

Chief Executive's Department
Civic Centre
HARTLEPOOL

11 June, 2012

The Mayor (Stuart Drummond)

Councillors Ainslie, C Akers-Belcher, S Akers-Belcher, Beck, Brash, Cook, Cranney, Dawkins, Fisher, Fleet, Gibbon, Griffin, Hall, Hargreaves, Hill, Jackson, James, Lauderdale, A E Lilley, G Lilley, Loynes, Dr. Morris, Payne, Richardson, Robinson, Shields, Simmons, Sirs, Tempest, Thompson, Turner, Wells and Wilcox.

Madam or Sir,

You are hereby summoned to attend a meeting of the COUNCIL to be held on THURSDAY, 21 June, 2012 at 7.00 p.m. in the Civic Centre, Hartlepool to consider the subjects set out in the attached agenda.

Yours faithfully

N Bailey
Acting Chief Executive

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COUNCIL AGENDA



21 June 2012

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 12th April 2012 (deferred at Annual Council meeting), the Extraordinary council meeting held on 23rd May 2012 and the Annual council meeting held on 24th May 2012 as a correct record (copies attached).
6. Questions from Members of the Council on the minutes of the last meeting of the Council.
7. To answer questions of members of the Council under Council Procedure Rule 11;
 - (a) Questions to members of the Executive about recent decisions of the Executive (without notice)
 - (b) Questions to members of the Executive and Chairs of Committees and Forums, for which notice has been given.

- (c) Questions to the appropriate members on Police and Fire Authority issues, for which notice has been given. Minutes of the meetings of the Cleveland Police Authority held on 5 April & 17 April and the meetings of the Cleveland Fire Authority held on 10 February 2012 are attached.

- 8. To deal with any business required by statute to be done.

Special Urgency Decisions – No special urgency decisions were taken in respect of the period January 2012-March 2012.

- 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;

Report of Constitution Committee (to follow)

- 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;

Overview and Scrutiny Annual Report 2011/12

- 13. To consider reports from the Executive:-

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

Youth Justice Strategic Plan 2012-2013

(b) Proposals for departures from the budget and policy framework

None

- 14. To consider any motions in the order in which notice has been received.
- 15. To receive the Chief Executive's report and to pass such resolutions thereon as may be deemed necessary.

<p style="text-align: center;">COUNCIL</p> <p style="text-align: center;">MINUTES OF PROCEEDINGS</p> <p style="text-align: center;">12 April 2012</p>
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The meeting commenced at 7.00 pm in the Civic Centre, Hartlepool

PRESENT:-

The Chairman (Councillor C Richardson) presiding:

The Mayor, Stuart Drummond

COUNCILLORS:

Aiken	C Akers-Belcher	S Akers-Belcher
Barclay	Cranney	Fenwick
Fleet	Gibbon	Griffin
Hall	Hill	Jackson
James	Lauderdale	Lawton
A Lilley	G Lilley	Loynes
Maness	A Marshall	J Marshall
Payne	Preece	Robinson
Rogan	Shaw	Shields
Simmons	Sirs	Tempest
Thomas	H Thompson	P Thompson
Wells	Wright	

Officers – Nicola Bailey, Acting Chief Executive
Andrew Atkin, Assistant Chief Executive
Peter Devlin, Chief Solicitor
Jill Harrison, Assistant Director, Adult Social Care
Chris Little, Chief Finance Officer
Joanne Machers, Chief Customer and Workforce Services Officer
Denise Ogden, Assistant Director (Neighbourhood Services)
Dave Stubbs, Director of Regeneration & Neighbourhoods
Angela Armstrong and Amanda Whitaker, Democratic Services Team

182. APOLOGIES FOR ABSENT MEMBERS

Councillors Brash, Cook, Fleming, Hargreaves, Ingham, JW Marshall, McKenna, Morris, Turner and Wilcox.

Members were advised that Councillors Fleming and Cook had both recently been discharged from hospital. It was agreed that a card and flowers be sent to Councillors Cook and Fleming wishing them a speedy recovery.

183. DECLARATIONS OF INTEREST FROM MEMBERS

None

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

None

185. PUBLIC QUESTION

- (i) The following question had been received from Mr Fred Corbett to the Mayor, Stuart Drummond:

“After information available on a local interest website & indeed in a National magazine came to my attention can I, & the residents of Hartlepool be assured that local Voluntary Organisations that receive grants from HBC are both audited & accountable to HBC?”

The Mayor responded that the Council has appropriate arrangements in place to ensure all grants paid to local voluntary organisations are spent in accordance with the terms of the grant award and the Council receives the agreed services covered by the grant payment. The Mayor added that these arrangements are proportionate to the size of the grant payments made to individual organisations and the arrangements are followed consistently and robustly for all organisations funded by the Council. Grant payments are only made after Council Officers have gained the necessary assurance that the agreed services will be provided.

Supplementary questions raised by Mr Corbett requested the Mayor to consider instigating an independent financial review of the accounts of a local organisation which had received ‘significant’ funding from the Council. The questioner alleged that the 2007/8 and 2008/9 accounts of the organisation were ‘exactly the same’ and presented the Council with examples of figures included in those accounts.

The Mayor advised that it was not appropriate for him to respond to issues raised in relation to a specific organisation but that all charities had to submit their accounts to the Charity Commission. Therefore, if there were any suspicions of financial irregularities then they should be addressed to the Charity Commission. The Mayor added that unless the figures quoted related directly to grants awarded by the Council, it would not be within the remit of the Council to undertake a financial review. The Mayor reiterated that arrangements

were in place to ensure all grant payments funded by the Council were robustly monitored.

Members debated issues arising from the question and the response given by the Mayor. Some Members spoke in support of the issue which had been highlighted by the questioner. In relation to the response provided by the Mayor, some Members referred to responsibilities of the Council being such that an investigation should be undertaken. Other Members expressed concerns that information which had been referred to had not been corroborated and referred to the positive work undertaken by the voluntary sector. Existing arrangements in relation to accountability were highlighted and comments made earlier by the Mayor were reiterated.

186. MINUTES OF PROCEEDINGS

The Minutes of Proceedings of the Council held on 1 March 2012 and the Extraordinary Council held on 22 March 2012, having been laid before the Council.

RESOLVED - That the minutes be confirmed.

The minutes were thereupon signed by the Chairman.

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

With reference to minute 168 of the Council meeting held on 1 March 2012, a Member raised further questions in relation to costs and officer time incurred in relation to the proposed development on Jacksons Landing. The Chair highlighted that there was a report to be considered later in the agenda which provided details of the costs to the Council to date associated with the proposal to bring forward development on Jacksons Landing and any questions could therefore be addressed following presentation of that report later in the meeting.

188. 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.

None.

Minutes of the meetings of the Cleveland Police Authority held on 20 December 2011 and 23 January 2012 and the meeting of the Cleveland Fire Authority held on 16 December 2011 were submitted to the meeting.

189. BUSINESS REQUIRED BY STATUTE

(i) Pay Policy Statement

A report presented by the Chief Solicitor advised Members that in recent months there had been three new or amended requirements to pay policy and pay data publication requirements as a result of:

- (a) The Accounts and Audit (England) Regulations 2011;
- (b) The Code of Recommended Practice for Local Authorities on Data Transparency published by the Department for Communities and Local Government;
- (c) Openness and accountability in local pay: Guidance under Section 40 of the Localism Act 2011 issued by the Department for Communities and Local Government.

Members were informed that the Localism Act required the Council to agree a written pay policy for 2012/13. A proposed policy had been circulated for Council approval based on a common policy statement jointly prepared by the Tees Valley Heads of Human Resources adapted to reflect local arrangements. The proposed pay policy statement at Appendix A to the report reflected the current policies and arrangements within the Council. The report set out specific details which the pay policy statement must include to conform with final guidance issued in respect of Section 40 of the Localism Act. The pay policy statement must be published, including being published on the Council's website

It was noted that the guidance stipulated also that full Council must consider whether the pay policy should require Council approval before large salary packages were offered in respect of a new appointment. The Secretary of State considered that £100,000 to be the right level for that threshold to be set. For this purpose, salary packages should include salary, any bonuses, fees or allowances routinely payable to the appointee and any benefits in kind to which the officer was entitled as a result of their employment. The policy which had been circulated reflected the Council's Constitution regarding the appointment to posts defined under the Officer Employment Rules which included all Chief Officers posts. The lowest Chief Officer Salary point was currently £54,041.

Following presentation of the report, a number of issues were raised including whether £100,000 was the right level for the threshold. It was proposed that the Pay Policy document be approved subject to review and possible variation

following further consideration by the Council in the near future. It was highlighted, however, that Council Procedure Rules stated that a motion or amendment to rescind, or having the effect of rescinding, a decision made at a meeting of Council within the past six months cannot be moved. Therefore, it was proposed also that the Pay Policy Statement be agreed with the caveat that the document could be revisited during the first 6 months of implementation if required.

In accordance with Council Procedure Rule 17.4 of the Constitution a recorded vote was taken:-

Those in favour:

The Mayor, Stuart Drummond and Councillors Aiken, C Akers-Belcher, S Akers-Belcher, Barclay, Cranney, Fenwick, Fleet, Gibbon, Griffin, Hall, Hill, Jackson, James, Lauderdale, Lawton, A Lilley, G Lilley, Loynes, Maness, A Marshall, J Marshall, Payne, Preece, Richardson, Robinson, Rogan, Shaw, Shields, Simmons, Sirs, Tempest, Thomas, H Thompson, P Thompson, Wells and Wright

Those against:

None

Those abstaining:

None

The vote was carried.

