The current nominations were:

Councillor Robbie Payne (Executive Member for Finance and Procurement)
Councillor Stephen Akers-Belcher
Councillor Lillian Sutheran

Members were informed that concerns had been raised at Cabinet about whether Hartlepool Council could opt in and out of the NEPO agreement to enable local suppliers to be given the opportunity to apply for contracts wherever practicable. This question had been raised at the meeting of the NEPO Board although had not yet been resolved.

RESOLVED –

- (i) That Council endorses the comments raised in relation to enabling Hartlepool Council to opt out of the NEPO contract to enable local suppliers to be given the opportunity to apply for contracts wherever practicable.
- (ii) That the two representatives nominated to the NEPO Joint Committee were:

Councillor Robbie Payne (Executive Member for Finance and Procurement)
Councillor Stephen Akers-Belcher

87. TREASURY MANAGEMENT OUTTURN 2009/2010

The Chief Executive presented a report which as part of the annual Budget and Policy Framework process Council approved the 2009/10 Treasury Management Strategy and associated Prudential Indicators on 12 February 2009. The report provided details of the economic background and the Council's capital expenditure for 2009/10 and financing and the treasury position at 31 March 2010 together with details of the regulatory framework and risk and performance.

RESOLVED – That the report be noted.

88. SPENDING REVIEW ANNOUNCEMENT

The Chief Executive presented a report which detailed the recent Spending Review Announcement and the proposed reductions in expenditure over four years commencing 2011/12. The Spending Review stated that the 'average' cuts in local government grant would be 7.25% for each of the next four years (commencing 2011/12). An analysis of the detailed figures showed that these cuts would be front loaded in 2011/12 and 2012/13. Our forecasts anticipated front loaded cuts over these two years of between 15% and 20% although the detailed Spending Review figures indicated a 17.1% reduction over these two years.

The Spending Review had removed the ring fence from £3.4 billion of specific grants and stated that 'this will devolve significant financial control to councils'. The reality was that local authorities would have control over a smaller pot funding. This change also carried a risk for authorities serving deprived communities as the method for distributing grant may change. An initial assessment indicated that this could add £1 million to the local grant reductions already anticipated as a result of the cuts detailed in the Spending Review.

It was confirmed that the Working Neighbourhoods Fund had been abolished and details of how the freeze on Council tax would be funded in 2010/11 and for the subsequent three years was also included. However, it was unclear how the Government would address the removal of this grant.

The detailed impact of the Spending Review on the Council would not be known until the details of the Local Government Grant Settlement and individual grant allocations from Government departments were known. However, it was acknowledged that Council would have to make some very difficult decisions during the next four years commencing with Cabinet's determination of the initial budget proposals for 2011/12 on 29 November 2010. These issues will then be considered by Scrutiny commencing 1 December 2010. Members of the public were encouraged to take part in the budget process wherever possible.

A debate ensued in which Members raised a number of concerns at the current budgetary situation and the level of cuts required in Hartlepool which was an area with one of the highest levels of unemployment and deprivation in the country. This would result in the children and families most in need being affected the most. The earlier comments of public involvement throughout the budget consultation process were endorsed as there were some tough decisions to be made along with the prioritisation of services.

One of the key issues that would affect people across Hartlepool was the impact that the loss of housing benefit would have on families as around 10,000 people in the town were in receipt of this benefit. It was noted that private landlords were able to keep increasing their rent charges which resulted in

people having to move to smaller accommodation or to live with family, putting a higher demand on social housing in the town. It was suggested that a major debate take place about this issue in particular at a future meeting of Council.

It was noted that the current budgetary situation would result in the loss of jobs and not the investment in the future that was required which would have the effect of greatly reducing the public sector expertise and increasing the north south divide. Members were of the view that everyone was in this together with Members having the responsibility to explore ways of mitigating the situation.

RESOLVED –

- (i) That the report was noted.
- (ii) That the impact a reduction in housing benefit would have on residents of the town be debated at a future meeting of Council.

The meeting concluded at 8.30 pm

CHAIR

CLEVELAND POLICE AUTHORITY EXECUTIVE

A meeting of Cleveland Police Authority Executive was held on Wednesday 15 September 2010 in the Members Conference Room 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, Mayor Stuart Drummond, Councillor Carl Richardson.

Independent Members

Miss Pam Andrews-Mawer, Mr Ted Cox JP, Mr Peter Hadfield, Mr Aslam Hanif, Mr Mike McGrory JP and Mr Peter Race MBE (Vice Chair)

OFFICIALS: Mrs Julie Leng, Mr John Bage, Mr Norman Wright, Mr Michael Porter and Dr Neville Cameron (CE)
Mr Sean Price, Mr Derek Bonnard, Mr Dave Pickard, Mrs Ann Hall, Miss Kate Rowntree, and Insp Dave Sutherland (CC)

157 APOLOGIES FOR ABSENCE

Apologies were received from Mr Geoff Fell and Mr Chris Coombs.

The Chairman welcomed Mayor Stuart Drummond and Councillor Carl Richardson to the meeting following their recent election to the Police Authority.

158 DECLARATIONS OF INTERESTS

There were no declarations of interest.

159 CLEVELAND POLICE AUTHORITY INSPECTION RESULTS

The Service Improvement Manager informed Members that the purpose of the report is to provide Members with a summary of the results of the recent Joint HMIC and Audit Commission inspection of Cleveland Police Authority and the next steps towards improvement to service as a result.

The final inspection report had been published and made available to the public on 2nd September 2010, Appendix 1 to the report refers. This report identified the Police Authority's

strengths and areas of innovation. Also identified are areas for improvement that HMIC and the Audit Commission expect to be acted upon to improve their performance for the public.

Members were informed that the publication of the Inspection report had stated that Cleveland Police Authority are "performing well", and had an overall score of 3.

The Chairman extended thanks to the all concerned in the Inspection process including Police Authority Members and Staff and the Chief Constable and his staff.

ORDERED that:

1. the content of the report be noted.

160

REVISED TERMS OF REFERENCE FOR THE LEADERSHIP PANEL

The Strategy and Performance Manager informed Members that the Terms of Reference for the Leadership Panel were last agreed by the Police Authority Executive at its AGM in June 2007. Since then the business and focus of the Leadership Panel had developed and therefore a revised Terms of Reference would reflect more accurately the current position.

Members were informed that the rationale behind this was to:-

- clarify and further detail the original broad terms;
- differentiate the areas of responsibility covered between Members, the Executive, Police Authority staff and governance issues;
- to include new terms of reference in light of the current workload of this Panel.

Members were informed that the new areas included in the revised terms of reference were the monitoring of the Business Plan, Risk Register and powers to agree exemptions to contract standing orders. The latter provided greater flexibility in conducting Police Authority business.

Members queried if in the absence of Panel Chairs that they could nominate a substitute to attend on their behalf (i.e. the Vice Chair if available or another Panel member)? They also requested that the new terms of reference be circulated for

inclusion within their documentation.

The Chairman confirmed that that Panel Chairs could nominate a substitute member in their absence. He also reiterated that as with all other Police Authority Panels any Member could attend the meeting and with prior notice to the Chair they would also have the opportunity to raise any questions and participate in any debate.

The recommendations were moved by the Chair and seconded by Members. The Chairman requested a show of hands in support of the recommendations which were moved unanimously.

ORDERED that;

1. the revised Terms of Reference for the Leadership Panel at Appendix A to the report be agreed.
2. Panel Chairs could nominate a substitute member in their absence be agreed.
3. the circulation of the new Terms of Reference be agreed.
4. the new Terms of Reference would be reviewed in six months be agreed.

161

**MINUTES OF THE AUDIT & INTERNAL CONTROL PANEL
HELD ON 3 JUNE 2010**

ORDERED that the following minutes of the Audit & Internal Control Panel held on 3 June 2010 were submitted and approved.

AUDIT AND INTERNAL CONTROL PANEL

ACTION

A meeting of the Audit and Internal Control Panel was held on Thursday 3 June 2010 commencing at 10.30 am in the Members Conference Room, Police Headquarters.

PRESENT	Mr Mike McGroarty JP (Chair), Mr Peter Hadfield (Vice Chair), Mr Geoff Fell, Cllr Mary Lanigan, Mr Chris Coombs, and Mr Peter Race MBE (ex officio)
OFFICIALS	Mrs Julie Leng, Mr Paul Kirkham and Mr John Bage (CE). Mr Derek Bonnard, Ms Claire Hinnigan and Miss Kate Rowntree (CC).
AUDITORS	Mrs Sue Turner – Internal Auditor (RSM Tenon), Mr Paul Heppell – External Auditor (Audit Commission)

162 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Dave McLuckie (ex officio) and Councillor Caroline Barker.

163 **DECLARATIONS OF INTERESTS**

Mr Peter Hadfield and Mr Chris Coombs declared an interest in the Teesside Pension Fund for Agenda Item 10 – Statement of Accounts. Members were permitted to stay in the meeting and took part in the debate.

164 **MINUTES OF THE PREVIOUS MEETING HELD 25 March 2010**

The minutes were agreed as a true and accurate record.

165 **OUTSTANDING RECOMMENDATIONS**

ORDERED that:-

1. the Outstanding Recommendations were noted and updated. The Chair informed Members that a report on business items for consideration for exclusion from the press and public, be brought to a future Panel meeting. Treasurer

166 **AUDIT PROGRESS REPORT**

The Audit Commission informed Members that following the recent General Election, the new coalition Government had announced a new policy direction, which immediately abolished Comprehensive Area Assessments.

Members were informed that as a result, the Use of Resources Scored Assessments were to cease with immediate effect. The Audit Commission informed Members that the work associated with producing the Scored Assessments had been carried out, and that the Audit Commission still intends to report back to the Police Authority, but are unsure as to the methodology that will be employed to do such.

The Chair informed Members that it was a pity that following a great deal of work, put in by the Authority to improve its performance, that these improvements would not be formally recognised.

The Audit Commission informed Members that they would still work with the Police Authority and offer their opinion on Accounts and Value for Money.

ORDERED that:-

1. the commentary was noted.

167 **OPINION AUDIT PROTOCOL**

The Audit Commission informed Members that they are required to audit the financial statements of the Police Authority and to form an opinion as to whether they present fairly the financial position of the Authority at 31

March 2010.

Members were informed that consideration of any amended accounts, presentation of proposed opinion and ISA 260 report to the Audit & Internal Control Panel could take place earlier than previously indicated in the report.

ORDERED that:-

1. the report be noted.

168

AUDIT FEE LETTER 2010/11

The Audit Commission informed Members that it submitted a letter in April 2010, to inform on its annual audit fee. The fee is based on the risk-based approach to audit planning as set out in the Code of Audit Practice and work mandated by the Audit Commission for 2010/11.

Members were informed that the Audit Commission had not yet completed its audit for 2009/10, so the audit planning process for 2010/11, including the risk assessment, will continue as the year progresses and fees will be reviewed and updated as necessary.

The Audit Commission informed Members that the figure quoted in the letter was above the scale fee, and as such would be reviewed and reported to Members at a later date.

**Audit
Commission**

ORDERED that:-

1. the report be noted.

169

STRATEGIC RISK MANAGEMENT & SERVICE CONTINUITY PLANNING

The Deputy Chief Constable reminded Members of the integrated approach to embedding risk management and service continuity planning within the Force. Members were informed that the programme is progressing on a systematic basis with the intention of developing robust risk management and service continuity plans and embedding a risk management culture by March 2011.

Members were informed that Project I currently sits outside the Force's routine risk management and service continuity arrangements, but is managed within the project team and a risk register had been maintained throughout the project. However following any decision by the Police Authority, it will be brought into the normal governance arrangements if the project is approved by the Police Authority.

The Deputy Chief Constable informed Members that there are three additional strategic risks which have been added to the register in recent months. These additional risks are numbered SR5, 6 and 7 respectively. One of which had been elevated from the Crime Operations' risk register and two from the People and Diversity risk register.

Members were informed that Risk Management and Service Continuity Plans are key building blocks in ensuring the sustainable delivery of services and

delivery of Policing Priorities through the effective identification and management of the principal risks to the delivery of corporate objectives.

Members sought clarification on the degree the current financial climate posed a risk to the organization.

The Deputy Chief Constable assured Members that the Executive were keeping a close eye on the financial climate and regularly review the situation daily.

The Chair felt that although the Register indicated timescales, there are occasions when a more finite date could be indicated for certain areas of work, and requested if such data could be produced.

The Deputy Chief Constable informed Members that there could be amendments made to the Register, but assured Members that more specific timescales are always discussed in SUM interviews on such matters.

ORDERED that:-

1. the report be noted.

170

CLEVELAND POLICE AUTHORITY RISK REGISTER

Members were informed that the management of risk within the Force had recently undergone a transformation with extra resources provided and a new *Service Continuity and Risk Management Implementation Programme* well underway. It was reported to Members at the Panel meeting in September 2009, that in order to engender and support a culture of risk management across the Authority and Force, the Chief Executive had established a Joint Risk Management Group that met monthly.

The Treasurer informed Members that the terms of reference, including membership details, were considered and agreed at the Panel meeting held in November 2009. This Group reviewed the progress being made with the Force implementation programme and will, amongst other things, facilitate consistency between the Authority and Force Risk Registers.

Members sought clarification on the risk associated with the indicated 'in year' financial cut.

The Treasurer informed Members that they can be assured that all aspects of the indicated 'in year' cut, are being addressed and will be communicated to Members for decision when appropriate.

The Chair requested an update into the "Actions" at Appendix B to the report.

The Treasurer informed Members that a full report will be brought to the next meeting of the Panel.

Treasurer

ORDERED that:-

1. the Risk Register and Action Plan at Appendices A and B respectively to the report, be reviewed, as part of the assurance role of the panel, be noted.

2. the implementation of the CPA Risk Management Policy and Strategy, as well as the role of the Leadership Panel be noted.

171

STATEMENT OF ACCOUNTS

The Treasurer informed Members that the role of the Audit and Internal Control Panel in reviewing the statement of accounts is essentially to provide assurance to the Police Authority Executive and to the wider stakeholder base that they conform to proper practices.

The accounts are prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom: Statement of Recommended Practice (SORP) 2000/10. This specified the principles and practices of accounting required to prepare a Statement of Accounts which gives a true and fair presentation of the financial position of the Authority.

Members were informed that as the audit of the accounts by the Audit Commission is not scheduled to begin until the 9th June 2010, the Statement of Accounts is presented subject to audit. The audited accounts and any amendments resulting from the audit will be presented to a future Authority meeting.

The Treasurer informed Members that the report was to provide Members of the Panel with the required information for them to discharge their role.

The Chair sought clarification regarding the application of depreciation and whether standard accounting practices were employed.

The Treasurer confirmed that standard depreciation practices had been utilised.

Members required clarification on the methodology used when deciding how to dispose of motor vehicles purchased by the Force.

The Deputy Chief Constable informed Members that decisions taken to dispose of vehicles were a mix of standard depreciation practices and the usage the vehicle had undertaken.

Members took note at para 2.2 to the report, and queried if they had been a change in the methodology of the analytical review of the accounts and if so what was the rationale behind the process.

The Corporate Finance Manager informed and assured Members that there had been a positive change in the analytical review methodology employed. Members were informed that the main result of this change was that there were now nine lines of reporting policing services as opposed to the previous one line. This would permit Members to examine such, in a more objective and detailed manner.

Members sought clarification as to the costs for legal provision and what this area of spending covered.

The Treasurer informed Members that currently the legal provision was being utilised for Police Authority costs in its functions relating to discharging the appeals process. However he assured Members that as is normal operating practice, all cost lines are constantly reviewed.

ORDERED that:-

1. the accounting policies as set out in the Statement of Accounts on pages 13 to 18 inclusive, which the Authority had followed in producing the accounts be reviewed, be noted.
2. the analytical review of the accounts contained within the body of the report and specifically within paragraphs 3.10 to 3.14 to the report, to provide Members with confidence in the financial statements, be noted.
3. the establishment of provisions totalling £92k. (para 3.15 to the report refers) be agreed.
4. the establishment of earmarked reserves totalling £8,551k. (para 3.16 to the report refers) be agreed.
5. the Statement of Accounts (at Appendix A to the report) be recommended for acceptance to the Police Authority Executive on the 15th June 2010, be agreed.

172

ANNUAL GOVERNANCE STATEMENT 2009 - 2010 – SOURCES OF ASSURANCE

The Treasurer informed Members that the report was intended for the Audit and Internal Control Panel to review and comment on the Sources of Assurance as part of the process of establishing the assurance framework in support of the Annual Governance Statement.

Members were reminded that at its meeting on 11th December 2007 the Police Authority Executive received and agreed a report in relation to the requirements to produce an Annual Governance Statement. Members were advised that the mechanism to be used was to be the same group that prepared the Statement of Internal control (SIC).

Members reviewed the list of sources at their meeting on 28th May 2009. Since then Officers had considered the list afresh. Changes to the list were shown in italics in the report.

The Chair queried if the semi structured interviews that Members had recently undertaken could also be used as a source of assurance in such matters.

The Treasurer informed Members that this form of evidence could be included in such sources.

ORDERED that:-

1. the final version of the Sources of Assurance, be agreed.

173

ANNUAL GOVERNANCE STATEMENT 2009-2010 – SERVICE UNIT ASSURANCE QUESTIONNAIRE – SUMMARY OF RESPONSES

The Treasurer informed Members that the report was intended to provide a summary of the responses from the survey of Service Unit Managers, undertaken as part of the process of establishing the assurance framework in support of the Annual Governance Statement

Members were informed that it is not possible for Internal Audit to review every area of activity, every year. A risk based approach is adopted and agreed by all parties to support the annual audit plan.

The methodology used has been to follow the CIPFA "Rough Guide" in this case, "The Annual Governance Statement – meeting the requirements of the Account and Audit Regulations 2003 – Incorporating Account and Audit (Amendment) (England) Regulations 2006 ".

Members were informed that the 'Rough Guide' advocates undertaking an annual survey of Managers, to obtain a signed adequacy of controls statement, as part of the work in obtaining assurance on the effectiveness of key controls.

The 2009/2010 document was circulated to BCU/SUMs and the Police Authority in March 2010. The deadline for returning the documentation to the Corporate Finance Team was set for late April with most people achieving this.

Members queried the uptake of the questionnaire and whether there had been any problems in completing the survey.

The Treasurer informed Members that this was now the fourth year that the questionnaire had been circulated, and responses were good. The only areas where there were slight problems was when movements in posts had occurred and a degree of unfamiliarity had been found.

The Chair queried the situation regarding 'Assets are adequately recorded and safeguarded to protect against loss or unauthorized use', and sought assurance regarding the position of this area of assurance.

The Treasurer assured Members that should any problems arise in this area, it is likely the Internal Audit would highlight this matter. Members were further informed that Officers were also keeping this under review.

ORDERED that:-

1. improvements will be promoted through the Corporate Governance Framework.
2. the report be noted.

174

ANNUAL GOVERNANCE STATEMENT 2009 – 2010, STATEMENT OF KEY CONTROLS

The Treasurer informed Members that the report is intended for the Audit and Internal Control Panel to review and comment on the Statement of Key Controls as part of the process of establishing the assurance framework in support of the Annual Governance Statement.

Members were reminded that the statement had been constructed to serve two purposes, that of the Annual Governance Statement (AGS) process and also to feed into the previous Police Use of Resources Evaluation (PURE) process.

The Treasurer informed Members that the PURE & AGS Group had reviewed the extent to which there is evidence to support compliance with these key controls and show the source of assurance relied upon.

ORDERED that:-

1. the Statement of Key Controls as set out at Appendix A to the report be agreed.

175

ANNUAL GOVERNANCE STATEMENT 2009-2010 – REVIEW OF INTERNAL CONTROL AND AGS ASSURANCE GATHERING PROCESS

The Treasurer informed Members that the report is intended for the Audit and Internal Control Panel to formally record that the document “Review of Internal Control and the Annual Governance Statement Assurance gathering process” had been made available to Members.

All Authority Members had been invited to a briefing on 1st June 2010 which comprised of an interactive presentation of the document. Detailed questions and comments were dealt with by Officers.

In compliance with agreed practice, a hardcopy of the Assurance document was circulated to Members on 27th May 2010.

ORDERED that:-

1. the working document “Review of Internal Control and the Annual Governance Statement Assurance gathering process” was circulated to all Members of the Police Authority on 27th May 2010 be noted.

176

ANNUAL GOVERNANCE STATEMENT 2009-2010

The Treasurer informed Members that the report seeks Members to review the third Annual Governance Statement to be produced.

Arrangements required under the Account and Audit Regulations, defined proper practices to publish an Annual Governance Statement (AGS). In 2007 the Police Authority 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 and guidance.

Members were informed that the governance framework itself remained a discretionary code and is offered to organisations as good practice. It outlined six core principles of good governance focusing on the systems and processes for the direction and control of the organisation and its activities through which it accounts to, engages with and leads the community. The degree to which the Authority followed these principles should be declared in its Annual Governance Statement. It is this statement that has the legal backing of Regulation 4 of the Accounts and Audit Regulations from 2007/8.

One critical typographical error was noted, in the AGS. Page 10 para 3. The sentence “With the exemption of a review of financial standing orders the actions identified have now been completed during the course of 2009/2010”. This should read “...with the exception....”

7(c)

Members expressed concern that they had not received training in the AGS process for some eighteen months and queried whether they could have such further training made available to them.

The Police Authority Vice Chair informed Members that an annual refresher on such matters should be arranged and made available to Members.

ORDERED that:-

1. amendments as appropriate, to the draft Annual Governance Statement be made and noted. **Treasurer**
2. an annual refresher training event to be held annually for Members on AGS **Treasurer**
3. subject to 1 above, Members recommend for approval to the Police Authority Executive meeting on the 15th June 2010, the Annual Governance Statement at Appendix A to the report, be agreed. **Treasurer**

177

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.

REPORTS OF THE INTERNAL AUDITORS

178

HEALTH & SAFETY

The Internal Auditor presented the report to Members.

ORDERED that:-

1. the report be noted.

179

SERVICE CONTINUITY PLANNING

The Internal Auditor presented the report to Members.

Members were concerned at the attendance levels at certain training sessions.

ORDERED that:-

1. an update regarding attendance at training sessions be brought to Members. **Deputy Chief Constable**
2. the report be noted.

180

FOLLOW UP REPORT

The Internal Auditor presented the report to Members.

Members sought clarification on the progress of previous recommendations on sickness and absence control.

ORDERED that:-

1. an update regarding the progress of previous recommendations on sickness and absence control, including timescales and how it would be incorporated into the MPR process be brought to Members.
2. the report be noted.

**Deputy Chief
Constable**

181

INTERNET AND E-MAIL

The Internal Auditor presented the report to Members.

Members queried how this policy would affect Members personally owned computers, when being used for Police Authority business.

The Internal Auditor informed Members that the usage policy applies to Members when using such for Police Authority business.

The Acting Chief Executive reminded Members that they do sign up to such a user policy upon joining the Police Authority.

ORDERED that:-

1. the report be noted.

182

NETWORK SECURITY

The Internal Auditor presented the report to Members.

ORDERED that:-

1. the report be noted.

183

CORPORATE & FINANCIAL PLANNING

The Internal Auditor presented the report to Members.

ORDERED that:-

1. the report be noted.

184

PROGRESS REPORT

The Internal Auditor presented the report to Members.

Members sought clarification as to why there had been nineteen days expended on Audit Management as opposed to the planned fifteen days.

The Internal Auditor informed Members that the Police Authority has more Audit Panels and therefore more associated meetings, thus this area of work is very management intensive.

The Chair sought clarification as to why they had been two Follow Up Reports as opposed to the one original report.

Members were informed that this was due to the need to amend the original

report, to now include information regarding Project I.

ORDERED that:-

1. the report be noted.

185

INTERNAL AUDIT ANNUAL REPORT

The Internal Auditor presented the report to Members.

ORDERED that:-

1. the report be noted.

186

AUDIT STRATEGY

The Internal Auditor presented the report to Members.

ORDERED that:-

1. the report be noted.

187

**CONTRACT STANDING ORDER NO. 9 – EXEMPTION FROM THE
NORMAL REQUIREMENT TO TENDER (JANUARY – MARCH 2010)**

The Treasurer presented the report to Members and informed them that the report would now be presented by category.

The Chair sought assurance that the items referred to in Items 2 to 8, 'Existing Computer Software Products', had taken cognisance of Project I. The Treasurer assured Members that this had taken place.

A number of Members requested information regarding cost savings and time savings relating to the Video Witness System.

The Treasurer informed Members that the business case for the agenda item would provide assurance to Members and this would be forwarded to them.

Treasurer

Members enquired whether or not future maintenance and the potential requirement for upgrade of equipment, could be built into the initial procurement process.

The Treasurer assured Members that changes had recently taken place to the procurement process and that coupled with a new change to now also consider how long any given project was anticipated to run, would enhance this process and should reduce the need for such requests in the future.

The Chair required clarification on the section, 'Exemptions outside of the Police Authority Approved Exemption Reasons'. He asked if the Force had in position any prior process / notice of when contracts would need re-newing.

The Treasurer assured Members that there was such a process in place and that the reason this specific exemption request was brought, was due to a request for a short extension whilst a new possibly collaborative agreement could be considered.

ORDERED that:-

1. the exemptions in Appendix A to the report had been reviewed by Members, be noted.
2. the setting aside of Contract Standing orders for those items scheduled under Appendix B to the report be agreed.

188

MINUTES OF THE POLICY & RESOURCES PANEL HELD ON 9 JUNE 2010

ORDERED that the following minutes of the Policy & Resources Panel held on 9 June 2010 were submitted and approved.

POLICY & RESOURCES

A meeting of the Policy & Resources Panel was held on Wednesday 9 June 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), Councillor Barry Coppinger, Councillor Paul Kirton, Mr Ted Cox JP, Miss Pam Andrews-Mawer, Councillor Ron Lowes.

OFFICIALS

Mr Paul Kirkham, Mrs C Hunter and Mr John Bage (CE)
Mr Derk Bonnard, Mrs A Hall, Miss Kate Rowntree (CC).

189

APOLOGIES FOR ABSENCE

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

190

DECLARATIONS OF INTERESTS

There were no declarations of interests.

Action

191

MINUTES OF THE POLICY & RESOURCES / CORPORATE DEVELOPMENT PANEL HELD ON 31 MARCH 2010

The minutes were agreed as a true and accurate record.

192

OUTSTANDING RECOMMENDATIONS

ORDERED that:-

1. the Outstanding Recommendations be noted.

193

BUDGET OUTTURN 2009/10

The Assistant Chief Officer Finance + Commissioning (ACO F&C) presented the report. Members had approved a Net Budget Requirement (NBR) of £128,790k and budgeted revenue expenditure of £146,909k, the balance of expenditure being funded by specific grants, other income and transfers from reserves. The report set out the year end position against delivery of that budget and was part of the process introduced by the Authority to maintain prudent financial management. Members were informed that it should be noted that the results are presented subject to audit.

7(c)

Members were informed that the overall outturn position at Appendix A to the report, showed an under spending against budget of £33k (0.02%) when compared with a gross expenditure budget of £146.9m. This was consistent with the breakeven position that had been reported throughout the year and is achieved after allowing for the following decisions that were made by Members during the year:

- The return of £975k to the General Fund as approved by Members to support the 2010/11 budget.
- The earmarking of reserves as agreed by Members for use in future years and as detailed in 3.16 below.

