

# CONSTITUTION COMMITTEE AGENDA



**Thursday 29 March 2012**

**at 4.00 pm**

**in Committee Room A, Civic Centre, Hartlepool**

**MEMBERS: CONSTITUTION COMMITTEE:**

The Mayor, Stuart Drummond

Councillors Aiken, C Akers-Belcher, S Akers-Belcher, Cook, Fenwick, James, J W Marshall, Preece, Richardson and Wells

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. MINUTES**
  - 3.1 Minutes of the meeting held on 20 January 2012.
- 4. ITEMS REQUIRING DECISION**
  - 4.1 Financial Procedure Rules – *Corporate Management Team*
  - 4.2 Constitution Review – Proposed Policy Framework – *Joint Report of Chief Solicitor and Assistant Chief Executive*
  - 4.3 Budget and Policy Framework Procedure Rules – Framework Development Process – *Chief Solicitor*
  - 4.4 Delivery of Member Support and Community Engagement – *Chief Solicitor (to follow)*
  - 4.5 Outside Bodies Review – *Chief Solicitor and Assistant Chief Executive*
- 5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

# CONSTITUTION COMMITTEE

## MINUTES AND DECISION RECORD

20 JANUARY 2012

The meeting commenced at 4.00 p.m. in the Civic Centre, Hartlepool

### **Present:**

Councillor Marjorie James (In the Chair)

Councillors: Martin Aiken, Christopher Akers-Belcher, Rob Cook,  
Arthur Preece and Ray Wells.

Also Present: Councillor Ann Marshall as substitute for Councillor JW Marshall  
in accordance with Council Procedure Rule 4.2

Officers: Alyson Caman, Legal Services Manager  
Chris Pipe, Planning Services Manager  
David Cosgrove, Democratic Services Team

### **28. Apologies for Absence**

The Mayor, Stuart Drummond and Councillors Fenwick, JW Marshall and Richardson.

### **29. Declarations of interest by Members**

None.

### **30. Confirmation of the minutes 25 November 2011**

Confirmed.

### **31. Review of Planning Delegations in Relation to Serving Section 215 Notices (Untidy Land & Buildings) (Chief Solicitor)**

The Legal Services Manager reported that two reports had been presented to the Planning Committee on the 7 October and 4 November 2011 recommending that in order to speed up and streamline the serving of Section 215 notices that authority to issue these notices is given to the Planning Services Manager. A flowchart was attached as an appendix to the report which detailed the proposed delegation system.

The Planning Services Manager outlined the main aspects of the process to Members, as detailed within the report. The Chair of the Planning Committee was present and commented that the proposals had been discussed fully in the Planning Committee and were supported by the Committee.

The Planning Services Manager confirmed that ward councillors would be informed of the intention to serve s215 notices to properties in their ward, as would the Chair and Vice Chair of the Planning Committee. There would also be regular update reports submitted to Planning Committee setting out the use of s215 powers. The Chair of the Planning Committee also indicated that were there any differences of opinion between Members and officers, then those issues would be reported to the Planning Committee for determination. Members requested that the process flowchart be amended to reflect the need to inform ward members, Chair and Vice Chair of Planning Committee of the impending service of a s215 notice and that they be given opportunity to comment.

In response to Members questions, the Planning Services Manager indicated that the first 'warning' letter about the potential use of s215 powers gave property owners 28 days to comply. It was always the case that officers would prefer to negotiate with property owners and should contact be made at this initial point, discussions would take place on the issues concerned with the property with a view to resolving the matter at this stage. Should no contact be made, or the property owner refuses to work with the council, then a further letter was sent after 14 days.

Members questioned if any support was offered to those who may be in financial difficulties. The Planning Services Manager indicated that the first letter did encourage property owners to get in touch with the council to discuss the issues. Should there be financial or other issues, there would be advice offered and people would be signposted to the most appropriate body. Any potential mental health issues that may become apparent were also referred to the relevant social work team. Members suggested that the offer of support/advice be present in the initial warning letter.

The Legal Services Manager and the Planning Services Manager indicated that there would be some necessary amendments to delegated powers which would need to be reported to Council for approval consequent to these changes. Members suggested that these form part of the submission to full Council.

### **Decision**

That the proposals of the Planning Committee, as reported, to amend the scheme of delegation to allow the Planning Services Manager authority to serve s215 notices as deemed necessary be approved and that the necessary amendments to the delegation scheme be reported to Council.

### **32. Review of Constitution – Part 1 Document Attached Incorporating Track Changes** *(Chief Solicitor)*

The Chief Solicitor submitted for the Committee's approval, an amended Part 1 of the Constitution following its consideration by the Constitution Task and Finish Group that had been tasked with reviewing the Council's constitution prior to the 'new council' elections in May following the Boundary Commission review.

Members still considered that elements of Part 1 were still 'too wordy' and in need of simplification both in terms of text and length. There were also references to matters such as petitions that were no longer required. Members agreed to refer the section back to the Task and Finish Group for further consideration.

#### **Decision**

That the amended Part 1 of the Council Constitution be referred back to the Task and Finish Group for further consideration.

### **33. Constitutional Changes - Review of Community Involvement and Engagement** *(Chief Solicitor)*

The Legal Services Manager informed the Committee that the views of the Constitution/General Purposes Working Group and Council Working Group would be considered by Cabinet on 6 February 2012. Following consideration by Cabinet a further report would be submitted to the Constitution Committee. The matter was therefore withdrawn from the agenda.

#### **Decision**

The update provided was noted.

The meeting concluded at 4.35 p.m.

CHAIR

# CONSTITUTION COMMITTEE

29 March 2012



**Report of:** Corporate Management Team

**Subject:** Financial Procedure Rules

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## 1. Purpose of Report

- 1.1 The purpose of the report is to enable the Constitution Committee to consider the referral from Council on 23<sup>rd</sup> February 2012 that “the current Financial Procedure rules are to be considered by the Constitution Committee as part of their ongoing review of the Constitution”.

## 2. Background

- 2.1 Details of the current Financial Procedure rules are set out in part 4 of the Constitution and are summarised at Appendix A. The rules and the financial limits have operated since 2008 when the last review was completed. The previous limits operated between 2003 and 2008.
- 2.2 The current rules set out specific criteria in relation to budget changes involving staffing budgets, budget transfers under a single Directors control and transfers requiring approval by Portfolio Holders, Cabinet and full Council.

## 3. Objectives of the Financial Procedure rules

- 3.1 The objective of the Financial Procedure rules is to provide an effective operational framework for managing individual budgets, and the services funded from these budgets, included within the overall budget approved by full Council. The current rules delegate responsibility within a clearly defined framework and are designed to provide a degree of flexibility to manage changing service demands and requirements.
- 3.2 The ability to transfer budgets, within defined parameters, encourages effective management of budgets and accountability for management actions. These factors are extremely important in the context of the value of the overall gross revenue budget, which is in excess of £200 million. The existing budget transfer rules also reflect the range and complexity of services provided by the Council, many of which are demand lead and therefore flexibility is needed to manage changes between planned and actual demand.

- 3.3 At a practical level over the last few years the Council has prepared robust budgets and this has minimised the level of budget transfers which have been required. Where revenue budget transfer have been necessary these have been within the limits delegated to individual Directors.
- 3.4 The effective management of revenue budgets over the last few years has resulted in underspends across a range of corporate and departmental budgets. For 2011/12 this position was identified through the normal financial management reporting arrangements and regular updates on the forecast outturn were referred to Cabinet and then on to Scrutiny Co-ordinating Committee. The reports also identified new financial risks which need to be funded.
- 3.5 The reporting arrangements also included referring forecast outturns as part of the 2012/13 Medium Term Financial Strategy (MTFS) proposals referred to Cabinet and Scrutiny Co-ordinating Committee. The final MTFS report submitted to Cabinet and Council in February 2012 identified a forecast net revenue underspend for 2011/12 of £4.066m and a strategy for earmarking these resources to meet significant future commitments as summarised in table 1 below. These reporting arrangements underpin the Financial Procedure rules as they provide details of the financial position of the authority and proposals for using underspends to underpin the Council's medium term financial position.

Table 1 – Summary of financial risks to be funded from 2011/12 forecast outturn reported in the MTFS.

	Carry Forward to Fund 2012/2013 Commitments £m	Carry Forward to Fund 2013/2014 Commitments £m	Total £m
Strategic One-Off Costs	1.650	0.330	1.980
Works in Default Empty Homes	0.050		0.050
2012/13 Budget Defect	0.029		0.029
Transitional Support to Offset Council Tax Benefit Cuts *	-	1.197	1.197
Contribution to Members Ward Issues Budget	0.083		0.083
Support 2013/14 Budget and Loss of 2012/13 Council Tax Freeze Grant *		0.727	0.727
	1.812	2.254	4.066

\* Subject to review as part of the 2013/2014 budget process.

## 4. Comparison with other authorities

- 4.1 As indicated early in the report details of Hartlepool's current Financial Procedure rules are set out in part 4 of the Constitution and are summarised at Appendix A.