190. ANNOUNCEMENTS

The Chairman announced that the Workers Memorial Day Remembrance Service and Wreath Laying Ceremony would be held on Saturday 28th April at Christchurch, Church Square.

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

(i) Jacksons Landing Proposal – Project Costs

With reference to minute 167 of the meeting held on 1 March 2012, a report was submitted by the Executive which provided details of the costs to the Council to date associated with the proposal to bring forward development on Jacksons Landing.

The report set out background information in terms of the context of Officers often being requested to contribute to the development of project ideas and concepts, exploring feasibility and getting involved in the direct delivery of projects. It was highlighted that the development of Jacksons Landing had been a complicated process.

A table included in the report highlighted the costs to date against a range of activities. A total of 282 hours of officer time had been spent on the Jacksons landing development proposal. The hours worked had been individually costed against each officer according to their hourly rate including on costs and this came to a total of £8,549.63. This combined with the other costs highlighted in the table brought the total cost to £35,935.63. However, taking into consideration that all officers working on the project were established posts and their time was already accounted for within the overall Council budget, the real cost to the Council was £27,386.00.

Addressing the question raised earlier in the meeting (minute 187 refers), the Mayor advised that there could be some additional costs in terms of legal costs but it was considered that the return to the Council would be more than worth it. In response to further questions asked by the Member, the Mayor advised that some information relating to the project was commercially sensitive at this stage but would be available to Members in the future.

RESOLVED – That the report be noted.

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

(i) Proposed Changes to the Council's Constitution

A report was presented on behalf of the Constitution Committee in respect of the review of the Council's Constitution. The Committee had given detailed consideration to suggested changes to the Constitution taking account of the recommendations of the Local Government Boundary Commission for England in its review of the Borough Council, which recommendations had taken effect through the Hartlepool (Electoral Changes) Order, 2012. Consequently the majority of recommendations made by the Constitution Committee reflected the reduction in Council size from 47 to 33 Elected Members together with recommendations following previous referrals to the Committee by Council.

The report set out a variety of recommendations which incorporated changes to the following items:-

- (i) Financial Procedure Rules
- (ii) Constitution Review – Proposed Policy Framework
- (iii) Budget and Policy Framework Procedure Rules – Framework Development Process
- (iv) Delivery of Member Support and Community Engagement
- (v) Review of Outside Bodies
- (vi) Miscellaneous

The Vice Chair of the Committee highlighted the salient issues included in the report relating to changes to the Financial Procedure Rules, corrections to the naming of the Neighbourhood Forums and the introduction of an Approved Conference List arising from the review of Outside Bodies.

It was noted that there were some areas, arising from the Outside Bodies Review, where clarification was still needed and which would be addressed in a further report to Council.

It was moved and seconded as follows:-

Financial Procedure Rules

- (i) That Directors may approve revenue budget transfers up to £100,000 (only on two occasions and cumulatively up to £200,000 over the financial year) and that formal Council approval be sought for transfers over this limit.
- (ii) That there be no other revenue budget transfers outside of the above limits and no transfers between “directorates” without former Council approval.

Constitution Review – Proposed Policy Framework

- (i) That the policy framework be revised as indicated within paragraph 3.1 of the appended report (Appendix 2 refers) subject to the Food Law Enforcement Service Plan being incorporated within the Health and Wellbeing Strategy.
- (ii) That there be a further review of the policy framework during the forthcoming municipal year.

Budget and Policy Framework Procedure Rules – Framework Development Process

- (i) That the changes noted in Appendices 1 and 2 to the report to the Constitution Committee on 29th March, 2012, be agreed.

Delivery of Member Support and Community Engagement

- (i) That the recommendations as contained in Appendix A to the report of the Constitution Committee dated 29th March 2012 be adopted. This recommendation comprises the formation of two Neighbourhood Forums termed “North and Coastal” and “South and Central” and such meetings should be held quarterly within the Civic Centre and the quorum for each Forum should be six Elected Members. Further, that a review as to the operation of these Forums be instigated after the period of six months from the commencement of the municipal with a report to the Council’s Cabinet and to Scrutiny. Furthermore, the Chair and Vice-Chairs of the Forums, be Members of the “in principle” Strategic Partners Group with

membership onto the four themed partnerships, subject to statutory requirements. It is also agreed that there be “no neighbourhood voice” and that the Parish Liaison meetings do cease, with recognition that the Elected Mayor will hold such meetings at his entire discretion.

2. That the proposals following discussions between Cabinet and Scrutiny Co-ordinating Committee as discussed on 9th March, 2012 as recorded in Appendix B to the report of the Constitution Committee dated 29th March, 2012, be adopted. In addition, Council is requested to consider and adopt the recommendations as to the composition, frequency of meetings and quorum of those Committees and Forums as set out above.
3. That the two Neighbourhood Forum areas be named: North and Coastal; and South and Central, both with Elected Members as Chair and Vice Chair who will participate in the Strategic Partners Group.

Outside Bodies Review

- (i) That the recommendations in relation to ‘Part 7 – Appointments to Outside Organisations and Other Bodies’ as detailed in Appendix 1 to the report dated 29th March, 2012 to the Constitution Committee, be adopted.
- (ii) The Council representation on any outside organisations within Part 7 highlighted with * to be subject to a further report to Council..

Miscellaneous

- (i) Allotments – to move from Adult and Community Services Scrutiny Forum to Neighbourhood Scrutiny Forum (to reflect departmental responsibility).
- (ii) Youth Justice Plan – moved from Regeneration and Planning Services Scrutiny Forum to Children’s Services Scrutiny Forum (to reflect departmental responsibility).
- (iii) Housing (all housing issues including strategic housing) – to be referred to the Regeneration and Planning Services Scrutiny Forum, as opposed to the current division of this area of Council functionality between the Regeneration and Planning Services Scrutiny Forum and the Neighbourhood Services Scrutiny Forum.
- (iv) Crime and Disorder Committee – responsibility with the Scrutiny Co-ordinating Committee

Consequential Changes to the Constitution

- (i) That all consequential and other changes required to implement the resolutions of Council be delegated to the Council’s Acting Chief Executive Officer to make such factual, grammatical, presentational and other

changes that may be required in order to fully implement and reflect the resolutions of Council

In accordance with Council Procedure Rule 17.4 of the Constitution a recorded vote was taken:-

Those in favour:

The Mayor, Stuart Drummond and Councillors Aiken, C Akers-Belcher, S Akers-Belcher, Barday, Cranney, Fenwick, Fleet, Griffin, Hall, Hill, Jackson, James, Lauderdale, Lawton, Loynes, Maness, A Marshall, Payne, Preece, Richardson, Robinson, Rogan, Shaw, Shields, Simmons, Sirs, Tempest, Thomas, H Thompson, P Thompson and Wells

Those against:

Councillors Gibbon, A Lilley, G Lilley, J Marshall and Wright.

Those abstaining:

None

The vote was carried.

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

None

194. REPORT FROM THE EXECUTIVE

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

(i) Corporate Plan 2012/13

A report presented on behalf of the Executive sought Council's approval of the 2012/13 Corporate Plan. As in previous years, the Corporate Plan set out a series of outcomes arranged around the eight Community Strategy themes. It included also a section dedicated to organisational development activities. The Actions, Performance Indicators and Targets set out in the Corporate Plan would be regularly reviewed through the Council's Performance Management Framework. Progress would be reported regularly to Cabinet and Scrutiny Coordinating Committee.

Members were reminded that the Corporate Plan was part of the Council's Budget and Policy Framework and therefore required the involvement of Scrutiny and approval by the full Council. The plan had been considered by Cabinet on 19 December 2011 and 19 March 2012. Scrutiny Coordinating

Committee had considered the Plan on 11 November 2011, 17 February 2012 and 9 March 2012. In addition draft proposals were considered by all of the Service Scrutiny Forums in January/February 2012.

The Portfolio Holder highlighted that at the most recent meeting of Scrutiny Coordinating Committee, on 9 March 2012, it had been suggested that both the Chief Executives Departmental Plan and the Corporate Plan should include reference to Benefits Support and it was agreed at Cabinet on 19 March 2012 that the Department would develop proposals and bring to this meeting for approval. In response two actions have been added to Outcome 4 (Hartlepool has increased economic inclusion of adults and is tackling financial exclusion) in both the Chief Executives Departmental Plan and the Corporate Plan (Appendix A).

It was moved and seconded:-

That the Corporate Plan 2012/13 be approved.

In accordance with Council Procedure Rule 17.4 of the Constitution a recorded vote was taken:-

Those in favour:

The Mayor, Stuart Drummond and Councillors Aiken, C Akers-Belcher, S Akers-Belcher, Barclay, Cranney, Fenwick, Fleet, Gibbon, Griffin, Hall, Hill, Jackson, James, Lauderdale, Lawton, A Lilley, G Lilley, Loynes, Maness, A Marshall, J Marshall, Payne, Preece, Richardson, Robinson, Rogan, Shaw, Shields, Simmons, Sirs, Tempest, Thomas, H Thompson, P Thompson, Wells and Wright

Those against:

None

Those abstaining:

None

The vote was carried.

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

(i) Revenue Budget Forecast Outturn 2012/13

A report submitted by the Executive presented details of the final forecast outturn reported to Cabinet on 19th March 2012 to enable Council to take account of advice from the Corporate Management Team to allocate part of the additional favourable outturn to manage specific risks and to inform Council of the net favourable outturn to be allocated to the Council's General Fund Reserve.