Members were informed that continued improvements in both forecasting and financial management had been evident throughout the year. The Force had successfully delivered a breakeven position for the 2009/10 financial year having made the necessary provisions to ensure a budget for 2010/11 could be delivered without any required reductions in service levels in either 2009/10 or 2010/11. However due to the Home Office announcement of in-year cuts of £1.3m an additional paper will be brought to a future Panel meeting.

Members sought an update regarding the subject of Time Off in Lieu (TOIL) with reference to its effects on the balance sheet and what is being done to reduce such.

The ACO Finance & Commissioning informed Members that there is a programme in place to reduce such. The current figure of £2.6m is due to be reduced to £2m by the end of year, and a robust plan is in place to deliver this.

Members made enquiries regarding the recent Government in year cuts of £1.3m and whether this would have an impact on driving down overtime costs.

The Deputy Chief Constable recognized Members concerns regarding the new in year financial reductions, and informed Members that work would be done to drive down costs, and Members would be kept informed of such plans.

ORDERED that:-

1. the revenue outturn position for 2009/10 of a £33k underspend which was in line with forecasts and represents a 0.02% underspend against a gross expenditure budget of £146.9m be noted.
2. this outturn position is consistent with the assumptions that underpin the LTFP agreed by Members at their meeting on the 25th February 2010, where a breakeven position was assumed after allowing for the agreed support of £975k being returned to the General Fund be noted.
3. the results are presented subject to audit and that any amendments resulting from the audit will be presented to a future Authority

meeting be noted.

4. the report reflected the position at 2009/10 year end, prior to the Home Office announcement to cut in year budgets by £1.3m. A further paper will be brought to Members outlining how this will be addressed by the Force, be noted.

ACO F+C

194

CAPITAL OUTTURN 2009/10

The ACO F+C reminded Members that they had approved a capital programme totaling £9,806.4k at their meeting on 26th February 2009. The programme included new schemes: schemes carried forward from 2008/09 and unallocated funding. Members had received monitoring reports throughout the year.

Members were informed that the report is the final report for 2009/10. It sets out the year end position against the approved programme and is consistent with the Revenue Outturn Report and Treasury Management Outturn Report.

The report sets out progress against delivery of the Capital Programme for 2009/10; the year-end underspend is £3,276.9k against the recommended budget of £11,510.1k. This funding is to be carried forward into 2010/11 to complete schemes already approved by Members as part of the Capital Programme for 2010/14.

Members were pleased to note the better than expected development of Project CUPID since the original budget was set. Members were informed that this was due to a quicker and more efficient roll out of the project.

However, Members sought clarification as to whether CUPID was available to all front line Officers and were those Officers fully trained in these devices.

The Deputy Chief Constable informed Members that the project had not fully been rolled out to everyone, however this would be shortly completed.

ORDERED that:-

1. to bring forward £198.8k of the budget allocated to Project CUPID in 2010/11 into 2009/10 to fund the better than expected development of the project since the original budget was set be agreed.
2. the addition of £85.1k to the Accommodation Adjustment budget which is funded by a transfer from revenue be agreed.
3. the addition of four schemes approved under delegated authority below, be noted:
 - TLC Helilift and Charger £14.5k
 - EPS2000 IT Browser £8.0k
 - Land Rover Discovery £18.2k
 - Video Witness £16.7k
4. the capital outturn position for 2009/10 be noted.
5. that the results are presented subject to audit and that any

amendments resulting from the audit will be presented to a future meeting be noted.

6. the carry forward of funding totaling £1,173.9k to 2010/11 to complete schemes in progress be agreed.
7. the carry forward of £1,044.3k in relation to the ISIS provision plus the £451.0k unallocated funding being added to this provision in 2010/11 be agreed.
8. the carry forward of £607.7k underspends from 2009/10 to underpin the 2010/11 Capital Programme be agreed.

195

TREASURY MANAGEMENT & PRUDENTIAL INDICATORS OUTTURN 2009/10

The ACO F+C informed Members that Treasury Management is the day-to-day management of the Authority's cash flow, borrowing and investments. The aim of treasury management is to minimise interest payable on external borrowing and maximise interest receivable on investments within a prudential framework.

Members were informed that due to the unprecedented turbulence and uncertainty in financial markets and financial institutions that had been in existence throughout the majority of this financial year, had meant the protection of the Authority's underlying investments was of utmost importance.

The ACO F+C informed Members that the Authority had complied with the requirements of the CIPFA Codes for Treasury Management and Prudential Borrowing. It had managed its cash and investments in a prudent manner during the unprecedented turbulence and uncertainty in financial markets and financial institutions, to protect the funds that it invests on behalf of the people of Cleveland. The Authority managed its cash resources in a low risk and highly liquid manner throughout 2009/10.

Members sought clarification regarding Indicator 3 at Appx C to the report, in so much as the high actual figure for Capital Finance Requirement as opposed to its estimate.

The ACO F+C assured Members that the difference in figures was due to a recent legislated change in International Financial Reporting Standards (IFRS) Accounting Policy relating to PFI's. This now required our PFI buildings to be classified as Police Authority assets.

ORDERED that:-

1. the contents of the report be noted.

196

PURE 2009-10 PROGRESS REPORT AND AREAS FOR IMPROVEMENT

For 2009/10 the Treasurer informed Members that the report was to advise Members of the status of the 2009/2010 Use of Resources assessment, and to advise on progress against the identified areas of improvement identified from the 2008/2009 assessment.

Members were informed that due to the decision of Government to bring the

Comprehensive Area Assessment to an end, the Commission will not be issuing new scores for the use of resources (UoR) assessments for 2009/2010.

It had been the intention that the external auditor would report indicative scores, subject to moderation, to the meeting. Members were informed that the external auditor would still be required to give a value for money conclusion, drawing on evidences and analysis relating to UoR work already undertaken.

For 2008/9, Members were reminded that the Police Authority Executive held on 10th December 2009 considered and agreed the report from the Audit Commission relating to the 2008/2009 UoR assessment.

The Treasurer informed Members that progress against the 2008/2009 Areas for Improvement would continue to be monitored. It was unclear what if anything will replace UoR, as and when information is received, members would be informed.

ORDERED that:

1. that as a consequent of the decision by Government to end Comprehensive Area Assessment (CAA) there would be no report from the Audit Commission on Use of Resources for 2009/2010, be noted.
2. to review progress against the agreed action plan from the 2008/2009 Use of Resources assessment, be agreed.

197

UPDATE ON CLEVELAND POLICE AUTHORITY INSPECTION PREPARATIONS

The Treasurer informed Members that the report is part of the formal and informal process of preparing for and engaging with the Police Authority Inspection, and is intended to enable progress to be reflected in the minutes of the authority.

Members were informed that in November 2008, the Home Office announced that Police Authorities will be jointly inspected by Her Majesty's Inspectorate of Constabulary (HMIC) and the Audit Commission across the full range of their activities for the first time.

Each inspection will involve a number of pre-meetings with the Police Authority, meetings with and surveys of other stakeholders to gather evidence. The on-site inspection usually takes four and a half days, and up to two weeks for the larger Police Authorities (such as London Metropolitan). On completion, each Police Authority will receive an inspection report, which is published and made available to the public.

The Treasurer informed Members that Cleveland Police Authority will be subject to its own inspection in June 2010. The exact dates had been confirmed as the week commencing 14 June 2010.

ORDERED that:

1. the report be noted.

The Treasurer informed Members that the report set out areas of interest to the Police Authority flowing from the establishment of the new Government and their new publication "The Coalition: our programme for Government", and the Queens Speech concerning the 2010/11 Legislative Programme.

The new Government had published a 36 page document which is titled "The Coalition: our programme for Government", which put forward outline proposals in some 31 areas of public policy. Attached at Appendix A to the report were extracts from the document containing items of interest to the Police Authority.

Members requested that a further paper be brought to a future Operational Policing Panel meeting, regarding the new Government's position on proposed greater public accountability, in so much as:

Deputy Chief Constable

- *We will oblige the police to publish detailed local crime data statistics every month, so the public can get proper information about crime in their neighbourhoods and hold the police to account for their performance.*

ORDERED that:

1. extracts from "The Coalition: our programme for Government" contained at appendix A to the report and the briefing about the Queens Speech concerning the 2010/11 Legislative Programme contained at Appendix B to the report, be noted.
2. a report in due course on proposals to manage the in year reduction of £1.3M in Rule 2 grants, and £0.1M in capital grants be agreed.

LEGISLATION UPDATE – EMPLOYMENT, EQUALITY AND HUMAN RIGHTS

The Strategy & Performance Manager informed Members that the Authority must monitor changes to legislation in order to ensure the ability to plan for appropriate compliance and scrutiny. Members were informed that Appendix A to the report included an outline of recent legislation, including regulations and reviews. It also included an outline of proposed legislation that is relevant to Police Authorities.

Members were informed that the Authority will seek to effectively follow the requirements of relevant legislation in the provision of services and in management practices. If there is discretion within the law, the Authority will risk assess practices when there is a risk of legal claims or damage to reputation.

ORDERED that:

1. the details of legislation outlined in Appendix A to the report be noted.
2. the Police Authority Single Equality Scheme being reviewed and amended to take account of the provisions of the Equality Act 2010, as outlined in Appendix A to the report be agreed.

200

REVISED DISCIPLINARY POLICY FOR POLICE STAFF

The Deputy Chief Constable informed Members that the Force had reviewed its disciplinary policy for police staff in the light of legislative changes. The Force had undertaken wide consultation on the changes to the policy and had made further amendments to the policy in light of comments received from across the Force and Authority.

Members were informed that the Force had reviewed the discipline policy for police staff and made amendments in light of legislative and feedback received during the extensive consultation period. The Force will now be implementing the new policy effective from 10th June 2010 if agreed by Members.

Members enquired whether the policy had been applied to the staff that may be transferred to Project I.

The Deputy Chief Constable informed Members that at present it was not, because if agreed it would be police authority policy. However, should any decision to go ahead with Project I be taken, then TUPE regulations would apply.

ORDERED that:

1. the revised Disciplinary Policy for Police Staff be agreed.

201

HEALTH & SAFETY AND FIRE SAFETY ANNUAL REPORT 2009/10

The Deputy Chief Constable informed members that the purpose of the report was to provide Members with an annual report with regard to health and safety and fire safety within Cleveland Police for the period 1st April 2009 to 31st March 2010.

Members were informed that as a result of internal re-organisation in 2009, the former Governance and Safety Unit was incorporated into the Corporate Planning and Governance Service Unit and renamed the Risk, Resilience and Safety Unit.

Health and safety and fire safety are core functions provided by the Risk, Resilience and Safety Unit. The Unit comprises of two full time and one part-time member of staff who act in the capacity of "competent persons" (as required by the Management of Health and Safety at Work Regulations 1999 (amended 2003)). These staff support the Head of Risk, Resilience and Safety in the development and implementation of measures necessary to ensure compliance with the requirements and prohibitions imposed by relevant statutory provisions. The Head of Risk, Resilience and Safety is also responsible for the of corporate risk management, insurance and service continuity functions on behalf of the Force.

The Deputy Chief Constable informed Members that they can take substantial assurance that the Force gives Health and Safety issues due cognisance and the controls upon which the Force relies to manage this area are effective.

Members enquired as to whether PCSO's were included in such policy's.

Members were assured that PCSO's were indeed included.

Members referred to the '*the agent or factor leading to injury*' with-in the body of the report, and enquired as to whether the area regarding *slips, trips and falls*, had led to any recent civil claims.

The Deputy Chief Constable informed Members that he was not aware of any such claims recently.

ORDERED that:

1. the content of the report be noted.

202

ICT CAPITAL SCHEMES

Members were informed that the purpose of the report was to seek Members approval for two ICT schemes, outside the scope of Project I, as provided for in the Capital Programme 2010/11.

The Deputy Chief Constable informed members that Project I was set up to look at how ICT services are delivered to officers and staff and to evaluate how the Force would meet the challenges of delivering the national Information Systems Improvement Strategy (ISIS). One of the options that was currently being explored as part of the project is the outsourcing of ICT services.

As a result of Project I, all ICT schemes have been deferred to avoid committing expenditure that would be unnecessary if a decision was taken to outsource the service. Each scheme was reviewed and risk assessed and only taken forward if deemed critical to the continuation of the service, or where it would be outside the scope of Project I, or to meet mandatory requirements.

Members were reminded that in the Capital Programme 2010/11, agreed by Members on 25th February 2010, a number of schemes had been identified that were expected to be outside the scope of Project I. Members agreed a provision for these schemes within the Capital Programme for 2010/11 of £330k. As the precise details of Project I is determined then bids had to be brought forward for ICT schemes that are outside the scope, against this provision. Members were requested to approve two schemes from this provision as described in the report.

ORDERED that:

1. the following schemes be funded from the £330k set aside in the 2010/11 Capital Programme, be agreed.
 - Air Support Unit Downlink - £85k
 - Enterprise Backup - £30k

203

HMIC – WORKING FOR THE PUBLIC / VALUE FOR MONEY INSPECTIONS

The Assistant Chief Officer Finance & Commissioning (ACO F+C) informed Members that the purpose of the report was to update Members on the Force's approach to Value for Money and progress in preparing for the HMIC

inspections of work force productivity (Working for the Public) and Value for Money.

Members were informed that the Police Authority had a statutory duty to ensure an efficient and effective police service. The Chief Constable's operational vision of Putting People First is integral to value for money, to focus resources on activities that deliver improved policing outcomes to the people of Cleveland.

The ACO F +C informed Members that budget control and achieving value for money on a daily basis, is a core activity of the Force. It is therefore essential that any initiatives commissioned by the Force are evidence based, and need to be high leverage in terms of their impact on delivering value for money.

As such, all structured service review activity will be carried out under the auspices of a Positive Futures Group. The terms of reference of the Positive Futures Steering Group was set out at Appendix A to the report. The Positive Futures Group will be responsible for driving forward the delivery of the strategy through agreed workstreams.

Members enquired as to whether the 'Working for the Public Productivity Framework', was to assist in future forecasting.

The Deputy Chief Constable informed Members that the content is somewhat ambitious, and work is currently being carried out by the Force to clarify a number of uncertainties contained within it.

ORDERED that:

1. the contents of the report be noted.

204

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.

205

MICROSOFT LICENSING

The Deputy Chief Constable informed Members that the purpose of the report was to seek approval for the procurement of additional Microsoft licenses.

Further to a desk top rationalisation project undertaken in 2009 the Force had identified a number of licenses that need to be procured.

Members were informed that both Microsoft and the potential bidders for Project I, had been consulted and were both content with any proposed arrangements, should Members agree.

ORDERED that:

1. the purchase of desk top license packs and SQL CALs, be agreed.

206

**MINUTES OF THE POLICE AUTHORITY EXECUTIVE HELD
ON 15 JUNE 2010**

ORDERED that the minutes of the Police Authority Executive held on the 15 June 2010 were submitted and approved and signed by the Chair as a true and accurate record.

207 **MINUTES OF THE POLICE AUTHORITY EXECUTIVE HELD ON 25 JUNE 2010**

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

208 **MINUTES OF THE LEADERSHIP PANEL HELD ON 20 JULY 2010**

ORDERED that the following minutes of the Leadership Panel held on 20 July 2010 were submitted and approved.

LEADERSHIP PANEL

A meeting of the Leadership Panel was held on Tuesday 20th July 2010 in the Chair's office at Police Headquarters.

PRESENT: Miss Pam Andrews-Mawer, Mr Chris Coombs, Mr Ted Cox JP, Mr. Aslam Hanif, Mr Mike McGrory, Cllr Dave McLuckie (Chair). and Mr. Peter Race MBE
Mrs. J Leng – Acting Chief Executive,
Mr N Wright – Head of Strategy and Performance

209 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Mr Michael Porter.

210 **DECLARATIONS OF INTERESTS**

There were no declarations of interests.

211 **MINUTES OF THE PREVIOUS MEETING HELD ON 1 JUNE 2010**

The minutes of the previous meeting held on 1 June 2010 were accepted as a true and accurate record.

212 **Business Plan Update**

The Head of Strategy and Performance presented the first revision of the Business Plan 2010 – 2013.

Members had approved the Police Authority Business Plan for 2010- 2013 at the meeting of the Police Authority Executive on 25 February 2010.

Subsequently the new Home Secretary has made significant changes to the policing priorities and the Business Plan was updated to reflect these changes. Details of all the amendments / updates were detailed within the report and a revised Business Plan was attached at Appendix A.

The Business Plan is the vehicle for driving service and governance improvements, achieving value for money and for dealing with the recommendations of audits, inspections and reviews.

Members asked for a clear definition of core front line policing and what numbers we would be looking at? The Acting Chief Executive would liaise with the Force with a view to bringing proposals forward for Members consideration.

A/Chief
Executive

ORDERED that:-

1. the revised Business Plan 2010 – 2013 be agreed.

213

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.

214

POLICE AUTHORITY BUDGET 2010 / 11

The Acting Chief Executive provided Members with an update on expenditure to the end of June 2010 against the 2010/11 budget.

The spreadsheet attached at Appendix A to the report detailed the Outturn for 2009/2010, the original budget for 2010/11 and progress to date against the 2010/11 budget.

This report updated Members on the progress against the 2010/11 budget and to involve Members in future plans and options to reduce spend in the future in line with the expected reductions in grant funding.

This report was part of the ongoing process within the Authority to improve governance in every aspect of the business.

ORDERED that:-

1. The current overspend against the budget as at the end of June 2010 and the reasons detailed within the report for the overspend be noted.
2. A full review of the budget be undertaken, and reported back to the September Panel, with a view to realigning the 2010-11 budget as a result of changes to both the Police Authority Staffing Structure and priorities for the remainder of the year be approved.
3. A review of the budget be undertaken and proposals for saving be identified for future years of the Long Term Financial Plan in line with expected reductions in grant and reported back to the December Panel be approved.

215

MINUTES OF THE OPERATIONAL POLICING PANEL HELD ON 22 JULY 2010

ORDERED that the following minutes of the Operational Policing Panel held on 22 July 2010 were submitted and approved.

OPERATIONAL POLICING PANEL

A meeting of the Operational Policing Panel was held on Thursday 22 July 2010 commencing at 10.30 am in the Executive Conference Room at Police Headquarters.

PRESENT Chris Coombs (Chair), Mayor Stuart Drummond, Miss Pam Andrews-Mawer, Mr Aslam Hanif, Councillor Carl Richardson and Mr Peter Race MBE (ex officio).

ADDITIONAL ATTENDEES Councillor Ron Lowes

OFFICIALS Mr Norman Wright (CE)
ACC Sean White, ACC Dave Pickard and Miss Kate Rowntree (CC).

INTRODUCTION

The Chair welcomed the two new Members to the panel - Mayor Stuart Drummond and Councillor Carl Richardson.

216 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from, Councillor Dave McLuckie (ex officio), Councillor Barry Coppinger, Councillor Hazel Pearson OBE, Councillor Mary Langan and Mr Geoff Fell.

217 **DECLARATIONS OF INTERESTS**

There was a declaration of interest from Mr Peter Race MBE regarding item 6 (SARC) on account of him being on the governing body of the Redcar and Cleveland PCT, which is indirectly involved in the management and part-funding of the SARC facility.

218 **MINUTES OF THE MEETING HELD 20 MAY 2010**

Members enquired as to the notes relating to the rise in serious violent crime.

Members were informed that the overall figures were low, with 12 crimes accounting for the increase. In Hartlepool this is being tackled with targeted responses to the night time economy around Church St and on domestic violence issues.

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

219 **OUTSTANDING RECOMMENDATIONS**

ORDERED that:-

1. the outstanding recommendations be noted.

FORCE PERFORMANCE REPORT (APRIL TO MAY 2010)

ACC White presented the report to Members. He commented on the background of community consultation that assisted in the creation of policing priorities which are then reflected in the 18 performance indicators within the Priority Indicator Set. There are 8 indicators marked green, 3 amber and 7 red. There has been a continued good performance in reducing crime, increasing detections and reducing ASB, all of which has continued during periods 3 and 4.

The force is working on reducing the perception indicators around drugs, alcohol and rowdy behaviour. There are also initiatives to reduce assault without injury, taken forward by the Violent Crime Group. Another area to tackle is the prevalence of shoplifting and metals theft, which may both be reflective of the economic downturn.

The overall aim is to turn as many red and amber performance indicators to green by year end.

Mayor Drummond enquired as to how ASB is measured and does it relate to local authority data? ACC White explained the reporting and recording mechanisms via the control room and stated that local authority recording of ASB is separate.

Cllr Richardson enquired as to whether the Priority Indicator Set can be reported at District level. ACC White commented that some of the targets measures are at force level only and that performance at District level is discussed in more detail at the monthly Strategic Performance Group. He invited all members to attend this forum in future if they wished to (action noted below). Mr Race and Mr Coombs explained that District performance details are also available in the papers that go to the BCU performance meetings, which are copied to all members.

Mr Hanif enquired as to the public confidence measure, where Cleveland is now 9th nationally. ACC White commented that most forces are now in a narrow band of 52-58%, so relatively small changes in this percentage can lead to relatively large changes in the league table. He noted that the Head of Corporate Planning and Governance is working on an action plan to boost this public confidence score and offered a future briefing to members on the subject.

ORDERED that:

1. The report be noted.
2. ACC White arrange for the Head of Corporate Planning and Governance to prepare a briefing for members on the action plan to improve public confidence.

**Assistant
Chief
Constable**

UPDATE ON SEXUAL ASSAULT REFERRAL CENTRE (SARC)

ACC Pickard presented this report. He commented on the governance and funding arrangements and the fact that the usage of the facility is up 13% in a year, with male users up 100%. The SARC is meeting all of its objectives and functioning well.

Mr Coombs and Miss Andrews-Mawer enquired as to the risk to future funding as the PCTs may be abolished. ACC Pickard stated that the funding

was not yet identified as being under threat but that if it was to come under threat it would become an item for action via the force risk register.

ORDERED that:

1. The report be noted.

222

POLICING PLEDGE UPDATE (verbal report)

ACC White described the 10 Pledge measures and the initiatives taken up since the Pledge was introduced in December 2008. He noted that the Home Secretary has scrapped the initiative as a bureaucratic solution to what is core policing. He stressed that the indicators are important for the public and that the police will continue to try to maintain and improve performance in these areas for the public.

ORDERED that:

1. The report be noted.

223

STOP AND SEARCH STATISTICS

ACC White described the PACE powers and the reasons for encounters that lead to stop and search. He commented on the 9815 incidents as being 54 per day, which are proportional with regard to the community ethnic profile and which lead to a 16% arrest rate. The statistics are broken down to District level. The process will be documented on CUPID in the near future. Overall this is a proactive and intelligence-led form of policing that is very effective. It shows that our police are on the streets tackling the crime and disorder problems that matter to our communities.

Mayor Drummond enquired as to the "other" category. ACC Pickard pointed to Section 60 disorder powers such as searching in-coming football fans for alcohol.

Cllr Richardson enquired as to comparisons with other forces and ACC White stated that this can be covered in a future report.

Cllr Richardson enquired as to the 16 firearms searches where there was no arrest. ACC Pickard explained that this is where allegations are made of possession that turns out not to be the case when searched.

ORDERED that:

1. The report be noted.
2. A future report to include comparisons to most similar forces.

**Assistant
Chief
Constable**

224

LEGISLATIVE PROGRAMME AND POLICING PRIORITIES

Mr Wright presented this report. He focused on the 3 simple messages from the new Coalition Government: -

- Central targets will be swept away, including the single confidence measure and those around the Policing Pledge.
- The Big Society theme for policing is that the public must be

7(c)

informed and consulted with over policing priorities and targets.

- There has to be big cuts in funding so forces must focus on reducing costs whilst protecting frontline services.

These themes will be developed in the new Police Reform and Social Responsibility bill.

ACC Pickard commented that a restricted definition of frontline policing may affect the morale of those staff in protective services and other areas of policing.

ACC White noted the concerns over the proposal for a Directly Elected Individual that may replace up to 17 experienced and hard working members. Also the widely-remarked concerns over possible politicization of policing.

ORDERED that:

1. The report be noted.

225

BME FOCUS GROUP RESULTS

Mr Wright presented this report. He commented on how these focus group sessions follow on from the joint local survey and that the meetings in Middlesbrough and Hartlepool were well attended. Common themes from these BME groups were:-

- A high proportion of attendees have experienced racism recently but tended not to report verbal attacks.
- Police officers were seen as polite and professional but perhaps should have more cultural awareness training and should do more to follow up incidents by informing victims.
- Many attendees had not seen the various publicity materials on neighbourhood policing and they suggested more advertising in free newspapers and on Facebook.

Mr Hanif stated that he attended the Middlesbrough event and had reported the issue raised over lack of contact with the communities to the District Commander.

ORDERED that:

1. The report be noted.

226

MINUTES OF THE STRATEGIC PERFORMANCE GROUP

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

- 30 April 2010 and
- 20 May 2010

ORDERED that:

1. The minutes be noted.
2. The invitation from ACC White that members are welcome to attend these monthly meetings be noted.

**A/Chief
Executive**

227 **MINUTES OF THE CITIZEN FOCUS PROJECT BOARD (11 MAY)**

Members inspected the minutes of this Board meeting.

ORDERED that:

1. The minutes be noted.

228 **ANY OTHER BUSINESS**

ACC Pickard gave members an overview of Cleveland's assistance in the Raoul Moat incident. This involved over 100 personnel over 10 days, and the helicopter. There was a good collaboration from Cleveland and Durham firearms teams. The costs will be recovered from Northumbria Police.

229 **MINUTES OF THE PROFESSIONAL STANDARDS PANEL
HELD ON 29 JULY 2010**

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

PROFESSIONAL STANDARDS PANEL

ACTION

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

PRESENT: Mr Ted Cox JP (Chair), Cllr Caroline Barker, Cllr Ron Lowes, Mr Mike McGrory JP, Cllr Mary Lanigan and Cllr Carl Richardson.

OFFICIALS: DCC Derek Bonnard, Sgt Steve Gillson, Mrs Joanne Monkman and Miss Kate Rowntree (CC)
Mrs Kath Allaway and Mr John Bage (CE)

GUEST: Mr Nicholas Long (IPCC)

WELCOME: The Chair welcomed the new Member Cllr Carl Richardson and Guest Mr Nicholas Long to the meeting.

230 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr Dave McLuckie and Mr Peter Race MBE.

231 **DECLARATIONS OF INTERESTS**

There were no declarations of interests.

232 **MINUTES OF THE PREVIOUS MEETING 29 APRIL 2010**

The minutes of 29 April 2010 were agreed as a true record.

Matters Arising

Members queried a reference in the previous minutes regarding the use of

the Sexual Assault Referral Centre (SARC).

The Deputy Chief Constable informed members that he had since discussed this with the Chair, to the Chair's satisfaction.

Members requested if the data regarding letters of appreciation could be broken down into categories for Districts and Departments.

The Deputy Chief Constable informed Members that this could be arranged. **DCC**

233

OUTSTANDING RECOMMENDATIONS

ORDERED that:-

1. the outstanding recommendations be noted.

234

IPCC MATTERS

Mr Nicholas Long informed Members of his previous meetings with the police authority in 2004 when he was invited to Cleveland in his capacity as a Member of the MPA and the interest shown in the MPA's methodology in the Brixton area of London.

Mr Long informed Members of his new role with the IPCC covering the four Yorkshire forces and those in the north east region.

Members were informed that there appeared to be a low level of input from the IPCC into the affairs of Cleveland and he is assured from the work he has carried out that this is a true and accurate reflection.

Mr Long explained his long and experienced history of dealing with custody matters and having visited Cleveland on many occasions he is content that Cleveland's performance in custody matters is the best in the UK.