- 4.2 For Members information the position for the other Tees Valley Authorities is summarised in the following paragraphs. In Middlesbrough and Redcar and Cleveland councils 'Heads of Service' are the management level below Chief Officers.
- 4.3 Darlington Council - there is no limit on the revenue budget transfers which individual Directors can approve, provided the overall department expenditure will be within the approved departmental budget and service objectives are achieved. Cabinet can approve in-year one off increases in the overall budget of up to £0.5m, without approval by full Council.
- 4.4 Middlesbrough Council - the limit of transfers which can be approved by individual Heads of Service is £50,000. Transfer above this limit only need Cabinet approval, provided overall Council expenditure will be within the overall budget approved by Council. Budget transfers which need approving by Cabinet are included in quarterly financial management reports submitted to Cabinet. Prior approval of Cabinet is required for budget transfers between budgets of different Portfolio Holders or budgets managed by different Heads of Service.
- 4.5 Redcar and Cleveland Council - the limit of transfers which can be approved by individual Chief Officers within the Head of Service allocated budget is £250,000. Budget transfers between Head of Service allocated budgets of up to £250,000 need approval of the Chief Officer and the relevant Cabinet Member. Budget transfers above these limits only need Cabinet approval.
- 4.6 Stockton Council - there is no limit on the revenue budget transfers which individual Directors can approve, provided the overall department expenditure will be within the approved departmental budget. Budget transfers across departmental revenue budgets only need Cabinet approval provided the overall expenditure will be within the budget originally approved by full Council.
- 4.7 The above limits are summarised in the following table overleaf alongside the limits for Hartlepool.

	Approved by officers	Approved by Portfolio Holder or Cabinet	Approved by Council
Hartlepool	Directors may approve up to £100,000	Portfolio Holder £100,001 to £500,000 with Directorate  Cabinet £100,000 (transfers between Directorates)	Budget transfer above limits delegated to officers, Portfolio Holders or Cabinet
Darlington	No Limit	Cabinet can approve in-year increase in overall budget of up to £0.5m	Only budget transfer above £0.5m limit delegated to Cabinet to increase total budget need Council approval
Middlesbrough	Head of service may approve up to £50,000	Cabinet approve all other transfer above £50,000	No budget transfers need Council approval provided overall expenditure is within the approved budget
Redcar and Cleveland	Chief Officers may approve up to £250,000	Cabinet approve all other transfer above	No budget transfers need Council approval provided overall expenditure is within the approved budget
Stockton	No Limit	Cabinet approve budget transfers across departments	No budget transfers need Council approval provided overall expenditure is within the approved budget

## 5. Corporate Management Team Professional Advice on budget transfer limits

- 5.1 The Corporate Management Team's professional advice is that the existing limits for budget transfers which can be approved by individual Directors (i.e. up to £100,000) provides the flexibility needed to manage complex budgets and services. These arrangements enable issues to be addressed as they arise and ensure there is an ability to provide a timely response. In



comparison to the other Tees Valley authorities the existing limit provides a balance between those authorities which have a limit and those operating without any limits.

- 5.2 In relation to the level of budget transfers which can be authorised by either the relevant Portfolio Holder for transfers between service areas under a single Directors control (i.e. £100,001 and £500,000) and by Cabinet in relation to budget transfers between service areas covering more than one Directorate (i.e. up to £100,000) the Corporate Management Team's professional advice is that these limits are also appropriate. These limits also provide a balance in comparison to the limits operated by the other Tees Valley authorities.

If Members wished to review these limits the Corporate Management Team would recommend that authority delegated to officer would need to increase from the current limit of £100,000 to ensure effective management of services and budgets. Officers would need to provide advice in light of proposed changes to existing limits identified by Members.

## **6. Conclusion**

- 6.1 The report sets out details of the existing budget transfer rules for the Council, how these arrangements fit in with the Council's budget management and reporting arrangements.
- 6.2 The report also provides the professional advice of the Corporate Management Team in relation to the appropriateness of the existing budget transfer and the issues which would need to be addressed if these rules are changed.

## **7. Recommendations**

- 7.1 It is recommended that the Constitution Committee consider the professional advice of the Corporate Management Team in relation to the existing budget transfer rules.

APPENDIX A

**EXTRACT FROM CONSTITUTION**

**4.5 Budget/Reserves Transfers & Contingencies**

- 4.5.1 The Council sets budgets for both Revenue and Capital expenditure; equally the Council holds reserves for earmarked purposes. Circumstances can and do change that result in those detailed budgets becoming outdated. It is necessary, to ensure good financial management, that flexibility exists to allow transfers of resources.

All transfers must be notified to the Chief Financial Officer for their agreement prior to those transfers being actioned in the Accounting System. All transfers must leave the originating budget with sufficient funds to meet its commitments for the provision of that service at the level approved by Council within the budget and policy framework within the current financial year and not affect the sustainability of the service in future financial years.

- 4.5.2 These rules should be interpreted for both budget and reserve transfers and cover:

- i) Detailed transfers between service areas within a Director's/Chief Officer's control;
- ii) Transfers from Revenue to Capital;
- iv) Transfers of managed revenue underspends to the following financial year;
- v) Transfers of resources into and from Specific Reserves;

- 4.5.3 For Capital these rules cover:

- i) Transfers between projects;
- ii) Transfers from Capital to Revenue, which are subject to specific rules.

**4.5.4 Revenue Transfers**

In relation to budget transfers the following rules apply:

- i) Changes to staffing structures need to be approved in accordance with the relevant Council policy and be approved by the relevant Director, the Chief Executive, CPSO and CFO and must be wholly sustainable. No permanent staffing changes can be funded from reserves without Cabinet and Council approval. Approval to fill all

vacant posts must be granted by the Monitoring of Vacancy Panel prior to the commencement of the recruitment process.

- ii) In relation to transfers between service areas under a single Directors control, the Director may transfer budgets as required up to £100,000.
- iii) In relation to transfers between service areas under a single Directors control of between £100,001 and £500,000, these must be authorised by the relevant Portfolio Holder.
- iv) In relation to transfers between service areas covering more than one Directorate, transfer of budgets up to £100,000 of a budget, must be authorised by the Cabinet.
- v) Budget transfers in excess of the above limits must be approved by the Council.

4.5.5 Transfers from Revenue to Capital are allowed subject to continued service delivery as determined in 4.5.1.

4.5.6 Transfers of managed revenue underspends from one year to the following are allowed subject to the transfer not exceeding 10% or £500,000, whichever is the lower, of the Departmental budget. Details of contributions to managed revenue underspend must be reported to Cabinet within the annual outturn report.

4.5.7 In addition, transfers into and from Specific Reserves and technical budget adjustments necessary to allocate grant resources and comply with grant conditions are allowed. Details of contributions to Specific Reserves must also be reported to Cabinet within the annual outturn report.

#### 4.5.8 Capital Transfers

In relation to Capital, transfers of resources from one project to another subject to a maximum of:

- £5,000 or 10%, whichever is the higher, for projects up to £100,000,
- £20,000 or 10%, whichever is the higher for projects between £100,001 and £500,000,
- £100,000 or 10%, whichever is the lower for projects above £500,001, which must be approved by the CFO prior to being authorised by the relevant Portfolio Holder and reported with the quarterly budget monitoring report.

The Council must approve budget transfers in excess of the above limits.

4.5.9 Transfers between capital and revenue are allowed subject to the continued delivery of the capital program and compliance with capital accounting regulations and specific funding arrangements and approved by the CFO, Internal Audit and reported to Scrutiny Co-ordinating Committee.

4.5.10 Contingencies

In circumstances where action is required for which no or insufficient budget provision is available the Cabinet has authority to authorise the incurring of expenditure up to £100,000 in any one year from contingencies with maximum allocations for any one instance of £10,000, subject to the budget provision for Cabinet contingency.

4.5.11 Any additional favourable outturn must be allocated to the Council's General Fund. This will ensure that any further allocation of said monies is subject to Full Council approval.

4.5.12 Responsibilities of the Chief Financial Officer:

To maintain and administer the scheme of budget transfers and contingencies.

4.5.13 Responsibilities of Directors and Chief Officers:

To ensure the Chief Financial Officer is informed of any changes, which require a budget transfer.

# CONSTITUTION COMMITTEE

29 March 2012



**Report of:** Chief Solicitor and Assistant Chief Executive

**Subject:** Constitution Review – Proposed Policy Framework

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## 1. PURPOSE OF REPORT

- 1.1 The report makes proposals for a revised Policy Framework to form part of a revised Constitution, Article 4.

## 2. BACKGROUND

- 2.1 Decision-making is underpinned by a framework of policies, plans and strategies. These are collectively referred to as the Policy Framework and form part of the Council's Constitution.
- 2.2 Full Council is responsible for approving the contents of the Policy Framework, and the Executive (Cabinet) is responsible for implementing it. Full Council is also responsible for amending the Constitution.
- 2.3 Cabinet draws up initial proposals in relation to any policies, plan or strategy within the Policy Framework, the details of which shall be included in the Forward Plan.
- 2.4 Stakeholders are consulted on the plans, including the appropriate Overview and Scrutiny Committee or, in some cases, the relevant Regulatory Committee (e.g. planning).
- 2.5 Council considers the proposals and may adopt them, subject to a simple majority vote.
- 2.6 The national regulations identify three classes of policies, plans and strategies: named policies, plans and strategies that must be included in the Policy Framework; other named policies, plans and strategies where the council can decide whether to include or not; and thirdly any other policies, plans and strategies that the council choose to include in the Policy Framework. The Policy Framework in the Council's first Constitution was based wholly and exclusively on the first two of these. **Appendix A** describes the changes between the original, current and Proposed Policy Framework. **Appendix B** describes the changes between the current Policy Framework and the proposal.