Members were advised that departments had continued to manage expenditure robustly and avoid expenditure where possible for the General Fund budget and EIG budgets. As a result of this action additional year end underspend were forecast to be achieved. The Corporate Management Team had identified a number of additional commitments which were not covered within existing budgets. Officers had recommended that Cabinet seek Council approval to establish specific reserves to manage these commitments to avoid these issues impacting on the 2012/13 budget. These items total £0.225m, including £0.090m of expenditure delayed from 2011/12 until 2012/13, as detailed in Appendix A. Assuming Council approved the establishment of the specific reserves recommended by the Corporate Management Team there would be a net underspend of £0.319m (£0.177m from the General Fund Budget and £0.142m from the EIG budget). In accordance with the resolution from the Council meeting on 9th February this money would be allocated to the Council's General Fund, to ensure that any further allocation of these monies was subject to full Council approval. The Corporate Management Team had recommended that Council delay developing a strategy for using the net underspend until the 2013/14 budget was developed. This would enable any usage to be considered in the context the Council's overall financial position for 2013/14 and the financial issues which would need to be addressed. The report also provided details of the outturn for Trading Accounts and the Corporate Management Team had recommended these monies are allocated to manage specific risks and commitments, as detailed in Appendix B to the report.

The report presented by the Mayor proposed the following:-

- i) Note the report and the advice from the Corporate Management Team in respect of the following decision to be taken by full Council;
- ii) Approve the allocation of part of the additional General Fund outturn to meet the commitments identified in Appendix A (£0.255m) and to transfer the remaining additional General Fund Outturn of £0.177m to the General Fund Reserve;
- iii) Approve the allocation of £0.325m from the Trading Account outturn to manage the risks and commitments identified in Appendix B;
- iv) Note that no additional Early Intervention Grant commitment or risks have been identified and the increased outturn of £142,000 will transfer to the General Fund Reserve;
- v) Approve the proposal to delay developing a strategy for using the total resources transferred into the General Fund Reserve of £0.319m detailed in (ii) and (iv) above until the 2013/14 budget process commences. This will enable any usage to be considered in the context of the Council's overall financial position for 2013/14 and the financial issues and risks which will need to be addressed as detailed in paragraph 4.4.

- vi) Approve the allocation of the saving in the current year from a reduction in the number of Special Responsibility Allowances paid to Cabinet Members of approximately £3,000 is towards the ring-fenced budget for retraining staff on the redeployment register.

Following presentation of the report and in order to show the Council's commitment to address social issues highlighted by Members at the meeting, it was moved and seconded:-

'That the proposals be approved subject to the transfer £0.177m from the General Fund budget and £0.142m from the EIG budget to a specific reserve identified to support families in poverty to be subject to Council approval prior to any spend.'

Members debated issues arising from the report including a concern which was highlighted regarding potential implications of reductions in budgets on local charitable organisations during the current difficult economic climate.

In accordance with Council Procedure Rule 17.4 of the Constitution a recorded vote was taken on the amendment:-

Those in favour:

The Mayor, Stuart Drummond and Councillors Aiken, C Akers-Belcher, S Akers-Belcher, Barclay, Cranney, Fenwick, Fleet, Gibbon, Griffin, Hall, Hill, Jackson, James, Lauderdale, Lawton, Loynes, Maness, A Marshall, J Marshall, Payne, Preece, Richardson, Robinson, Rogan, Shaw, Shields, Simmons, Sirs, Tempest, Thomas, P Thompson and Wells

Those against:

Councillors A Lilley, G Lilley, H Thompson and Wright

Those abstaining:

None

The vote was carried

In accordance with Council Procedure Rule 17.4 of the Constitution a recorded vote was taken on the substantive Motion:-

Those in favour:

The Mayor, Stuart Drummond and Councillors Aiken, C Akers-Belcher, S Akers-Belcher, Barclay, Cranney, Fenwick, Fleet, Gibbon, Griffin, Hall, Hill, Jackson, James, Lauderdale, Lawton, A Lilley, G Lilley, Loynes, Maness, A Marshall, J Marshall, Payne, Preece, Richardson, Robinson, Rogan, Shaw, Shields, Simmons, Sirs, Tempest, Thomas, H Thompson, P Thompson, Wells and Wright

Those against:

None

Those abstaining:

None

The vote was carried.

195. MOTIONS ON NOTICE

None.

196. COVER FOR CHIEF EXECUTIVE VACANCY

It was reported that the current temporary cover and backfilling arrangements to cover for the Chief Executive vacancy were due to expire on 31 March 2012. Cabinet had received a report detailing the budgetary savings from these arrangements along with a recommendation to extend the current arrangements to enable full consideration of the options available after the Council elections in May.

Cabinet had agreed to extend the cover arrangements until 30 June 2012 and to begin discussions with other Elected Members to determine an appropriate way forward in the new municipal year.

RESOLVED – That the report be noted.

197. PEER CHALLENGE SESSION

It was noted that the system of measuring and assessing a Council's performance by a system of Comprehensive Area Assessment or Comprehensive Peer Assessment (CA/CPA) had been abolished. However, in order to support councils to continue to improve and be open to external challenge, the government had supported the development of a system of self regulation and improvement in partnership with the Local Government Association and local Councils. The principles supporting this approach were detailed in the report.

At a meeting of Scrutiny Co-ordinating Committee on 9 March at which the Mayor was present, it was agreed that a corporate peer challenge would be of benefit in September 2012. Council was therefore requested to agree to undertake a Peer Challenge session in September 2012 and for The Mayor, the Chair of Scrutiny Co-ordinating Committee to work with the Acting Chief Executive and the Local Government Association to agree the scope of the review.

RESOLVED – That the report be noted.

198. RESIGNATIONS

(i) Resident Representative

Council was informed that Mr Peter Joyce, resident representative for the south area and a resident representative on the Regeneration and Planning Services Scrutiny forum had resigned with immediate effect.

(ii) Co-opted Member

Council was informed that Mrs Eira Ballinghall, co-opted Member of the Children's Services Scrutiny Forum as a secondary school parent governor had resigned from the Scrutiny Forum.

RESOLVED – That the report be noted.

Prior to concluding the meeting, the Chairman highlighted that this was the last Council meeting before the forthcoming elections. It was noted that Councillors Fenwick, Aiken, Sutheran, J W Marshall, J Marshall, Fleming, Ingham, McKenna, Hilary Thompson and Rogan were not standing in the elections. The Chairman expressed his best wishes to those Councillors and thanked them for their service to the Council.

The meeting concluded at 8.10 p.m.

CHAIR

EXTRAORDINARY COUNCIL

MINUTES OF PROCEEDINGS

23 May 2012

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

PRESENT:-

The Chairman (Councillor Richardson) presiding:

COUNCILLORS:

Ainslie	C Akers-Belcher	S Akers-Belcher
Beck	Cook	Cranney
Dawkins	Fisher	Fleet
Griffin	Hall	James
Lauderdale	A Lilley	G Lilley
Loynes	Dr. Morris	Payne
Robinson	Shields	Simmons
Sirs	Thompson	Wells
Wilcox		

Officers: Nicola Bailey, Acting Chief Executive
Andrew Atkin, Assistant Chief Executive
Peter Devlin, Chief Solicitor
Graham Frankland, Assistant Director (Resources)
Jill Harrison, Assistant Director, Adult Social Care
Alastair Smith, Assistant Director (Transportation & Engineering)
Damien Wilson, Assistant Director (Regeneration & Planning)
Amanda Whitaker and Denise Wimpenny, Democratic Services Team

Prior to the commencement of the meeting, the Chairman welcomed recently elected Members to the Council. He reminded all Members that the business of this Extraordinary council meeting was to make appointments to committees, forums and other bodies as required by the Council's Constitution and to make appointments to joint committees and other outside bodies where appointment is reserved to Council. The resolutions from this meeting would therefore be reported for information to the Annual Meeting of Council to be held the following day, in order to assist in the conduct of that meeting.

The Chairman referred also to previous practice and suggested that the Constitution Committee consider and make recommendations to Council for the holding of an Extraordinary Meeting as part of the overall governance of the Council to make appointments outside of those matters specifically reserved to

the Annual Meeting in the future.

199. APOLOGIES OF ABSENT MEMBERS

The Mayor, Stuart Drummond and Councillors Brash, Gibbon, Hargreaves, Hill, Jackson and Turner.

Members were advised that Councillor Hill had recently been discharged from hospital. It was agreed that a card and flowers be sent to Councillor Hill, on behalf of the Council, wishing her a speedy recovery.

200. APPOINTMENT TO COMMITTEES, FORUMS AND OTHER BODIES

The proposed membership of Committees, Forums and other bodies had been circulated. An invitation had been extended to leaders of the political groups and independent Members of the Council to make nominations for the list of Chair and Vice-Chairs. These were indicated on the list circulated to Members. At the meeting, votes were taken on the positions of Chair of Licensing Committee, Vice Chair of Planning Committee and Vice Chair of Health Scrutiny Forum.

It was highlighted that Council on 12th April 2012 had approved certain minor amendments to the operation of its overview and scrutiny function, which amendments had also been agreed through the formal written consent of the Elected Mayor. In addition it had been considered that the frequency of meetings of the Scrutiny Co-ordinating Committee and the Scrutiny Forums should be based on a five weekly cycle as opposed to every four weeks as previously recommended to Council. The Elected Mayor was agreeable to this proposal. In addition the Elected Mayor had agreed to an increase in the membership of the Scrutiny Forums which had been agreed by leaders of political groups and Independent Members together with an increase in the membership of the Audit Committee from 6 Members to 7 Members. In response to a request for clarification from Members in relation to the requirement to seek Mayoral approval to the proposed changes, the Chief Solicitor addressed Council and outlined the description of Executive Arrangements set out in Schedule 2 and the requirements associated with changes to Executive arrangements set out in Article 15 of the Constitution.