Since taking over his IPCC role, he has visited BCUs and was particularly impressed by the quality of custody facilities and arrangements for supervision of Officers. Particularly the parade rooms where there is a clear integration of rank from Constable through to Inspectors.

Mr Long informed Members that he has had a number of discussions with HMIC and stated that there may be a correlation between strong supervision and low levels of complaints and that the proactive model adopted by Cleveland is proving successful.

He is very keen to ensure that matters are dealt with locally where possible and would encourage Cleveland to increase rate of local resolution.

Mr Long offered some statistical information to place Cleveland's performance in contexts;

- o 53, 534 allegations recorded nationally
- o Cleveland recorded 735 allegations
- o 31,259 complaint cases recorded nationally
- o 410 complaint cases recorded for Cleveland
- o 38% were locally resolved

He informed Members that these figures show the very significant performance levels of Cleveland compared to the rest of the UK and commended their achievements.

The Chair thanked Mr Long for his comments and attendance at the meeting.

235

CIVIL CLAIM STATISTICS

The Legal Advisor presented the Civil Claim Statistics for the period 1st April 2010 – 30th June 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.

Members queried if it were possible to have trend information presented with-in the report.

The Chair informed Members that he would discuss these matters with the Deputy Chief Constable outside of the meeting and report back to Members.

Chair / DCC

ORDERED that:

1. the number of claims received remained the same as the number of claims received in the same period last year, with motor liability being the leading category, be noted.
2. a 225% increase in the number of claims finalised when compared with the same period last year be noted.
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, be noted.
4. the 62 cases settled during the period cost the Force £172,701. This was to be compared with the 9 cases settled during the same period last year at a cost of £30,854 be noted.
5. Headquarters is the area with most claims, be noted.

236

COMPLAINTS AGAINST POLICE

The representative from the Professional Standards Department presented the Complaints Against Police for the period April 2010 to June 2010. The report was produced in the format to be National Intelligence Model (NIM) Compliant.

Members were informed that there had been a 7% decrease in the number of cases recorded during that period (121 to 112), with a 2% decrease in the number of complaints (down from 173 to 170).

Complaints of "other neglect/failure in duty" and "Incivility" continued to outnumber those of "Assault" allegations, 32 and 45 complaints respectively, compared to 28 in the "Assault" categories.

23% (30) of completed complaints had been locally resolved. During that period 63% (19) of locally resolved complaints had been by District and 37% (11) by the Professional Standards Department.

Members were informed about the 'Lesson's Learned' section of the report, and how this is disseminated across the Force area.

Members requested information on what was 'corrupt practice', how it was defined and how it was dealt with.

The Deputy Chief Constable informed Members of how such matters were dealt with and assured Members that he meets with the Chair of the Panel monthly to discuss such.

The Deputy Chief Constable further assured Members that in every such case, he personally becomes involved with these matters, and that should one arise at the next meeting he would take Members through the process.

DCC

Members sought assurance on a number of matters pertaining to complaints against the police, all of which were responded to the satisfaction of Members.

Members were informed that 81 letters of appreciation had been received.

ORDERED that:

1. The contents of the report be noted.

237

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 April 2010 to 30th June 2010 and of the operational results achieved through such forced entry and other premises searches.

Members were informed that the Force had paid out £14,971 in compensation for acts of deliberate damage, this compared to £8,447 paid out in the same period during the previous year. Whilst 2410 searches were conducted, only 243 (10.1%) resulted in deliberate damage compared to 8.92% in the previous year. The value of property, cash and drugs seized totaled £412,282 and this compared to £940,772 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.

238

INDEPENDENT CUSTODY VISITING ANNUAL REPORT 2009/10

The Lead Member for Custody Visiting informed Members that the purpose of the report was to provide Members with an update on the Cleveland Police Authority Independent Custody Visiting Scheme, and in particular in

respect of the number of visitors, visits undertaken, training and meetings during 2009 – 2010.

Members were informed that Police Authorities are required to operate an Independent Custody Visiting Scheme within the Police Reform Act 2002. National guidance published recommended that regular visits are undertaken by volunteers recruited and managed by the Police Authority, to Police Custody units. Within this guidance visits are undertaken in pairs and are unannounced. Visitors must be allowed access to the Custody area immediately unless there is a safety issue in which case this must be recorded.

ORDERED that:

1. Members receive the Independent Annual Report and its publication on the Cleveland Police Authority website be agreed.

239

INDEPENDENT CUSTODY VISITORS HOME OFFICE CODE OF PRACTICE

The Police Authority's Independent Custody Visitor Scheme Administrator informed Members that the Home Office had issued a new code of practice in respect of the Independent Custody Visiting Scheme.

Members were informed that there is likely to be national guidance produced in the future to go with the Code of Practice, but at this stage it is not clear when this will be published. The action plan attached at Appendix A to the report had been produced to ensure that Cleveland Police Authority is complying with the new Code.

ORDERED that:

1. the Code of Practice and the action plan be received to ensure that the Authority complies with the Code be noted.

240

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.

241

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.

242

MINUTES OF THE AUDIT & INTERNAL CONTROL PANEL HELD ON 10 AUGUST 2010

ORDERED that the following minutes of the Audit & Internal Control Panel held on 10 August 2010 were submitted and approved.

AUDIT AND INTERNAL CONTROL PANEL

ACTION

A meeting of the Audit and Internal Control Panel was held on Tuesday 10 August 2010 commencing at 10.30 am in the Members Conference Room, Police Headquarters.

PRESENT Mr Mike McGroarty JP (Chair), Mr Peter Hadfield (Vice Chair), Mr Geoff Fell, Councillor Mary Langan, Mr Chris Coombs and Councillor Caroline Barker.

OFFICIALS Mr Michael Porter, Mr Norman Wright and Mr John Bage (CE).
Mr Derek Bonnard and Miss Kate Rowntree (CC).

AUDITORS Mrs Sue Turner – Internal Auditor (RSM Tenon),
Mr Paul Heppell and Ms Lynne Snowball – External Auditor (Audit Commission)

243 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Dave McLuckie (ex officio), Mr Peter Race MBE (ex officio), Mayor Stuart Drummond and Mrs Ann Hall

244 DECLARATIONS OF INTERESTS

There were no declarations of interest.

245 MINUTES OF THE PREVIOUS MEETING HELD 3 June 2010

Members sought an additional commentary to the previous minutes in the declarations of interest. Following this the minutes were agreed as a true and accurate record.

246 OUTSTANDING RECOMMENDATIONS

ORDERED that:-

2. the Outstanding Recommendations were noted and updated.

247 EXEMPTIONS FROM STANDING ORDERS (APRIL – JUNE 2010)

The Deputy Chief Constable 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 to the report.

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

Members robustly and individually reviewed, each of the exemptions.

Members requested information relating to Forensic Telecommunications.

The Deputy Chief Constable gave an explanation as to Forensic Telecommunications and informed Members that the Force are looking to bring this service in-house, but explained that due to its nature not every aspect of this type of work could be carried out in-house.

ORDERED that;

1. the exemptions in Appendix A to the report be noted
2. Standing Orders be set aside in respect of the item reported in Appendix B, be noted

248

POLICE AUTHORITY RISK REGISTER – AUGUST 2010

Members were informed that the purpose of the report was to provide Members with the opportunity to review the CPA Risk Register and Action Plan.

The Strategy & Performance Manager informed Members that 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 decisions be subject to effective scrutiny and the management of risk. It further recommended that the Authority should ensure that risk management is embedded into the culture of the organization.

In order to engender and support a culture of risk management across the Authority and Force, the Chief Executive established a Joint Risk Management Group that meets monthly. This Group reviewed the progress being made with the Force implementation programme and will, amongst other things; facilitate consistency between the Authority and Force Risk Registers.

At the July meeting of the Joint Risk Management Group it was agreed to insert relevant items from the CPA Baseline Assessment – a risk identification exercise commenced in January 2010 - onto the CPA Risk Register. In addition to this various partnership risks have been identified in respect of funding matters.

The Strategy & Performance Manager informed Members that the ability to identify and manage its risks will enhance the Authority's capability to promote openness and accountability, promote corporate governance and performance improvement.

ORDERED that;

1. the Risk Register at Appendix A to the report and Action Plan at Appendix B to the report be agreed.
2. the Police Authority Risk Register is currently being transferred onto the new 4Risk electronic risk management system be noted.

249

INTERNAL AUDIT PROGRESS REPORT

The Internal Auditor informed Members that the periodic internal audit plan for 2010/11 was approved by the Audit & Internal Control Panel on 3 June 2010. The report presented summarised the outcome of work completed to date against that plan. Appendix A to the report provided cumulative data in support of internal audit performance.

Members were informed that regular liaison meetings are held with the Authority and the Force to discuss developments within the organisation and the scoping of individual audits. Future quarterly meetings to discharge such are planned.

ORDERED that;

1. the report be noted.

250

AUDIT PROGRESS REPORT – 2009/10

The Chair agreed to accept a tabled draft report of the Audit Commission, 'Audit Progress Report August 2010'.

The Chair and Members agreed that the press and public should be excluded from the meeting under Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972 for paragraphs 16 - 19 of the report, and that the Audit Commission should provide a copy of this report excluding those paragraphs which would be made publicly available.

The Treasurer informed Members that prior to the Statement of Accounts being agreed and signed off by the Police Authority Executive, there were a small number of matters that need addressing prior to 30th September 2010. These were PFI Asset Valuations, Pensions and Staffing Issues.

The Audit Commission gave Members further information on the areas of business to be concluded. In addition the Audit Commission also informed regarding new systems they are trying to implement in a less costly manner. This would allow greater focus on local value for money issues. Members were pleased to accept the offer of a presentation at a future briefing session to help focus on where this might be of benefit locally.

The Audit Commission updated Members on the present situation following recent Government announcements, and offered to give Members a presentation encompassing all issues and committed to keep Members informed of developments.

**AUDIT
COMMISSION**

Members enquired as to the PFI Asset Valuations and why there had been variations that needed addressing.

The Treasurer informed Members that due to changes in the International Financing Reporting Standards (IFRS) there is now a new requirement to show such issues on balance sheets.

The Treasurer informed Members that it had been prudent in the past for the Audit & Internal Control Panel (or a representative group of such) to meet so that it may, when satisfied, recommend the Statement of Accounts to the Police Authority Executive. He requested that such a meeting be held

prior to the Police Authority Executive dealing with such business.

ORDERED that;

1. a future briefing to Members, to be carried out by the Audit Commission be agreed.
2. a meeting be arranged prior to a Police Authority Executive, with the Chair, Vice Chair, Treasurer, Audit Commission and Cllr Lanigan to oversee the finalising of the Statement of Accounts be agreed.
3. the report be noted.

251

EXCLUSION OF THE PRESS AND PUBLIC

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

252

AUDIT PROGRESS REPORT – AUGUST 2010

In reference to paragraphs 16 – 19 of the Audit Progress Report the Audit Commission informed Members of their review into a staffing issue within the Police Authority which was concluded in a comprehensive report which was considered by the full Authority at its meeting on the 25 June 2010.

ORDERED that:-

1. the report be noted.

253

**MINUTES OF THE STRATEGIC AIR SUPPORT PANEL
HELD ON 12 AUGUST 2010**

ORDERED that the following minutes of the Strategic Air Support Panel held on 12 August 2010 were submitted and approved.

STRATEGIC AIR SUPPORT

An meeting of the Strategic Air Support Panel was held on Thursday 12 August 2010 commencing at 2.00pm, in the Members Conference Room at Police Headquarters.

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

ADDITIONAL MEMBERS Mr Geoff Fell

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

254

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councilor Dave McLuckie (ex officio)

255 **MINUTES OF THE PREVIOUS INFORMAL MEETING HELD ON 27
MAY 2010**

The minutes were held as a true and accurate record

256 **AIR OPERATIONS UNIT PERFORMANCE UPDATE**

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

Members were informed that during the period May to June 2010, the aircraft had flown for 188 hours, attended 541 incidents resulting in 98 arrests. The detailed performance figures were shown at Appendix A to the report.

The Assistant Chief Constable Crime Operations informed Members that in the first year of operation, the Cleveland Air Support Unit flew to approximately 60% more incidents in Cleveland than when they were part of the North East Air Support Unit (NEASU).

Members were informed of a number of incidents that the Unit had dealt with and were further informed that the helicopter is having a large impact on crime arrests, but separately is continuing to have a big impact on missing person's searches. Such incidents can have significant resource issues for the Force, which are greatly reduced by utilising the helicopter.

Members were informed that for the reporting period, there had been 9 letters of appreciation and one minor complaint regarding noise whilst flying over Elton Village.

The Assistant Chief Constable Crime Operations informed Members that as it was now summer, they had seen a large increase in the number of requests for the helicopter to attend public events. The helicopter had attended a number of these, and they have been extremely well received with very positive feedback and are a good way of engaging with different sectors of the community.

Members commented that they had seen the helicopter at the recent Cleveland Show and that it had generated a great deal of positive interest and feedback from the public.

ORDERED that:

1. the report be noted.

257 **NATIONAL AIR SUPPORT SERVICE UPDATE**

The Assistant Chief Constable Crime Operations informed Members that following a previous update, Cleveland Police had written to the Home Office detailing the Force's approach to participating in any National Air Service. However the Force had not been involved in any further meetings or work in connection with this area.

Members were informed that the Force had requested an update from T/Superintendent Richard Watson who had been working on the project

7(c)

under the authority of Chief Constable Alex Marshall who is the national lead. Members were given an update.

The Assistant Chief Constable informed Members that there were two main aspects to Governance arrangements, the Air Operations Working Group and the National Police Air Service Management Board. However Cleveland are excluded from having any representation on these groups. Chief Constable Marshall will be delivering the project proposal to his Chief Officer colleagues at the Chief Constable's Council meeting in October 2010.

Members expressed concern that Cleveland had no representation and were excluded directly from either of the Governance arrangements put in place.

Members felt that such a lack of representation could have a critical effect on future air operations across the Cleveland area.

ORDERED that:

1. the Assistant Chief Constable Crime Operations write to Chief Constable Marshall to seek an explanation as to Cleveland's direct exclusion from the National Air Operations Governance process, be agreed.
2. the report be noted.

**ACC Crime
Ops**

258

PROCUREMENT UPDATE IN RELATION TO THE PURCHASE OF THE NEW HELICOPTER

The Assistant Chief Constable Crime Operations informed Members that the purpose of the report was to update Members on the purchase of the new helicopter.

Members were reminded that in September 2008, Cleveland Police Authority placed an order for a new helicopter to replace the present aircraft. The new helicopter is a Eurocopter EC 135 P2i.

Cleveland's new helicopter has now arrived in the UK and is at the Eurocopter factory at Oxford. The UEO attended Oxford at the beginning of July and went through a short acceptance procedure. This consisted of checking the aircraft has been built to our specification. It is a fully working helicopter but will now go through several months of being kitted out with police role equipment. The new helicopter is expected to be received in Force in either December 2010 or January 2011.

ORDERED that:

1. the report be noted.

259

**MINUTES OF THE STRATEGIC AIR SUPPORT PANEL
HELD ON 12 AUGUST 2010**

ORDERED that the following minutes of the Strategic Air Support Panel held on 12 August 2010 were submitted and approved.

STRATEGIC AIR SUPPORT

An meeting of the Strategic Air Support Panel was held on Thursday 12 August 2010 commencing at 2.00pm, in the Members Conference Room at Police Headquarters.

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

ADDITIONAL MEMBERS: Mr Geoff Fell

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

260 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councilor Dave McLuckie (ex officio)

261 **MINUTES OF THE PREVIOUS INFORMAL MEETING HELD ON 27 MAY 2010**

The minutes were held as a true and accurate record

262 **AIR OPERATIONS UNIT PERFORMANCE UPDATE**

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

Members were informed that during the period May to June 2010, the aircraft had flown for 188 hours, attended 541 incidents resulting in 98 arrests. The detailed performance figures were shown at Appendix A to the report.

The Assistant Chief Constable Crime Operations informed Members that in the first year of operation, the Cleveland Air Support Unit flew to approximately 60% more incidents in Cleveland than when they were part of the North East Air Support Unit (NEASU).

Members were informed of a number of incidents that the Unit had dealt with and were further informed that the helicopter is having a large impact on crime arrests, but separately is continuing to have a big impact on missing person's searches. Such incidents can have significant resource issues for the Force, which are greatly reduced by utilising the helicopter.

Members were informed that for the reporting period, there had been 9 letters of appreciation and one minor complaint regarding noise whilst flying over Elton Village.

The Assistant Chief Constable Crime Operations informed Members that as it was now summer, they had seen a large increase in the number of requests for the helicopter to attend public events. The helicopter had attended a number of these, and they have been extremely well received with very positive feedback and are a good way of engaging with different sectors of the community.

Members commented that they had seen the helicopter at the recent Cleveland Show and that it had generated a great deal of positive interest and feedback from the public.

ORDERED that:

2. the report be noted.

263

NATIONAL AIR SUPPORT SERVICE UPDATE

The Assistant Chief Constable Crime Operations informed Members that following a previous update, Cleveland Police had written to the Home Office detailing the Force's approach to participating in any National Air Service. However the Force had not been involved in any further meetings or work in connection with this area.

Members were informed that the Force had requested an update from T/Superintendent Richard Watson who had been working on the project under the authority of Chief Constable Alex Marshall who is the national lead. Members were given an update.

The Assistant Chief Constable informed Members that there were two main aspects to Governance arrangements, the Air Operations Working Group and the National Police Air Service Management Board. However Cleveland are excluded from having any representation on these groups. Chief Constable Marshall will be delivering the project proposal to his Chief Officer colleagues at the Chief Constable's Council meeting in October 2010.

Members expressed concern that Cleveland had no representation and were excluded directly from either of the Governance arrangements put in place.

Members felt that such a lack of representation could have a critical effect on future air operations across the Cleveland area.

ORDERED that:

3. the Assistant Chief Constable Crime Operations write to Chief Constable Marshall to seek an explanation as to Cleveland's direct exclusion from the National Air Operations Governance process, be agreed.
4. the report be noted.

**ACC Crime
Ops**

264

PROCUREMENT UPDATE IN RELATION TO THE PURCHASE OF THE NEW HELICOPTER

The Assistant Chief Constable Crime Operations informed Members that the purpose of the report was to update Members on the purchase of the new helicopter.

Members were reminded that in September 2008, Cleveland Police Authority placed an order for a new helicopter to replace the present aircraft. The new helicopter is a Eurocopter EC 135 P2i.

Cleveland's new helicopter has now arrived in the UK and is at the

Eurocopter factory at Oxford. The UEO attended Oxford at the beginning of July and went through a short acceptance procedure. This consisted of checking the aircraft has been built to our specification. It is a fully working helicopter but will now go through several months of being kitted out with police role equipment. The new helicopter is expected to be received in Force in either December 2010 or January 2011.

ORDERED that:

2. the report be noted.

265

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.

266

JOINT WORKING BETWEEN CLEVELAND & DURHAM IN ROADS POLICING AND FIREARMS FUNCTIONS

The Assistant Chief Constable Crime and Operations informed Members that the purpose of the report was to inform the Chairs and Members of the Police Authorities in Cleveland and Durham of the proposals contained in a detailed business case relating to joint working between the Forces in the functions of roads policing and firearms.

The Chairman queried whether it would be possible to move to a joint collaborative position quicker if an approach was made to Her Majesty's Government to consider such arrangements.

The Assistant Chief Constable Crime and Operations informed Members that such an approach may be of value, should Members wished to consider this route.

The detailed business case for Option 2c in the report demonstrated that there are a number of opportunities to extend collaborative working in the areas of roads policing and firearms, to each force's mutual benefit. There is potential for making considerable savings, and achieve operational benefits which will streamline structures and enhance performance.

Furthermore, Members were informed that Option 2c to the report also provided an enabling stepping stone to Option 3b to the report, where both Forces' RPU and firearms structures would be able to operate from a single base, potentially delivering further economies of scale.

ORDERED that;

1. Option 2c to the report, for implementation from 1st

April 2011 be agreed.

2. a Chief Inspector be appointed to oversee the implementation of the plan, with a view to being the first Head of the future joint unit, be agreed.
3. a 6 shift system is endorsed as a desirable proposition be agreed.
4. delegation is given to both Chief Constable's to resolve issues and costs associated with establishing an implementation team be agreed.
5. the approach recommended by the Heads of Finance relating to the apportionment of costs, savings and benefits on a 50/50 basis be agreed.
6. the Chief Constable's and Police Authority Chief Executive's be given delegated authority to draw up and execute the necessary Collaboration Agreement be agreed.
7. the potential for future movement towards Option 3b – a single joint operations base by both Police Authority's be noted.
8. Members on the Cleveland & Durham Tactical Training Centre Strategic Board report any appropriate business on these matters, through Cleveland Police Authority's Operational Policing Panel, be agreed.

COUNCIL
9 December 2010



Report of: Constitution Committee

Subject: REVIEW OF THE SCHEME OF DELGATED
AUTHORITY

1. PURPOSE OF REPORT

- 1.1 To give consideration to proposed amendments to Part 3 of the Constitution, Responsibility for Function, further to reports considered by the Constitution Working Group and most recently at the Committee meetings held on 8th October 2010 and 19th November 2010.

2. BACKGROUND INFORMATION

- 2.1 The Council as a public authority may not delegate its decision making functions in the absence of expressed or implied statutory authority. Local authorities have seen a wide range of statutory provisions relating to the delegation of authority, not least that seen under the Local Government Act, 1972, and specifically Section 101, thereof. This allows for a local authority to arrange for the discharge of any of its functions by 'a Committee, a Sub-Committee or Officer' of any other local authority. Local authorities therefore as part of the operation of proper and effective corporate governance, rely on formal arrangements through a scheme of delegation. The Local Government Act, 2000, introduced the concept of "Executive arrangements" namely those functions which are to be the responsibility of the Executive with the additional power of the Secretary of State to prescribe those functions which are not to be the responsibility of the Executive. Accordingly, Section 13 of the Local Government Act, 2000, provides the statutory framework for the purposes of determining those functions which are the responsibility of the Executive.
- 2.2 The "Local Government Act, 2000: Guidance to English Local Authorities", which has statutory force by virtue of Section 38 of the 2000 Act, noted the division of functions and responsibilities between the Executive and the Council, as follows;

- The determination upon policy framework and budget and other constitutional and quasi- legislative functions are to be the responsibility of the Council;
- Functions which involve the determining of an application of a person for a licence, approval, consent, permission or registration together with any related enforcement action are not to be the responsibility of the Executive; and
- All other functions are to be the responsibility of the Executive.

2.3 This guidance also stipulates that were a local authority delegates its functions to Committees or Sub-Committees, such delegation should be kept to a minimum and should be proportionate to the size of the authority and also should be kept under review. Further, Regulation 3 and Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations, 2000, enable local authorities to decide whether certain “local choice functions” are to be the responsibility of the Executive. These functions, broadly fall within the two categories set out below;

- Locally derived functions ie conferred by local Acts,
- Functions which depending on the circumstances, may be appropriate for either the Executive, the full Council or a Committee (or Officer).

2.4 Examples of such “local choice functions” include the following;

- Power to acquire information as to interests in land under Section 330 of the Town and Country Planning Act, 1990, as amended, and Section 16 of the Local Government (Miscellaneous Provisions) Act, 1976.
- The determination of certain appeals ie school admission, exclusions.,
- Control of pollution, statutory nuisances and other environmental protection functions.
- Appointment to outside bodies. However, this will be dictated as to whether the appointment relates to functions exercisable by the Executive (eg education, Social Services, regeneration etc) otherwise such appointments can be made by Council, a Committee or Officer.

2.5 The Council's Internal Audit are also conducting a review upon this item and have previously noted that although the scheme is generally compliant with the Local Government Act, 2000 *“the current restructuring of the authority will entail that the existing scheme will become outdated”*. As part of the “Action Plan” covering the review by Internal Audit is a recommendation that not only should the scheme of delegation be revised to ensure that it is “fit for purpose” but that all relevant Members and Officers are fully aware of their responsibilities and obligations under the updated scheme of delegation.

3. REVISED SCHEME OF DELEGATION

3.1 The ‘Highlighted Changes Version’ of the amended ‘Responsibility for Functions’ document is attached. Members were referred also to “Part 8 –

Management Structure” as contained within the current Council Constitution and potentially to the “Proper Officer List” in which delegations were contained, prior to the introduction of the modular form of Constitution through the provisions of the Local Government Act, 2000. The revised ‘highlighted’ version of the scheme of delegation and ‘Proper Officer’ functions followed comments received from Council Departments. Those revisions as put forward incorporate the updating of delegations in line with statutory changes but also those structural changes introduced through the Business Transformation Programme.

- 3.2 Members are asked to consider the revisions suggested to the scheme of delegation. However, Members will note that a raft of legislation is proposed in relation to local government, particularly in relation to the ‘localism’ theme, as well as an ongoing further electoral review and therefore the scheme of delegation will need to be further reviewed in the light of such changes.
- 3.3 The overall intention of the appended document is to address delegations in a way that provides a degree of certainty to those who undertake such roles and functions, but also to provide an easier reference source, as part of the overall governance of the Council. Consequently, the responsibilities reflect changes made under the Business Transformation programme but also those statutory changes since the implementation and adoption of this particular part of the Council’s Constitution back in 2002. Members will therefore observe that there is specific mention for ‘consultation’ by those individuals exercising delegated authority as well as a power “to act generally” which allows for a ‘sub-delegation’ of authority as described within the appended document.

4. RECOMMENDATION

That the suggested changes to Part 3 of the Constitution, as appended to the report, be approved.

Part 3

Responsibility for Functions

HIGHLIGHTED CHANGES VERSION

RESPONSIBILITY FOR FUNCTIONS

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A INTRODUCTION

1. This part of the Constitution sets out which bodies and individuals are responsible for particular Council functions. These fall into two categories:
 - Council functions (sometimes referred to as non-executive functions); and
 - Executive functions.
2. These are described in more detail in the paragraphs below. Also included in this part of the Constitution are details of the membership of committees and forums, information about other bodies (including advisory bodies) and the list of proper officer functions. Advisory bodies have no decision-making power but will advise the Council or the Mayor and Cabinet Members, about a particular function. The list of proper officer functions sets out the officers responsible for certain functions under a particular piece of legislation.

Council functions

3. These are also sometimes referred to as non-executive functions and under law are functions that cannot be the responsibility of the executive. In some instances, for example adopting the annual budget, the decision can only be taken at a meeting of the full Council. In other cases, the responsibility for undertaking the function may be delegated by the Council to a committee or an officer – where this is the case it is identified in a separate column in each function table.
4. There are a number of functions for which Councils are able to determine responsibility locally, when developing their proposals for new political arrangements. These are known as local choice functions. Those local choice functions which this Council has determined will be the responsibility of Council are listed in paragraphs 24 to 35 of the functions table for full Council in section B.

Executive functions

5. All other functions are executive functions. Decisions about these functions will be taken by the Mayor, the Cabinet, individual cabinet members, cabinet committees, joint arrangements with other authorities and officers. Further information about the executive delegation scheme and its operation can be found in section C.

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B COUNCIL FUNCTIONS AND DELEGATION SCHEME

Statutory guidance recommends that where decisions are currently delegated, those delegations should continue. The officer delegation arrangements in this constitution reflect these principles and all matters previously delegated to officers prior to the introduction of the constitution remain so. Where, in any statement of the powers previously delegated, reference is made to the holder of a post or office which no longer exists, that reference shall be interpreted as being a reference to the holder of the current post or office of which the responsibilities or functions most closely relates to those of the former post-holder or office holder. In the event of any contradiction between the earlier delegations and those set out below, the latter shall prevail.