- 2.7 Since then the national guidance and regulations have become outdated and no longer reflect the national policy framework within which local authorities operate. We are not aware that central government has any plans to comprehensively update the regulations at present although they are asking for comments from Local Authorities as to how to reduce burdens and this is one area which could potentially be identified.
- 2.8 Locally the Policy Framework has been updated to reflect some but not all changes. Some plans included in the national guidance and which are longer required have been dropped already from the local Policy Framework. Where appropriate new plans have been included in the Policy Framework to ensure the relevant issues are still considered by Council.
- 2.9 Corporate Management Team therefore thought it appropriate to review the Policy Framework to ensure it provided a sound basis for decision making and reflected the Council's current priorities. These proposals were considered by Cabinet on 6 February 2012 who recommended that the proposals be forwarded to the Constitution Committee and thereafter to Council.

### 3. PROPOSED POLICY FRAMEWORK

- 3.1 In making the proposal the following criteria were taken into account:
- The national regulations (as far as it was sensible to do so)
  - Member policy priorities
  - An assessment of the strategic and long term issues facing the town
  - Local partnership arrangements

1. Children and Young People's Plan	Retain
2. Vision For Adult Social Care In Hartlepool	Name change
3. Youth Justice Strategic Plan	Name change
4. Child Poverty Strategy	New
5. Health and Wellbeing Strategy	New
6. Council Plan	Name change
7. Sustainable Community Strategy	Retain
8. Crime and Disorder Reduction Strategy	Retain
9. The plans and strategies which together comprise the Development Plan	Retain
10. Housing Strategy	Name change
11. Local Transport Plan	Retain
12. Tees Valley Joint Waste Management Strategy	Retain

13.Economic Regeneration Strategy	New
14.Voluntary Sector Strategy and Compact	New

- 3.2 In summary the proposed Policy Framework includes:
- 6 (out of 12) policies, strategies and plans retained from the current framework
  - 4 plans and strategies in the current framework where names have been changed to reflect current processes
  - 4 new policies, plans and strategies that have been added to reflect current priorities.
- 3.3 Corporate Management Team's view is that the proposed Policy Framework addresses the major strategic issues facing the town and Council and provides a framework for working with all the Council's major delivery partners in the public, private and voluntary sectors.

#### **4. RECOMMENDATIONS**

- 4.1 Refer the proposed Policy Framework for consideration by Council on 12 April 2012.

#### **5. REASONS FOR RECOMMENDATIONS**

To progress agreement on updated Policy Framework.

#### **6. BACKGROUND PAPERS**

Hartlepool Borough Council Constitution, Article 4  
Local Authorities (Functions and Responsibilities) (England) Regulations 2000

#### **7. CONTACT OFFICER**

Peter Devlin, Chief Solicitor  
Andrew Atkin, Assistant Chief Executive

**Appendix A – Policy Framework – national guidance and current position**

<b>Policy Framework List taken from national guidance. 1-11 required. 12-17 optional</b>	<b>Current status within HBC Policy Framework and how addressed in proposal</b>
1. Annual Library Plan;	Not included in current Framework. No longer produced, elements can be included in Department plan which is subject to approval by Cabinet and overview by scrutiny.
2. Best Value Performance Plan	Not included in current Framework. No longer required or produced; relevant issues incorporated in Corporate Plan.
3. Children's Services Plan	Not included in the current Framework; relevant issues addressed in Children and Young People's Plan which is included in the current Framework and the proposal.
4. Community Care Plan	Not included in the current Framework; addressed in the current Framework by the Commissioning Strategies for Vulnerable People and in the proposal by the Vision For Adult Social Care In Hartlepool.
5. Community Strategy	Included in the current Framework as Sustainable Community Strategy and retained in the proposal. Note; Government is considering removing the requirement to produce a Community Strategy.
6. Crime and Disorder Reduction Strategy	Included in current Framework and retained unchanged in the proposal.
7. Plans and alterations which together comprise the Development Plan	Included in current Framework and retained in the proposal but the development plan system has been subject to considerable reform e.g. adoption of Core Strategy, abolition of Regional Spatial Strategies.
8. Early Years Development Plan	Not included in the current Framework; relevant issues addressed in Children and Young People's Plan which is included in the current Framework and the proposal.
9. Education Development Plan	Not included in the current Framework; relevant issues addressed in Children and Young People's Plan which is included in the current Framework and the proposal.
10. Local Transport Plan	Included in current Framework and retained unchanged in the proposal.
11. Youth Justice Plan.	Included in current Framework and retained in proposal but now known as Youth Justice Strategic Plan
12. Food Law Enforcement Service Plan	Included in current Framework and is still produced and proposed to be retained but not in the Policy Framework and approved by portfolio holder.



<b>Policy Framework List taken from national guidance. 1-11 required. 12-17 optional</b>	<b>Current status within HBC Policy Framework and how addressed in proposal</b>
13.the strategy and plan which comprise the Housing Investment Programme	Included in current Framework and retained in proposal but now known as Housing Strategy
14.Local Agenda 21 Strategy;	Not included in current Framework. No longer required or produced; relevant issues can be incorporated in Department Plans and Corporate Plan.
15.Adult Learning Plan;	Not included in current Framework. No longer required or produced; relevant issues can be incorporated in Economic Regeneration Strategy, Department Plans and Corporate Plan.
16.Quality Protects Management Action Plan;	Not included in current Framework. No longer required or produced; relevant issues addressed in Vision For Adult Social Care In Hartlepool.
17.Local authority's Corporate Plan or its equivalent (if the local authority has one).	Included in the current Framework and retained in the proposals as the Council Plan.

### Appendix B – Policy Framework as at January 2012 and proposal from Corporate Management Team

List taken from current HBC Constitution Article 4 – para 4.04	Final proposal agreed at Corporate Management Team 9/1/12
1. Children and Young People's Plan	Retain
2. Commissioning Strategies for Vulnerable People	Change: now known as Vision For Adult Social Care In Hartlepool; see Cabinet report 9/1/12.
3. Corporate Plan	Change: rename Council Plan to reflect changes to Council's streamlined performance management framework
4. Crime and Disorder Reduction Strategy	Retain
5. The plans and strategies which together comprise the Development Plan	Retain
6. Food Law Enforcement Service Plan	Drop, but require to be approved by relevant portfolio holder
7. The plan and strategy which comprise the Housing Investment Programme	Change: now known as Housing Strategy
8. Local Transport Plan	Retain
9. Quality Protects Management Action Plan	Drop. No longer required or produced; relevant issues addressed in Vision For Adult Social Care In Hartlepool.
10. Sustainable Community Strategy	Retain
11. Tees Valley Joint Waste Management Strategy	Retain
12. Youth Justice Plan	Change: now known as Youth Justice Strategic Plan

# CONSTITUTION COMMITTEE

29th March 2012



**Report of:** Chief Solicitor

**Subject:** BUDGET AND POLICY FRAMEWORK PROCEDURE  
RULES – FRAMEWORK DEVELOPMENT PROCESS

## 1. PURPOSE OF REPORT

- 1.1 At a meeting of Council on 9th February, 2012, there was consideration of the Executive proposals on the Medium Term Financial Strategy – Budget and Policy Framework 2012/2013 – 2014/2015. Whenever those proposals are amended by Council there follows a procedure which is prescribed under the Local Authorities (Standing Orders) (England) Regulations, 2001. Specific reference is made to these Regulations within the first Schedule to the Council's Procedure Rules and although largely incorporated within the Budget and Policy Framework Procedure Rules there are some subtle differences between "Figure 1 – Summary of Budget and Policy Framework Development Process" and the text to the Procedure Rules under paragraph 2(d) and (e). It is therefore appropriate as part of the review of the Council's Constitution that any such anomalies be addressed and that the position is made clear so that there is a proper and correct interpretation of these particular procedure rules and to avoid any confusion or contrary interpretation.

## 2. BUDGET AND POLICY FRAMEWORK DEVELOPMENT PROCESS

- 2.1 Although Council is responsible for the formal adoption of its Budget and Policy Framework, it is the Executive which develops the proposals in relation thereto and who also have the responsibility to implement such a plan of strategy. As part of the process for developing the Budget and Policy Framework the Executive are required to consult and thereafter draw up initial proposals, which are then forwarded to Scrutiny Co-ordinating Committee for their consideration. Scrutiny Co-ordinating Committee have at least six weeks to consider the draft budget, plan or strategy and thereafter the Executive will finalise proposals for submission to Council.
- 2.2 If the proposals are adopted unamended by Council then they become effective immediately. Council can also refer the proposals back to the

Executive with reasons and a further meeting of Council will then be convened within 10 clear working days, where Council will make a decision upon the resubmitted proposals.