RESOLVED –

- (i) That the membership of the Scrutiny Forums and Audit Committee be increased from 6 to 7 and the frequency of meetings of the Scrutiny Co-ordinating Committee and the Scrutiny Forums be based on a five weekly cycle.
- (ii) That the Committees, Forums and other bodies, details of which are included in the Council's Minute Book be constituted with the membership indicated in each case "nem com"
- (iii) That the Members indicated as Chair and Vice-Chair in each

case be appointed to these offices

(iv) The following appointments be made:-

Chair Licensing Committee – Councillor Morris
Vice Chair Planning Committee – Councillor Morris
Vice Chair Health Scrutiny Forum – Councillor Hall
Vacancy Children's Services Scrutiny Forum – Councillor Fleet
Vacancy Adults Scrutiny Forum – Councillor Wilcox
Vacancy Neighbourhood Services Scrutiny Forum – Councillor Jackson
Regeneration Scrutiny Forum representative vacancy on Scrutiny Co-ordinating Committee arising from appointment of Councillor Hall as Vice Chair Health Scrutiny Forum – Councillor Payne

201. APPOINTMENT TO JOINT COMMITTEES AND OTHER OUTSIDE BODIES

A list setting out suggested representatives on joint committees and other outside bodies had been circulated. Prior to the meeting the leaders of the political group and independent Members had been invited to make nominations. The Council was requested to agree the suggestions as set out in the document, the format of which reflected the division of outside body list in Part 7 of the Constitution - Schedule C and D were the bodies for which nominations were the responsibility of the Council. Details of the appointments made by the Executive – Schedules A and B - were circulated for Council's information.

Members were updated on those matters which were outstanding from the Council meeting held on 12th April 2012 which related to a review of 'Outside Bodies'.

It was noted that the Constitution Committee had recommended that there should be an 'Approved List of Conferences' and outside of the approved list, the Chief Executive would have the responsibility for approving attendances.

RESOLVED –

- (i) That the representations, as detailed in the Council's Minute Book, be appointed as the Council's representatives on joint committees and other outside bodies.
- (ii) That the following appointments be approved:-

Durham Heritage Coast Partnership – Executive appointment – Councillor Tempest nominated – to be referred to Mayor

Hartlepool and District Sport Council – Executive appointment – nomination of Councillors Jackson and Payne confirmed – to be referred to the Mayor

Housing Hartlepool – to be confirmed

Northern Consortium of Housing Authorities – Councillor Wilcox appointed to vacancy.

SACRE – Councillor Simmons

Together Project Steering Group – Councillor Christopher Akers-Belcher

Age UK – Councillor Hall

Cleveland Fire Authority – In addition to Councillor Payne (Chair) and Councillor James, following a vote, prior to which Councillor Lauderdale withdrew his nomination, Councillors Richardson and Wells be appointed to the Fire Authority

Victoria and Jubilee Homes – Councillors Brash, Hall, Lauderdale and Sirs. It was highlighted that there were some issues in terms of the number of representatives as the organisation had indicated it was reviewing local authority appointments.

- (iii) That the Approved List of Conferences be confirmed as follows:-

National Association of Councillors – max 3 delegates
Association of North East Councils
Centre for Public Scrutiny

Councillors A Lilley, G Lilley and Dawkins requested that their votes against the confirmation of the Approved Conference List be recorded.

The meeting concluded at 7.30 p.m.

CHAIR

ANNUAL COUNCIL

MINUTES OF PROCEEDINGS

24 May 2012

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

PRESENT:-

The Chairman (Councillor Richardson) presiding:

The Mayor, Stuart Drummond

COUNCILLORS:

Ainslie	C Akers-Belcher	S Akers-Belcher
Beck	Cook	Cranney
Dawkins	Fisher	Fleet
Griffin	Hall	Hargreaves
Jackson	James	Lauderdale
A Lilley	G Lilley	Dr. Morris
Payne	Robinson	Shields
Simmons	Sirs	Tempest
Thompson	Turner	Wells
Wilcox		

Officers: Nicola Bailey, Acting Chief Executive
Andrew Atkin, Assistant Chief Executive
Peter Devlin, Chief Solicitor
Graham Frankland, Assistant Director (Resources)
Chris Little, Chief Finance Officer
Alastair Rae, Public Relations Manager
Sally Robinson, Assistant Director (Prevention, Safeguarding and Specialist Services)
Alastair Smith, Assistant Director (Transportation & Engineering)
Louise Wallace, Director of Public Health
Damien Wilson, Assistant Director (Regeneration & Planning)
Amanda Whitaker and Angela Armstrong, Democratic Services Team.

1. APOLOGIES FOR ABSENT MEMBERS

Councillors Brash, Gibbon, Hill and Loynes

2. APPOINTMENT OF CHAIR

Councillor Richardson requested nominations for the office of Chair of the Borough of Hartlepool for the ensuing municipal year.

Motion made by Councillor James and seconded by Councillor Wilcox:-

"That Councillor S Akers-Belcher be elected as Chair of the Borough of Hartlepool for the ensuing municipal year".

Motion put and agreed.

The Acting Chief Executive reported that the Chairman had signed the Declaration of Acceptance of Office.

COUNCILLOR S AKERS-BELCHER PRESIDING

3. ADDRESS BY CHAIR

The Chair addressed the Council thanking the Council for his appointment and expressing his appreciation to the proposer and seconder for their kind words. Council was also informed by the Chair of the charities he would be supporting during his term of office.

4. VOTE OF THANKS

A vote of thanks was proposed by Councillor Simmons and seconded by Councillor Payne to the retired Chairman for the admirable way in which he has discharged his duties during his term of office 2002-2012. The Mayor and other Councillors expressed their thanks also to the Retired Chairman.

The Retired Chairman was presented a medallion by the Chairman of the Council. The Retired Chairman then addressed the meeting.

5. APPOINTMENT OF VICE-CHAIR

The Chairman requested nominations for the office of Vice-Chair for the Borough of Hartlepool for the ensuing municipal year.

Motion made by Councillor Payne and seconded by Councillor Hall:-

"That Councillor Cranney be elected as Vice-Chair of the Borough of Hartlepool for the ensuing municipal year".

Motion put and agreed.

The Acting Chief Executive reported that the Vice-Chair had signed the

Declaration of Acceptance of Office.

6. ADDRESS BY VICE CHAIR

The Vice Chair addressed the Council thanking his proposer and seconder for their kind words.

7. DECLARATIONS OF INTEREST FROM MEMBERS

None

8. MINUTES OF PROCEEDINGS

The Minutes of Proceedings of the Council meeting held on the 12th April 2012 having been laid before the Council.

RESOLVED - That the minutes be deferred.

9. ANNOUNCEMENTS

The Chairman expressed his appreciation of a donation which had been received, from Niramax, towards his charity.

10. EXECUTIVE DELEGATION SCHEME

Details of each Portfolio Holder and the broad scope of each Portfolio had been circulated.

RESOLVED - That the Executive Delegation Scheme be noted.

11. ORDINARY MEETINGS OF THE COUNCIL

A schedule of Council meetings for the municipal year for 2012/13 was submitted for approval.

RESOLVED - That the dates scheduled for Council meetings for the Municipal Year 2012/13 be approved.

12. APPOINTMENT TO COMMITTEES, FORUMS AND OTHER BODIES

The proposed membership of Committees, Forums and other bodies had been circulated. It was noted that the memberships had been agreed at an Extraordinary Council meeting.

RESOLVED – That the report be noted.

13. APPOINTMENT TO JOINT COMMITTEES AND OTHER OUTSIDE BODIES

A list setting out suggested representatives on joint committees and other outside bodies had been circulated. The representation on the joint committees and other outside bodies had been agreed at an extraordinary council meeting.

RESOLVED – That the report be noted.

The meeting concluded at 7.50 p.m.

CHAIR

Public questions for Council

Meeting: 21 June 2012

1.	From: Mrs S Little
	To: Mayor
	<p>Question</p> <p>‘In view of the decision by Stagecoach to withdraw many bus services from the people of Hartlepool, it has become very difficult for many vulnerable and older residents to access essential services and facilities, particularly from more isolated communities.</p> <p>Will you please outline what practical assistance the council is able to provide to licensed operators who are prepared to make every effort to improve that situation by providing limited, but very valuable, replacement services?’</p>

PUBLIC MINUTES OF THE SPECIAL CLEVELAND POLICE AUTHORITY EXECUTIVE

A special meeting of Cleveland Police Authority Executive was held on Thursday 5 April 2012 in the Members Conference Room at Police Headquarters.

PRESENT: Councillor Chris Abbott, Councillor Ron Lowes, Councillor Ray Goddard, Councillor Terry Laing, Councillor Sean Pryce, Councillor Norma Stephenson, Mayor Stuart Drummond (Chair) and Councillor Bernie Taylor

Independent Members
Miss Pamela Andrews-Mawer, Mr Aslam Hanif, Mr Geoff Fell, Mr Mike McGrory JP, Mr Peter Hadfield and Mr Ted Cox.

OFFICIALS: Mr Stuart Pudney, Mr Michael Porter and Mr John Bage (CE)
Mrs Jacqui Cheer, Mr Sean White, Mr Adrian Roberts and Miss Kate Rowntree (CC)

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr Chris Coombs.