Council	
Membership:	48 (47 Councillors and the directly-elected mayor)
Quorum:	12
FUNCTION	DELEGATION
1 Functions relating to town and country planning and development control (as set out in Part A, Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (No. 2853), as amended – “the regulations”	Planning Committee and the Director of Regeneration and Neighbourhoods
2 Licensing and registration functions (as set out in Part B, Schedule 1 of the regulations)	Planning Committee, Licensing Committee and the Director of Regeneration and Neighbourhoods
3 Functions relating to health and safety at work (as set out in Part C, Schedule 1 of the regulations)	General Purposes Committee and the Director of Regeneration and Neighbourhoods

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Council (continued)		
FUNCTION	DELEGATION	
<p>4 Functions relating to elections (as set out in Part D of Schedule 1 of the Regulations):</p> <p>a) Duty to appoint an electoral registration officer</p> <p>b) Functions in relation to parishes and parish councils, contained in Part II of the Local Government and Rating Act, 1997 (c29) and subordinate legislation under that part</p> <p>c) Power to dissolve small parish councils</p>	All other powers to the General Purposes Committee or the Chief Solicitor	Formatted: Highlight
<p>d) Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.</p> <p>e) Duty to appoint returning officer for local government elections</p> <p>f) Duty to divide constituency into polling districts</p> <p>g) Power to fill vacancies in parish councils in the event of insufficient nominations</p>		Formatted: Indent: Left: 0 cm, Hanging: 0.63 cm
<p>5 Functions relating to name and status of areas and individuals (as set out in Part E of Schedule 1 of the regulations).</p> <p>6 Power to make, amend, revoke or re-enact byelaws (as set out in Part F of Schedule 1 of the regulations).</p>		Formatted: Highlight

APPENDIX 1

Council (continued)		
FUNCTION		DELEGATION
7	Power to promote or oppose local or personal Bills (as set out in Part G of Schedule 1 of the regulations).	
8	Functions relating to pensions etc. (as set out in part H of Schedule 1 of the Regulations).	General Purposes Committee, General Purposes (Appeals and Staffing) Committee and the Chief Customer and Workforce Services Officer
9	Functions relating to public rights of way (as set out in Part 1 of Part I, Schedule 1 Amendments, of the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001 (No. 2212) – “the 2001 regulations”	Planning Committee and the following officers: <ul style="list-style-type: none"> - Director of Regeneration and Neighbourhood - Director of Child and Adult Services - Chief Solicitor
10	Functions relating to Sea Fisheries. [1.I.35]	General Purposes Committee
11	Power to make standing orders. [1.I.36]	
12	Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal). [1.I.37]	Appointments Panel and Chief Executive in accordance with the Officer Employment Procedure Rules.
13	Power to make standing orders as to contracts. [1.I.38]	
14	Duty to make arrangements for proper administration of financial affairs. [1.I.39]	
15	Power to appoint officers for particular purposes (appointment of “proper officers”. [1.I.40]	

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APPENDIX 1

Council (continued)		
FUNCTION		DELEGATION
16	Power to make limestone pavement order. [1.I.41]	Planning Committee and the Director of Neighbourhood Services
17	Duty to designate officer as the head of the authority's paid service, and to provide staff etc. [1.I.43]	
18	Duty to designate officer as the monitoring officer, and to provide staff, etc. [1.I.44]	
19	Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be). [1.I.45]	Audit Committee
20	Powers relating to the protection of important hedgerows. [1.I.46]	Planning Committee and the Director of Regeneration and Neighbourhoods
21	Powers relating to the preservation of trees. [1.I.47]	Planning Committee and the Director of Regeneration and Neighbourhoods
22	Powers to make payments or provide other benefits in cases of maladministration etc. [1.I.48]	General Purposes Committee and the Chief Solicitor
23	The determination of an appeal against any decision made by or on behalf of the authority. [2.2]	General Purposes (Appeals and Staffing) Committee

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APPENDIX 1

Council (continued)		
FUNCTION	DELEGATION	
24 The making of arrangements pursuant to subsection (1) of section 6.1(1) of, and Schedule 18 to, the Schools Standards and Framework 1998 Act (appeals against exclusion of pupils). [2.4]	Chief Executive	Formatted: Highlight
25 The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the 1998 Act (admission appeals). [2.5]	Chief Executive	Deleted: s
26 The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the 1998 Act (children to whom section 87 applies: appeals by governing bodies regarding the admission of permanently excluded pupils). [2.6]	Chief Executive	Formatted: Highlight
27 The making of arrangements under section 20 (questions on police matters at Council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority. [2.7]		
28 The making of appointments under paragraphs 2 to 4 (appointment of members by relevant Councils) of Schedule 2 police authorities established under Section 3) to the Police Act 1996. [2.8]		
29 The discharge of any functions relating to the control of pollution or the management of air quality. [2.11]	General Purposes Committee	
30 The service of an abatement notice in respect of a statutory nuisance. [2.12]	General Purposes Committee	
31 The inspection of the authority's area to detect any statutory nuisance. [2.14]	General Purposes Committee	

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APPENDIX 1

Council (continued)		
FUNCTION		DELEGATION
32	The investigation of any complaint as to the existence of a statutory nuisance. [2.15]	General Purposes Committee
33	The appointment of any individual: <ul style="list-style-type: none"> a) to any office other than an office in which he is employed by the authority; b) to any body other than – <ul style="list-style-type: none"> i) the authority ii) a joint committee of two or more authorities; or c) to any committee or sub-committee of such a body, and the revocation of any such appointment * [2.19]. 	
34	The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities. [2.20]	General Purposes Committee
35	The determination of any matter in the discharge of a function – <ul style="list-style-type: none"> (a) which is the responsibility of the executive; and (b) in relation to which a plan or strategy has been approved or adopted by the authority. <p>Where the individual or body by whom the determination is to be made, is minded to determine the matter in terms contrary to the plan or strategy adopted by the authority. [4.3]</p>	
*	This function may also arise in connection with the responsibility of the Executive and will be exercised accordingly.	

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APPENDIX 1

Council (continued)	
FUNCTION	DELEGATION
36 The function of making any scheme authorised or required by regulations under section 18 (schemes for basic, attendance and special responsibility allowances for local authority members) of the Local Government and Housing Act 1989(4), or of amending, revoking or replacing any such scheme.	
37 The function of determining: <ul style="list-style-type: none"> (a) the amount of any allowance payable under – <ul style="list-style-type: none"> i) subsection (5) of section 3 (chairman's expenses) of the 1972 Act; ii) subsection (4) of section 5 (vice-chairman's expenses) of that Act; iii) subsection (4) of section 173 (financial loss allowance) of that Act [5]; iv) section 175 (allowances for attending conferences and meetings) of that Act; (b) the rates at which payments are to be made under section 174 (travelling and subsistence allowances) of that Act; (c) the amount of any allowance payable pursuant to a scheme under section 18 of the Local Government and Housing Act 1989, or the rates at which payments by way of any such allowance are to be made; 	

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APPENDIX 1

Council (continued)	
FUNCTION	DELEGATION
<p>(d) whether a charge should be made for any approval, consent, licence, permit or registration the issue of which is not the responsibility of an executive of the authority; and</p> <p>(e) where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge.</p>	
<p>38 To exercise powers under Part 2 of the Local Government and Public Involvement in Health Act 2007 regarding a change in the Council's scheme for elections and for providing by order for consequential changes to the years in which ordinary elections of parish councillors take place.</p>	
<p>39 Functions relating to the conduct of Community Governance Review under Part 4 of the Local Government and Public Involvement in Health Act 2007 including the receipt and validation of a community governance petition, the terms of reference or any review and to formulate, publish and make decisions relating from a community governance review.</p>	
<p>40 Functions reserved to Council by law.</p>	

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Audit Committee	
Membership:	7 Councillors: C Akers-Belcher (Chair), Hall, Hill, Mc Kenna, J W Marshall, Preece and Turner (Vice Chair).
Quorum:	3
FUNCTION	DELEGATION
<ol style="list-style-type: none"> 1. Promote the independent internal audit function and raise awareness of internal control, reviewing controls and financial operations and developing an anti-fraud culture. 2. Focussing and monitoring the Council's audit resources by reviewing the plans of the external auditor and the internal audit team to ensure that audit work is co-ordinated. 3. Monitoring audit performance by including reporting schedules and action on recommendations. 4. Power to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be). 5. To scrutinise the Treasury Management Strategy and resulting Treasury Management solutions thereon and to make such recommendations to Council as the Committee shall deem appropriate. 6. Consider the overall effectiveness of the Council's corporate governance arrangements, risk 	

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APPENDIX 1

management and anti-fraud and anti-corruption arrangements and to seek assurance that action is taken on risk related issues identified by internal and external audit.	
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Contract Scrutiny Committee	
Membership:	9 Councillors London (Chair), Aiken, Ingham, Lawton, Maness, Richardson, Simmons, Sutheran (Vice Chair) and Wells.
Quorum:	3
FUNCTION	DELEGATION
1. To receive and examine tender lists.	
2. To open tenders.	
3. Functions relating to the scrutiny of contracts; (a) The monitoring of contracts (at the discretion of the Committee) subject to the formal quotation procedures under the Council's Contract Procedure Rules relating to; (i) Best Price Procedures (ii) Price/Performance Contracts (iii) Partnering Contracts (b) To receive and examine reports on the outcome of best price contracts when the contract is not awarded to the tenderer with the best price.	

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Contract Scrutiny Committee (continued)	
<p>(c) To receive and examine reports on the outcome of price/performance and partnering contracts letting procedures.</p> <p>(d) To receive and examine reports on any exception from the Contract Procedure Rules.</p> <p>4. To act as a consultee on the annual review of the Council's sustainable procurement strategy and 5 year procurement plan.</p>	
<p>5. Power to consider and make recommendations on the risk management of procurement of contracts in accordance with the Council's Contract Procedure Rules.</p>	
<p>6. Power to monitor contract register and the maintenance of select lists.</p>	

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APPENDIX 1

General Purposes Committee (continued)	
Function	Delegation
i) Power to determine fees and conditions for supply of copies of, or extracts from, election documents.	Chief Solicitor
j) Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	
2. Functions relating to local government pensions, etc., except those reserved to the General Purposes (Appeals and Staffing) Committee	
3. Power to make payments or provide other benefits in cases of maladministration, etc.	Chief Solicitor within agreed thresholds
4. Power to make agreements with other local authorities for the placing of staff at the disposal of those other authorities.	
5. To advise the executive on the appointment of school governors.	

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General Purposes Committee (continued) Function	Delegation
6. To exercise the non-executive powers, duties and functions of the Borough Council (with the exception of those delegated to the Planning Committee and Licensing Committee) so far as they can lawfully be exercised at times when a decision relating to any matter is needed as a matter of urgency and it would not be practical to convene a meeting of the Council.	
7. Functions relating to health and safety at work (as set out in Part C of Schedule 1 to the Regulations).	Director of Regeneration and Neighbourhood Power to carry out all of the functions of the Committee in paragraphs 8-14 adjacent with the exception of the power to refuse, revoke or suspend any licence or registration. Power to refuse, revoke or suspend any licence or registration in cases where eligibility criteria are not met or in cases where there is judged to be a clear risk to the well-being of the public which needs to be addressed as a matter of urgency.
8. Functions relating to sea fisheries. [1.1.35]	
9. Power to make closing order with respect to take away food shops [1.1.42]	
10. The discharge of any functions relating to the control of pollution or the management of air quality. [2.11]	
11. The service of an abatement notice in respect of a statutory nuisance. [2.12]	
12. The inspection of the authority's area to detect any statutory nuisance. [2.14]	
13. The investigation of any complaint as to the existence of a statutory nuisance. [2.15]	

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APPENDIX 1

General Purposes (Appeals and Staffing) Committee	
Membership:	<p>5</p> <p>Chair : Vice-Chair of Council – Councillor Aiken</p> <p>Cabinet Member with responsibility for the service area relevant to the appeal (or other Cabinet Member nominated by the Mayor).</p> <p>Three members selected from a rota of General Purposes Committee Members maintained by the Democratic Services Team Manager.</p>
Quorum:	3
FUNCTION	DELEGATION
<p>1. Power to consider and determine:</p> <ul style="list-style-type: none"> • Appeals against dismissal • Appeals against grading/regrading decisions • Disputes or appeals arising out of departmental staffing reviews and/or re-structures • Grievances at the final internal stage 	
<p>2. Power to determine complaints to members in accordance with the Council's agreed complaints procedures</p>	

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APPENDIX 1

General Purposes (Appeals and Staffing) Committee (continued)	
Function	Delegation
3. Power to determine appeals from individuals relating to the execution of executive functions which are not delegated to another decision-maker and which are not subject to other statutory appeals arrangements	
4. Functions relating to local government pensions, etc. relating to the determination of individual cases.	Individual early retirement decisions within the scheme to the Chief Customer and Workforce Services Officer , with the agreement of the Chief Financial Officer and in consultation with the Chief Executive or appropriate director.

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Note

For early retirement decisions under function 4, concerning officers appointed by Members under the Officer Employment rules, the committee membership will be increased to seven and will include two ex-officio non-voting executive members. The Mayor will nominate the executive members of the committee.

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APPENDIX 1

Licensing Committee	
Membership:	15 Councillors: Morris (Chair), Aiken, Atkinson, Barclay, Brash, Fleet, Griffin, Hall, Jackson, Laffey (Vice Chair), Lawton, G Lilley, London, Rogan and Sutheran.
Quorum:	3
FUNCTION	DELEGATION
<ol style="list-style-type: none"> All licensing and registration functions set out in Part B of Schedule 1 to the Regulations except those relating to Commons Registration, Roads and Highways (Planning Committee). Licensing functions under the Licensing Act 2003 and the Gambling Act 2005 in considering the grant refusal, variation, issue of any counter notice and cancellation of licences, certificates, permits or registration (other than where such matters have been delayed) in respect of: <ol style="list-style-type: none"> Application for Premises Licence (Gambling Act). Application for a Variation of Premises Licence (Gambling Act). Application for a Transfer of a Premises Licence (Gambling Act). Application for a Provisional Statement (Gambling Act). Review of a Premises Licence (Gambling Act). Application for a Club/Gaming Club Machine Permits (Gambling Act). Cancellation of Club/Gaming 	<p>Director of Regeneration and Neighbourhood</p> <p>Power to carry out all of the functions of the Committee with the exception of the power to refuse, revoke or suspend any licence or registration.</p> <p>Power to refuse, revoke or suspend any licence or registration in cases where eligibility criteria are not met or in cases where there is judged to be a clear risk to the well-being of the public which needs to be addressed as a matter of urgency.</p>

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	Club Machine Permits (Gambling Act).	
8.	Applications for other permits under the Gambling Act.	
9.	Cancellation of Licensed Premises Gaming Machine Permits (Gambling Act).	
10.	Consideration of Temporary Use Notice (Gambling Act).	
11.	Decision to give a Counter Notice to a Temporary Use Notice (Gambling Act).	
12.	Amusements with Prizes (Gambling Act)	
13.	Lotteries (Gambling Act).	
14.	Prize Bingo (Gambling Act).	
15.	Application for a Premises Licence (Licensing Act).	
16.	Application for a Variation of a Premises Licence (Licensing Act).	
17.	Application to Transfer a Premises Licence (Licensing Act).	
18.	Application to Grant a Provisional Statement (Licensing Act).	
19.	Application to Vary a Designated Supervisor (Licensing Act).	
20.	Application to Grant a Club Premises Certificate (Licensing Act).	
21.	To Grant a Variation of a Club Premises Certificate (Licensing Act).	
22.	Making an order under Section 284 disapplying Section 279 (Exempt Gaming) or Section 282(i) (Gaming Machines Automatic Entitlement) to specific licenced premises.	
23.	Approving the Statement of Principles to be applied regarding functions relating to Family Entertainment Centre Gaming Machine Permits and Prize Gaming Permits.	

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APPENDIX 1

Planning Committee	
Membership:	18 Councillors:- Cook (Chair), S Akers-Belcher, Brash, Cranney, Hargreaves, James, Lawton, G Lilley, London, J Marshall, Morris (Vice Chair), Richardson, Sutherland, Thomas, H Thompson, P Thompson, Wells and Wright.
Quorum:	7
FUNCTIONS	DELEGATIONS
<ol style="list-style-type: none"> 1. All functions relating to town and country planning and development control (as set out in Part A of Schedule 1 to the Regulations). 2. Powers relating to the protection of important hedgerows (as set out in Part I of Schedule 1 to the Regulations). 3. Powers relating to the preservation of trees (as set out in Part I, Schedule 1 to the regulations). 4. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land. 5. The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976. 	<p><i>Director of Regeneration and Neighbourhoods</i></p> <ol style="list-style-type: none"> 1. Power to carry out all of the functions of the Committee in paragraphs 1-5 adjacent, subject to the following exceptions: <ol style="list-style-type: none"> i) in the case of any relevant application which is submitted to the Council for determination, any matter which any member requests should be referred to the Committee for decision, such request to be received within 21 days of publication of details of the application. ii) any matter which falls significantly outside of established policy guidelines or which would otherwise be likely to be controversial, iii) the determination of applications submitted by the Council in respect of its own land or proposed development, except those relating to operational development to which there is no lodged objection.

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APPENDIX 1

Planning Committee (continued)	
Function	Delegation
6. Powers, related to Commons Registration as set out in part B of Schedule 1 to the Regulations. [1B.37 & 38]	iv) the refusal of an application except with the agreement of the Chair of the Committee.
7. Functions relating to public rights of way (as set out in Part 1 of Part I of Schedule 1 to the 2001 Regulations).	v) except in cases of urgency a) power to require the discontinuance of a use of land b) power to serve a stop notice c) power to issue an enforcement notice
8. The licensing and registration functions set out in Part B of Schedule 1 to the regulations at points 41 and 47-55 relating to the New Roads and Street Works Act 1991 and the Highways Act 1980.	d) power to apply for an injunction restraining a breach of planning control e) power to require proper maintenance of land f) power to serve a building preservation notice and related powers
9. Functions relating to Town and Village Greens (as set out in Part 1 of Schedule 1 to the 2000 Regulations).	g) power to issue enforcement notice in relation to demolition of unlisted building in conservation area h) powers to acquire a listed building in need of repair and to serve a repairs notice
10. To comment upon relevant Development Plan Documents (DPD's) and Supplementary Planning Documents (SPD's).	i) power to apply for an injunction in relation to a listed building,
11. To consider reports on the proposed DPD's of neighbouring authorities where the Council is a consultee.	exercise of such powers to be reported for information to the next available meeting of the Committee.
12. To receive reports on the performance of the Development Control and Planning Policy section.	2. Power to formulate decision notices following decisions made in principle by the Committee.
13. To consider reports on proposed changes to national planning policy	

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APPENDIX 1

Planning Committee (continued)	
Function	Delegation
	<ol style="list-style-type: none"> 3. Power to negotiate and set charges for diversion or related matters and to take action regarding blockages or Rights of Way issues other than those related to countryside management. 4. Power in cases of urgency to carry out all of the functions of the Planning Committee relating to public rights of way (other than those delegated to the Director of Regeneration and Neighbourhoods), following discussion of the issues with the Chair of the Committee. 5. In relation to matters which are relevant to countryside management, power to negotiate and set charges for diversion or related matters and to take action regarding blockage on Rights of Way issues. 6. Power in cases of urgency to carry out all of the functions of the Planning Committee relating to public rights of way which are relevant to countryside management. 7. Power to carry out all of the functions of the Committee with the exception of any matter which falls significantly outside of established policy guidelines or which would otherwise be likely to be controversial.

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	<p>8. Power to register without modification unopposed applications to register land as town or village green in respect of Town and Village Greens, following the statutory consultation period.</p>
	<p>Chief Solicitor</p> <p>1. Power to confirm without modification unopposed creation, diversion or extinguishment Orders in respect of Public Rights of Way, following the statutory advertising period.</p> <p>2. Power to confirm, without modification, unopposed footpath and footway conversion orders following the statutory advertising period.</p> <p>3. Power to confirm, without modification, all future unopposed Definitive Map Modification Orders following the statutory advertising period.</p>

APPENDIX 1

Constitution Committee	
Membership:	<p>11 – As detailed in Article 15.</p> <p>Chair: Chair of the Council, Councillor Richardson, Vice Chair of the Council, Councillor Aiken, The Mayor Stuart Drummond, Scrutiny Co-ordinating Chair, Councillor James.</p> <p>Seven other Members of Council including 1 Member of the Scrutiny Co-ordinating Committee: Councillors: C Akers-Belcher, Cook, Gibbon, Griffin, Morris, Preece and Simmons.</p>
Quorum:	3
FUNCTIONS	DELEGATIONS
To review, monitor, and where necessary, recommend changes to the constitution to full Council, as set out in Article 15	

The Constitution Committee and the Constitution Working Group may co-opt to the committee/working group any person who they consider will be of assistance to the committee/working group in relation to any matter or question under consideration. The person co-opted shall be entitled to participate in the meetings of the committee/group when such matter or question is under consideration but shall not be entitled to vote unless s/he is a councillor.

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APPENDIX 1

Constitution Working Group Membership:	11 – As detailed in Article 15. Chair: Chair of the Council, Councillor Richardson, Vice Chair of the Council, Councillor Aiken, The Mayor Stuart Drummond, Scrutiny Co-ordinating Chair, Councillor James. Seven other Members of Council including 1 Member of the Scrutiny Co-ordinating Committee: Councillors C Akers Belcher, Cook, Gibbon, Griffin, Morris, Preece and Simmons.
Quorum:	3
FUNCTIONS	DELEGATIONS
<ol style="list-style-type: none"> 1. To informally review, monitor and consider proposed amendments to the Constitution. 2. To discuss and advise on constitutional issues prior to formal consideration by the Constitution Committee. 	

The Constitution Committee and the Constitution Working Group may co-opt to the committee/working group any person who they consider will be of assistance to the committee/working group in relation to any matter or question under consideration. The person co-opted shall be entitled to participate in the meetings of the committee/group when such matter or question is under consideration but shall not be entitled to vote unless s/he is a councillor.

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APPENDIX 1

Civic Honours Committee	
Membership:	<p>The Mayor, Stuart Drummond</p> <p>The Chair man of the Council, Councillor Richardson (Chair)</p> <p>7 Members</p> <p>Councillors Dr Morris, Preece and Turner (4 vacancies)</p> <p>Non-voting members:</p> <p>Resident Representative: Ms C Blakey</p> <p>Community Empowerment Network Representative: Mr R Foreman</p>
Quorum:	6 – A voting majority of 6 Members is required.
<i>FUNCTION</i>	<i>DELEGATION</i>
<ol style="list-style-type: none"> 1. Receive, consider and make recommendations to Council in respect of conferment of the Freedom of the Borough upon individuals or organisations. 2. Consider nominations for Honorary Alderman and make recommendations to the Council thereon. 3. Make recommendations and issue guidance as the Committee may consider appropriate to Council on the conferment of Civic Honours. 	

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APPENDIX 1

Neighbourhood Consultative Forum (North)	
Membership:	<p>Elected representatives of the following Wards: Brus, Dyke House, Hart, St Hilda and Throston.</p> <p>Councillors:- Fleet (Chair), Atkinson, Barclay, Barker, Cook, Fleming, Griffin, Jackson, McKenna, J Marshall, J W Marshall, Plant, Rogan, Thomas and Wright.</p> <p>Resident Representatives – Christine Blakey, John Cambridge, John Maxwell, Joan Norman, Linda Shields, Joan Steel and Robert Steel.</p>
Quorum:	6 (4 Councillors and 2 Resident Representatives)
FUNCTIONS	DELEGATIONS
<ol style="list-style-type: none"> 1 To be a focal point for local consultation on the provision of Neighbourhood Services. 2 To enable discussion to take place with executive councillors on issues of local interest. 3 To advise the Council executive, overview and scrutiny committees, the Hartlepool Partnership and Regeneration Partnerships on matters of interest to their area. 4 To be a key part of the Council, Hartlepool Partnership and Regeneration Partnerships local consultation process. 	

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APPENDIX 1

Neighbourhood Consultative Forum (North) (continued)	
FUNCTIONS	DELEGATIONS
5 To assist all councillors in listening to and representing their community. 6 To help build partnerships between the local authority, other local public, private and voluntary sector organisations and the public. 7 To assist in the development of the Community Plan 8 To enable the Chair of the forum to liaise on behalf of the Council with Chairs of local Parish Councils. 9 To hold Local Police Consultation meetings in partnership with the Chief Constable. 10 To recommend minor works for the general improvement of the area from a budget specifically allocated for this purpose.	<p>Approval of minor works recommendations is delegated to the Assistant Director (Neighbourhood Services) in consultation with the Community Safety and Housing Portfolio Holder</p>

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APPENDIX 1

Neighbourhood Consultative Forum (Central)	
Membership:	<p>Elected representatives of the following Wards: Burn Valley, Elwick, Foggy Furze, Grange, Park, Rift House and Stranton.</p> <p>Councillors: - Cranney (Chair), Aiken, S Akers-Belcher, Brash, Hall, Ingham, Laffey, Lauderdale, London, Maness, Morris, Payne, Richardson, Shaw, Simmons, Sutheran, H Thompson, R Wells and Worthy.</p> <p>Resident Representatives: Liz Carroll, Bob Farrow, Peter Goodier, Ted Jackson, Evelyn Leck, Brenda Loynes, Stephen Mailen, Brian McBean, Julie Rudge and Hilda Wales.</p>
Quorum:	8 (5 Councillors and 3 Resident Representatives)
FUNCTIONS	DELEGATIONS
<ol style="list-style-type: none"> 1 To be a focal point for local consultation on the provision of Neighbourhood Services. 2 To enable discussion to take place with executive councillors on issues of local interest. 3 To advise the Council executive, overview and scrutiny committees, the Hartlepool Partnership and Regeneration Partnerships on matters of interest to their area. 	

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APPENDIX 1

Neighbourhood Consultative Forum (Central) (continued)	
FUNCTIONS	DELEGATIONS
<p>4 To be a key part of the Council, Hartlepool Partnership and Regeneration Partnerships local consultation process.</p> <p>5 To assist all councillors in listening to and representing their community.</p> <p>6 To help build partnerships between the local authority, other local public, private and voluntary sector organisations and the public.</p> <p>7 To assist in the development of the Community Plan.</p> <p>8 To enable the Chair of the forum to liaise on behalf of the Council with Chairs of local Parish Councils.</p> <p>9 To hold Local Police Consultation meetings in partnership with the Chief Constable.</p> <p>10 To recommend minor works for the general improvement of the area from a budget specifically allocated for this purpose.</p>	<p>Approval of minor works recommendations is delegated to the Assistant Director (Neighbourhood Services) in consultation with the Community Safety and Housing Portfolio Holder.</p>

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APPENDIX 1

Neighbourhood Consultative Forum (South)	
Membership:	<p>Elected representatives of the following Wards: Fens, Greatham, Owton, Rossmere and Seaton.</p> <p>Councillors: - A Marshall (Chair), C Akers-Belcher, Flintoff, Gibbon, Hargreaves, Hill, James, Lawton, A E Lilley, G Lilley, Preece, P Thompson, Turner, and Young.</p> <p>Resident Representatives: Mary Green, Rosemarie Kennedy, Iris Ryder and Angie Wilcox.</p>
Quorum:	6 (4 Councillors and 2 Resident Representatives)
FUNCTIONS	DELEGATIONS
<ol style="list-style-type: none"> 1 To be a focal point for local consultation on the provision of Neighbourhood Services. 2 To enable discussion to take place with executive councillors on issues of local interest. 3 To advise the Council executive, overview and scrutiny committees, the Hartlepool Partnership and Regeneration Partnerships on matters of interest to their area. 4 To be a key part of the Council, Hartlepool Partnership and Regeneration Partnerships local consultation process. 	