- 2.3 Where Council has any objections then it must follow the procedures that are to be incorporated within its Standing Orders (now termed “Procedure Rules”) under the Local Authorities (Standing Orders) (England) Regulations, 2001. Consequently, before the authority can amend and adopt a plan or strategy it must inform the Elected Mayor of its objections. Further, under Schedule 2 paragraph 4 of these Regulations, Council *“....must specify a period of at least 5 working days beginning on the day after the date on which the Elected Mayor received instructions on behalf of the Executive within which the Elected Mayor may –*
- (a) submit a revision of the draft plan or strategy as amended by the Executive (the “revised draft plan of strategy”), with the Executive’s reasons for any amendments made to the draft plan or strategy to the authority for the authority’s consideration; or*
  - (b) inform the authority of any disagreement the Executive have with any of the authority’s objections and the Executive’s reasons for any such disagreement”.*
- 2.4 Although, paragraph 2(d) of the Council’s Budget and Policy Framework Procedure Rules mentions the reconvened Council meeting being held in 10 clear working days, ‘Figure 1 – Summary of Budget and Policy Framework Development Process’ mentions “a further meeting of the Council will be convened within 14 days”. It would therefore be more consistent and add clarity to the Procedure Rules if reference is made to the convening of such a meeting “within 10 clear working days” both within the text to those Rules and also within ‘Figure 1 - Summary of the Budget and Policy Framework Development Process’.
- 2.5 It would also be beneficial if paragraph 2(e) of the Budget and Policy Framework Procedure Rules was also compatible within para (b) **“if proposals are amended by Council** of the ‘Summary’, and to reflect comparable time periods. It is therefore suggested, that the period of “5 working days” which covers the period in which the Mayor can make formal objection and which is in unison with the wording in the Regulations should be utilised as opposed to the reference of “7 days” mentioned within para (b) of ‘Figure 1 - Summary of the Budget and Policy Framework Development Process’.
- 2.6 Ultimately, where there is Mayoral objection to the Council’s amendment a meeting will be held and in accordance with Schedule 2 paragraph 7 of the Regulations any determination *“....must be decided by a two thirds majority of the Members of the authority present and voting on the question at a meeting of the authority”*. Both para (e) of the Budget and Policy Framework Procedure Rules and ‘Figure 1 – Summary of Budget and Policy Framework Development Process’ mentions “two thirds majority (of Members present at

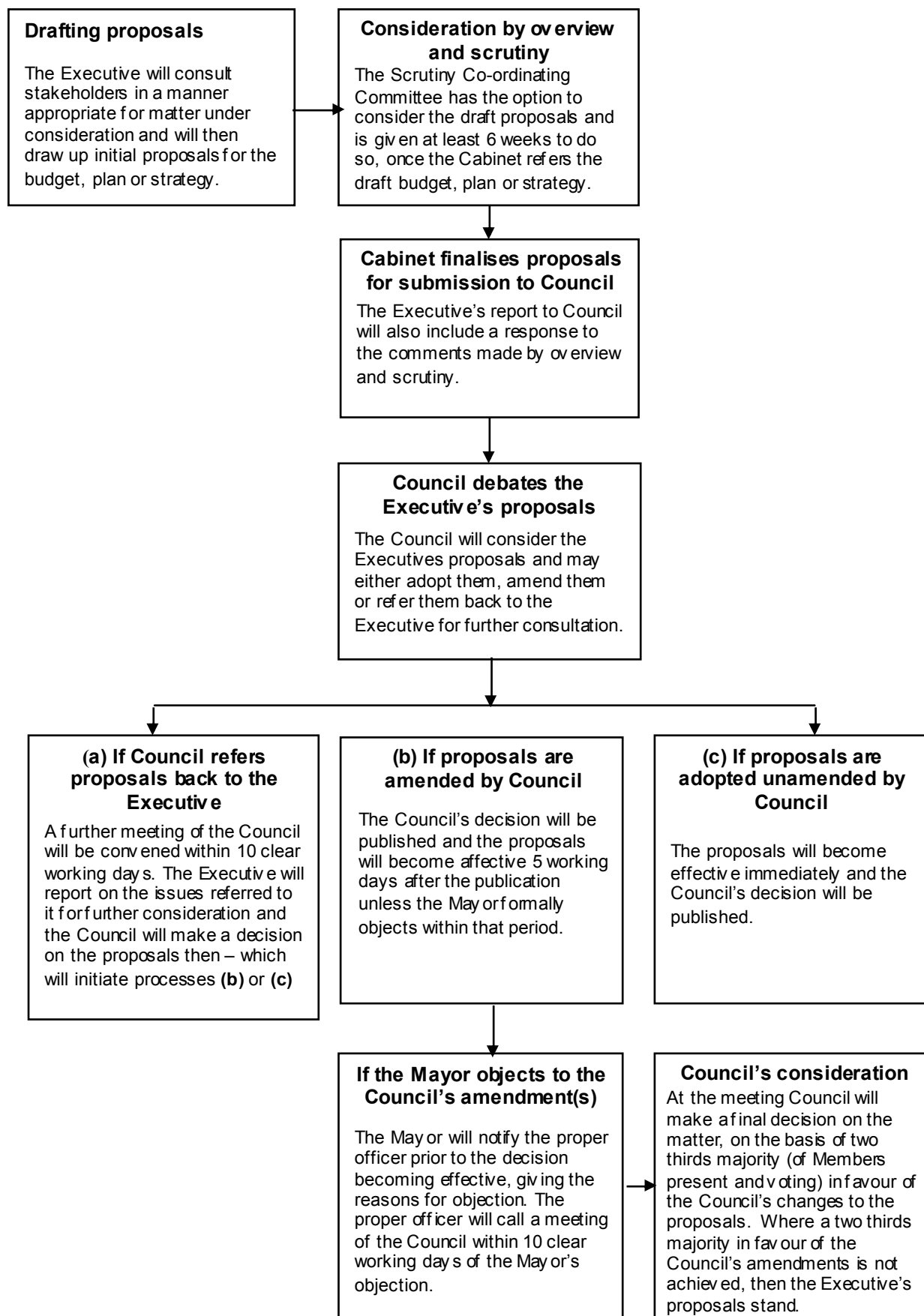
the meeting)”. The Regulations though clearly specify a final decision on the matter is on the basis of Members “present and voting”. Again, it is submitted, the statutory wording is used in order to properly reflect the statutory provisions which should be within the Budget and Policy Framework Procedure Rules.

### 3. SUMMARY

- 3.1 In **Appendix 1 and 2** are the suggested “tracked changes” to ensure that these particular Procedure Rules adequately cover the statutory requirements as set out within the applicable Regulations. Although, the Regulations are set out comprehensively within the first Schedule to the Council’s Procedure Rules, there is a clear need for the statutory position to be covered within the Budget and Policy Framework Procedure Rules in order to avoid any unnecessary confusion. The changes as suggested upon the appended documents therefore represent the statutory position.

### 4. RECOMMENDATIONS

For Members to consider this report and to make recommendations to Council for the changes to the Budget and Policy Framework Procedure Rules as set out within **Appendix 1 and 2** to this report.

**Figure 1 Summary of Budget and Policy Framework Development Process**

**(a) Executive finalises proposals for submission to Council**

The Executive will finalise its proposals for the Council to consider, having taken into account the comments from the Scrutiny Co-ordinating Committee. The Executive's report to Council will include its response to those comments.

**(b) Council debates the Executive's proposals**

The Council will consider the Executive's proposals for the budget, plan or strategy and may adopt them, amend them or refer them back to the Executive for further consideration.

**(c) If the proposals are adopted unamended by Council**

The proposals become effective immediately and the Council's decision will be published.

**(d) If the Council refers the proposals back to the Executive**

The Council must identify the issue(s) that it wishes the Executive to reconsider and the reasons for asking it/them to be reconsidered. A further meeting of Council will be convened within 10 clear working days and at that meeting the Council will make a decision on the proposals. The Executive will report on the issues referred to it for further consideration.

**(e) If the proposals are amended by Council**

The Council's decision will be published and the proposals will become effective five working days after the publication of the decision unless the Mayor formally objects, within that period.

If the Mayor objects to the Council's amendment(s) to the budget, policy or strategy, the Mayor will notify the proper officer prior to the decision becoming effective, giving the reasons for objection. The proper officer will call a meeting of Council within 10 clear working days of the Mayor's objection. Council will reconsider the issue in light of the objection. At the meeting Council will make a final decision on the matter, on the basis of two thirds majority (of Members present and voting at the meeting) in favour of the Council's changes to the Executive's proposals. Where a two thirds majority in favour of the Council's amendment(s) is not achieved, then the Executive's proposals stand.

# CONSTITUTION COMMITTEE

29th March 2012



**Report of:** Chief Solicitor

**Subject:** REVIEW OF COMMUNITY INVOLVEMENT AND ENGAGEMENT AND THE DELIVERY OF SUPPORT TO MEMBERS AND TO COUNCIL, EXECUTIVE, NON-EXECUTIVE AND SCRUTINY FUNCTIONS

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## 1. PURPOSE OF REPORT

- 1.1 For the Constitution Committee to make recommendations to Council, following a review of community involvement and engagement and the delivery of support to the Council generally, which has incorporated the views of both the Executive, Constitution/General Purposes Working Group, and the Scrutiny Co-ordinating Committee.

## 2. BACKGROUND

- 2.1 At a meeting of Cabinet on 6th February, 2012, consideration was given to the views of the Constitution/General Purposes Working Group on a review of community involvement and engagement (including LSP review). Cabinet had initially taken decisions on 18th July, 2011, and subsequent consideration centred around the Working Group's alternative proposals, as outlined within **Appendix A** to this report. On 17th February, 2012, the Scrutiny Co-ordinating Committee discussed the reaffirmation of the Cabinet's decision as taken on 6th February, which subsequently led to discussions between the Scrutiny Co-ordinating Committee and the Elected Mayor at a meeting held on 9th March, 2012. The attached appended document therefore incorporates the views expressed at the meeting on 9th March and provides the basis of the recommendations to Council.
- 2.2 At the meeting on 9th March, 2012, there was broad agreement, that the Council should operate two Neighbourhood Forums, which should be aligned with the new neighbourhood management arrangements, with each Forum having an elected Member as Chair and Vice-Chair. It was also agreed "in principle" that there be a 'Strategic Partners Group' and that the composition should also include the Chairs and Vice-Chairs of the two



Neighbourhood Forums and where applicable, subject to any statutory requirement, there be a co-option onto the four themed partnerships. as appropriate. It was also agreed that there should be no 'Neighbourhood Voice' and that the present Parish Liaison meetings (article 10.8 of the Council's Constitution refers) would cease. It was acknowledged, that the Elected Mayor would also hold such ad hoc meetings with Parish representatives at his discretion. It was also agreed and acknowledged that a review of these measures should commence at the expiration of six months from the start of the forthcoming municipal year with reports to the Executive and Scrutiny Co-ordinating Committee (with involvement of Constitution Committee and General Purposes Committee Members, where required) to allow any changes to be effective before the start of the next municipal year.