2 DECLARATIONS OF INTEREST

There were no declarations of interest

3 SCHEME OF DELEGATION / PROFESSIONAL STANDARDS

The Chief Executive informed Members that the purpose of the report was to seek delegated authority for a sub-group of Members to consider any investigator's report(s) arising from the Sacristy investigation and determine what action should be taken in accordance with regulation 19(1) of the Police (Conduct) Regulations 2008.

ORDERED that;

1. a sub-group of Members comprising of Councilors Taylor, Abbott, Goddard, Stephenson, Richardson and Pryce be delegated authority to fulfil the Authority's obligations under regulation 19(1) of the Police (Conduct) Regulations 2008 to consider any investigator's report(s) arising from the Sacristy investigation and determining what action should be taken, be agreed.

CONDOLANCES

Following the death of Detective Chief Superintendent Stewart Swinson, Members agreed to condolences being sent to his wife and family expressing the sadness of the Police Authority at his passing.

4 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, 2, 3, 4

and 5 of Part 1 of Schedule 12A to the Act.

CLEVELAND POLICE AUTHORITY EXECUTIVE

A special meeting of Cleveland Police Authority Executive was held on Tuesday 17 April 2012 in the Members Conference Room at Police Headquarters.

PRESENT: Councillor Ron Lowes, Councillor Ray Goddard, Councillor Terry Laing, Councillor Sean Pryce, Councillor Norma Stephenson, Mayor Stuart Drummond (Chair), Councillor Carl Richardson and Councillor Bernie Taylor.

Independent Members

Miss Pamela Andrews-Mawer, Mr Aslam Hanif, Mr Geoff Fell, Mr Mike McGrory JP, Mr Peter Hadfield, Mr Ted Cox and Mr Chris Coombs

OFFICIALS: Mr Stuart Pudney, Mr John Bage (CE)
Also in attendance Mr Len Miller

5 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from and Councillor Chris Abbott,

6 **DECLARATIONS OF INTEREST**

There was a none prejudicial declaration of interest from Cllr Norma Stephenson.

7 **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, 2 and 5 of Part 1 of Schedule 12A to the Act.

CLEVELAND FIRE AUTHORITY

MINUTES OF ORDINARY MEETING

10 FEBRUARY 2012



PRESENT:

CHAIR:-

Councillor O'Donnell – Stockton on Tees Borough Council

HARTLEPOOL BOROUGH COUNCIL

Councillors Payne, Wells

MIDDLESBROUGH COUNCIL

Councillors Brunton, Clark,

REDCAR & CLEVELAND BOROUGH COUNCIL

Councillors Briggs, Cooney, Jeffries, Ovens

STOCKTON ON TEES BOROUGH COUNCIL

Councillors Corr, Cunningham, Gardner, Stoker, Woodhead

AUTHORISED OFFICERS

Chief Fire Officer, Director of Corporate Services, Legal Adviser/Monitoring Officer, Treasurer

APOLOGIES FOR ABSENCE:

Councillors Akers-Belcher, Richardson	(Hartlepool Borough Council)
Councillors Morby, Pearson	(Middlesbrough Council)
Councillor Dunning	(Redcar & Cleveland Council)
Councillor Walmsley	(Stockton on Tees Borough Council)

96. DECLARATIONS OF MEMBERS INTEREST

Councillors Briggs, Woodhead, O'Donnell and Ovens declared a personal interest (Min No. 100.1 refers).

97. MINUTES

RESOLVED – that the Minutes of the Cleveland Fire Authority Meeting held on 16 December 2011 be confirmed.

98. MINUTES OF COMMITTEES

RESOLVED – that the Minutes of the Executive Committee held on 13 January 2012 be confirmed.

The CFO updated Members on three key areas dealt with at the Executive Committee meeting of 13 January 2012:

- Fire & Rescue Service National Framework.
- Future Direction of National Fire Service College
- Service Transformation: Local Agreements

The CFO referred to the tabled briefing requested by Councillor Clark at the JCC meeting of 20 January 2012. The briefing outlined how the Authority had made £2.7m efficiency savings and removed 71 posts from the organisation without the need for compulsory redundancies.

99. COMMUNICATIONS RECEIVED BY THE CHAIRMAN

The Chairman outlined the following correspondence received since the last meeting:

- CLG - Bob Neill MP - Fire Service College future options project

RESOLVED – that the communications be noted.

100. REPORTS OF THE CHIEF FIRE OFFICER

100.1 ARMED FORCES COMMUNITY COVENANT

The Chair sought clarity from the Legal Adviser / Monitoring Officer (LAMO) in connection with declarations of interest for this matter. The LAMO advised that Members who had previously served with, or had relatives serving with, the armed forces should declare a personal interest. Councillor Briggs, Woodhead, O'Donnell and Ovens declared a personal interest.

The CFO provided Members with an outline of the Armed Forces Community Covenant and confirmed this report had been submitted to the Executive Committee meeting on 13 January 2012 for consideration prior to being presented to the Authority. He acknowledged an historical link between the Fire and Rescue Service and the Armed Forces and informed Members that the Authority had been approached by Hartlepool Borough Council to consider signing up to the Covenant.

RESOLVED:

- (i) that the Authority approve the signing of the Armed Forces Community Covenant.**

100.2 INFORMATION PACK – FEBRUARY 2012

100.2.1 Fire and Rescue Service Monthly Bulletins

100.2.2 Employers Circulars

100.2.3 Queen's Diamond Jubilee Medal

The CFO reported that the current criteria for emergency services personnel to be eligible to receive a Queen's Diamond Jubilee Medal was a minimum of 5 years' service as at 6 February 2012 and they must deal with emergencies as part of their conditions of service. He noted that under this criteria approximately 200 members of staff would not be eligible to receive a medal and proposed that a memento of the royal occasion be presented to those falling into this category, based on an estimated total cost of approximately £700 to the Authority.

Councillor Briggs supported this proposal based on recognising the work of 'all' members of staff. Councillor Wells agreed, adding it would be disappointing for some people to miss out due to a technicality.

100.2.4 Royal Garden Parties Nomination

The CFO informed Members that retained Firefighter Thomas Paterson from Saltburn had been nominated to attend the Royal Garden Party on behalf of the Authority. Firefighter Paterson was considered a worthy candidate as he has worked as a retained Firefighter for 22 years without sickness.

100.2 INFORMATION PACK – FEBRUARY 2012 (cont)
RESOLVED:

- (i) that the report be noted.
- (ii) that Members agreed that all members of staff not eligible to receive the Queen's Diamond Jubilee Medal should receive a memento of the royal occasion.

Councillor Wells left the meeting

101 JOINT REPORT OF THE CHIEF FIRE OFFICER AND THE TREASURER
101.1 Medium Term Financial Strategy 2012/13 to 2014/15 and 2012/13 Council Tax Level

The Treasurer reported that the Medium Term Financial Strategy and the Budget for 2012/13 had been particularly challenging due to the impact of the fundamental deterioration in public finances and the Government's clear course to address this by significant reductions in public spending over the next three years. He reported that for the second year running, the Authority received the second greatest reduction in Grant Settlement across all Fire Authorities (1.7%) further reducing its spending power. The actual grant allocation confirmed for 2012/13 was £19.567m and the projected position for the last two years of the Comprehensive Spending Review (CSR) period was expected to be £18.2m and £16.8m respectively.

The Treasurer detailed the following areas:

- Forecast Outturn for 2011/12
- Capital Programme, Prudential Code and Treasury Management Strategy
- Revenue Budget 2012/12 and indicative Forecasts for 2012/13 to 2014/15
- 2012/13 Tax Base and Collection Fund
- Robustness of Budget Forecasts and Reserves

Councillor Payne referred to the Capital Strategy Programme detailing how the Authority's Asset Management Plan will be funded and noted that some of the stations were in an extremely poor state of repair and sought information about plans to rebuild. The CFO outlined the timescales contained within the Asset Management Plan and reported that the Headland and Middlesbrough were a priority due to their poor working conditions and limited community facilities. He also reported that at present the cost of maintaining Brigade Headquarters in Hartlepool outweighed its value and on that basis this was also a priority to rebuild. Councillor Payne championed Redcar's Community Fire Station and said he was pleased Headland Fire Station had been earmarked as a priority.

Councillor Payne left the meeting

The Treasurer outlined the proposed Council Tax increase of 3.95% for 2012/13, as recommended by the Executive Committee at its meeting on 13 January 2012, which equates to 5 pence per week on a Band D property. He reported that the other option considered was to take the Government's one-year Council Tax Freeze Grant which would be the equivalent of a 3% Council Tax increase (approx. £3.3k) but would have implications on the longer term stability and sustainability of the Authority's Council Tax income.

101.1 Medium Term Financial Strategy 2012/13 to 2014/15 and 2012/13 Council Tax Level (cont)

Councillor Briggs commended the use of 'pence' as well as giving percentages in the Authority's draft Council Tax leaflet which he felt put the increase into perspective. Councillor Stoker questioned why Council Tax leaflets refer to Band D properties when a significant number across Cleveland fell into lower bands. The Treasurer reported that the Authority was legally obliged to quote Band D figures for comparative purposes and pointed out that the Authority was not obliged to circulate leaflets but did need to have them available should they be requested. He suggested this was something the Authority may wish to consider for further discussion in the future.