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APPENDIX 1

Neighbourhood Consultative Forum (South) (continued)	
FUNCTIONS	DELEGATIONS
5 To assist all councillors in listening to and representing their community. 6 To help build partnerships between the local authority, other local public, private and voluntary sector organisations and the public. 7 To assist in the development of the Community Plan. 8 To enable the Chair of the forum to liaise on behalf of the Council with Chairs of local Parish Councils. 9 To hold Local Police Consultation meetings in partnership with the Chief Constable. 10 To recommend minor works for the general improvement of the area from a budget specifically allocated for this purpose.	<p>Approval of minor works recommendations is delegated to the Assistant Director (Neighbourhood Services) in consultation with the Community Safety and Housing Portfolio Holder.</p>

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APPENDIX 1

Pride in Hartlepool Steering Group Membership:	7 Three Neighbourhood Forum Chairs: Councillors Fleet (North), Cranney (Central) and A Marshall (South), Chair of Council, Councillor Richardson, a representative of the Hartlepool Mail and two representatives from Hartlepool Partnership's Environmental Theme Partnership: R Pailor and L Phillipson. In addition, the Cabinet Member with responsibility for Transport and Neighbourhoods, Councillor Peter Jackson, will be invited to attend Steering Group meetings for discussions.
Quorum:	3
FUNCTIONS	DELEGATIONS
To advise the executive on campaigns, projects and other initiatives relating to Pride in Hartlepool, including appropriate financial support.	Approval of all grant proposals is delegated to the Assistant Director (Neighbourhood Services) in consultation with the Transport and Neighbourhoods Portfolio Holder

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APPENDIX 1

Standards Committee	
Membership:	<p>7</p> <p>Councillors: - Fleet, Griffin, Preece, Morris, Shaw, Simmons and Sutheran.</p> <p>4 Independent Members – Barry Gray (Chair), Ted Jackson, Professor Brian Footitt and 1 vacancy.</p> <p>Parish Council Representatives: Alan Bell (Hart) and 2 vacancies.</p>
Quorum:	<p>4 (3 Councillors and 1 independent member)</p> <p>When dealing with Parish Council issues the quorum will be 5 (3 Councillors and 1 independent member and the Parish Council representative)</p>
FUNCTIONS	DELEGATIONS
<p>1 Promoting and maintaining high standards of conduct by the mayor, councillors, co-opted members and church and parent governor representatives;</p> <p>2 Assisting the mayor, councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;</p> <p>3 Advising the Council on the adoption or revision of the Members' Code of Conduct;</p> <p>4 Monitoring the operation of the Members' Code of Conduct;</p>	

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APPENDIX 1

Standards Committee (continued)	
FUNCTIONS	DELEGATIONS
<p>5 Advising, training or arranging to train the mayor, councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;</p> <p>6 Granting dispensations to the mayor, councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;</p> <p>7 Dealing with any reports from a case tribunal or interim case tribunal, and any report from the monitoring officer on any matter which is referred by an ethical standards officer to the monitoring officer; and</p> <p>8 To recommend changes to full Council in relation to the promotion and maintenance of high ethical standards within the Authority.</p> <p>9 Promoting and maintaining high standards of conduct by officers.</p> <p>10 Assisting officers to observe a Code of Conduct for Employees and advising the Council on the adoption or revision of such a Code of Conduct for employees.</p>	

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Standards Committee (continued)	
FUNCTIONS	DELEGATIONS
<p>11 Monitoring the operation of a Code of Conduct for Employees.</p> <p>12 Dealing with the grant and supervision of exemptions from political restrictions in respect of all relevant Council posts.</p> <p>13 To receive and make recommendations to the Audit Committee as may be required in relation to the better governance of the Council.</p> <p>14 To consider complaints relating to the conduct of Members of the Council under the Member/Employee Protocol and the Planning Code of Practice.</p> <p>15 To monitor the operation of the Council's Anti-Fraud and Corruption Policy so far as it relates to the actions of Members of the Council.</p> <p>16 And to report on such matters to Council with recommendations thereon and that the Council may from time to time arrange for other functions to be discharged by the Standards Committee.</p> <p>17 The exercise of 1) to 7) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils.</p>	

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scrutiny forums.	
Scrutiny Co-ordinating Committee (continued)	
<p>4 To receive requests from Members, the executive and/or the full council for items (including those referred via the Councillor Call for Action mechanism) to be considered by overview and scrutiny forums and to allocate them, if appropriate to one or more overview and scrutiny forum.</p> <p>5 To put in place and maintain a system to ensure reports from overview and scrutiny to the executive are managed efficiently and do not exceed any limits set out in this constitution (this includes making decisions about the priority of reports, if the volume of such reports creates difficulty for the management of executive business or jeopardises the efficient running of the council business).</p> <p>6 To exercise the power of call-in in relation to Executive decisions made as set out in Section 21 (3) of the Local Government Act 2000, or allocate them to the appropriate overview and scrutiny forum for consideration.</p> <p>7 Assessing, monitoring and advising on the role of the Council's central support services in supporting the Council's progress towards the Community Strategy's priority aims, including:-</p> <ul style="list-style-type: none"> - General policies of the Council relating to the efficient use of 	

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<p>resources (people, money, property, information technology); and</p> <ul style="list-style-type: none">- District Auditor performance reports, the District Auditor's Annual Audit Letter, Best Value Performance Indicators and health and safety issues.	
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APPENDIX 1

Children's Services Scrutiny Forum Membership:	9 Councillors:- Simmons (Chair), C Akers-Belcher, Fleet, Griffin, Ingham, Lauderdale, Maness, P Thompson and Wells (Vice Chair). 1 C of E Diocese representative – vacancy 1 Roman Catholic representative – D Relton 1 Parent Governor representative, Primary– vacancy 1 Parent Governor representative, Secondary- vacancy 3 Resident Representatives: Joan Steel and 2 vacancies. Children and Young Persons Representatives: 6 vacancies
Quorum:	4 Councillors (drawn from at least two political group) + 1 voting co-opted member .
FUNCTIONS	DELEGATIONS
To consider issues relating to specialist (intervention), targeted (prevention) and universal services for children and young people.	

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APPENDIX 1

Regeneration and Planning Services Scrutiny Forum	
Membership:	<p>9</p> <p>Councillors:- Cranney (Chair), Barclay, Cook (Vice Chair), Gibbon, Griffin, A E Lilley, London, Rogan and Wells.</p> <p>3 Resident Representatives: Ted Jackson, Angie Wilcox and 1 vacancy.</p>
Quorum:	4 (drawn from at least two political groups)
FUNCTIONS	DELEGATIONS
To consider issues relating to regeneration, the community strategy, building control, development control, economic development, landscape and conservation, strategic housing and community safety.	

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APPENDIX 1

Adult and Community Services Scrutiny Forum Membership:	9 Councillors:- Shaw (Chair), Atkinson, Fleet, Griffin, Ingham, Lawton, McKenna, A Marshall and Preece (Vice Chair) . 3 Resident Representatives: Christine Blakey, Evelyn Leck and 1 vacancy.
Quorum:	4 (drawn from at least two political groups)
FUNCTIONS	DELEGATIONS
To consider issues relating to specialist targeted and universal services in relation to Adults, culture and leisure.	

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APPENDIX 1

Health Scrutiny Forum	
Membership:	9 Councillors:- S Akers-Belcher (Chair), Barker, Cook, Fleet, Griffin (Vice Chair), A E Lilley, G Lilley, McKenna and Simmons. 3 Resident Representatives: Liz Carroll, Mary Green and Linda Shields.
Quorum:	4 (drawn from at least two political groups)
FUNCTIONS	DELEGATIONS
To consider issues relating to and to exercise the powers of the Health and Social Care Act 2001 in considering the provision of health services at both local and regional levels.	

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APPENDIX 1

Neighbourhood Services Scrutiny Forum Membership:	9 Councillors: - Thomas (Chair), Barclay, Cook, Fleet, Flintoff (Vice Chair), Gibbon, Griffin, McKenna and Richardson. 3 Resident Representatives: John Cambridge, Brenda Loynes and Iris Ryder.
Quorum:	4 (drawn from at least two political groups)
FUNCTIONS	DELEGATIONS
To consider issues relating to property, technical services, environmental services, emergency planning, public protection and housing.	

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APPENDIX 1

Corporate Parent Forum	
Membership:	13 Children's Services Portfolio Holder: Council for Hill Adult and Public Health Services Portfolio Holder : Councillor Hall The Mayor, Stuart Drummond Councillors Griffin, Payne, Richardson and Shaw 2 Children and Young People who are, or have been, looked after 2 Foster Carers Assistant Director (Safeguarding and Targeted Services) Policy Link Officer
Quorum:	3 Councillors and 1 representative from the Children, Young People and Foster Carers.
FUNCTIONS	DELEGATIONS
<ol style="list-style-type: none"> 1. To advise and make recommendations to the Council's decision-making bodies and other partner agencies on any issues that affect children and young people who are Looked After by Hartlepool Borough Council. 2. To oversee the exercise of the Council's responsibilities as Corporate Parent and ensure that the interests of Looked After Children are appropriately reflected in all Council policies and the work of the Children's Trust. 	<p>None.</p>

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C EXECUTIVE FUNCTIONS AND DELEGATION SCHEME

1 General Approach to Executive Decision Making

The Council's executive, which is made up of the Mayor and councillors in the Cabinet, has responsibility for all functions other than those specifically categorised as "non executive", which are set out in part 3a of the constitution. The Council takes many thousands of executive decisions each year and this section specifies who is responsible for making which decisions. The approach that is being adopted is in line with statutory guidance and the principles of decision-making set out in Article 13 of the constitution.

Working within the financial and policy framework agreed by the Council, the Mayor and Cabinet are responsible for taking decisions and issuing guidance on matters that have major corporate, strategic or financial implications. Councillors who are individual portfolio holders have a range of responsibilities connected with the services, plans and functions within their own portfolio. Decisions delegated to individual portfolio holders will be exercised in line with the financial and policy framework and any previous decisions or guidance issued by the Cabinet. Portfolio holders may refer matters within their delegated authority to the Cabinet for determination if they so wish. Officers are responsible for day to day management, professional judgements and the implementation of decisions, plans and policies agreed by Members. As with individual portfolio holders, officers may choose to refer decisions to the portfolio holder or Cabinet. Where existing policies and procedures provide for Member decision making under the Board system which previously applied, this will generally be undertaken by the relevant portfolio holder, unless it is a matter reserved to the Cabinet or delegated to officers in the constitution. Further details about decision making responsibility are given below under the following headings:

- A description of Cabinet portfolios.
- Decision making by the Cabinet.
- General responsibilities of executive councillors.
- Decision making by Cabinet committees.
- Decision making by individual councillors who are executive portfolio holders.
- Decision making by joint bodies.
- Decision making by officers.

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APPENDIX 1

Appendix 1 sets out the senior officer structure for the purposes of exercising the delegation agreements.

Section 3 sets out a protocol for Cabinet decision making.

2 Decision Making by the Cabinet

The Cabinet i.e. the Mayor and executive portfolio holders, will be responsible collectively for determining the following matters in respect of all or any functions which fall within the executive terms of reference.

1. Proposals which will be submitted to the Council as part of the annual budget and policy framework together with in year 7 departures from the framework.
2. New policies and procedures and changes to existing policies and procedures likely to have a significant impact on service provision or the organisation of the Council.
3. The principles and funding of significant management restructuring involving more than one department.
4. Any senior management restructuring involving posts appointed to by members.
5. Compulsory redundancies arising directly in connection with proposals falling into categories 3 and 4 above.
6. Broad programme allocations, together with proposals and overall expenditure levels for projects with significant corporate or service implications, including those for which it is proposed to let a contract.
7. Any matters relating to bids for funding which are financially or strategically significant and have not been provided for within the financial and policy framework.
8. Council-wide strategic performance and financial management/monitoring together with associated action.
9. Strategic and significant decisions arising from reviews undertaken by the Authority.
10. Key decisions, not delegated to an executive committee, executive member, officer or joint arrangement.
11. Sensitive matters which are not key decisions.

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3 Protocol for Cabinet Decision Making

The following protocol will be followed in arriving at, and disseminating Cabinet decisions. It will be reviewed, and where necessary, revised and expanded in the light of operational experience.

The relevant portfolio holder will:

- (1) Make any necessary report to the Council on matters within the portfolio. (Constitutional requirement)
- (2) Attend scrutiny forums at the request of the forum to answer questions about decision making and policy choices within the scope of the portfolio. (Constitutional requirement)
- (3) Lead the Cabinet discussion on the development of responses to scrutiny forum enquiries.
- (4) Report to the Cabinet on any matter in his/her decision-making powers which he/she has decided to refer to Cabinet for a view or a decision.

Where officers submit reports to Cabinet for decision or discussion, they will be invited by the Chair to outline briefly any key issues which they wish to draw to Members attention prior to Councillors debating the issue or the decision.

The relevant portfolio holder will be invited by the Chair to comment on the item prior to a decision or issue being opened for general debate.

Where portfolio holders prefer reports to be submitted without specific recommendations, officers will generally avoid making them, but will where they judge appropriate give advice on the options available and may express a professional view as to their relative merits.

Officers will make the relevant portfolio holder(s) aware of reports which they are proposing to submit to the Cabinet. Where there is any disagreement about whether such a report is appropriate, the matter will be referred to the Chief Executive to determine, in consultation with the Mayor. (Taking advice from the Monitoring Officer where necessary.) Statutory requirements and guidance on the roles and responsibilities of officers will be followed in all cases.

Where the Cabinet is inquorate, it will be open to the Mayor to make any decision having regard to the views expressed by the Members of the Cabinet present.

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4 Description of Cabinet Portfolios

Each Cabinet Member is allocated a portfolio by the Mayor, covering service areas and functions that collectively have been designed to link to the delivery of the Hartlepool Community Strategy. The following table sets out the portfolio holders and the broad scope of each portfolio. It also identifies those plans and strategies that fall within the scope of each portfolio.

Individual portfolio holders will all be responsible for the following types of decision in relation to functions and service areas within the scope of their own portfolio.

Portfolio holders retain the discretion to refer any matter to the Cabinet for determination where they feel it would be more appropriate.

PORTFOLIO HOLDER	RESPONSIBILITY
All Portfolio Holders	<ol style="list-style-type: none"> 1. Variations to existing policies and procedures together with new policies/procedures which do not have significant service or corporate impact. 2. Approval of departmental service plans. 3. Strategic service level financial and performance monitoring. 4. All executive member input to the contracting process which is not reserved to the Cabinet. 5. Setting of fees and charges that have not been determined as part of the budget process, where the in-year additional income or expenditure does not have a gross full year effect greater than £100,000 i.e. where key decision test (i) does not apply. 6. Consideration of departmental staffing proposals when permanent funding from non-staffing budgets is required.

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PORTFOLIO HOLDER	RESPONSIBILITY
All Portfolio Holders (cont'd)	<p>7. Consideration of any departmental proposals requiring compulsory redundancy of one or more staff.</p> <p>8. Matters relating to bids for funding which do not have major financial or strategic significance, or which have either been approved in principle by the Cabinet or as part of the financial and policy framework.</p> <p>9. Involvement in grant allocations and other allocations of funding within the terms of a scheme or method of allocation previously agreed by the Council.</p> <p>10. Improvement plans and other key reports.</p> <p>11. District Audit and other inspection reports on service and non-strategic corporate matters.</p> <p>12. Compensation payments above limit delegated to officers.</p> <p>13. Allocations, scheme designs and specifications within agreed programmes of works.</p> <p>14. Policies, plans and strategies which are not part of the financial and policy framework.</p>

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PORTFOLIO HOLDER	RESPONSIBILITY
The Mayor	<ol style="list-style-type: none"> 1. Functions of Cabinet, Cabinet Committees and Portfolio Holders where they have been unable to act under Executive Procedure Rule 3(iii) and where no appropriate arrangements are in place for cover, for example through the attendance of the Mayor or through temporary amendments to the delegation scheme. 2. Executive Functions where they have not been delegated within the executive delegation scheme and do not involve a key decision.

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

* shared with Regeneration and Economic Development

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EXECUTIVE PORTFOLIO	SCOPE OF PORTFOLIO
<p>2. Transport and Neighbourhoods</p> <p>Peter Jackson</p>	<ul style="list-style-type: none"> • Policy Framework <ul style="list-style-type: none"> - Local Transport Plan • Other Plans & Strategies <ul style="list-style-type: none"> - Contaminated Land Plan - Climate Change Strategy - Headland Coast Protection Strategy Study - Highway Asset Management Plan - Highway Maintenance Plan - Highway Network Management Plan - Neighbourhood Management & Empowerment Strategy - Neighbourhood Action Plans - Network Management Plan - Rights of way Improvement Plan - Shoreline Management Plan - Waste Management Strategy - Winter Maintenance Plan • Service Areas & Functions <ul style="list-style-type: none"> - Building Services - Child Poverty ** - Coastal Protection - Contaminated Land - Climate Change - Environmental Enforcement - Environmental Initiatives - Facilities Management e.g. building maintenance and cleaning - Grounds Maintenance - Highways - Horticulture - Land drainage - Neighbourhood Management - Neighbourhood Renewal - Pride in Hartlepool - Property Maintenance - Public Conveniences - Transport Services and Fleet (Vehicle Procurement and Maintenance) - Rights of Way - Strategic Transport - Traffic and Transportation - Waste Management

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

* shared with Community Safety and Housing

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

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

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

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EXECUTIVE PORTFOLIO	SCOPE OF PORTFOLIO
<p>7. Deputy Mayor, Finance and Procurement</p> <p>Robbie Payne</p>	<ul style="list-style-type: none"> • Policy Framework <ul style="list-style-type: none"> - Annual Capital Budget - Annual Revenue Budget • Other Plans & Strategies <ul style="list-style-type: none"> - Accommodation Strategy - Asset Management Plan - Capital Strategy - Commissioning and Procurement Strategy - Debt Recovery Strategy - Efficiency Strategy - Insurance Strategy - Treasury Management Strategy - Whistleblowing Policy • Service Areas & Functions <ul style="list-style-type: none"> - Capital Programme - Centralised Property Management - Child Poverty ** - Council Operational Depots - Consultancy Services - Efficiency Champion - Energy Management - Financial Services - Land and Property Acquisition and Disposal - Legal Services - Printing and Reprographics - Procurement Champion - Regional Procurement Strategy - Registration and Electoral Services - Services for Members - Standards and Ethics - Stores and Purchasing - Strategic Asset Management Planning - Sustainable Construction - Sustainable Procurement Champion - The Leased Estate

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EXECUTIVE PORTFOLIO	SCOPE OF PORTFOLIO
<p>8. Performance</p> <p>Jonathan Brash</p>	<ul style="list-style-type: none"> • Policy Framework <ul style="list-style-type: none"> - Corporate Plan • Other Plans & Strategies <ul style="list-style-type: none"> - Anti Fraud and Corruption Strategy - Corporate Equality and Diversity Plan - Customer Care Strategy - Equality and Diversity Scheme - HR Strategy - ICT Strategy - People Framework (incl HR & Workforce Development Strategies) - Risk Management Strategy - Workforce Development Strategy • Service Areas & Functions <ul style="list-style-type: none"> - Business Transformation - Benefits - Child Poverty ** - Comprehensive Area Assessment - Corporate Strategy - Council Profile - Customer Services (CRM, Contact Centre) - Democratic Services - E-Champion - Equality and Diversity - Equality and Diversity Champion - General Office Services - Health & Safety - Human Resources - ICT - Performance Management including consultation and data quality - Public Relations - Registrars - Revenues - Risk Management Champion - Shared Services - Staff and Member Development (incl council apprenticeships)

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5. General Responsibilities of Executive Councillors

5.1 The Mayor

The role and functions of the Mayor are set out in full in Article 7 of the constitution. In addition to a specific portfolio, the Mayor's responsibilities will include:

Being the local authority's principal public spokesperson.
Giving overall policy direction to the Council.
Appointing the executive and Deputy Mayor.
Deciding on a scheme of delegation for executive functions and any variations necessary during planned absences of the Mayor.
Chairing meetings of the executive.
Representing the local authority on external bodies and attending civic and ceremonial functions in accordance with the terms of the constitution.

If the Mayor is unable to act or the office is vacant, at the same time as the Deputy Mayor is unable to act or the office of Deputy Mayor is vacant, then the executive must act in the Mayor's place, or arrange for a member of the executive to do so.

5.2 The Deputy Mayor

The Deputy Mayor will act in place of the Elected Mayor if he or she:

Vacates office.

Is Incapacitated.

Is absent for a sufficiently long period that the Chief Executive judges decision making may not be postponed.

During unplanned absences where decisions may not reasonably be postponed until the Mayor's return, the Deputy Mayor will exercise all of the Mayor's powers necessary to ensure the smooth running of the Council.

The Deputy Mayor is Councillor Robbie Payne.

5.3 All Executive Portfolio Holders

Each executive portfolio holder will undertake the following responsibilities in relation to the service areas and functions falling within their portfolio.

Act as principal spokesperson on portfolio issues.

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To appoint among those Executive Portfolio Holders present a Chair at a meeting of the Executive, when the Mayor and Deputy Mayor are absent or otherwise unable to act.

Liaise with officers in the development of budget and policy framework proposals and other policy matters.

Undertake relevant responsibilities at Council meetings – including during public question time.

Act as the Council's representative on outside bodies (where relevant)

Attend scrutiny and neighbourhood consultative forums as required.

Monitor performance.

Participate in reviews undertaken by the Authority.

Agree responses to government and other consultation.

Take specific decisions as authorised in the executive delegation scheme.

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6 Decision Making by Committees of the Cabinet**Grants Committee****Membership:****3****The following executive portfolio holders:**

- **Community Safety and Housing
- The Mayor, Stuart Drummond
(Chair)**
- **Culture, Leisure and Tourism –
Councillor H Thompson**
- **Finance and Performance –
Councillor R Payne**

Quorum:**2****RESPONSIBILITIES**

Allocation of grants of over £500 from the following funds:

- Community grants pool
- Community safety capital grants
- Grants for play schemes and play development
- Directed lettings
- Voluntary sector youth centre support
- Youth advisory grants

All civic lottery grants and the financial management arrangements of the existing scheme

The sponsorship of new grant-aiding schemes, related to community services functions funded by external regimes.

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Hartlepool United Executive Committee	
Membership:	4 The following executive portfolio holders: <ul style="list-style-type: none"> • Finance and Procurement - Councillor R Payne (Chair) • Culture, Leisure and Tourism – Councillor H Thompson • Regeneration and Economic Development – Councillor Hargreaves • Transport and Neighbourhoods – Councillor Jackson
Quorum:	3

RESPONSIBILITIES

To exercise all the functions of the executive in relation to a request by the Hartlepool United Football Club to purchase their ground, Victoria Park and adjacent land from the Council. – Council 15.9.05

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APPENDIX 1**7 Decision Making by Individual Councillors who are Executive Portfolio Holders**

Individual portfolio holders will all be responsible for the following types of decision in relation to functions and service areas within the scope of their own portfolio.

Portfolio holders retain the discretion to refer any matter to the Cabinet for determination where they feel it would be more appropriate.

PORTFOLIO HOLDER	RESPONSIBILITY
Executive Member for Finance and Procurement	<ol style="list-style-type: none"> 1. Writing-off of debts above the limits allocated to officers 2. Sales of Council land (other than housing land) within the framework agreed by Council, which are not key decisions.
Executive Member for Performance	Additional payments (eg. honoraria) to postholders appointed by members which have been proposed by the Chief Customer and Workforce Services Officer.
Executive Member for Community Safety and Housing	Approval of recommendations for minor work schemes proposed by neighbourhood consultative forums.
Executive Member for Transport and Neighbourhoods	Approval of grants awarded by Pride in Hartlepool.
Executive Member for Children's Services	<ol style="list-style-type: none"> 1. Ensuring that the relevant functions of the Local Education Authority are exercised to promote high standards in schools. 2. The appointment of school governors in cases where the power of appointment rests with the Local Education Authority and

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	following advice from the General Purposes Committee.
Executive Member for Adult and Public Health Services	1. Matters related to the exercise of accountability or statutory responsibilities in respect of integrated service delivery.

8 Decision Making by Joint Bodies

The following joint bodies will exercise executive functions in accordance with the terms of the agreements currently in operation:

- Tees Valley Unlimited
- The North East Purchasing Organisation
- Archives Joint Committee
- Cleveland Emergency Planning Committee

9 Decision Making by Officers – Statutory Framework and Basic Principles

- 9.1.** Statutory guidance requires that in councils operating executive arrangements, the executive should continue to delegate operational management decisions to officers, as well as decisions in respect of functions which require professional officer training and skills. It also recommends that where decisions are currently delegated, those delegations should continue. The officer delegation arrangements in this constitution reflect these principles and all matters previously delegated to officers prior to the introduction of the constitution remain so. Where, in any statement of the powers previously delegated, reference is made to the holder of a post or office which no longer exists, that reference shall be interpreted as being a reference to the holder of the current post or office of which the responsibilities or functions most closely relates to those of the former post-holder or office holder. In the event of any contradiction between the earlier delegations and those set out below, the latter shall prevail.

Functions other than those listed in paragraphs 2 to 7 above are delegated to the officers listed in the appended table or their authorised representatives.

Officers will at all times operate in accordance with policies and procedures approved by Members and within the Council's policy and financial framework. They will also exercise the powers and observe the requirements contained in the Council's financial procedure rules, contract procedure rules and officer employment

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rules, together with any other relevant provisions of the Council's constitution.

9.2 Responsibilities to be exercised by all officers listed in Appendix 1 and their authorised representatives

Working within the basic principles set out in the introductory section, the Council's **Corporate Management Team** and their authorised representatives may take decisions and initiate action falling within their managerial or professional responsibilities in the following categories:

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1. Any matters within the terms of existing personnel and staff policies, practices and procedures.
2. Negotiation and agreement with trade unions on departmental matters, jointly with the **Chief Customer and Workforce Services Officer** where appropriate.
3. The engagement of temporary staff or assistance where necessary, in consultation with the Chief Customer and Workforce Services Officer.
4. Development of, and recruitment to, staffing structures within approved staffing budgets and in line with service priorities, with the agreement of the Chief Executive Officer and Chief Finance Officer, where the circumstances are not of the categories reserved to members.
5. Authorisation of paid secondary employment or any additional payments for posts other than those appointed to by members, with the agreement of the Chief Customer and Workforce Services Officer and the Chief Finance Officer.
6. The initiation and conduct of any legal action or proceedings, in consultation with the Chief Solicitor where appropriate.
7. The exercise of the Council's powers or the discharge of its duties under any relevant legislative provisions.
8. The exercise of any powers, duties or responsibilities allocated under legislation or statutory guidance to the postholder.
9. Signing, negotiating, or otherwise acting as the Council's representative, as necessary to implement a decision, or in connection with the day to day management of Council business, subject to the financing and legal implications being approved by the Chief Finance Officer/Chief Solicitor.