- 2.3 At the meeting on 9th March, there was also consideration given to a series of measures as outlined within **Appendix B** to this report, which had been discussed at the Cabinet meeting on 20<sup>th</sup> February, 2012. Again, that appended document accommodates the initial recommendations of Cabinet, the response to Cabinet's referral from the Constitution/General Purposes Working Group and also from the Scrutiny Co-ordinating Committee and also the consensus emanating from the meeting held on 9th March, 2012. Again, further to Member discussion, the appended document can form the basis of recommendations to Council, for their consideration at the next scheduled ordinary meeting to be held on 12th April, 2012.

### 3. **RECOMMENDATIONS**

1. That the Constitution Committee recommend changes to the Council's Constitution to full Council as set out within Appendices A and B to this report.

### 4. **CONTACT OFFICER**

Peter Devlin  
Chief Solicitor

### 5. **BACKGROUND PAPERS**

Cabinet reports dated 18<sup>th</sup> July, 2011, 6<sup>th</sup> and 20<sup>th</sup> February, 2012.

**Appendix A**

<b><u>CABINET RECOMMENDATION</u></b>	<b><u>WORKING GROUP PROPOSAL</u></b>	<b><u>JOINT CABINET AND SCRUTINY DISCUSSION</u></b>
One Borough-wide Forum meeting every 10 weeks with the Chairman of the Council as Chair and a backbench Councillor as Vice Chair.	Two Neighbourhood Forums aligned with the new Neighbourhood Management boundaries, with each having an elected Member Chair and Vice Chair.	Agreement to two Neighbourhood Forums.  Review to be instigated after 6 months and reported to Cabinet and Scrutiny.
<p>'In principle' a Strategic Partners Group with the following membership and</p> <ol style="list-style-type: none"> <li>1. Hartlepool Borough Council - Mayor, all Cabinet Members and Chief Executive</li> <li>2. The Chairs of the theme groups (4)</li> <li>3. Cleveland Police Authority</li> <li>4. Cleveland Fire Authority</li> <li>5. Hartlepool PCT / NHS Hartlepool (until dissolved)</li> <li>6. Hartlepool GP Commissioning Consortia</li> <li>7. Director of Public Health (local representative of Public Health England)</li> <li>8. Job Centre Plus</li> <li>9. Skills Funding Agency</li> <li>10. A representative of the Voluntary &amp; Community Sector (VCS) in Hartlepool elected as per the Compact Code of Practice on Representation.</li> </ol>	<p>That both the Chairs and Vice Chairs of the Neighbourhood Forums (4 in total) be members of the Strategic Partners Group.</p> <p>In addition, that the Chairs and Vice Chairs of the Neighbourhood Forums be allowed to co-opt onto a themed partnership arrangement when they felt it would be appropriate.</p>	Chair and Vice Chair of the Forum to be Members of the Strategic Partnership Group. Membership onto the four themed partnerships, subject to statutory requirements.

**Appendix A**

<b><u>CABINET RECOMMENDATION</u></b>	<b><u>WORKING GROUP PROPOSAL</u></b>	<b><u>JOINT CABINET AND SCRUTINY DISCUSSION</u></b>
One Neighbourhood Voice per Ward with individuals nominated being a member of a Resident's Association that had been in existence for more than a year.	No Neighbourhood Voice at all – it was felt that proposed ward areas were too big for one unelected Neighbourhood Voice to represent and would prove ineffective. It was noted that all members of the public were more than welcome to attend any council meeting, subject to Access to Information procedure rules, and engage with the decision making process. It was highlighted that there continued to be a role for members of the public throughout the scrutiny process.	Agreement that there be no 'Neighbourhood Voice'
Meetings to be held twice a year between the Mayor and the Chairs of the Town and Parish Councils with the relevant Neighbourhood Manager and Ward Councillors invited.	Objection was raised to this as it was felt that Parish Councillors would have more access to the Mayor than Members and therefore it should not go ahead.	Parish Liaison meetings to cease, ad hoc meetings to take place between the Mayor and Parish representatives at the Mayor's discretion.

	<b>Initial Cabinet Recommendations</b>	<b>Response to Cabinet Referral from:</b> - <b>Constitution / General Purposes Working Group;</b> - <b>Council Working Group; and</b> - <b>Scrutiny Co-ordinating Committee</b>	<b>Proposals from Cabinet/Scrutiny Co-ordinating Committee discussions on 9th March 2012</b>
1 (i)	That the Constitution be reviewed annually through the Monitoring Officer and that the Constitution Committee be abolished, following the 2012 elections.	That the Constitution Committee continues to operate as it is, with Working Groups scheduled as and when required.	Agreement to continuation of Constitution Committee in providing recommendations to Council.
1 (ii)	That the functions of the Standards Committee be extended to include monitoring attendance of Members at induction and training sessions	It was noted that Members' attendances are already recorded, audited and published on an annual basis and any additional monitoring would be a further drain on resources. On this basis, the recommendation was not supported.	Agree that the current system of recording, auditing and publishing Members' attendances was probably sufficient but that more effective ways to deliver induction and training sessions for Members should be explored.
1 (iii)	That the General Purposes (Appeals and Staffing) Committee become a stand alone committee with a fixed membership.	That the General Purposes (Appeals and Staffing) Committee continue to operate as it currently does, with membership identified from the General Purposes Committee.	Confirmed that need to maintain the consistency of fully trained Members for appeals and staffing issues. Agreement to maintain the present current structure, role and remit, but to be reviewed subsequently.

1 (iv)	That the remaining General Purposes Committee functions to combined with the functions of the Audit Committee to form one expanded “Operations Committee” with exclusively backbench membership.	That General Purposes Committee continue to function as it currently does with no reduction in membership numbers. However, it was recommended that further discussion relating to the governance arrangements of the Council be undertaken by members in the forthcoming municipal year.	Agreement to maintain the current structure, role and remit of the committee but need to reflect changes in the overall political arrangements of the Council post May, 2012.
1 (v)	That the Contract Scrutiny Committee be abolished and the functions relating to the contracts/tenders be undertaken by the Executive.	That Contract Scrutiny Committee be abolished and the functions of opening tenders be undertaken by a sub-committee of 1 or 2 Members from within the membership of the Audit Committee. The governance and monitoring arrangements relating to the issuing of contracts and the subsequent procurement policy arrangements also be the responsibility of the Audit Committee.	The Audit Committee should have the ability to consider a contract for detailed examination should it not be performing and report their findings to the relevant Portfolio Holder where appropriate. Tender opening could be performed through a Sub-Committee of the Audit Committee. Consequently, there was justification to abolish the Contract Scrutiny Committee.
1 (vi)	That the number of Scrutiny Forums be reduced from six to four through the merging of Neighbourhood Services and Regeneration and Planning Services Scrutiny Forums and Health Scrutiny Forum to be combined with Adult and Community Services Scrutiny Forum to reflect the Council's new public health role.	The continuation of the five Scrutiny Forums as they currently stand, with a reduced membership of 5/6 Members appointed to each Scrutiny Forum depending on the requirements of proportionality. In addition to this, the Chair, Vice Chair and one other Member from the Scrutiny Forums be appointed to the Scrutiny Co-ordinating Committee to enable the full participation of back bench and cross party Members with the Chair appointed by Council resulting in a membership of 16 members on SCC.	Present arrangements to continue subject to review as part of the political arrangements and composition of the Council post May 2012.

2 (i)	That Members' Seminars be deleted from the council diary and replaced with ad hoc briefing/training sessions, to be organised following identification of issues by Members/Officers and be held immediately in advance of meetings of full Council.	Whilst Members supported the removal of diaried Members' Seminars; the scheduling of the ad hoc briefing/training sessions needed further discussion.	Further consideration to be given to the appropriate scheduling of ad hoc briefing/training sessions.
2 (ii)	That the introduction of Task and Finish/Working Groups be monitored to ensure they are resourceable	Additional Task and Finish/Working Groups are already scheduled around the Council Annual Diary, Members and Officers diaries to ensure they are resourceable. Additional monitoring of this would put a further strain on officer resources.	Members should be mindful when arranging Task and Finish/Working Groups, as to the overall need for such Groups in the furtherance of assisting the policy direction of the Council.
2 (iii)	That task and finish groups be conducted in public, except where the information being discussed is exempt under the Local Government (Access to Information) (Variation) Order 2006.	Advice had been received that Task and Finish Groups are not subject to Access to Information Provision Rules and are therefore private meetings of members and officers.	The Chair would have the discretion to hold such a meeting in private should it be deemed necessary and be the view of the collective membership of the Group.
2 (iv)	That Committee/Forum/Group Chairs be advised of their responsibility in ensuring that only those additional meetings that are unavoidable are called in light of the additional workload the number of additional meetings	Members were fully aware of the additional workload that extra meetings incurred both for officers and Members. Therefore additional meetings are only called as and when necessary.	That Committee/Forum/Group Chairs recognise their responsibility in ensuring that only those additional meetings that were unavoidable were called or were otherwise necessary.