RESOLVED:

- (i) That the proposal to earmark the 2012/13 underspend to support the revenue budget and capital investment plans in 2012/13 and beyond as the financial position becomes more challenging and the use of reserves on an 'invest to save basis' to address the needs to significantly reduce the overall budget requirement over the next three years be approved.
- (ii) That the provisional 2012/13 Capital Programme as set out in the report be approved.
- (iii) That the inclusion within the budget plans for investment in the Authority's estate to address the deteriorating position of the Authority's operational and administrative buildings be approved.
- (iv) That the 2012/13 revenue budget as detailed at Appendix A of the report be approved.
- (v) That the recommendation of the Executive Committee to confirm the 3.95% rise in Council Tax, which equates to a Band D Council Tax of £66.50 (£1.28 per week) and supporting statutory calculations as detailed at Appendix B, be approved.
- (vi) That the indicative Council Tax increases for 2013/14 and 2014/15 of 5 pence per week (£2.63 per year) and 5 pence per week (£2.73 per year) respectively giving indicative tax levels at Band D of £69.13 (£1.33 per week) and £71.86 (£1.38 per week) respectively be approved.

102 REPORT OF THE DIRECTOR OF CORPORATE SERVICES

102.1 Cleveland Fire Authority Meetings 2012/13

The Director of Corporate Services (DCS) referred to the proposed schedule of CFA meetings for 2012/13, as attached at Appendix 1, and invited Members' views regarding the criteria at paragraph 3.1. Councillor Briggs confirmed that Friday meetings continued to fit in well with Council commitments and some Members requested further information about the proposed cessation of Safer Partnerships Briefings. The DCS reported that these were informal briefings between a CFA representative from each District, the District Managers and the Director of Community Protection (DCP). These meetings provided a forum to share and compare trends and initiatives across the Districts but historically have not been well attended. The DCS pointed out that all Members now receive performance information for their District and that one-to-one meetings with District Managers and the DCP may be a preferable arrangement. Councillor Cunningham supported the proposal.

RESOLVED:

- (i) that Members approved the Cleveland Fire Authority Meeting schedule for 2012/13.
- (ii) that Members agreed the new format of Safer Partnership representative meetings.

103. REPORT OF THE TREASURER

103.1 Treasury Management Strategy 2012/13

The Treasurer outlined the Authority's Treasury Management Strategy for 2012/13, which included Prudential Indicators for 2012/13 – 2014/15 and confirmed that the strategy fulfilled the key legislative requirements, detailing the following issues:

- Economic Background and Outlook for Interest Rates
- Prudential Indicators
- Capital Financing Requirement
- Borrowing strategy
- Investment Strategy

The Treasurer stated that the Strategy was subject to scrutiny by the Audit & Governance Committee, which will monitor it on behalf of Authority.

RESOLVED:

- That the Prudential Indicators and Limits relating to the Capital Expenditure for 2012/2013 to 2014/2015 as detailed in sections 5 and 6 of the report, be approved.**
- That the continuation of the netting down of investment and borrowing noting that specific loans will be taken out for schemes approved on the basis of individual business cases, be approved.**
- That the Treasury Prudential Indicators and the Minimum Revenue Provision (MRP) Statement in section 7 be approved.**
- That the Treasury Prudential Indicators in section 8 be approved.**
- That the Investment Strategy Counterparty Criteria contained in section 8 be approved and the further restriction of operational limits be noted.**
- That the Treasury Management Limits on activity in section 9 be approved.**

**104. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION ORDER) 2006
RESOLVED - "That under Section 100(A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs below of Part 1 Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006." Paragraph 3.**

Paragraph 3: namely information relating to the financial or business affairs or any particular person (including the authority holding the information).

105. CONFIDENTIAL MINUTES OF COMMITTEES

RESOLVED – that the Confidential Minutes of the Executive Committee held on 13 January 2012 be confirmed.

106. ANY OTHER CONFIDENTIAL BUSINESS

106.1 Community Interest Company

The CFO updated Members on the CIC.

106.2 Removal of Potential Hazard

Councillor Ovens thanked the Brigade for its role in removing potential hazard.

**COUNCILLOR JEAN O'DONNELL
CHAIR**

COUNCIL

21 June 2012



Report of: Constitution Committee

Subject: PETITION SCHEME/ANNUAL COUNCIL

1. PETITION SCHEME

1.1 PURPOSE OF REPORT

- 1.2 To inform Council of recent changes in legislation, further to the Localism Act 2011, which has had the effect of revoking the duty relating to the promotion of local democracy and also that relating to petitions to local authorities. In relation to petitions, since 1st April 2012, local authorities are not statutorily required to operate a petition scheme, although they may of their own volition, continue to do so. This report, therefore sets out the background position and current position in relation to petitions which have been considered by the Constitution Committee, further to a report of the Chief Solicitor, and sets out its recommendations to Council in relation thereto.

2. BACKGROUND INFORMATION

2.1 Former Duty to Respond to Petitions

Through the provisions of the Local Democracy, Economic Development and Construction Act, 2009 it was a requirement for 'principal local authorities' to adopt a petition scheme from 15th June, 2010, with the operation of an "e-petition scheme" from the 15th December, 2010. Accordingly, at an extraordinary meeting of Council on 10th June, 2010, the authority formally adopted its petition scheme based upon the model provided through the Department of Communities and Local Government with some modifications. Through a further report from the Constitution Committee, to Council on 28th October, 2010, a "Guidance Note – Duty to Respond to Petitions" was also adopted, to facilitate and promote the operation of the petition scheme. Both the petition scheme and the Guidance Note are appended herewith for the information of Members (**Appendices 1 and 2**). There has also been further consideration of such issues by the Council's Scrutiny Co-ordinating Committee who presently act as a review mechanism in relation to such petitions (see further below).

2.2 Under the petition scheme anybody who lives, works or studies in the Borough (including under 18s) can sign or organise a petition which is intended to trigger a response from the Council. Among the steps which the Council may choose to take in relation to a petition are the following measures;

- Taking the action requested
- Considering the petition through debate at full Council
- Holding an inquiry
- Holding a public meeting
- Commissioning research
- A written response setting out the Council's view on the issue
- Reference of the matter for the purposes of overview and scrutiny

2.3 In accordance with the Local Authorities (Petitions) (England) Order, 2010, the Council's petition scheme reflects that a petition must relate to a relevant matter, namely a Council function or an improvement in the economic, social or environmental wellbeing of the area. Planning and licensing decisions, by way of their regulatory nature, are excluded from the scheme, as other avenues of appeal exist. However, such matters would not be excluded if a petition related to a systematic failure, in the discharge of those regulatory functions. Council further determined that there should be no prescribed number in respect of the receipt of an "ordinary" petition and that such a petition would be considered solely on its own merits. However, where there were in excess of 1,500 signatories, that would ordinarily trigger a debate in Council and where more than 750 signatures had been secured, this would provide for Senior Officers being called to give evidence through the overview and scrutiny process. In determining whether to allow a petition, the Council can take into account data protection issues and such matters as equality law, libel and whether the petition is vexatious, abusive or otherwise inappropriate. In a determination as to whether a petition is vexatious, or abusive, the test should be "*is the request likely to cause distress, disruption or irritation without any proper or justified call*". A petition organiser who is dissatisfied with the Council's response has the right to request a review. This review is conducted through the authority's scrutiny process. This is to review whether the steps taken and the action proposed were adequate. Details of the outcome of the Council's response and any subsequent reviews are published upon the Council's website. Of note, such a review, does not fetter the power of an authority to conduct a scrutiny review on an issue under the Local Government Act, 2000.

3. CURRENT POSITION - LOCALISM ACT, 2011

3.1 As indicated, the Localism Act, 2011, repeals the duties relating to the promotion of local democracy and for authorities to operate a petition scheme. In the explanatory notes to this legislation it is stated;

"(this) removes the requirement for principal local authorities in England and Wales to make, publish and comply with a scheme

for the handling of petitions made to the authority and to provide a facility for making petitions...to the local authority. It also removes the powers of the Secretary of State...to make provision by Order in relation to petition schemes."

3.2 In an earlier consultation document entitled "Localism Bill: Local Referendums (January 2011)" there was an assessment on the likely impact of giving electors the power to instigate non binding local referendums and abolishing the wider petition duty. The reasons that were provided for such measures were as follows;

- Unnecessarily cumbersome and bureaucratic for local authorities to operate petition schemes
- Local Government Association's indication that petitions are one of the top five burdens that should be removed to "achieve cost savings with little or no impact on front line services".

3.3 There are other mechanisms available which allow for public participation and involvement, including a petition to seek a change of governance through a referendum with seven Councils in 2000 seeking such a change through the promotion of the Elected Mayor and Cabinet system and five authorities subsequently considering petitions from this date up to 2010. There is also the "local poll" as introduced through Section 116 of the Local Government Act, 2003, to hold a referendum on any matter relating to;

- services provided in pursuance of the authority's functions, or
- the authority's expenditure on such services, or any of its powers under Section 2 of the Local Government Act, 2000 (Wellbeing Powers).

For completeness, the Local Government Act, 1972, has the provision for a "parish poll" wherein a Parish Council or Parish Meeting can request the Borough Council to organise a referendum on its behalf on a local issue. However, both under the 1972 and 2003 Acts, such referendums/polls are non binding and will have only persuasive authority.