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10. Approval or otherwise of any function or activities to be held in Council premises, or on Council land or which otherwise requires the Council's agreement, following consultation with relevant colleagues.
11. Discretion to waive charges in appropriate circumstances.
12. Submission of bids for funding where urgent action is required.
13. Allocation of grants or financial support/compensation within thresholds or on Terms, approved by members.
14. The necessary temporary closure of facilities or buildings, including bank holiday closures.
15. Any action required as a consequence of emergency incidents.
16. Any decision provided for within the terms of a policy, procedure or scheme previously approved by the Council or under delegated authority.
17. Any action necessary to implement a strategy, policy, plan or programme agreed or delegated by members.

In exercising their delegated powers, Chief Officers will

(i) act within the law, the Council's Constitution and follow the Council's policy framework including the approved budget.

(ii) consult the relevant portfolio holder (in relation to executive matters only) and/or the Chairman of the relevant Committee (in relation to non-executive matters) prior to taking action where:

a) the taking of the action has policy or significant financial implications or

b) where the portfolio holder or chairman has given a prior indication that he/she wishes to be consulted on the matter or type of matter.

(iii) consult any other appropriate Chief Officer

(iv) keep a formal record of the exercise of the delegated power and of the consultation undertaken.

(v) make the record available on request to

a) The public, provided this does not involve the release of confidential or exempt information.

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- b) Any member of the council provided this does not involve the release of confidential or exempt information to which the member is not entitled.

Each Chief Officer shall act as the designated Proper Officer for the following functions under the Local Government Act 1972.

- i) to identify which background papers disclose facts on which a particular report or an important part of the report is based (Section 100D(5)(a) of the Act);
- ii) to prepare a list of background papers and to make arrangements for production of copies of background papers (Section 100D(1)(a) and (B)).

Part 3 – Responsibility for Functions

(Such delegation related to the Chief Officer(s) in whose name(s) the report is prepared).

Chief Officers may authorise any other officers of the Council to exercise powers delegated to them. Chief Officers must prepare in writing a scheme authorising any other officers to exercise such powers. Chief Officers shall remain accountable for any action or decisions taken under that authority.

For the avoidance of doubt, any delegation made by Chief Officers and any authorisation to officers shall continue in force and any action taken thereunder shall remain valid unless and until it is superseded by such further delegation or authorisation.

In the event of a Chief Officer post being vacant, or in the absence of a Chief Officer those delegated powers may be exercised by the relevant Heads of Service(s) within that Department so far as permitted by law.

Where this Constitution permits the exercise of delegated powers by Heads of Service such exercise is subject to the same restrictions and requirements as are applicable to Chief Officers.

10 Individual Director/Chief Officer Delegation

All officers listed in appendix 1 may exercise such delegations from the general list which apply to the functions and services for which they are responsible. A summary of how responsibility for functions and services is allocated within the Council's officer management structure is given in Part 8 of the constitution. Delegations should be exercised following consultation with other directors/chief officers where they have a relevant interest.

The following section identifies additional delegated responsibilities which are exercisable by named officers or their representatives. Some of the matters listed are covered by the general delegations above, but have been included separately where this provides additional clarity.

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Chief Executive

1. Determination of attendance by councillors at non-local events either not included in the approved list of conferences, seminars and meetings, or where the member is not specified on the approved list, together with any reasonable associated costs.
2. Determination of attendance of directors at events not on the approved list of conferences, seminars and meetings.
3. Determination of the filling or otherwise of vacant posts that occur within existing staffing establishments.
4. Determination of any requests in connection with the use of office accommodation within any Council establishments, together with matters relating to bank holiday and other closures of the Civic Centre and other administrative buildings.
5. Determination of all matters relevant to the discharge of the Council's civic and ceremonial functions, including the replacement of civic vehicles, and the provision of appropriate hospitality, which may be necessary to facilitate the efficient discharge of the Council's functions in this area, in line with the policies on civic and ceremonial issues approved by councillors.
6. Determination of when the efficient operation of the Council requires the Deputy Mayor to exercise the powers of the Mayor in the Mayor's absence.
7. To exercise any function which is delegated to a designated Chief Officer.
8. Exercise the powers to make closure orders under Section 40 of the Anti-Social Behaviour Act 2003 and to respond to Police consultation in respect of closure notices.

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Chief Customer and Workforce Services Officer

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1. Determination, and where necessary adjudication, on all issues of interpretation/application relating to the national and local conditions of service both corporately and in individual cases.
2. Power to consult, negotiate and reach agreements with the trade unions on corporate staffing/employment matters within the overall policy and financial framework determined by members, and in consultation with directors/chief officers as appropriate.
3. To administer and grant Housing and Council Tax Benefit under the Social Security, Contributions and Benefits Act 1992 and the Social Security, Contributions and Benefits Act 1992 and the Social Security Administration Act 1992.
4. To grant Discretionary Housing Payments to Housing and Council Tax Benefit recipients for Housing Costs in accordance with the Social Security Amendment (Discretionary Housing Payments) Regulations 2001 and the Discretionary Housing Payments (Grants) Order 2001.
5. To receive and record declarations of hospitality received from officers.

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Assistant Chief Executive

1. To exercise all of the powers of the Chief Executive under the Constitution, in the absence of the Chief Executive.

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Chief Solicitor

1. Power to seek counsel's opinion on any matter affecting the Council's affairs and instruct counsel as necessary in the Council's interests.
2. Power to institute, withdraw from, compromise or participate in any legal proceedings involving the Council.
3. Power to take any legal action necessary to give effect to a decision of the Council.

Chief Finance Officer

1. The arrangement of insurance cover and settling of claims within the framework of the approved Insurance Strategy.

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2. To administer the billing and collection of Community Charge Council Tax and Non-Domestic Rates in accordance with the Local Government Finance Acts 1988 and 1992.

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3. To administer and grant Housing and Council Tax Benefit under the Social Security, Contributions and Benefits Act 1992 and the Social Security Administration Act 1992.

4. To determine applications for rate relief under sections 43, 45, 47 and 48 of the Local Government Finance Act 1988 in accordance with any general scheme approved by the Council.

5. To determine applications for hardship relief in respect of Non-Domestic Rates under Section 49 of the Local Government Act 1988 in accordance with any general scheme approved by the Council.

6. To determine applications in respect of empty allowances for part-occupation of non-domestic hereditaments under Section 44A of the Local Government Act 1988.

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7. To make proposals for the alteration of the Local Valuation List and to lodge appeals against decisions of the Valuation Tribunal and Lands Tribunal.

8. To grant discretionary housing payments to Housing and Council Tax Benefit recipients for housing costs in accordance with the Social Security Amendment (Discretionary Housing Payments) Regulations 2001 and the Discretionary Housing Payments (Grants) Order 2001.

9. To take Court proceedings for the recovery of Community Charge, Council Tax and Non-Domestic Rate.

10. To write off irrecoverable Community Charge, Council Tax, Non-Domestic Rates and other irrecoverable debts which are uneconomic to collect.

11. To manage the borrowing, financing and investment requirements of the Council in accordance with a approved council policy.

12. To make all necessary banking arrangements on behalf of the Council.

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Director of Child and Adult Services

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1. Exercise responsibilities and duties in order to promote and safeguard the interests and well being of children and adults, for whom the local Authority has a social services function.
2. Exercise the authority to handle financial affairs on behalf of vulnerable adults, including to accept and enact duties through the Court of Protection.
3. Exercise the authority to institute legal proceedings and action in relation to vulnerable adults and to accept on behalf of the local Authority, Court and other legal orders, in relation to those vulnerable adults including the power to authorise the deprivation of liberty of persons under the Mental Capacity Act 2005.
4. Agree care packages, service responses and expenditure for care and accommodation of individuals for whom the Council has a social services function and to do so within the Council's eligibility criteria and exceptionally outside of eligibility criteria where necessary on the grounds of urgency, vulnerability or legal directive.
5. Determine contracts and arrangements for social care services in accordance with the commissioning strategy and approved contract process and in relation to independent sector providers, with other local Authorities and with health bodies.
6. Establish and operate registers of need, condition or service.
7. Exercise duties as Responsible Individual and matters relating to registration and operation of social care services.
8. Determine and implement any response necessary to meet the needs of young people in the youth justice system as required by the courts or the national standards for the Youth Offending Service.
9. Exercise responsibilities and duties in order to protect and safeguard the interest and well being of children for whom the local authority has a social services function.
10. Exercise responsibilities and duties conferred as or exercisable by the local authority in their capacity as local education authority.
11. Determine:
 - Whether to make an assessment of a child's educational needs.

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- Whether to make a statement of special educational needs after such an assessment.
- The manner in which the authority proposes to provide for those needs.
- Any payment or reimbursement of travelling costs incurred by a pupil with SEN or the parents of such a pupil in relation to the attendance of the child at school, visits of the parent to the school and weekend visits to the home by the pupil.

12. Exercise the powers of the Council as Local Education Authority under the Schools Standards and Framework Act 1998 and any steps required under direction issued by the Secretary of State for Education.

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13. To make arrangements to promote co-operation between the Council and its partner authorities and other persons or bodies to reduce and mitigate the effects of child poverty in the Council's area under Section 21 of the Child Poverty Act 2010.

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14. Exercise responsibilities and duties in order to protect and safeguard the interest and well being of children for whom the local authority has a social services function.

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15. Exercise responsibilities and duties conferred as or exercisable by the local authority in their capacity as local education authority.

16. Approve grants and awards to pupils and students in further or higher education in accordance with nationally or locally agreed schemes or provisions, or as a special case outside such provisions, in either case in accordance with regulations and advice issued by the Secretary of State for Education.

17. Determine:

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- Whether to make an assessment of a child's educational needs.
- Whether to make a statement of special educational needs after such an assessment.
- The manner in which the authority proposes to provide for those needs.
- Any payment or reimbursement of travelling costs incurred by a pupil with SEN or the parents of such a pupil in relation to the attendance of the child at school, visits of

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the parent to the school and weekend visits to the home by the pupil.

18. Exercise the powers of the Council as Local Education Authority under the Schools Standards and Framework Act 1998 and any steps required under direction issued by the Secretary of State for Education and Skills.

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Director of Regeneration and Neighbourhood Services

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1. Determine and implement a joint waste strategy developed by the constituent authorities.

2. To manage, operate and develop regeneration policies and activities.

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3. To receive, pass or reject all plans, certificates and notices pursuant to the Building Regulations 2000 and related legislation.

4. To exercise the Council's functions in respect of dangerous and dilapidated buildings and other structures including authorising service of Notice under the Public Health Acts 1936 and 1961 and the Building Act 1984.

5. To determine all forms of planning and other applications under Part III of the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act, the Planning (Hazardous Substances) Act 1990, the Planning Act 2008 or under any related secondary legislation except those reserved to the Planning Committee.

6. To exercise the Council's functions with regard to temporary markets under Section 37 of the Local Government (Miscellaneous Provisions) Act 1982.

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7. To undertake the Council's powers and duties in relation to high hedge complaints under the Anti-Social Behaviour Act 2003.

8. To exercise the functions of the Council in relation to the management, inspection and control of asbestos, (Control of Asbestos at Work Regulations), and water systems in relation to Legionella (Approved Code of Practice for Minimisation of Legionella in Water Systems (L8)).

9. To exercise the Council's functions under the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987.

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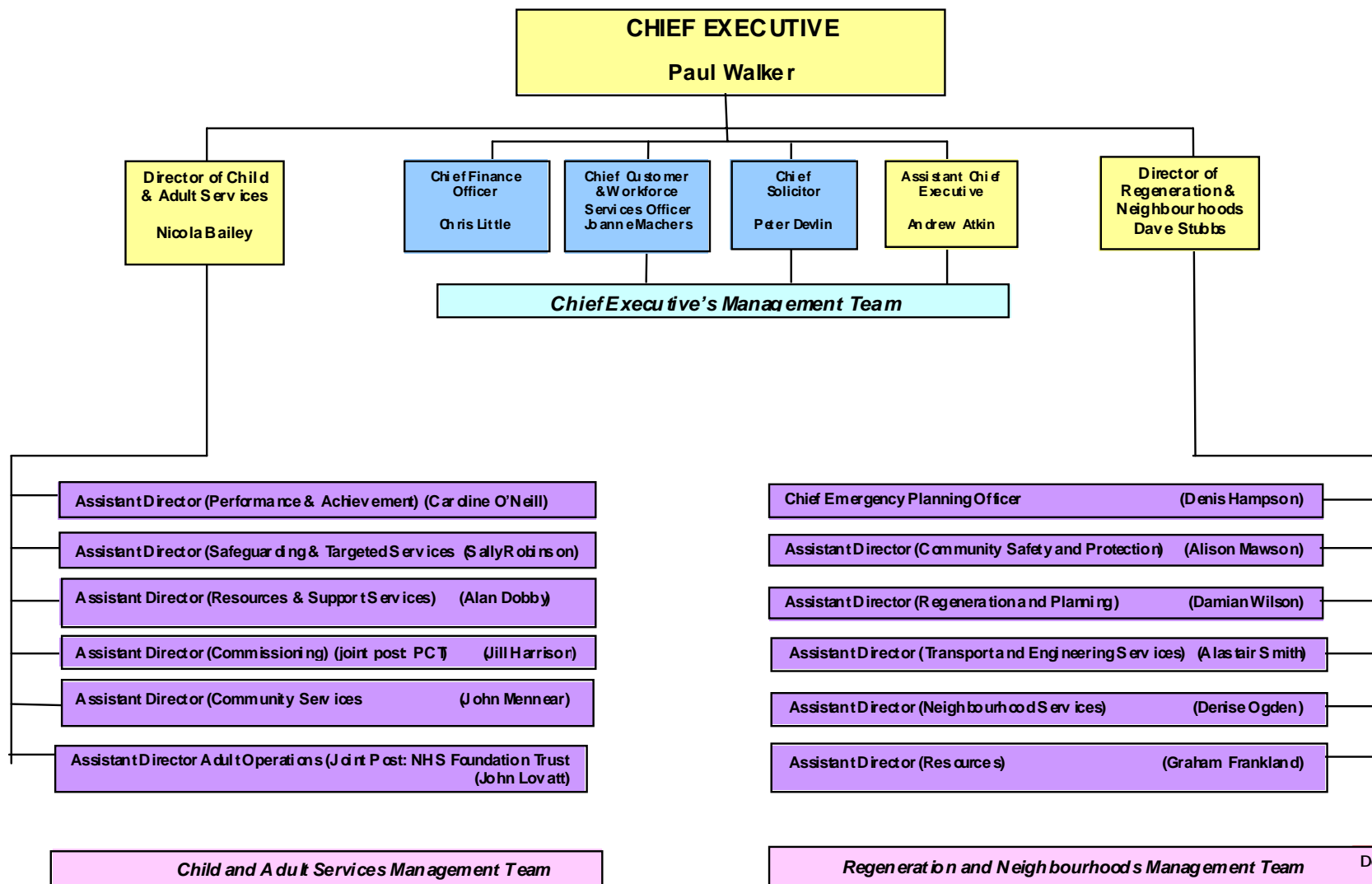
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10. Exercise responsibilities in relation to applications for Child Safety Orders under Section 11 of the Crime and Disorder Act 1998.
11. Power to apply for Anti-Social Behaviour Orders under Section 1 of the Crime and Disorder Act 1998 in consultation with Cleveland Police and to respond to consultation with social landlords.
12. To consent/respond to Police consultation in respect of designation of areas for dispersal of groups under the Anti-Social Behaviour Act 2003.
13. Exercise responsibilities in consultation with the Chief Solicitor in relation to Drink Banning Orders under the Violent Crime Reduction Act 2006.

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EXECUTIVE DELEGATION SCHEME – OFFICERS



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D PROPER OFFICER FUNCTIONS

- 1 The Chief Executive is hereby appointed the Proper Officer in relation to any reference to any enactment other than the Local Government Act 1972, or in any instrument made before the 26th October, 1972, to the Clerk of a Council or the Town Clerk of a Borough, which by virtue of any provision in the said Act, is to be construed as a reference to the Proper Officer of the Council.
- 2 The Chief Executive is hereby designated as Head of the Paid Service.
- 3 The Chief Executive is hereby appointed the Proper Officer under Section 6(3) of the Sheriffs Act, 1887.
- 4 The **Chief Finance Officer** is hereby appointed the Proper Officer in relation to any reference in any enactments or Instruments to a Borough Treasurer or Treasurer which by any such provision is to be construed as a reference to the Proper Officer of the Council.
- 5 The Chief Solicitor is hereby appointed Monitoring Officer under the Local Government and Housing Act, 1989.
- 6 The Chief Solicitor is hereby appointed the Proper Officer for the purposes of the Commons Registration Act 1965.
- 7 The Chief Solicitor is hereby appointed the Returning Officer and the Electoral Registration Officer under S.35 and S.8 respectively of the Representation of the People Act 1983.
- 8 The Chief Solicitor is hereby appointed the proper officer for the taking of an election candidate's declaration of expenses pursuant to S.82 Representation of the People Act 1983.
- 9 The **Chief Customer and Workforce Services Officer** is hereby appointed Proper Officer under the Local Government and Housing Act 1989 as amended in respect of politically restricted posts.
- 10 The Chief Solicitor is hereby appointed Proper Officer under the Local Government (Miscellaneous Provisions) Act 1976 s. 41(2A) for the purposes of certification of records of decisions of the executive.

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11 The Assistant Chief Executive is hereby appointed Proper Officer under the Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments) Order 2001 for the purposes of the recording of declarations of prejudicial interests of executive members.

12 The Chief Solicitor is hereby appointed Proper Officer under the Local Authorities (Executive Arrangements)(Access to Information) (England) Regulations 2000 for the purposes of determination of confidential and exempt information relating to reports to and records of decisions of the executive.

13 The Chief Executive is hereby appointed Proper Officer under the Local Elections (Declaration of Acceptance of Office) Order 2001 for the purposes of receipt of declaration of office of members.

14 The Chief Customer and Workforce Services Officer is hereby appointed Proper Officer for the purposes of Registration Services Act 1953 as amended.

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15 The Director of Child and Adult Services is hereby appointed Proper Officer under Section 532 of the Education Act 1996.

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16 The Director of Regeneration and Neighbourhoods is hereby appointed the Proper Officer under Section 606 of the Housing Act 1985.

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17 The Director of Child and Adult Services is hereby appointed Proper Officer under Section 6 of the Local Authority Social Services Act 1970 (as amended).

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18 The Assistant Director (Transportation and Engineering Services) is hereby appointed Proper Officer in relation to any reference in any enactments or Instruments referred to in any resolution of the Council to a Borough Engineer, Borough Surveyor, Surveyor or Head of Engineering and Waste Management which by any provision in the Local Government Act, 1972, is to be construed as a reference to the Proper Officer of the Council.

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19 The Assistant Director (Community Safety and Protection) and Director of Regeneration and Neighbourhoods are hereby appointed the Proper Officers in relation to any reference in any enactments or Instruments to a Sanitary Inspector or Public Health Officer which by any such provision is to be construed as a reference to the Proper Officer of the Council

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20 The person appointed by the Health Protection Agency North East as a Consultant in Communicable Disease/Consultant in Health Protection/Regional Epidemiologist/Unit Director is hereby appointed to act as Proper Officer for the Council for the purposes of functions

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under the Public Health (Control of Disease) Act 1984 (as amended) and in relation to any reference in any enactments or instruments made thereunder.

21 The Assistant Chief Executive is hereby appointed Proper Officer to receive notices under the Local government (Committees and Political Groups) Regulations 1990.

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22 The Chief Customer and Workforce Services Officer is hereby appointed Proper Officer to undertake the Council's duties under the Civil Partnership Act 2004.

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23 The Director of Child and Adult Services as the Proper Officer under Section 18 of the Children Act 2004.

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24 The Director of Child and Adult Services is hereby appointed the Proper Officer for ensuring compliance with the Local Authority Social Services and National Health Services Complaints (England) Regulations 2009.

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25 The Scrutiny Manager is hereby designated as Scrutiny Officer under Section 31 of the Local Democracy, Economic Development and Construction Act 2009.

26 In respect of the sections of the Local Government Act 1972 set out in the first column hereunder the Officer of the Council referred to in the second column shall be the Proper Officer with regard to the function referred to in the third column, that is to say:-

Section of Act	Proper Officer	Functions
13(3)	Chief Executive	Parish Trustee
83(1) to (4)	Chief Executive	Witness and receipt of declarations of acceptance of office.
84	Chief Executive	Receipt of declaration of resignation of office.
88(2)	Chief Executive	Convening of meeting of Council to fill casual vacancy in the Office of Chairman.
89(1)(b)	Chief Executive	Receipt of notice of casual vacancy from 2 local government electors
100B - 100F	Chief Solicitor	Functions with respect to exempt information

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115(2)	Chief Finance Officer	Receipt of money due from officers	
117	Chief Executive	Keeping record of particulars of any notice given by an officer as to a pecuniary interest in any contract or proposed contract.	Formatted: Highlight
146(1)(a) & (b)	Chief Finance Officer	Declarations and certificates with regard to securities.	
191	Assistant Director (Transportation and Engineering Services)	Functions with respect to ordnance survey	Formatted: Highlight
210(6) & (b)	Chief Executive	Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities, or, if there is no such office, to Proper Officers	
212(1) and (2)	Chief Solicitor	Proper Officer to act as local registrar for Land Charges Act 1972 and 1975	Formatted: Highlight
225(1)	Assistant Chief Executive	Deposit of Documents	
229(5)	Chief Solicitor	Certification of photographic copies of documents	
234(1) and (2)	Chief Executive	Authentication of documents	
236(9)	Chief Solicitor	To send copies of bye-laws for Parish Records.	
238	Chief Solicitor	Certification of bye-laws	
248	Chief Solicitor	Keeping of roll of Freemen	Formatted: Highlight
Schedule 12 Para. 4(2)(b)	Chief Executive	Signature of summonses to council meetings	
Para. 4(3)	Chief Executive	Receipt of notices regarding address to which summons to meetings is to be sent	Formatted: Highlight
Para. 25(7)	Chief Solicitor	Certification of resolutions under para. 25 of Schedule 14	Deleted: January
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Schedule 16

Para. 28

Chief Solicitor

Receipt on deposit of lists of
protected buildings (section
54(4) of the Town and
Country Planning Act 1971)

For the purpose of exercising any of the functions for which the Officer of the Council named in the first column hereunder is appointed Proper Officer whenever that Officer is unable to perform such functions, the officer of the Council named in the second column hereunder shall be appointed Deputy to the Proper Officer in respect of these functions, that is to say:-

Proper Officer	Deputy Proper Officer
Chief Executive	Assistant Chief Executive
Chief Solicitor	Chief Executive
Assistant Chief Executive	Chief Solicitor
Chief Customer and Workforce Services Officer	Chief Solicitor
Chief Finance Officer	Assistant Chief Finance Officer
Assistant Director (Transportation and Engineering)	Director of Regeneration and Neighbourhoods
Assistant Director (Community Safety and Protection)	Director of Regeneration and Neighbourhoods
Director of Regeneration and Neighbourhoods	Assistant Director (Transportation and Engineering) or Assistant Director (Community Safety and Protection) (as appropriate)

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POWER TO ACT GENERALLY

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1. The exercise of any functions of the Council in respect of any particular matter which has been delegated shall include the power to take any action incidental, conducive or ancillary thereto.
2. Any power delegated to a Chief Officer may be delegated by him/her to an Officer with his/her Department provided that the same is permitted by law.
3. Chief Officers shall see the power to act generally to undertake the enforcement of all legislation as detailed in Appendix 2, relating to the Council's powers, duties and functions, including the issuing of

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certificates, licences, notices, consents and orders including the
authorisation of registration and the maintenance of such registers
and lists relating thereto.