	over and above the agreed Council diary are creating		
2 (v)	<p>That a 'freeze' to be introduced in respect of attendance at conferences where conference costs are incurred. In exceptional circumstances that attendance at conference is justified, the Member attending the Conference is required to feedback to all Members of the Council in both written and verbal form</p>	<p>Members referred to the differentiation between conferences Members were invited to attend as appointed Council representatives, as opposed to specific individual requests from Members to attend ad hoc conferences. In view of this, Members suggested that an approved list of conferences be created to take into account conferences of the organisations that Council appoint Members to as Council representatives.</p> <p>Members were fully supportive of a review of the outside bodies that the Council appoint to on an annual basis and considered that the reintroduction of approved conference list should be considered in conjunction with the outside body list.</p> <p>The introduction of an informal mechanism, as implemented through Scrutiny, for the reporting of attendance at Conferences / Seminars would be the preferred option and that in the re-introduction of a formal written / verbal process for reports to full Council was not supported. It was considered that any freeze on conference attendances apply to both officers as well as Members.</p>	<p>An Approved Conferences List be adopted in conjunction with the review of 'Outside Body' Appointments.</p>

2 (vi)	That a review of Members' accommodation be undertaken involving all Councillors based on the principle of need	A review of Members' accommodation was supported and suggestions were made for the relocation of non Executive and Executive Members collective space to within the Civic Suite.	Agreed
2 (vii)	That further consideration be given to improving Members' ICT with the aim of reducing costs and simplifying its use and that all Councillors be encouraged to utilise the systems available to them	Members supported this recommendation and looked forward to an effective solution being identified.	Agreed
2 (viii)	That the practice of producing summary sheets for reports cease as soon as practicable and that appendices to reports are not customarily printed but available electronically, on request and in the Members' Library	Members supported this recommendation.	Agreed
3 (i)	That the size of all committees/forums established/reappointed after May 2012 reflect the reduction in the overall size of Council	Members considered that a pro rata reduction in committees/forums in line with the reduction in Elected Members was unworkable and that each individual committee/forum should be examined separately and on their own merits and required functions.	<b>NOTE:</b> Constitution Committee to make specific recommendations for consideration of Council on 12 4. 2012.



3 (ii)	The Mayor to consider the potential options for the size of the Cabinet and any associated savings in line with the parameters set out in legislation and the Constitution	As the Mayor was unable to give an indication of the number of Executive Members likely to be appointed to Cabinet post May 2012 elections; Members had based their consideration of the political structure on 25 Members being available to participate in back bench committees.	Noted.
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# CONSTITUTION COMMITTEE

29 March 2012



**Report of:** Joint report of Chief Solicitor and Assistant Chief Executive

**Subject:** Outside Bodies Review

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## 1. PURPOSE OF REPORT

The report sets out information to assist consideration of a review of representation on outside bodies to reflect the reduction in council size, with effect from May 2012.

## 2. BACKGROUND

Hartlepool Borough Council currently makes approximately 196 nominations to 78 organisations. These organisations vary greatly and include statutory bodies, national lobbying organisations and local charities. The roles of Members on these bodies and the demands on their time vary greatly. Some organisations may only meet once or twice a year while others may meet every few weeks. Some of these nominations could also require detailed briefings prior to the meetings.

Nominations are made in different ways. Generally nominations are approved/noted at Annual Council in May each year. Some nominations are linked to particular positions (eg Executive Member/Forum Chair), some require nominations on the basis of political group (eg Cleveland Fire Authority) and some may reflect the particular interest/expertise of a Councillor.

Approximately 40 per cent of places are appointed by cabinet members. Within the Executive, representation varies greatly with some portfolios having more nominations attached to them than others.

Nominations that are not attached to a particular position are generally allocated to political groups. They will then nominate individuals to those positions.

A review of representation on outside bodies, and the process by which members are nominated to them, was last undertaken in 2007. A further review is timely to reflect the reduction in Council size from May this year.

### 3. PROPOSALS

The Constitution Task and Finish Group met on 1 March 2012 to consider Council participation and nominations to outside bodies. These include:

- the value of participation to the Council
- the value of Council participation to the community
- ensuring that the Council is effectively represented on outside bodies
- ensuring that the Council fulfils its statutory responsibilities
- not overburdening some positions with nominations;
- and ensuring that Councillors serve on bodies whose work interests them.

A schedule had been compiled which included a range of information to assist Members' in reviewing representation to outside bodies. The schedule reflects the four main outside body categories as follows:-

Schedule A – Executive appoints Executive Member

Schedule B – Executive appoints Any Member

Schedule C – Council appoints, includes at least one Executive Member

Schedule D – Council appoints any Member

The Task and Finish Group considered representation on those bodies comprising Schedules C and D. The outcome of those considerations will be circulated under separate cover as **Appendix 1**.

### 4. EXECUTIVE APPOINTMENTS

The Mayor has been consulted on Schedules A and B. The outcome of the review undertaken by the Mayor has also been reflected in Appendix 1.

### 5. RECOMMENDATIONS

The Committee is requested to consider the recommendations of the Task and Finish Group in terms of those organisations which they consider (i) should no longer be included on the Council's outside body list and (ii) those organisations where the number of members appointed to an organisation should be reduced.

# **Part 7**

## **Appointments to outside organisations and other bodies**



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North East Procurement Organisation.....	
North East Regional Employers Organisation.....	
North East Rural Affairs Commission.....	
North East Strategic Migration Partnership.....	
North Eastern Inshore Fisheries and Conservation Authority.....	
<b>North Tees and Hartlepool NHS Foundation Trust .....</b>	
Northern Consortium of Housing Authorities.....	
 Preston Simpson and Sterndale Scholarship in Music .....	
 Regional Flood Defence Committee .....	
River Tees Port Health Authority.....	
 Safer Hartlepool Partnership.....	
Schools Admission Forum .....	
SITA Board.....	
Standing Advisory Council for Religious Education.....	
<b>Strategic Partners Group</b>	
 Teesside Pension Fund.....	
Teesmouth Field Centre	
Tees Valley Arts – Board of Directors.....	
Tees Valley Community Foundation	
Tees Valley Environmental Protection Group.....	
Tees Valley Joint Health Scrutiny Committee.....	
Tees Valley Leaders and Chief Executives.....	
Tees Valley Local Access Forum .....	
Tees Valley Unlimited.....	
Together Project Working Group.....	
 Victoria and Jubilee Homes.....	





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## Introduction and explanation

The attached schedules show the categorisation of the currently recognised outside organisations and other bodies.

There are four main categories as follows:

- A. Executive appoints executive member(s)
- B. Executive appoints any member(s)
- C. Council appoints but must include at least one executive member
- D. Council appoints any member(s).

It will be open to the Council or the Executive to make officer nominations where appropriate in respect of most bodies, the main exception being formal Joint Committees where Member attendance is a statutory requirement. In some cases it may be possible and appropriate to make nominations of persons from outside the body of the Council.

The schedules simply indicate who makes the nominations (the executive or the Council) and who is eligible to be nominated. It may be desirable in many cases to provide for representation which includes community councillors and executive members on a particular body. An example would be the New Deal for Communities Steering Group where the main member role has been identified as representation of ward interest but where there is also a need for representation of the Council as a service provider through the executive.

The four main categories have been sub divided in the Schedules to indicate how the statutory requirements have led to the categorisation of a group of bodies and to identify groups of bodies which have similar characteristics. This should assist in deciding on the selection of appropriate representatives.

Briefly the sub categories have been determined as follows,

### A1. Joint Committees.

Joint Committees of less than five Authorities exercising executive functions must be executive appointments of executive members.

B1. Leadership Bodies and Partnerships.

The Council's 'Proposals for Executive Arrangements' submitted to the Secretary of State in July 2001 identified the following as executive roles:

- to represent the interests of Hartlepool
- to lead the community planning process
- to be the focus for forming partnerships with other public, private, voluntary and community sector organisations to address local needs.

The identified bodies reflect these roles and statutory guidance is that the executive should make appointments to outside bodies in connection with functions which are the responsibility of the executive.

B2 Joint Committees.

These are Joint Committees of five or more Authorities exercising executive functions. Statute provides that the executive has responsibility for making appointments but may appoint any Member of the Council.

B3. Other decision making bodies.

These are decision making bodies other than Joint Committees which relate to the business responsibilities of the executive. The statutory guidance referred to in B1 above applies.

B4. Partners in delivery.

There are bodies which are closely related to the exercise of executive functions to the extent that they are likely to influence the planning and delivery of services and vice versa.  
Statutory guidance applies.

B5. Advisory bodies.

Bodies which relate to executive functions in an advisory or influencing capacity.  
Statutory guidance applies.

C1. Joint Committee.

This is a Joint Committee which exercises both executive and non executive functions and has more than one Hartlepool representative. Statute provides that the Council has responsibility for appointments but must include at least one Member of the executive.

D1. Local Choice Determination.

The Proposals to the Secretary of State (July 2001) provided that the Council (not the executive) would make the nominations in these cases.

D2. Joint Committee.

This is a Joint Committee discharging a non-executive function. Statute provides that the Council makes the nomination and may appoint any Member.

D3. Council business bodies.

These are bodies which impact directly on non-executive functions of the Council. The statutory guidance applies to the nomination process.

D4. Council in the community.

These are bodies which do not discharge functions of the Council and where the principal role of Members who are nominated will be to represent constituency interests, whether at the ward or Borough level. Statutory guidance applies.

## **SCHEDULE A – EXECUTIVE APPOINTS EXECUTIVE MEMBERS**

### **1. JOINT COMMITTEES**

*Less than five authorities exercising executive functions.*

None.