Incidentally in the consultation document it is mentioned that although it is the intention to abolish the duty to promote local democracy and the petition schemes, *"it is of course up to local authorities whether they retain elements of the petition scheme, however they no longer have a duty to do so"*

4. CONSIDERATION ON WHETHER TO RETAIN THE PETITION SCHEME

Members considered the following:-

4.1 It was noted that revocation of the petition scheme from legislation was due to the government findings that local authorities found the operation of a petition scheme burdensome and bureaucratic. The LGA also advocated removal of the scheme on cost grounds. Further the time spent on administering the Scheme was also noted and that a good deal of member

and officer time was spent dealing with Petitions, due to the formal steps required to be followed within the Petition Scheme.

- 4.2 It was also noted that there were already mechanisms in place within the Council for dealing with issues that might arise locally. Any issues which were a matter of concern or petition could be raised on the floor of Council, without the need to follow a formal bureaucratic process.
- 4.3 Members of the public would be better served by coming to their elected members with concerns who would take up their cause for them personally or bring the matter to the attention of council, without the need for a formal process, which was time consuming and costly.

5. RECOMMENDATIONS

- 5.1 That the Petition Scheme be abolished and the Constitution be amended and reference to the Scheme at Article 3 'Local People and the Council' sub para 3.01(a) (ii) be deleted.
- 5.2 That the Officer/Member Protocol at Part 5, para 10 of the Constitution be amended to allow for all petitions, received by Departments to be referred by Officers to the relevant Ward members.
- 5.3 That the removal of the Petition Scheme be brought to the public attention through the Press Office of the Council, by publication in relevant media, to include Hartbeat . Also, through such publication, that members of the public are directed to their ward members in relation to any concerns or issues that they might have so that members can deal with or bring to the attention of all members on the floor of the Council.

2. ANNUAL COUNCIL

- 2.1 On 23rd May 2012 an extraordinary meeting took place prior to Annual Council. At that meeting, the Chairman referred to previous practice and suggested that the Constitution Committee consider and make recommendations to Council for the holding of an Extraordinary Meeting as part of the overall governance of the Council to make appointments outside of those matters specifically reserved to the Annual Meeting in the future. The Constitution Committee considered this and made the following recommendation:-

2.2 RECOMMENDATION

The Constitution be amended at, Part 4, Para 5 Time and Place of Meetings to reflect this change.

GUIDANCE NOTE – DUTY TO RESPOND TO PETITIONS

Introduction

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

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

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

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

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

The Scheme

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

Petitions submitted to the Council must include;

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

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

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

APPENDIX 1

A “relevant matter” means;

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

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

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

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

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

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

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

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

APPENDIX 1

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

Vexatious, Abusive or Otherwise Inappropriate Petitions

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

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

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

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

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

Petition Debates

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

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

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

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

Officer Giving Evidence

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

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

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

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

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

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

Petition Reviews

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

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

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

Petition Received By Democratic Services

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

Petition **accepted**

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

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

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

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

Option 1 - Public / Full Council Debate

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

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

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

Council – agrees to take no further action

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

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

(At least 750 signatures required for this to occur)

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

Appeal to Overview and Scrutiny

Scrutiny Co-ordinating Cttee to:

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

There are two possible options for the outcome of an appeal

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

Instigate a more detailed Scrutiny investigation

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

HARTLEPOOL BOROUGH COUNCIL

Draft Petition Scheme

Petitions

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

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

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

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

What are the guidelines for submitting a petition?

Petitions submitted to the Council must include

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

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

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

What will the Council do when it receives my petition?

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

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

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

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

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

How will the Council respond to petitions?

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

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

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

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

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

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

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

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

Full Council debates

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

Officer evidence

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

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

E-petitions (under development)

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

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

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

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

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

How do I 'sign' an e-petition?

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

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

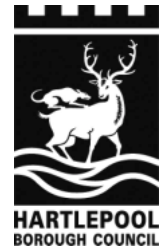
What can I do if I feel my petition has not been dealt with properly?

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

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

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

COUNCIL
21 June 2012



Report of: Chair of the Scrutiny Co-ordinating Committee

Subject: OVERVIEW AND SCRUTINY ANNUAL REPORT
2011/12

1. PURPOSE OF REPORT

- 1.1 To present the Authority's Overview and Scrutiny Annual Report for 2011/12 to Council, which outlines how the Overview and Scrutiny Function has developed and highlights the key areas of work undertaken by each of the Scrutiny Forums over the past year.

2. BACKGROUND INFORMATION

- 2.1 As outlined in the Authority's Constitution, it is a requirement of the Overview and Scrutiny Function to produce an Annual Report, detailing the work of the Scrutiny Co-ordinating Committee and the five standing Scrutiny Forums that has been undertaken during the last 12 months together with suggested developments etc for the forthcoming year.
- 2.2 In my seventh year as Chair of the Scrutiny Co-ordinating Committee it gives me great pleasure to introduce Hartlepool's seventh Overview and Scrutiny Annual Report for the 2011/12 Municipal Year for Council's consideration.
- 2.3 The Annual Report will also be despatched to key stakeholders and placed in key venues of public interest for information purposes.

3. APPENDICES AVAILABLE ON REQUEST, IN THE MEMBERS LIBRARY AND ON-LINE

- 3.1 **Appendix 1** – Overview and Scrutiny Annual Report

4. RECOMMENDATION

- 4.1 That Council considers the Authority's Overview and Scrutiny Annual Report for the 2011/12 Municipal Year.

**COUNCILLOR MARJORIE JAMES
CHAIR OF THE SCRUTINY CO-ORDINATING COMMITTEE**

June 2012

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

BACKGROUND PAPERS

No background papers were used in the preparation of this report.

PART THREE

Contacting the Scrutiny Support Team and suggest a topic worthy of a scrutiny investigation

This Annual Report has outlined what the Overview and Scrutiny Committees in Hartlepool have done in the last 12 months, perhaps you can influence what the Forums do in the future by suggesting a topic which would be worthy of Scrutiny investigation.

Please bear in mind that Scrutiny is not a complaints system, but can undertake in-depth reviews making recommendations to the Authority's decision making bodies.

If you live in Hartlepool you can play a part in improving the Borough by suggesting a suitable topic for investigation, which would be considered in relation to specific review criteria. If you have any suggestions please visit our website at http://www.hartlepool.gov.uk/forms/form/178/scrutiny_topic_suggestion_form and fill in the online form.

Alternatively, post suggestions to the address below.

The Scrutiny Support Team provides independent innovative and professional support and advice to the Authority's Overview and Scrutiny Committees in ensuring that Overview and Scrutiny is outcome focused and adds value to the work of the Authority and further afield.

You can contact the Scrutiny Support Team with general queries by:-

Email: scrutiny@hartlepool.gov.uk

Post: Scrutiny Support Team
Chief Executive's Department
Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Tel: 01429 284142

Joan Stevens – Scrutiny Manager

Responsible for the management and development of the Overview and Scrutiny Function and for the work of the Scrutiny Co-ordinating Committee

Laura Stones – Scrutiny Support Officer

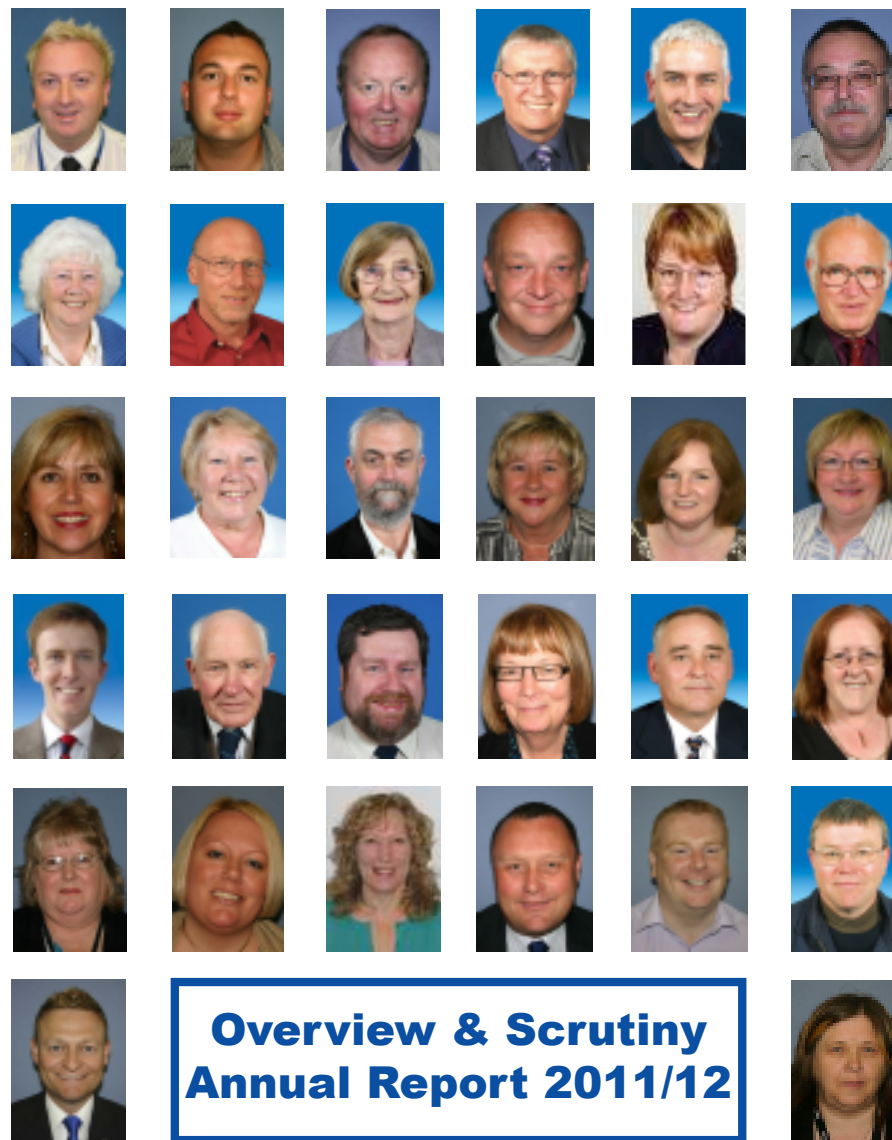
Responsible for the Adult and Community Services Scrutiny Forum and the Children's Services Scrutiny Forum

James Walsh – Scrutiny Support Officer

Responsible for the Health Scrutiny Forum

Elaine Hind – Scrutiny Support Officer

Responsible for the Regeneration and Planning Services Scrutiny Forum and the Neighbourhood Services Scrutiny Forum



Overview & Scrutiny Annual Report 2011/12

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Councillor Marjorie James Chair of the Scrutiny Co-ordinating Committee	3
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After a years gap I was delighted to take up the position of Chair of the Regeneration and Planning Services Scrutiny Forum

once again. For the 2011/12 Municipal Year the Forum chose to investigate 'Employment and Training Opportunities for 19-25 Year Olds' a topic of great importance to the residents of Hartlepool.