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APPENDIX 2

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POWER TO ACT GENERALLY

Abandonment of Animals Act 1960

Access to Neighbouring Land Act 1992

Accommodation Agencies Act 1953

Acquisition of Land Act 1981

Administration of Justice Act 1970

Adoption Act 1976

Adoption and Children Act 2002

Agriculture Act 1970

Agriculture (Miscellaneous Provisions) Acts 1968, 1972, 1976

Agriculture Produce (Grading & Marking) Act 1931

Airports Act 1986

Animal Act 1971

Animal Boarding Establishments 1963

Animal Health Act 1981

Animal Health and Welfare Act 1984

Animal Welfare Act 2006

Animals Cruel Poisons Act 1962

Anti-Social Behaviour Act 2003

Apprenticeships, Skills, Children and Learning Act 2009

Asylum and Immigration Act 2004

Audit Commission Act 1998

Banking Act 1987

Breeding of Dogs Acts 1973, 1991

Bribery Act 2010

Building Act 1984

Building Regulations Act 1991

Business Names Act 1985

Caravan Sites and Control of Development Act 1960

Care Standards Act 2000

Caravan Sites Act 1968

Charities Act 1993

Charities Act 2006

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Child Support Act 1991
 Child Support Pensions and Social Security Act 2000
 Child Trust Funds Act 2004
 Children Act 1989
 Children Act 2004
 Child Care Act 1980
 Child Poverty Act 2010
 Childcare Act 2006
 Children and Adoption Act 2006
 Children (Leaving Care) Act 2000
 Children, Schools and Families Act 2010
 Children and Young Persons Act 1933
 Children and Young Persons Act 2008
 Children and Young Persons (Protection from Tobacco) Act 1992
 Charities Act 1992
 Christmas Day (Trading) Act 2004
 Chronically Sick and Disabled Persons Act 1970
 Cinemas Act 1985
 Civil Contingencies Act 2004
 Civil Partnership Act 2004
 Clean Air Act 1993
 Clean Neighbourhoods and Environment Act 2005
 Cleveland County Act 1986
 Climate Change and Sustainable Energy Act 2006
 Commonhold and Leasehold Reform Act 2002
 Commons Act 2006
 Companies Act 1985
 Companies Act 1989
 Companies Act 2006
 Competition Act 1998
 Concessionary Bus Travel Act 2007
 Consumer Credit Act 1974
 Control of Dogs Order 1992
 Control of Pollution Act 1974 and 1976
 Copyright, Designs and Patents Act 1988
 Coroners and Justice Act 2009

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Courts Act 2003
 Criminal Damage Act 1971
 Criminal Justice Act 2003
 Criminal Procedure and Investigations Act 1996
 Climate Change Act 2008
 Consumer Protection Act 1987
 Contract (Rights of Third Parties) Act 1999
 Copyright Design and Patents Act 1988
 Corporate Manslaughter and Corporate Homicide Act 2007
 County of Cleveland Act 1987
 Courts and Legal Services Act 1990
 Crime and Disorder Act 1998
 Criminal Damage Act 1971
 Criminal Justice Act 1991
 Criminal Justice and Immigration act 2008
 Criminal Justice and Police Act 2001
 Criminal Justice and Public Order Act 1994
 Criminal Law Act 1977
 Criminal Procedure and Investigations Act 1996
 Council Tax (New Valuation Lists for England) Act 2006
 Countryside and Rights of Way Act 2000
 Customs and Excise Management Act 1979
 Cycle Tracks Act 1984

 Dangerous Dogs Acts 1989 and 1991
 Dangerous Wild Animals Act 1976
 Data Protection Act 1998
 Defective Premises Act 1972
 Defamation Act 1996
 Deregulation and Contracting Out Act 1994
 Development of Tourism Act 1969
 Disability Discrimination Acts 1995 and 2005
 Disabled Persons (Services, Consultation and Representation) Act 1986
 Disability Rights commission (DRC) Act 1999
 Dogs Act 1871
 Dogs Act 1906

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Dogs (Fouling of Land) Act 1996
 Dogs Protection of Livestock Act 1953
 Domestic Violence, Crime and Victims Act 2004

 Education Act 1962
 Education Act 1973
 Education Act 1996
 Education Act 1997
 Education Act 2002
 Education and Skills Act 2008
 Education and Inspections Act 2006
 Education Reform Act 1988
 Elections Act 2001
 Electoral Administration Act 2006
 Electronic Communications Act 2000
 Employment Acts 1982 – 2002
 Employment Act 2008
 Employment Equality Act 1998
 Employment Protection (Consolidation) Act 1978
 Employment Relations Act 1999
 Employment Rights Act 1996
 Employment Rights (Dispute Resolution) Act 1998
 Employment Tribunals Act 1996
 Environment Act 1995
 Environmental Protection Act 1990
 Energy Act 1976
 Energy Act 2008
 Energy Conservation Act 1981
 Energy Conservation Act 1996
 Equal Pay Act 1970 (as amended)
 Equality Acts 2004, 2006 and 2010
 Estates agents Act 1979
 European Communities Act 1972
 Explosive (Age of Purchase) Act 1976
 Explosives Act 1875

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Factories Act 1961
 Fair Trading Act 1973
 Farm and Garden Chemicals Act 1985
 Fire Precautions Act 1971
 Fire Safety and Safety of Places of Sport Act 1987
 Flood and Water Management Act 2010
 Food Act 1984
 Food Safety Act 1990
 Food and Environmental Protection Act 1985
 Forgery and Counterfeiting Act 1981
 Foreign Traffic (Foreign Vehicles) Act 1972
 Fraud Act 2006
 Freedom of Information Act 2000

 Gambling Act 2005
 Game Acts 1831 – 1860
 Gender Recognition Act 2004
 Guard Dogs Act 1975

 Hallmarking Act 1973
 Health Act 1999
 Health Act 2006
 Health and Safety at Work Act Etc 1974
 Health and Safety (Offences) Act 2008
 Health and Social Care Act 2001
 Health and Social Care Act 2008
 Health and Social Care (Community Health and Standards) Act 2003
 Hire Purchase Act 1973
 Highways Act 1980
 Highways (Obstruction by Body Corporate) Act 2004
 Home Energy Conservation Act 1995
 Homelessness Act 2002
 Housing Acts 1957 – 1985 as amended
 Housing Act 1988
 Housing Act 1996
 Housing Act 2004

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Housing Associations Act 1985
 Housing Grants, Construction and Regeneration Act 1996
 Housing and Regeneration Act 2008
 Human Rights Act 1998
 Human Fertilisation and Embryology Act 2008

 Immigration and Asylum Act 1999
 Immigration, Asylum and Nationality Act 2006
 Income and Corporation Taxes Act 1988
 Incitement to Religious Hatred Act (1986 Public Order Act)
 Independent Living and Human Rights Act 1998
 Insurance Brokers (Registration) Act 1977
 Insurance Companies Act 1981
 Intoxicating Substances (Supply) Act 1985
 Jobseekers Act 1995
 Justices of the Peace act 1997

 Land Drainage Act 1991
 Land Registration Act 2002
 Landlord and Tenant Act 1954
 Landlord and Tenant Act 1985
 Landlord and Tenant Act 1987
 Landlord and Tenant Act 1988
 Late Night Refreshment Houses act 1969
 Late Payment of Commercial Debts (Interest) Act 1998
 Litter Act 1983
 Law of Property Act 1925
 Law of Property (Miscellaneous Provisions) act 1989
 Learning and Skills Act 2000
 Licensing Act 1964
 Licensing Act 2003
 Licensing (Young Persons) Act 2000
 Local Land Charges Act 1975
 Lotteries and Amusements Act 1976
 Lotteries Act 1993
 Local Authorities (Goods and Services) Act 1970

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Local Democracy, Economic Development and Construction Act, 2009

Local Government Act 1972

Local Government Act 1974

Local Government Act 1985

Local Government Act 1986

Local Government Act 1987

Local Government Act 1988

Local Government Finance Act 1989

Local Government Act 1992

Local Government Finance Act 1982

Local Government Finance Act 1987

Local Government Finance Act 1988

Local Government Finance Act 1992

Local Government and Housing Act 1989

Local Government, Planning and Land Act 1980

Local (Contracts) Act 1997

Local Government and Rating Act 1997

Local Government Act 1999

Local Government Act 2000

Local Government Act 2003

Local Government (Miscellaneous Provisions) Act 1976 and 1982

Local Government and Public Involvement in Health Act 2007

Local Transport Act 2008

Malicious Communications Act 1988

Marine and Coastal Access Act 2009

Medicines Act 1968

Mental Health Act 2007

Mental Health Act 1983

Mobile Homes Acts 1975 and 1983

Motor Vehicles (Safety equipment for Children) Act 1991

Motor Cycle Noise Act 1987

Mock Auction Act 1961

National Assistance Act 1948

National Assistance Act 1951

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National Health Service and Community Care Act 1990
 National Health Service Act 1999
 National Health Service Act 2006
 Nationality, Immigration and Asylum Act 2002
 New Roads and Streetworks Act 1991
 Nurses Agencies Act 1957
 Noise and Statutory Nuisance Act 1993
 Noise Act 1996
 Occupiers Liability Act 1957
 Offices, Shops and Railway Premises Act 1963

 Party Wall Etc Act 1996
 Performing Animals Acts 1925 and 1968
 Personal Care at Home Act 2010
 Pet Animals Act 1951
 Petroleum (Regulations) Acts 1928 and 1936
 Pilotage Act 1987
 Poisons Act 1972
 Planning and Compensation Act 1991
 Planning Act 2008
 Planning and Energy Act 2008
 Planning (Listed Buildings and Conservation Areas) Act 1990
 Planning and Compulsory Purchase Act 2004
 Police Act 1996
 Police Act 1997
 Police and Criminal Evidence Act 1984
 Police and Justice Act 2006
 Police Reform Act 2002
 Political Parties, Elections and Referendums Act 2000
 Political Parties and Elections Act 2009
 Powers of the Criminal Courts (Sentencing) Act 2000
 Prevention of Damage by Pests Acts 1949
 Private Places of Entertainment (Licensing) Act 1967
 Protection of Animals Act 1911
 Prices Acts 1974 and 1975
 Private Security Industry Act 2001

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Property Misdescriptions Act 1991
 Prosecution of Offences Act 1985
 Protection from Eviction Act 1977
 Protection from Harassment Act 1997
 Public Health Acts 1907, 1936-1961
 Public Health (Control of Disease) Act 1984
 Public Libraries and Museums Act 1964

 Race Relations Act 1976
 Race Relations (Amendment) Act 2000
 Racial and Religious Hatred Act 2006
 Registration of Political Parties Act 1998
 Regulation of Investigatory Powers Act 2000
 Regulatory Enforcement and Sanctions Act 2008
 Representation of the People Act 1983
 Representation of the People Act 1985
 Representation of the People Act 2000
 Rent Act 1977
 Refuse Disposal (Amenity) Act 1978
 Rehabilitation of Offenders Act 1974
 Registered Homes Act 1984
 Riding Establishment Acts 1964 and 1970
 Rights of Way Act 1990
 Road Safety Act 2006
 Road Traffic Acts 1971 and 1988
 Road Traffic (Foreign Vehicles) Act 1972
 Road Traffic Act 1974
 Road Traffic Regulation Act 1984
 Road Traffic Act 1991
 Road Traffic (Consequential Provisions) Act 1988
 Road Traffic Offenders Act 1988

 Safety of Sports Grounds Act 1975
 School Inspection Act 1996
 School Standards and Framework Act 1998
 Scotch Whisky Act 1988

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Scrap Metal Dealers Act 1964
 Sea Fisheries Regulation Act 1966
 Sex Discrimination Acts 1975 and 1986
 Slaughter Houses Act 1974
 Slaughter of Poultry Act 1974
 Social Security Act 1986
 Social Security Act 1998
 Social Security Administration Act 1992 (as amended)
 Social Security Contributions and Benefits Act 1992
 Social Security Fraud Act 2001
 Solicitors Act 1974
 Special Educational Needs Act 2008
 Special Educational Needs (Information) Act 2008
 Special Educational Needs and Disability Act 2001
 Statistics and Registration Service Act 2007
 Sunday Trading Act 1994
 Sunday Theatres Act 1972
 Sustainable Communities Act 2007

 Taxes Management Act 1970
 Teaching and Higher Education Act 1998
 Telecommunications Act 1984
 Theatres Act 1968
 Theft Acts 1968 and 1978
 Timeshare Act 1992
 Town and Country Planning Act 1990
 Town Police Clauses Act 1847
 Trade Descriptions Act 1968
 Trade Marks Act 1938
 Trading Representation (Disabled Persons) Acts 1958 and 1972
 Traffic Management Act 2004
 Transport Act 1982
 Transport Act 1985
 Transport Act 2000
 Transport and Works Act 1992
 Trade Marks Act 1994

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Tribunals, Courts and Enforcement Act 2007

Trustee Act 2000

Trusts of Land and Appointment of Trustees Act 1996

Unsolicited Goods and Services Act 1971

Unsolicited Goods and Services (Amendment) Act 1975

Vehicle (Excise) Act 1971

Vehicles (Crime) Act 2001

Video Recordings Act 1984

Warm Homes and Energy Conservation Act 2000

Waste and Emissions Trading Act 2003

Water Act 1973

Water Act 1989

Water Industry Act 1991

Weights and Measures Act 1976

Weights and Measures Act 1985

Wildlife and Countryside Act 1981

Welfare Reform Act 2007

Young Persons (Employment) Acts 1938 – 1964

Zoo Licensing Act 1981

Any amending or replacement legislation, or Statutory Instruments, Regulations,

Codes of Practice, Byelaws or Orders associated with or made under these enactments.

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COUNCIL
9 December 2010



Report of: Licensing Committee

Subject: LICENSING POLICY – LICENSING ACT 2003

1. PURPOSE OF REPORT

- 1.1 To consider the adoption of a revised Licensing Policy detailing how the Council proposes to discharge its licensing functions under the Licensing Act 2003.

2. BACKGROUND

- 2.1 Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy every three years.
- 2.2 The current licensing policy became effective on 1st January 2008 and, as such, a new or revised policy must be published no later than 1st January 2011.
- 2.3 A licensing policy details how the licensing authority intends to discharge its licensing functions and also details how it expects licence holders to contribute towards the promotion of the Act's four licensing objectives which are: -
- Prevention of public nuisance
 - Public safety
 - Prevention of crime and disorder
 - Protection of children from harm

3. REVIEW OF THE LICENSING POLICY

- 3.1 A consultation document was widely circulated between June and August 2010 asking for views on what the new licensing policy should include and a draft policy was considered by the Licensing Committee on 13th October 2010.

- 3.2 The Licensing Committee considered whether the licensing policy should continue to include a 'special policy' and, if so, whether it should be extended. A 'special policy' places additional controls over an area where it is believed there is an impact on the licensing objectives caused by a concentration of licensed premises in that area.

The current special policy area covers Victoria Road and surrounding residential streets.

The Committee considered the responses received to the consultation exercise and additional evidence presented by Cleveland Police and were satisfied that the special policy should be retained and extended to incorporate the Church Street area. **Appendix II** identifies the proposed new special policy area.

- 3.3 The Committee also considered whether it was appropriate to limit the opening and closing times of new licensed premises in order to promote the Licensing Act's objectives.

Again, the Committee considered the responses received to the consultation exercise and additional evidence presented by Cleveland Police and were satisfied that limits should be placed on both the opening and closing times of new licensed premises.

The proposed new licensable hours differ from those detailed in the current policy as follows: -

	Current Policy	Proposed Policy
On-licence Residential areas	Unlimited	0900 – 2330
Off-licence Residential areas	Unlimited	0900 – 2200
On-licence, Off-licence & Takeaways Non-residential areas	Unlimited	0900 – 0200

4. RECOMMENDATIONS

- 4.1 That Council adopt the Licensing Policy as detailed in **Appendices I & II** with effect from 1st January 2011.



HARTLEPOOL BOROUGH COUNCIL

STATEMENT OF LICENSING POLICY

2011

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APPENDIX ONE

APPENDIX TWO

1. INTRODUCTION

- 1.1 This policy statement is based on the provisions of the Licensing Act 2003 and has taken full account of the Guidance issued under section 182 of the Licensing Act 2003 by the Secretary of State for the Department of Culture, Media and Sport (DCMS).
- 1.2 This policy will apply for a period of three years from 1st January 2011. It will be kept under review and revised/amended if considered appropriate to support the licensing objectives. Any policy changes or revisions will be subject to consultation.

The Borough of Hartlepool

- 1.3 Hartlepool Borough Council, acting as the licensing authority for the Licensing Act, recognises the benefits to Hartlepool of a thriving service economy and wishes to promote, wherever possible, a town that meets and exceeds the requirements of its residents and visitors. However, the licensing authority recognises that certain types of licensed premises, particularly those offering alcohol and/or music, may have a detrimental impact on those who live nearby through the escape of noise or the actions of patrons both on and off the premises.
- 1.4 The licensing authority intends to seek a balance between the needs of residents and local businesses by using this Licensing Policy, and other strategies, to promote and encourage well-managed, neighbour friendly licensed premises that represent a positive addition to life in Hartlepool.

Legal Background to this Policy Statement

- 1.5 Hartlepool Borough Council, acting as the licensing authority, is able to grant or reject applications for the sale of alcohol, the provision of entertainment or late night refreshment. Conditions designed to ensure safety, protect children from harm, prevent crime, disorder and public nuisance will be attached to licences where appropriate. However, the ability of licensing authorities to grant licences and attach conditions is limited by provisions in the Act, Regulations made under the Act and by guidance from the Secretary of State. The licensing authority must have regard to the guidance and will deviate only where there are justifiable reasons for doing so.
- 1.6 In formulating this policy document the licensing authority has had regard to the provisions of the European Convention on Human Rights, recognising that everyone has the right to respect for his/her home and private life and that every person is entitled to the peaceful enjoyment of his/her possessions (including a licence).

- 1.7 The Human Rights Act 1998 makes it unlawful for a public authority to act in a way which will be incompatible with a convention right. The licensing authority will endeavour to ensure that any licensing decision does not cause a breach of a convention right.
- 1.8 The licensing authority in taking into account the provisions of the Crime & Disorder Act 1998 will also have regard to the likely effect of the exercise of their functions on crime and order in their area and do all they can to prevent such crime and disorder.

2. PURPOSE AND SCOPE OF THE LICENSING POLICY

Purpose

- 2.1 The licensing policy has four main purposes:
- To reinforce to elected Members on the Licensing Committee, the boundaries and powers of the local authority, and to provide them with parameters under which to make their decisions.
 - To inform the licence applicants of the parameters under which the authority will make licence decisions, and therefore how a licensed premises is likely to be able to operate within the area. (Note however that each case will be examined on an individual basis.)
 - To inform residents and businesses of the parameters under which the authority will make licence decisions, and therefore how their needs will be addressed.
 - To support decisions made by the licensing authority when these decisions are challenged in a court of law.

Scope

- 2.2 The Act is concerned about the supply and sale of alcohol, the provision of certain entertainment and late night refreshment.
- 2.3 Activities that require a licence under the Licensing Act 2003 and covered by this policy include:
- Retail sale of alcohol
 - Supply of hot food or drink from a premises from 23.00 to 05.00 hours
 - Supply of alcohol or provision of regulated entertainment to club members or guests
 - Provision of entertainment listed below (known as regulated entertainment) to the public or section of the public or club members or with a view to profit:

- Performances of a play
- Exhibition of a film
- Indoor sporting events
- A boxing or wrestling entertainment
- Live music performances
- Playing of recorded music
- Dance performances
- Provision of facilities for making music
- Provision of dancing facilities

- 2.4 The scope of the policy covers new applications, renewals where appropriate, transfers and variations of licences and certificates including where applicable temporary events notices. It will also include review of licences and certificates which may lead to the revocation of a licence or certificate.

3. TYPES OF LICENCES

Personal Licences

- 3.1 A personal licence will be granted where an applicant:
- is aged 18 or over
 - possesses an accredited licensing qualification
 - has not forfeited a personal licence in the last 5 years
 - has not been convicted of a relevant offence
- 3.2 The licensing authority will, however, reject any application where the applicant fails to meet a), b) or c).
- 3.3 Where an applicant has an “unspent” relevant conviction, the police may oppose the application. If such an objection is lodged a licensing hearing will be held. Where no such application is received from the police, the licensing authority will grant the licence.
- 3.4 At a hearing the licensing authority will consider carefully whether the granting of a licence will be in keeping with the promotion of the crime and disorder objective. Considerations will include the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The licensing authority will only grant the application if it is satisfied that doing so will promote this objective.
- 3.5 Reason(s): Prevention of crime and disorder is both an objective of the Licensing Act 2003 and an important responsibility of the Council under the Crime and Disorder Act 1998. The holder of a personal licence should be a person who is not only properly qualified but a person who will assist the fight against crime. Granting a licence to a known criminal will, in many cases, undermine rather than promote the crime and disorder objective.

Premises Licences and Club Premises Certificates

- 3.6 An application for a premises licence or club premises certificate must consist of: -
- an application form, in the prescribed format, detailing the licensable activities and proposed operating hours
 - an operating schedule
 - a plan of the premises to which the application relates
- the appropriate fee
- 3.7 If the licensable activities include the sale of alcohol a consent form from the individual agreeing to be the premises supervisor will also be required (not required for club premises certificates).
- 3.8 The application must be advertised in the prescribed manner.

4. LICENSING PRINCIPLES

General

- 4.1 In carrying out its licensing functions the authority will promote the licensing objectives set out in the Act. These are:
- **the prevention of crime and disorder ;**
 - **public safety;**
 - **the prevention of public nuisance; and**
 - **the protection of children from harm.**
- 4.2 To achieve these objectives the authority will use its full range of powers and consider all relevant responsibilities including its planning controls, transport controls and crime and disorder policies. The authority will enter into appropriate partnership arrangements, working closely with the police, the fire authority, local businesses, community representatives and local people in meeting these objectives.
- 4.3 In determining a licence application the overriding principle adopted by the licensing authority will be that each application will be determined on its individual merits.
- 4.4 The Act covers the licensing of individuals for the retail sale of alcohol (personal licences), the licensing of premises for the retail sale of alcohol, the provision of regulated entertainment or late night refreshment (premises licences), the supply of alcohol and/or the provision of regulated entertainment from certain clubs (club premises certificates) and the permitting of certain licensable activities on a temporary basis (temporary event notices).

- 4.5 In general a reference in this policy to a licence will include a club premises certificate.
- 4.6 The licensing authority recognises in following the Guidance and Regulations, that discretion in deciding licence applications is very limited.

Duplication

- 4.7 So far as possible, this Policy is not intended to duplicate existing legislation and regulatory regimes that are already placed on employers and operators, e.g. Health and Safety at Work etc. Act 1974. Conditions in respect of public safety will be attached to licences only if they are considered necessary for the promotion of the licensing objectives. However, it is likely that there may be duplication with regard to the imposition of some planning conditions.

Licence Conditions

- 4.8 Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act. Conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others granted relevant authorisations.

Conditions should be specifically tailored to the premises and activities to be undertaken, with a view to ensuring the licensing objectives are achieved. 'Standard' conditions may be inappropriate in respect of certain premises.

- 4.9 Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from licensed premises and therefore beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.
- 4.10 The licensing authority will not impose blanket standard conditions. Licence conditions will be tailored to the individual application to help promote the licensing objectives. Where appropriate, conditions from the DCMS standard "pool" of conditions will be used. Licence conditions will not be imposed where it is considered that other regulatory regimes provide sufficient protection to the public e.g. health and safety at work and fire safety legislation.
- 4.11 In the spirit of openness, transparency and reasonableness, licensing authority officers will seek to discuss proposed conditions in advance with the applicant and/or representative with the aim of achieving a mutually agreeable level of protection to the public and fulfilment of the licensing objectives.

Alcohol Harm Reduction

- 4.12 The licensing authority recognises that for most people alcohol represents an enjoyable addition to well-balanced social activities. However, there is increasing concern that for some people alcohol misuse is leading to self harm and social nuisance.
- 4.13 In determining licence applications, the licensing authority will have regard to the Government's Alcohol Harm Reduction Strategy and commends to all applicants the Portman Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older.

Protection of Children

- 4.14 Whilst the protection of children from harm is a primary licence objective, the licensing authority will not normally impose conditions restricting or prohibiting the admission of children to licensed premises, believing this should remain a matter of discretion for the licence holder and has taken account of the view of DCMS that the use of licensed premises by children should be encouraged. However, conditions designed to protect children will be imposed where necessary.
- 4.15 The licensing authority will not impose any licence conditions requiring the admission of children to licensed premises.
- 4.16 Examples of premises where the introduction of additional controls are likely to be necessary are:
- Where entertainment or services of an adult or sexual nature are commonly provided.
 - Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or premises with a reputation for underage drinking.
 - Where there is a known association with drug taking or dealing.
 - Where there is a strong element of gambling on the premises.
 - Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 4.17 In such circumstances, additional conditions may be imposed where considered necessary for the prevention of harm to children. These may include: -
- Limitations on the hours when children may be present
 - Age limitations
 - Limitations on the parts of premises to which children will be given access
 - Requirements for accompanying adults

- Full exclusion of people under 18 from the premises when any licensable activities are taking place
- 4.18 Where the exhibition of films is permitted, the licensing authority will impose a condition requiring the exhibition of films to be limited to only those age groups recommended by either the British Board of Film Classification or the licensing authority. For such films, licensees must indicate in their operating schedules how such action will be assured. Only in exceptional cases will variations of this general rule be granted by the licensing authority and then only with appropriate safeguards.
- 4.19 In relation to specialist Film Festivals where it is desired to show films not classified by the BBFC the Licensing authority will, provided adequate notice has been given, classify the films concerned. Information regarding such classifications will be available for inspection at the Civic Centre, Victoria Road, Hartlepool. To achieve consistency and the protection of children the licensing authority will use the guidelines published by the BBFC.
- 4.20 In connection with the protection of children from harm, the licensing authority will provide details of which body is responsible for such matters. Details of licence applications, where relevant, should be forwarded to this nominated body for examination.
- 4.21 Where there is provision of entertainment specifically for children (e.g. a children's disco) the licensing authority will require the presence of sufficient adults to control the entertainment and the access and egress of the children to ensure their safety.
- 4.22 Where it is the intention of the licensee to offer responsibility for the supervision of children as part of a licensable activity, the licensing authority may require licensees to take appropriate measures to ensure the suitability of employees for such purposes – this may involve employees providing a Criminal Records Bureau Disclosure. Even where not specifically required by the licensing authority, all licensees are encouraged to ensure that only suitable staff are allowed to work with children.

Designated Premises Supervisors

- 4.23 The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than that associated with the provision of regulated entertainment and late night refreshment.
- 4.24 Because of this the licensing authority expects that the designated premises supervisor (DPS) for a licensed premises will be able to demonstrate that they are in day to day control of the premises, playing an active role in its operation through a regular personal presence.

Licensing Hours

- 4.25 The licensing authority does not accept that longer opening hours have been a benefit to Hartlepool but rather that they place an undue and unnecessary strain on the local transport infrastructure, Accident & Emergency services and law enforcement agencies and creates a nuisance for those residents who are affected by revellers returning home during the early hours.

Shops, stores and supermarkets will in general be licensed to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping but licences for before 9:00 a.m. or after 10:00 p.m. in residential areas will generally be refused. In addition, licence applications for the supply of alcohol for consumption on the premises for before 9:00 a.m. or after 11:30 p.m. in residential areas will generally be refused.

In non residential areas applications for licences to allow the sale of alcohol or the supply of late night refreshment beyond 2:00 a.m. will normally be refused subject to relevant representations being received.

- 4.26 Whilst zoning will not be adopted, the licensing authority will impose stricter conditions with regard to noise control in areas which have denser residential accommodation.

Live Music, Dancing & Theatre

- 4.27 The licensing authority recognises that traditional cultural activities such as music and dancing should be encouraged as part of a wider cultural strategy. Account should be taken of the need to encourage and promote entertainment such as live music, dancing and theatre for the wider cultural benefits of communities generally.
- 4.28 Only conditions considered necessary, proportionate and reasonable for the promotion of the licensing objectives will be attached to licences for activities of this nature. The authority will avoid measures that may deter live music, dancing and theatre by imposing unjustified indirect substantial costs. The licensing authority will closely monitor the impact of licensing on such activities and, where a negative impact can be identified, will re-visit the Licensing Policy with a view to investigating how the situation might be reversed.

Enforcement

- 4.29 Where necessary, enforcement action will be taken in accordance with the principles of the Regulators Code of Compliance and the Council's Licensing Enforcement Policy.

- 4.30 In particular, regard will be had to the fundamental principles recommended by the Better Regulation Task Force for good enforcement:
- Targeting - i.e. focusing on activities that give rise to the most serious risks or where hazards are least well controlled.
 - Consistency - i.e. similar approaches in similar circumstances to achieve similar ends.
 - Transparency - i.e. helping duty holders to understand what is expected and distinguishing between statutory requirements and guidance.
 - Proportionality - i.e. action taken should be proportional to the risk presented.
- 4.31 The authority will establish protocols with the local police and the fire brigade on enforcement issues to avoid duplication and to provide for the most efficient deployment of council, police and fire officers in respect of inspection of licensed premises and the enforcement of licensing law.
- 4.32 Furthermore the policy of the Council will be a light touch inspection regime for well managed and maintained premises with a targeted and increased inspection and enforcement regime for “high-risk” premises and those suspected of not being operated within the terms and conditions of the licence.

Integration of Strategies and Other Policies

- 4.33 Hartlepool Borough Council fully recognises and endorses the value of good relations between persons of different racial groups. The licensing authority recognises the obligations placed upon it by the Equality Act 2010 and will ensure that this Policy promotes race equality and the elimination of unlawful discrimination.
- 4.34 The Council will integrate its various strategies to achieve consistency and transparency in the achievement of the licensing objectives.
- 4.35 Arrangements for reporting to local authority transport committees will be made to ensure transport strategies take account of the need to quickly disperse people from busy town centre areas to reduce the potential for nuisance and disturbance.
- 4.36 Arrangements will be made for the reporting of Hartlepool's employment situation and the needs of the local tourist economy to the licensing committee to ensure that these issues are taken into account when licensing matters are being considered.
- 4.37 Licence conditions will reflect local crime prevention strategies and input from the local Community Safety Partnership.

Cumulative Impact

- 4.38 'Need' which concerns the commercial demand for another premises such as a pub, restaurant or hotel, is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy. However, the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority and its licensing committee to consider.
- 4.39 In determining an application the licensing authority will take into account, in the interests of public safety and the avoidance of nuisance, the cumulative effect that the existence of a saturation of premises in one area may have. A saturation of licensed premises can attract customers to the area that has an impact on the surrounding area beyond the control of individual licence holders. In this respect, the DCMS advocates consideration of a Special Policy to respond to the unique circumstances that can be caused by a concentration of licensed premises.