## SCHEDULE A – EXECUTIVE APPOINTS EXECUTIVE MEMBERS

### 1. JOINT COMMITTEES

*Less than five authorities exercising executive functions.*

Organisation	Current Membership	Proposed Membership
<b>Archives Joint Committee</b>	(1) CLLR H THOMPSON (Portfolio Holder for Culture, Leisure and Tourism)	(1) Exec Member
<b>Cleveland Emergency Planning Joint Committee</b>	(1) THE MAYOR (Cabinet Member with responsibility for Emergency Planning)	(1) Exec Member with responsibility for Emergency Planning

## SCHEDULE B – EXECUTIVE APPOINTS ANY MEMBER(S)

### B1. LEADERSHIP BODIES AND PARTNERSHIPS

<i>Executive responsibility identified in Proposals</i>			
Organisation		Current Membership	Proposed Membership
Association of North East Councils	(1)	THE MAYOR	(2)
	(2)	CLLR PAYNE	
	(3)	CLLR HARGREAVES	
Executive	(1)	THE MAYOR (Sub: CLLR PAYNE)	(1)
<del>Hartlepool Economic Forum</del>	<del>(1)</del>	<del>CLLR HARGREAVES (Portfolio Holder for Regeneration)</del>	
Economic Regeneration Forum	(2)	NEW	Exec Members with responsibility for Economic Development and Children's Services
<del>Hartlepool Partnership</del>	<del>(1)</del>	<del>THE MAYOR</del>	
<del>* Can be any Member</del>	<del>(2)*</del>	<del>CLLR RICHARDSON</del>	
<del>** Leader of the Majority Group, not affiliated to the Mayor</del>	<del>(3)**</del>	<del>CLLR SIMMONS Leader of Majority Group</del>	
	<del>(4)*</del>	<del>CLLR TEMPEST</del>	
	<del>(5)</del>	<del>CLLR FLEET Chair – North Forum</del>	
	<del>(6)</del>	<del>CLLR CRANNEY Chair – Central Forum</del>	
	<del>(7)</del>	<del>CLLR A MARSHALL Chair – South Forum</del>	
	<del>(8)</del>	<del>CHIEF EXECUTIVE</del>	
Housing Partnership		NEW	(1) Exec Member with responsibility for housing
Local Government Association			
General Assembly	(1)	THE MAYOR	(1) Member/Officer?
	(2)	CLLR PAYNE (Portfolio Holder for Finance and Procurement)	
Urban Commission	(1)	CLLR HARGREAVES (Portfolio Holder for Regeneration)	(1) Member/Officer?
	(2)	DIRECTOR REGENERATION AND NEIGHBOURHOODS (or nominee)	

## SCHEDULE B – EXECUTIVE APPOINTS ANY MEMBER(S)

### B1. LEADERSHIP BODIES AND PARTNERSHIPS

*Executive responsibility identified in Proposals*

Organisation		Current Membership	Proposed Membership
Rural Commission	(1) (2)	CLLR G LILLEY DIRECTOR REGENERATION AND NEIGHBOURHOODS (or nominee)	(1) Member/Officer?
North Tees and Hartlepool NHS Foundation Trust	(1)	CLLR HALL (Portfolio Holder for Adult Services)	Const Cttee view s sought
Safer Hartlepool Partnership	(1)	THE MAYOR	(2) Mayor plus 1 other including Exec Member with responsibility for community safety
	(2)	(POSITIONS TO BE	
	(3)	CONFIRMED	
	(4)	BY THE MAYOR)	
Executive	(1)	THE MAYOR	(1)
Strategic Partners Group		<b>NEW</b>	All Exec Members
Tees Valley Leaders & Chief Executives Meeting			(2) The Mayor (Sub: Deputy Mayor) and Chief Executive
	(1)	THE MAYOR	
	(2)	DEPUTY MAYOR	
	(3)	CHIEF EXECUTIVE	
Tees Valley Unlimited	(1)	THE MAYOR Sub: Deputy Mayor	(1)
Leadership Board			(1)
Planning and Economic Strategy			(1)
Transport Tees Valley			(1)
Housing Board			(1)

## **SCHEDULE B – EXECUTIVE APPOINTS ANY MEMBER(S)**

### **B2 JOINT COMMITTEES**

*Five or more authorities exercising executive functions.*

None.



## SCHEDULE B – EXECUTIVE APPOINTS ANY MEMBER(S)

### B3 OTHER DECISION MAKING BODIES

*Executive functions statutory guidance applies.*

Organisation		Current Membership	Proposed Membership
<b>Regional Flood Defence Committee</b> (Rotates 2-yearly with Redcar and Cleveland Borough Council)	(1)	R&CBC Appointment for 2011/12 and 2012/13.	(1) Sub for R&CBC Rep
<b>Schools Admission Forum</b> Members of Children's Services Scrutiny Forum (Appointed by CSSF)	(1) (2) (3) (4) (5)	CLLR FLEET CLLR GRIFFIN CLLR INGHAM CLLR SIMMONS CLLR WELLS	(3)
<b>SITA Board</b>	(1)	CLLR JACKSON (Executive Member)	(1) Exec Member Neighbourhood Services
<b>Tees Valley Joint Health Scrutiny Committee</b>  Members of Health Scrutiny Forum (Appointments to be considered by HSF)	(1)  (2) (3)	CLLR S AKERS-BELCHER (Chair of Health Scrutiny Forum) CLLR GRIFFIN CLLR G LILLEY	(3)
<b>Tees Valley Local Access Forum</b> (3 year term of office – end 2014)	(1)	CLLR THOMPSON (Portfolio Holder for Culture Leisure and Tourism)	(1)

## SCHEDULE B – EXECUTIVE APPOINTS ANY MEMBER(S)

### B4 PARTNERS IN DELIVERY

*Executive functions. Statutory guidance applies.*

Organisation	Current Membership	Proposed Membership
<del>Association for Public Service Excellence</del>	(1) <del>CLLR JACKSON</del> (Executive Member) (2) <del>CLLR THOMAS</del>	
<del>Durham Coast Rail Line Steering Group</del>	(1) <del>CLLR HARGREAVES</del> (Portfolio Holder for Transport)	
Durham Heritage Coast Partnership Steering Group	(1) CLLR HARGREAVES (Portfolio Holder for Regeneration and Economic Development)	(1)
<del>Federation of British Cremation Authorities</del>	(1) <del>ASSISTANT DIRECTOR</del> (NEIGHBOURHOOD SERVICES) (or nominee)	
Hartlepool and District Sports Council	(1) CLLR BARCLAY (2) CLLR JACKSON (3) CLLR PAYNE	(2)
Hartlepool Power Station Community Liaison Committee	(1) CLLR ROGAN (Chair Regeneration and Planning Services Scrutiny Forum) (2) CLLR COOK (Chair Planning Committee) (3) CLLR CRANNEY (4) CLLR LAWTON (5) ASSISTANT DIRECTOR (REGENERATION AND PLANNING) (or nominee)	(2) plus Assistant Director, Regeneration and Planning (or nominee)
Emergency Planning Committee	(1) CHIEF EMERGENCY PLANNING OFFICER	(1) Chief Emergency Plng Officer
Housing Hartlepool (Terms of office: 3 years) * 2010 TO 2012 ** 2010 TO 2013	(1) CLLR FLEET* (2) CLLR GIBBON* (3) CLLR BRASH** (4) CLLR HARGREAVES**	(1)
HMS Trincomalee Trust (3 year term expires 2011)	(1) CLLR HALL (2) CLLR TEMPEST	(2)

## SCHEDULE B – EXECUTIVE APPOINTS ANY MEMBER(S)

### B4 PARTNERS IN DELIVERY

*Executive functions. Statutory guidance applies.*

Organisation		Current Membership	Proposed Membership
<b>National Society for Clean Air</b>	(1)	<del>CLLR A LILLEY,</del>	
	(2)	<del>CLLR S AKERS-BELCHER</del>	
	(3)	<del>CLLR LAWTON</del>	
	(4)	<del>ASSISTANT DIRECTOR (REGENERATION AND PLANNING) (or nominee)</del>	
<b>Museums Libraries Archives North East</b>	(1)	<del>CLLR H THOMPSON (Portfolio Holder for Culture Leisure and Tourism)</del>	
<b>Northern Consortium of Housing Authorities</b>	(1)	THE MAYOR (Portfolio Holder for Housing)	(1)
	(2)	CLLR INGHAM	
<b>North East Strategic Migration Partnership</b>	(1)	CLLR BRASH (Portfolio Holder for Performance)	(1)
<b>North East Rural Affairs Commission</b>	(1)	CLLR G LILLEY	(1)
<b>Regional Arts Council</b> <del>2 year term - Rotates around T Valley Authorities (HBC nomin 2010/12)</del>	(1)	<del>CLLR C AKERS-BELCHER</del>	
<b>Standing Advisory Council for Religious Education</b> (4 year term - ending 2012)	(1)	CLLR GRIFFIN	(2)
	(2)	CLLR P THOMPSON	
<b>Tees Valley Arts – Board of Directors</b>	(1)	CLLR C AKERS-BELCHER	(1)

## **SCHEDULE C - COUNCIL APPOINTS, INCLUDES AT LEAST ONE EXECUTIVE MEMBER**

### **C1 JOINT COMMITTEES**

*Exercises executive and non-executive functions. Includes two or more representatives.*

<b>Organisation</b>		<b>Current Membership</b>	<b>Proposed Membership</b>
<b>North East Procurement Organisation</b>	(1)*	CLLR PAYNE (Portfolio Holder with Purchasing Responsibility)	(2)
*Executive Member	(2)	CLLR FENWICK	

## SCHEDULE D – COUNCIL APPOINTS ANY MEMBER(S)

### D1 LOCAL CHOICE DETERMINATION

*Nomination decision previously made in proposals document*

Organisation	Current Membership	Proposed Membership
<b>Cleveland Police Authority</b> (Term of office - the duration of the Cleveland Police Authority or for a four-year term, whichever is the shorter)	(1) CLLR RICHARDSON (2) THE MAYOR, STUART DRUMMOND	(2)
<b>Cleveland Police Joint Committee</b>	(1) CLLR C AKERS-BELCHER (2) CLLR PAYNE (3) CLLR INGHAM (4) CLLR WELLS	(4)

## **SCHEDULE D – COUNCIL APPOINTS ANY MEMBER(S)**

### **D2 JOINT COMMITTEE**

*Non executive function*

<b>Organisation</b>	<b>Current Membership</b>	<b>Proposed Membership</b>
<b>North Eastern Inshore Fisheries and Conservation Authority</b>	(1) CLLR THOMAS	(1)

## SCHEDULE D – COUNCIL APPOINTS ANY MEMBER(S)

### D3 COUNCIL BUSINESS BODIES

*Council functions. Statutory guidance applies.*

Organisation		Current Membership	Proposed Membership
<b>Local Joint Consultative Committee</b> (Politically balanced)	(1)	THE MAYOR	(9)
	(2)	CLLR BRASH	
	(3)	CLLR JAMES	
	(4)	CLLR ROGAN	
	(5)	CLLR RICHARDSON	
	(6)	CLLR SIMMONS	
	(7)	CLLR SHIELDS	
	(8)	CLLR PREECE	
	(9)	CLLR WELLS	
<b>National Association of Councillors</b>			
<b>Northern Branch</b>	(1)	CLLR CAKERS-BELCHER	(3)
	(2)	CLLR SAKERS-BELCHER	
	(3)	CLLR SHAW	
<b>General Management Committee</b>	(1)	CLLR CAKERS-BELCHER	(3)
	(2)	CLLR SAKERS-BELCHER	
	(3)	CLLR SHAW	
<b>North East Regional Employers Organisation</b>	(1)	CLLR BRASH	(3)
	(2)	CLLR ROGAN	
	(3)	CLLR LOYNES	
<b>Executive</b>	(1)	CLLR BRASH	(1)
<b>Teesside Pension Fund</b>	(1)	CLLR HALL	(1)
<b>Tees Valley Environmental Protection Group</b>	(1)	CLLR LAWTON	(3)
	(2)	CLLR TEMPEST	
	(3)	CLLR THOMAS	
<b>Together Project Steering Group</b> (Politically balanced)	(1)	CLLR SIRS	(5)
	(2)	CLLR SHIELDS	
	(3)	CLLR THOMAS	
	(4)	CLLR PREECE	
	(5)	CLLR WELLS	

## **SCHEDULE D – COUNCIL APPOINTS ANY MEMBER(S)**

### **D3 COUNCIL BUSINESS BODIES**

*Council functions. Statutory guidance applies.*



## SCHEDULE D – COUNCIL APPOINTS ANY MEMBER(S)

### D4 COUNCIL IN THE COMMUNITY

*Non-Council functions. Representative role. Statutory guidance applies*

Organisation		Current Membership	Proposed Membership
Age UK Teesside	(1)	CLLR HALL (Portfolio Holder designated as Older Person's Champion)	(1) Older Persons Champion
<del>Brierton Community Sports Centre Management Committee</del>	<del>(1)</del>	<del>CLLR S AKERS-BELCHER</del>	
Cleveland Fire Authority	(1) (2) (3) (4)	CLLR RICHARDSON CLLR S AKERS-BELCHER CLLR PAYNE CLLR WELLS	(4)
Durham Tees Valley Airport Board	(1)	CLLR JACKSON (Executive Member)	(1) Exec Member
Durham Tees Valley Airport Consultative Committee	(1)	CLLR JACKSON	(1)
<del>Furness Seamen's Pension Fund</del> (4 year term – expires 2012)	<del>(1)</del> <del>(2)</del>	<del>CLLR FLEET</del> <del>CLLR GRIFFIN</del>	
<del>Hartbeat (Barnado's)</del>	<del>(1)</del>	<del>CLLR SIRS</del>	
<del>Hartlepool Access Group</del>	<del>(1)</del> <del>(2)</del>	<del>CLLR CRANNEY</del> <del>CLLR HALL</del>	
<del>Hartlepool Carers</del>	<del>(1)</del>	<del>CLLR FLEET</del>	
<del>Hartlepool Citizen's Advice Bureau</del>	<del>(1)</del> <del>(2)</del>	<del>CLLR INGHAM</del> <del>CLLR BARCLAY</del>	
Hartlepool Credit Union (Nominations subject to FSA Approval)	(1) (2) (3) (4)	CLLR C AKERS-BELCHER CLLR HALL CLLR JAMES CLLR SIMMONS	(4)
<del>Hartlepool Deaf Centre</del>	<del>(1)</del> <del>(2)</del>	<del>CLLR RICHARDSON</del> <del>CLLR SIRS</del>	
<del>Hartlepool Fair Trade Town Steering Group</del>	<del>(1)</del>	<del>CLLR RICHARDSON</del> (Chair of Council)	

## SCHEDULE D – COUNCIL APPOINTS ANY MEMBER(S)

### D4 COUNCIL IN THE COMMUNITY

*Non-Council functions. Representative role. Statutory guidance applies*

Organisation		Current Membership	Proposed Membership
<del>Hartlepool Families First</del>	<del>(1)</del>	<del>CLLR JACKSON</del>	
<del>Hartlepool Indoor Bowling Club</del>	<del>(1)</del>	<del>CLLR BARCLAY</del>	
<del>Hartlepool People Centre</del>	<del>(1)</del>	<del>CLLR SHIELDS</del>	
Hartlepool Voluntary Development Agency	(1) (2) (3)	CLLR BARCLAY CLLR JAMES CLLR SIMMONS	(1)
Hartlepool War Memorial and Crosby Homes (term until 2014)	(1)	CLLR BARCLAY	(1)
Henry Smith Educational Trust Nominated trustees (Terms of office to be clarified)	(1) (2) (3)	CLLR GRIFFIN CLLR PAYNE CLLR FLEET	(3)
# Non-educational charity (Term of office expires 2012)	(1)#	THE MAYOR	(1)
<del>Hough Battery Trust</del>	<del>(1)</del>	<del>CLLR PAYNE</del>	
<del>Merchant Navy Welfare Board</del>	<del>(1)</del>	<del>CLLR ROGAN</del>	
<del>North Tees Women's Aid</del>	<del>(1)</del>	<del>CLLR SHIELDS</del>	
<del>Outdoor Bowls Consortium</del>	<del>(1)</del> <del>(2)</del>	<del>CLLR PAYNE</del> <del>CLLR CAKERS-BELCHER</del>	
<del>Owton Fens Community Association</del> (3 year terms – expire 2012)	<del>(1)</del> <del>(2)</del>	<del>CLLR HARGREAVES</del> <del>CLLR McKENNA</del>	

## SCHEDULE D – COUNCIL APPOINTS ANY MEMBER(S)

### D4 COUNCIL IN THE COMMUNITY

*Non-Council functions. Representative role. Statutory guidance applies*

Organisation		Current Membership	Proposed Membership
<del>Owton Rossmore Community Enterprise Limited</del>	<del>(1)</del>	<del>CLLR JAMES</del>	
<del>PATCH Management Committee</del>	<del>(1)</del>	<del>CLLR A LILLEY</del>	
Preston Simpson and Sterndale Scholarship in Music	(1)	**CLLR SIMMONS	(3)
*(Member of Children's Services Scrutiny Forum)	(2)	**CLLR GRIFFIN	
**Term expires 2013	(3)	*CLLR MANESS	
River Tees Port Health Authority	(1)	CLLR TEMPEST	(2)
	(2)	CLLR ROGAN	
<del>Sarah Alice Todd Charity</del>	<del>(1)</del>	<del>CLLR GRIFFIN</del>	
	<del>(2)</del>	<del>CLLR MANESS</del>	
<del>Seaton Community Centre</del>	<del>(1)</del>	<del>CLLR HILL</del>	
<del>(3 Seaton Ward Councillors)</del>	<del>(2)</del>	<del>CLLR TURNER</del>	
	<del>(3)</del>	<del>CLLR P THOMPSON</del>	
<del>The Studio Management Committee</del>	<del>(1)</del>	<del>CLLR HALL</del>	
Teesmouth Field Centre	(1)	CLLR BRASH	(1) Exec Member for Children's Services
<del>Teesside Environmental Trust</del>	<del>(1)</del>	<del>CLLR THOMAS</del>	
Tees Valley Community Foundation – Grant Giving Panel	(1)	CLLR THOMAS (sub – Director Child and Adult Services)	(1)
Victoria and Jubilee Homes	(1)	CLLR BARCLAY	(4)
Term of Office 2010 - 2014	(2)	CLLR BRASH	
	(3)	CLLR HALL	
	(4)	CLLR LAUDERDALE	

## SCHEDULE D – COUNCIL APPOINTS ANY MEMBER(S)

### D4 COUNCIL IN THE COMMUNITY

*Non-Council functions. Representative role. Statutory guidance applies*

Organisation		Current Membership	Proposed Membership
<del>West View Advice and Resource</del>	(1)	<del>CLLR ROGAN</del>	
<del>West View Project</del>	(1)	<del>CLLR ROGAN</del>	
	(2)	<del>CLLR FENWICK</del>	
	(3)	<del>CLLR LAWTON</del>	