The Adoption of a Special Policy

- 4.40 Where, due to the volume of licensed premises in one area, it may be ineffective to impose conditions in respect of individual premises licences, it may be necessary for the licensing authority to adopt a Special Policy. Such a policy would create a rebuttable presumption that applications for new licensed premises in a designated area would be refused. The effect of this would place the burden of proof on the applicant to demonstrate in their operating schedule that the new premises will not add to the cumulative impact in the area.
- 4.41 Such a presumption would only apply if one or more responsible authorities or interested parties made relevant representations to the licensing authority regarding a new application.
- 4.42 In all circumstances the licensing authority will consider each application on its own merits and such a policy should not be considered as absolute. A Special Policy will not be used to control opening hours in a particular area.
- 4.43 For the authority to introduce a Special Policy for any area, the following steps will be considered:-
- Identification of serious and chronic concerns from a responsible authority or representatives of residents about crime and disorder or nuisance taking account of the Crime & Disorder Act 1998.
 - Assessment of the causes.
 - Consideration of whether it can be demonstrated that crime and disorder and nuisance is arising and is caused by the customers of licensed premises, and if so identifying the area from which problems are arising and the boundaries of that area.

- 4.44 Following the receipt of evidence from Cleveland Police, the licensing authority has adopted a special policy for the area identified in Appendix I. This matter is discussed in more detail in Section Six of this Policy.

Additional Measures to Tackle Cumulative Effect

- 4.45 The licensing authority recognises that, in addition to the adoption of a Special Policy there are a number of other mechanisms for addressing anti-social behaviour and nuisance once customers are away from the vicinity of licensed premises. These include:
- Planning Controls
 - Positive measures to create a safe and clean town centre environment in partnerships with local businesses, transport operators and other departments of the local authority.
 - Powers of local authorities to designate parts of the local authority areas as places where alcohol may not be consumed publicly.
 - Police enforcement of the normal law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices and Directions to Leave.
 - The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.
 - The confiscation of alcohol from adults and children in designated areas.
 - Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises.
 - The power of the Police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.
- 4.46 The authority supports and encourages the implementation of all such measures to help reduce anti-social and nuisance behaviour.

5. CONSIDERATIONS

General Requirements

- 5.1 The licensing authority will expect individual applicants to address the licensing objectives in their operating schedule, (as required under the Act). The operating schedule will have regard to the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, the times during which it is proposed that relevant licensable activities are to take place and details of other times during which it is proposed that the premises are to be open to the public.

- 5.2 In many cases it may be helpful to all concerned for Council officers to discuss with applicants and/or their advisers a draft operating schedule before it is formally submitted, e.g. as happens with the existing One Stop Shop approach. This will help ensure it properly addresses all the issues of concern to the council. Where licensable activities include the supply of alcohol, specified information on the individual identified as premises supervisor shall be supplied as well as whether the supply of alcohol is proposed for consumption on and/or off the premises and operational procedures.

Nuisance

- 5.3 The licensing authority will expect the operating schedule to clearly demonstrate actions intended to ensure the operation will be “neighbour friendly”. In particular, the applicant shall propose adequate practical steps to prevent disturbance to local residents.
- 5.4 The licensing authority is aware of the problems that the sale of alcohol can cause for local residents and, for this reason, applications for licences in residential areas will generally only be granted if the operating hours fall within 0900 hours and 2200 hours for off licences and 0900 hours and 2330 hours for on licences.
- 5.5 In relation to noise from within the building the licensing authority will expect the applicant to have carried out acoustic tests to ascertain whether there is sound leakage. This noise could relate not only to entertainment but also from air handling equipment or patrons. The licensing authority will expect potential noise breakout to have been addressed in practical ways such as:
- Keeping doors and windows closed and providing suitable mechanical ventilation
 - Reducing sound levels and installing a suitable noise limiting device, calibrated and set at a limit approved by Council officers, to prevent sound exceeding an appropriate level
 - Installing soundproofing measures to control noise breakout and vibration to a level acceptable to the Council.
- 5.6 The licensing authority will expect venues that attract queues to formulate a scheme to avoid disturbance to nearby residents. In some cases this may be achieved by simply ensuring that the direction of the queue is away from residential accommodation.
- 5.7 However, possible excessive noise generated by customers and/or disorder requires more rigorous action. It is important that queues formed later in the evening or in early morning are adequately supervised to keep noise/disorder to a minimum. Such action can also help stop drug dealing during the queuing process but the prime purpose will be to prevent noise and disturbance. Door supervisors will generally be expected to carry out this role, but they must be adequately trained and given clear instructions as to their duties and

responsibilities – where necessary they should be adequately supervised by a suitably nominated person or persons.

- 5.8 In terms of patrons leaving the premises, particularly late at night or early in the morning, the licensing authority will expect the applicant to indicate in their operating schedule that consideration has been given to, and included where appropriate, such practical steps as:
- Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors, etc
 - At appropriate times making announcements to the same effect.
 - Instructing door staff to ask customers leaving the premises to leave the area quietly
 - Reducing the volume of music towards closing time and where appropriate playing quieter, more soothing music.
 - The availability of licensed taxis or private hire vehicles to take patrons from the premises
 - In appropriate cases door supervisors or a premises manager patrolling nearby streets periodically to assess for themselves whether there is a noise or disorder problem and how best to deal with it
 - Banning from the premises people who regularly leave in a noisy fashion.
 - Increasing outside lighting levels
 - Where there is a private forecourt, yard, etc, preventing patrons from using it for eating and drinking etc after a certain time. Planning conditions are usually imposed to restrict use after 8.00 pm or at sunset where adjacent to residential properties.
- 5.9 Reason(s): It is extremely irritating to residents disturbed by the sound of music escaping from licensed premises. Noise breakout may preclude the grant of a licence or if one has already been granted, for it to be reviewed with a view to possible revocation. It may also lead to a noise abatement notice being issued under the Environmental Protection Act. Responsible applicants and licensees will be expected to avoid the need for such action and promote the licensing objective of preventing public nuisance.
- 5.10 There can be little doubt that a well-managed licensed venue can benefit the local community. However, there is clearly a risk of local residents being disturbed particularly if the venue is open late at night. People leaving the premises, particularly late at night or in the early hours of the morning, can be a significant problem. Customers may be less inhibited about their behaviour and may be unaware of the noise they are creating.
- 5.11 A responsible applicant or licensee will wish to further the licensing objective of preventing public nuisance by introducing practical measures such as those referred to above to prevent such nuisance.

Prevention of Crime and Disorder

- 5.12 The licensing authority does not accept that longer opening hours are a benefit to Hartlepool but rather that they place an undue and unnecessary strain on the local transport infrastructure and law enforcement agencies and creates a nuisance for those residents who are affected by revellers returning home during the early hours.
- 5.13 For this reason applications for licences to allow the sale of alcohol or the supply of late night refreshment beyond 2:00 a.m. will normally be refused subject to relevant representations being received.
- 5.14 The licensing authority will expect an applicant to indicate in their operating schedule the steps proposed to prevent crime and disorder such as:
- Use of CCTV both within and outside the premises
 - Procedures to prevent the supply of alcohol to those already drunk
 - Metal detection and search facilities
 - Procedures for risk assessing promotions and events such as “happy hours” for the potential to cause crime and disorder, and plans for minimising such risks
 - Measures to prevent the use or supply of illegal drugs
 - Employment of licensed door supervisors and other appropriately trained staff
 - Participation in an appropriate scheme designed to ensure effective liaison with the local community
- 5.15 Reason(s): Prevention of crime is both an objective of the Licensing Act 2003 and an important responsibility of the Council under the Crime and Disorder Act 1998. It is important, therefore, that the applicant is able to demonstrate to the licensing authority the practical steps that will be taken to further this objective.

Construction/Maintenance and Safety

- 5.16 The licensing authority will expect licensed premises to meet all legal safety requirements, but in addition wishes to promote the highest possible standards of safety for patrons and others who may be affected by a licensed premises. It will expect the applicant to have addressed the requirements of Health and Safety at Work and Fire Safety legislation and, where appropriate, other technical standards that may be appropriate for the premises concerned.
- 5.17 The licensing authority will also expect the operating schedule to detail how the premises will be properly managed and maintained to ensure public safety at all times.
- 5.18 Reason(s): Public safety is a fundamental licensing objective. Anyone visiting a licensed venue within the Borough of Hartlepool should expect to be visiting

premises that have been constructed with high standards of safety in mind and that are well managed and maintained.

Access for Persons with Disabilities

- 5.19 All premises are expected to provide adequate facilities and access for people with disabilities. The needs of disabled people must therefore be addressed in the operating schedule.
- 5.20 Reason(s): Wherever practicable, persons with disabilities should not be treated in a less advantageous way. In addition, responsibilities under the Disability Discrimination Act 1995 will need to be considered and adequate facilities provided in premises where necessary.

Publicity

- 5.21 All those affected by an application should be made aware of its existence and of the opportunity to make representations. In an attempt to ensure this is achieved, applications for a premises licence will be advertised in accordance with statutory requirements.
- 5.22 Reason(s): The grant of a licence can have a significant impact on the lives or businesses of those living or working in the vicinity of premises for which a licence is sought. Therefore, all those likely to be affected by an application have the right to be made aware of it and of the opportunity to make representations.

Other Policies, Objectives and Guidance

- 5.23 Applicants for licences will be expected to have taken into account relevant strategies and policies such as the local crime prevention strategies, planning and transportation policies, tourism and cultural strategies in determining their operating schedules.
- 5.24 In addition to the above, applicants will also be expected to address the impact of their premises on the local community and demonstrate that matters such as the prevention and clearance of litter and other waste materials arising from the use of their premises have been considered.

Planning

- 5.25 Premises for which a licence is required must have a suitable, appropriate authorised use under planning legislation.
- 5.26 The licensing authority will not normally entertain an application for a licence unless the applicant can demonstrate that the premises have either an appropriate (in terms of the activity and hours sought) planning consent, or an

appropriate certificate of lawful use or development. Exceptions may be made where the applicant can demonstrate compelling reasons why the application should not be refused and the planning status of the premises has not yet been finalised.

- 5.27 Reason(s): Licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority Planning Committee or following appeals against decisions taken by that committee. Proper integration will be assured by the Licensing Committees, where appropriate, by providing regular reports to the Planning Committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder. This will enable the Planning Committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.
- 5.28 There is effective consultation between licensing and planning authorities with regard to their respective applications. It is important that there is consistency of approach.

Drug Awareness

- 5.29 The licensing authority recognises that drug use by young people in a club environment is not something that is relevant to all licensed premises. However, it is recognised that special conditions may need to be imposed on certain venues where drug use is, or has been, taking place in order to reduce the sale and consumption of drugs and to create a safer environment for those who may have taken them. Such conditions, if imposed, will take account of those issues discussed in the 'Safer Clubbing Guide' issued by the Home Office. Advice will be taken from the Police and the local drugs action team before any action is taken under this paragraph.
- 5.30 The licensing authority will expect licensees of venues to take all reasonable steps to prevent the entry of drugs into their premises, to take appropriate steps to prevent drugs changing hands within the premises and to otherwise adopt precautionary measures to address the consequences of drug misuse.
- 5.31 In particular the licensing authority will expect licensees of such venues to be familiar with the contents of Chapter 4 (drug awareness) of the British Institute of Inn-keeping Awarding Body (BIAB) Level 2 National Certificate for Entertainment Licensees and to be following the recommendations of that handbook.
- 5.32 It is hoped that licensees will follow these recommendations on a voluntary basis as failure to do so could lead to the licence being reviewed with the possibility of revocation. In appropriate cases the licensing authority will consider imposing licence conditions to address these recommendations.
- 5.33 Reason: The purpose of this policy is to further the crime prevention objective and to ensure public safety by preventing a tragic loss of life caused by drug abuse, overheating and other factors.

Door Supervisors

- 5.34 Whenever any persons are employed at licensed premises to carry out any regulated security activity, all such persons must be licensed with the Security Industry Authority.
- 5.35 The licensing authority may consider that certain premises require stricter supervision for the purpose of promoting the reduction of crime and disorder or other licensing objectives. In such cases, the licensing authority may impose a condition that licensed door supervisors must be employed at the premises either at all times or at such times as certain licensable activities are being carried out.
- 5.36 Reason: Door supervisors, and others placed in a similar position, are often those first called upon to respond to issues of safety and disorder on licensed premises. The licensing authority intends to ensure that such people are equipped with the skills necessary for the discharge of this important role.

6. SPECIAL POLICY

- 6.1 The licensing authority has carefully considered the issues of alcohol related crime, disorder and nuisance in Hartlepool and is committed to working with licensees, responsible authorities and residents to reduce these incidents wherever possible. This licensing policy indicates a number of ways in which relevant bodies can work together to promote a safe and 'neighbour friendly' night time economy.
- 6.2 The licensing authority does recognise however, that there may be instances where problems of crime, disorder and nuisance do not arise because of the failings of one particular premises but rather are caused by the cumulative effect of a number of licensed premises operating within a small area.
- 6.3 Guidance published by the Secretary of State for Culture, Media and Sport allows licensing authorities to consider the issue of 'cumulative impact' and, where appropriate, to introduce a special policy to control such matters.
- 6.4 Following the receipt of evidence of crime, disorder and nuisance from Cleveland Police the licensing authority has chosen to adopt a special policy to ensure the promotion of the licensing objectives in a specific designated area.
- 6.5 The area to which the special policy applies can be found detailed in Appendix One.
- 6.6 The special policy shall only apply to the operation of premises between midnight and 9:00 a.m. each day.

- 6.7 The authority believes that there is sufficient relevant evidence to support the adoption of a special policy that is both appropriate and proportionate for the promotion of the licensing objectives in the area concerned.
- 6.8 A special policy creates a rebuttable presumption that applications for new premises licences, club premises certificates or material variations will normally be refused, if relevant representations to that effect are received.
- 6.9 Applications for premises licences or club certificates for premises situated within the identified special policy area will be required to demonstrate in their operating schedules how the operation of their business will not add to the cumulative impact already being experienced in this area.
- 6.10 This special policy must not be regarded as absolute and the licensing authority will consider every licence application on its own merits.
- 6.11 The licensing authority may only give effect to this special policy if one or more responsible authorities or interested parties make a relevant representation concerning an application.
- 6.12 The licensing authority will regularly review the effect of this special policy and will amend or remove it where considered necessary.
- 6.13 Anyone considering making an application for either a premises licence or a club premises certificate for a premises situated within the area identified in Appendix One is advised to contact the Licensing Team at Hartlepool Borough Council for advice before making an application.

7. ADMINISTRATION, EXERCISE & DELEGATION OF FUNCTIONS

- 7.1 The licensing authority has delegated its decision-making functions to the Licensing Committee, Sub-Committees and officers in accordance with the guidance issued by the Secretary of State.
- 7.2 Many decisions and functions are purely administrative in nature and these will be delegated to officers in the interests of speed, efficiency and cost-effectiveness.
- 7.3 Detailed information regarding the delegation of functions can be found in Appendix Two.

8. CONTACT DETAILS

- 8.1 Further details regarding the licensing application process, including application forms can be obtained from:

11(ii) Appendix I

The Licensing Team
Hartlepool Borough Council
Bryan Hanson House
Hanson Square
Hartlepool
TS24 7BT

Tel No: 01429 523354
Fax No: 01429 523308
Email: licensing@hartlepool.gov.uk

APPENDIX ONE – Designated Area for Special Policy

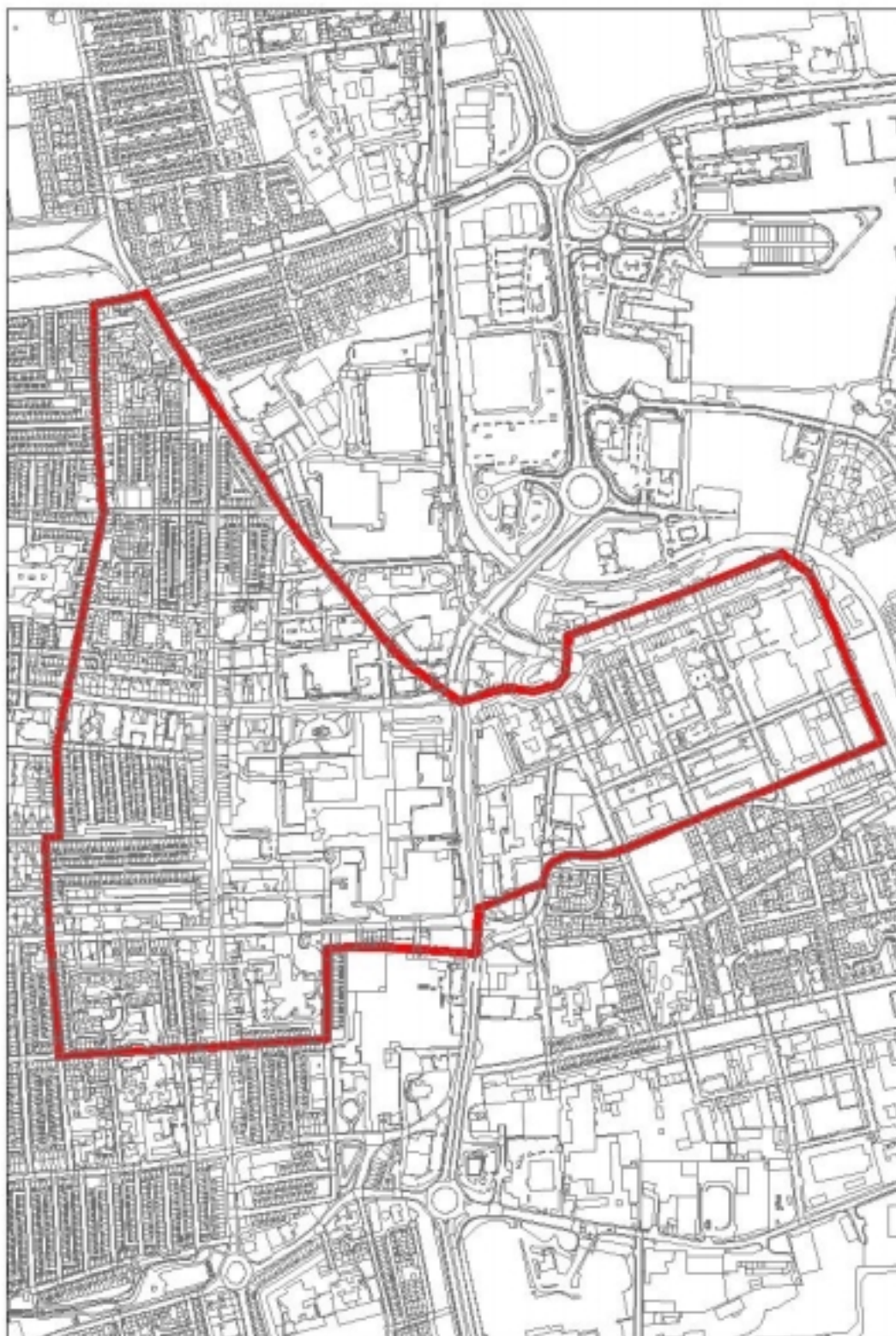


APPENDIX TWO

Delegation of Functions

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If an objection made	If no objection made
Application for premises certificate		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Application to vary premises licence/club premises certificate		If a representation made	If no representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is relevant frivolous vexatious etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	

Appendix II – Proposed Special Policy Area



COUNCIL
9 December 2010



Report of: Chief Executive

Subject: BUSINESS REPORT

1. EXECUTIVE DELEGATION SCHEME

Members will recall that at the Annual meeting of Council, held on 25 May 2010 the Mayor informed Council about the composition and constitution of the Executive for the coming Municipal Year and the scheme of Executive delegations. Since the Annual Council meeting there have been some minor changes to the above Scheme. A revised schedule is, therefore, attached at **Appendix 1** for the information of Council.

RECOMMENDATION

The revised Executive Delegation Scheme attached at Appendix 1 is noted.

2. CHILDREN'S SERVICES SCRUTINY FORUM – CO-OPTED MEMBER

As Members are aware, there are two statutory added Member positions on the Membership of the Children's Services Scrutiny Forum for school governing body representatives from both the primary and secondary sectors. There are currently vacancies to both of these positions. A nomination has now been received for a secondary school governor. Eira Ballingall a governor at Manor College of Technology has been duly nominated to the secondary school position for a term of two years. Council's approval to the nomination is required.

RECOMMENDATION

Council's approval to the nomination is required.

3. 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.

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

* shared with Regeneration and Economic Development

** all portfolios – Lead Children's Services

EXECUTIVE PORTFOLIO	SCOPE OF PORTFOLIO
<p>2. Regeneration and Economic Development</p> <p>Pam Hargreaves</p>	<ul style="list-style-type: none"> • Policy Framework <ul style="list-style-type: none"> - Local Transport Plan • Other Plans & Strategies <ul style="list-style-type: none"> - Economic Development Strategy • Service Areas & Functions <ul style="list-style-type: none"> - Apprenticeships - Business Support and Tourism - Child Poverty ** - Economic Assessments - Enterprise Development - Employability and Training - Integrated Regional Strategy * - Multi Area Agreements * - Regeneration Policy - Regeneration Programmes - Regional Economic Strategy - Regional and Sub Regional Engagement Boards - Town Centre Partnership / Steering Group - Town wide regeneration and Major Projects - Training - Transport Services and Fleet (Vehicle Procurement and Maintenance) - Strategic Transport - Traffic and Transportation - Urban Regeneration Company Issues - Worklessness

* shared with Community Safety and Housing

** all portfolios – Lead Children's Services

EXECUTIVE PORTFOLIO	SCOPE OF PORTFOLIO
<p>3. Culture, Leisure and Tourism</p> <p>Hilary Thompson</p>	<ul style="list-style-type: none"> • Policy Framework • Other Plans & Strategies <ul style="list-style-type: none"> - Allotment Strategy - Archaeology Forward Plan - Arts & Museums Forward Plan - Arts Strategy - Library Plan - Local Cultural Strategy - Park Management Plans - Play Facilities Strategy - Playing Pitch Strategy - Rights of way Improvement Plan - Sport and Recreation Strategy - Swim Development Strategy - Tourism Strategy • Service Areas & Functions <ul style="list-style-type: none"> - Allotments - Archaeological Service - Child Poverty ** - Community Buildings - Community Grants Pool - Cultural Services (Arts, Museums and Events) - Foreshore Services and Beach Lifeguards - Grounds Maintenance - Horticulture - Libraries and Information - Libraries Stock Management Plan - Outdoor Play Facilities - Parks and Countryside - Rights of Way - Sports and Recreation - Tourism

** all portfolios – Lead Children's Services

EXECUTIVE PORTFOLIO	SCOPE OF PORTFOLIO
<p>4. Children's Services</p> <p>Cath Hill</p>	<ul style="list-style-type: none"> • Policy Framework <ul style="list-style-type: none"> - Children and Young People's Plan - Youth Justice Plan • Other Plans & Strategies <ul style="list-style-type: none"> - Departmental and Divisional Plans - Children's Centres and Extended Schools Strategy - Children's Fund Plan (expires 2008) - Child Poverty Strategy - Education Asset Management - SEN and Disability Action Plan • Service Areas & Functions <ul style="list-style-type: none"> - 14-19 development - Access to Education - Admissions Policy - Carlton Outdoor Education Centre - Child and Adolescent Mental Health Services - Children's Fund - Children's Trust and commissioning development. - Children's Workforce Development - Child Poverty ** - Commissioning of statutory and discretionary social care services for vulnerable children, including children in need, children with disabilities, looked after children and child protection - Connexions - Directly provided social care services (children) - Early Years provision - Education policy and planning - Extended Schools and Children's Centres - Information sharing and assessment - Local Safeguarding Children Board - Looked After Children - Play and out of hours care - Raising educational achievement - School governance - Schools Transformation - School transport - Special Educational Needs - Youth Offending - Youth Service

** all portfolios – Lead Children's Services

EXECUTIVE PORTFOLIO	SCOPE OF PORTFOLIO
<p>5. Adult and Public Health Services</p> <p>Gerard Hall</p>	<ul style="list-style-type: none"> • Policy Framework <ul style="list-style-type: none"> - Commissioning Strategies for Vulnerable People - Food Law Enforcement Service Plan • Other Plans & Strategies <ul style="list-style-type: none"> - Adult Learning Plan - Annual Training Plan - Disability Strategy - Health & Safety Services Plan - Mental Health Strategy - Older Persons Strategy - Older Persons Mental Health Strategy - Public Health Strategy - Supporting People Strategy • Service Areas & Functions <ul style="list-style-type: none"> - Bereavement Services - Child Poverty ** - Commissioning of Statutory and Discretionary Social Care Services for Vulnerable Adults, i.e. <ul style="list-style-type: none"> ➢ Older People ➢ People with Learning Disabilities ➢ People with Mental Health Problems ➢ People with Physical Disabilities ➢ People with Sensory Loss - Co-ordination and development of public health response - Directly Provided Social Care Services (Adults) - Environmental Health - Lifelong Learning and Support - Older Persons Champion - Open Market - Protection and Vulnerable Adults - Service Development / integration with Partners - Supporting People

** all portfolios – Lead Children's Services

EXECUTIVE PORTFOLIO	SCOPE OF PORTFOLIO
<p>6. Deputy Mayor, Finance and Procurement</p> <p>Robbie Payne</p>	<ul style="list-style-type: none"> • Policy Framework <ul style="list-style-type: none"> - Annual Capital Budget - Annual Revenue Budget • Other Plans & Strategies <ul style="list-style-type: none"> - Accommodation Strategy - Asset Management Plan - Capital Strategy - Commissioning and Procurement Strategy - Contaminated Land Plan - Debt Recovery Strategy - Efficiency Strategy - Headland Coast Protection Strategy Study - Highway Asset Management Plan - Highway Maintenance Plan - Highway Network Management Plan - Insurance Strategy - Network Management Plan - Shoreline Management Plan - Treasury Management Strategy - Waste Management Strategy - Whistleblowing Policy - Winter Maintenance Plan • Service Areas & Functions <ul style="list-style-type: none"> - Building Services - Capital Programme - Centralised Property Management - Child Poverty ** - Coastal Protection - Consultancy Services - Contaminated Land - Council Operational Depots - Efficiency Champion - Energy Management - Environmental Enforcement - Highways - Facilities Management e.g. building maintenance and cleaning - Financial Services - Land and Property Acquisition and Disposal - Land drainage - Legal Services - Printing and Reprographics - Procurement Champion

	<ul style="list-style-type: none"> - Property Maintenance - Public Conveniences - Regional Procurement Strategy - Registration and Electoral Services - Services for Members - Standards and Ethics - Stores and Purchasing - Strategic Asset Management Planning - Sustainable Construction - Sustainable Procurement Champion - The Leased Estate - Waste Management
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** all portfolios – Lead Children's Services

EXECUTIVE PORTFOLIO	SCOPE OF PORTFOLIO
<p>7. Performance</p> <p>Jonathan Brash</p>	<ul style="list-style-type: none"> • Policy Framework <ul style="list-style-type: none"> - Corporate Plan • Other Plans & Strategies <ul style="list-style-type: none"> - Anti Fraud and Corruption Strategy - Corporate Equality and Diversity Plan - Customer Care Strategy - Equality and Diversity Scheme - HR Strategy - ICT Strategy - People Framework (incl HR & Workforce Development Strategies) - Risk Management Strategy - Workforce Development Strategy • Service Areas & Functions <ul style="list-style-type: none"> - Business Transformation - Benefits - Child Poverty ** - Comprehensive Area Assessment - Corporate Strategy - Council Profile - Customer Services (CRM, Contact Centre) - Democratic Services - E-Champion - Equality and Diversity - Equality and Diversity Champion - General Office Services - Health & Safety - Human Resources - ICT - Performance Management including consultation and data quality - Public Relations - Registrars - Revenues - Risk Management Champion - Shared Services - Staff and Member Development (incl council apprenticeships)

** all portfolios – Lead Children's Services

8. Cabinet Member without Portfolio – Peter Jackson