As part of the investigation, the Forum decided to take an innovative approach to examining service delivery, by tasking a focus group to perform a Social Return on Investment (SROI) analysis of Connexions Services provided to 19-25 year olds. This review aimed to determine the value the service provided based on all outcomes, including those most difficult to measure such as increased confidence, alongside the traditional outcomes such as finding employment or training. Members were delighted with the results and felt that the process gave a unique insight into the delivery of the service and the value placed on it by users.

As part of the Forums investigation in to Employment and Training Services, Members welcomed Redcar and Cleveland Council, Jobcentre Plus, Avanta, Hartlepool College of Further Education and representatives of local employers, services providers and the voluntary and community sector.

Members were interested to hear of the programmes being introduced as part of the Governments drive to get people

off benefits and back into work. Due to the lack of opportunities for 19-25 year olds in Hartlepool, the Forum were clear



that providers of the 'work programme' needed to ensure that their offer was based on local need and that the new 'youth contract' and the benefits of training apprentices was promoted as widely as possible with local employers.

The Regeneration and Planning Services Scrutiny Forum have considered some difficult issues during the year and look forward to continuing the positive scrutiny achieved in the future.

Councillor Trevor Rogan, Chair of Regeneration and Planning Services Scrutiny Forum

Neighbourhood Services Scrutiny Forum



The Neighbourhood Services Scrutiny Forum selected the topic of Private Sector Housing Schemes to investigate during the 2011/12 Municipal Year, a topic we as elected Members are

very passionate about. The Forum felt that given the importance of the subject, which includes the Landlord Accreditation, Selective Licensing, Empty Homes and Good Tenant Schemes, this would be the sole topic for investigation during the year.

During the investigation, Members were delighted to welcome representatives from Middlesbrough and Durham Councils, Housing Hartlepool, Durham Tees Valley Probation Service and the Landlord Steering Group to provide evidence, which the Forum considered very informative and assisted us in drawing together our conclusions and recommendations for the final report.



To ensure that tenants, landlords and local residents were consulted during the investigation and their views given appropriate consideration, Members held two focus groups in community settings and devised questionnaires which were also made available on the Councils website. Members found the mix of views from those who attended the meetings and completed the questionnaires very interesting.

The Forum was particularly concerned to hear of the link between poor quality housing and ill health and, following the consideration of early intervention schemes put in place by other Local Authorities, where Councils acts to remedy hazards and poor quality housing in conjunction with the local PCT, we are very hopeful that a scheme of similar quality can be delivered in Hartlepool through joint working.

I believe that this years investigation has been positive and rewarding for all involved and the Forum are delighted to recommend the exploration of the introduction of a 'Healthy Homes' scheme in Hartlepool to Cabinet. I look forward to another successful year in 2012/13.

Councillor Stephen Thomas, Chair of Neighbourhood Services Scrutiny Forum



Overview and Scrutiny in Hartlepool has over the last seven years played an instrumental role in the delivery

and development of services in Hartlepool. This Annual Report outlines how the Council's Overview and Scrutiny Function continues to develop and highlights the key areas of work undertaken by each of the Scrutiny Forums over the last 12 months.

The Council has in 2011/12 continued to face significant budgetary challenges which have required some very difficult decisions to be taken in terms of the provision of services in Hartlepool. Overview and Scrutiny has played an integral part in the process influencing these decisions and the development of the Council's medium term financial strategy.

Scrutiny has also completed some extremely good investigations, which have positively influenced the development and delivery of services in the Town. In doing this we have

welcomed contributions from local residents and partner organisations and I would like to thank every one who has played a part this year, including the Mayor, Cabinet colleagues and officers.

Since 2005/06 we have monitored the delivery of scrutiny recommendations and I am pleased to report that 94% of all Scrutiny Forum recommendations have been accepted and agreed by the Executive, with only 6% either rejected or no longer deliverable due to circumstances beyond the Authority's control.

For the future, we are committed to playing an ongoing role in meeting the continuing financial challenges facing the Council and development of services and operational practices to meet the requirements of new legislation, such as the Localism Act, Police and Social Reform Act and the Health and Social Care Bill.

I hope that you enjoy reading about our activities and achievements during the last 12 months and that you will support us in our continued efforts to improve services in Hartlepool in 2012/13.

Councillor Marjorie James, Chair of Scrutiny Co-ordinating Committee

PART ONE

Introduction to Hartlepool's Overview & Scrutiny Function

Health Scrutiny Forum

The Overview and Scrutiny function was introduced by the Local Government Act 2000 which outlined new political management arrangements for all Local Authorities.

Developing this function has been a challenging task facing all Local Authorities, however, Overview and Scrutiny has continued to evolve and significantly added value to the work of Local Authorities.

Overview and Scrutiny seeks to reflect the voice and concerns of the public and its communities and to make an impact on the delivery of public services.

Overview and Scrutiny has the following functions:-

- ♦ Policy development and review;
- ♦ Holding the Executive to account;
- ♦ Investigating issues of local concern; and
- ♦ External Scrutiny (Health).

Overview and Scrutiny is objective and constructive, aiming to add value to any area it considers, based on an evidenced process of exploration and deliberation which leads to Scrutiny Forums constructing reports and

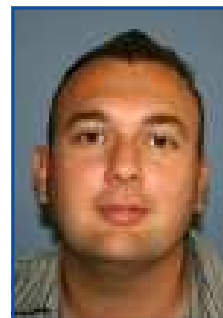
putting forward recommendations to the Authority's Cabinet and Council on policies, budget and service delivery.

Overview and Scrutiny in Hartlepool operates in a non party political way and consists of five Scrutiny Forums, each with specific remits linked to the strategic priorities of the Council and Local partners.

Our Scrutiny investigations cover a wide range of topics and complex issues, ranging from specific local problems to broader issues of public concern which link to the strategic priorities of the Council and local partners.

The Scrutiny Co-ordinating Committee and the five standing Scrutiny Forums call upon Council Officers, Cabinet Members, expert witnesses, service users and best practice from other Local Authorities to answer questions and provide evidence about the issues being scrutinised.

Each forum collates evidence to help them make recommendations to the cabinet or full council, and the length of a scrutiny investigation will differ depending upon the issue being scrutinised.



The 2011/12 Municipal Year has brought challenges, but as Chair of the Health Scrutiny Forum I know that there is still hard work to come. The Health and Social Care Bill, at time of writing, has yet to be enacted, although changes to the way in which health services will be commissioned through Health and Wellbeing Boards and the movement of Public Health into Local Authorities continues.

Changes to emergency care provision in Hartlepool was one of the major issues of this year and whilst we might not agree with the changes, it has happened and we must move forward in ensuring that we continue to strive for the best health services for Hartlepool. However, we cannot only focus on health services making us better; we have a responsibility to take care of our own health, which is one of our conclusions from the Forum's investigation into Cancer Awareness and Early Diagnosis.

Many will know someone who has had Cancer, through its investigation Members have recognised that early diagnosis can

be a life saver and that we all need to be aware of the symptoms of cancer, so that we can seek medical advice as soon as possible. This also applies for breast, cervical and bowel screening where take-up in Hartlepool could be so much better. Members were very clear that stop smoking services must continue to be a major focus of Public Health. 90% of all cases of lung cancer are caused by smoking and we unanimously agreed as a Forum to support Fresh in their clear packing campaign.



Ending on a positive note, the improvements in women's life expectancy in Hartlepool is extremely welcomed and in celebrating that achievement, I know we will continue to work tirelessly to improve the health of the Town as a whole.

**Councillor Stephen Akers-Belcher,
Chair of Health Scrutiny Forum**



I was very pleased to be appointed as Chair of the Children's Services Scrutiny Forum, during the 2011 / 12 Municipal Year. The Forum chose a topic of investigation close to

everyone's hearts, which was the support and services available to children and young people looked after by the Council. As Elected Members, we have a responsibility to our looked after children and young people to ensure that they receive the best care and support, and are offered the same opportunities as other children and young people.

Members felt that the best way to gather evidence was to talk to looked after children and young people and I am very grateful to all those who participated. The children and young people spoke passionately about keeping siblings together when coming into care, which is one of the Forum's recommendations to Cabinet.

As part of the investigation, Members were keen to explore the different types of residential provision available and visited a range of children's homes. Members concluded that there is a lack of residential provision in Hartlepool and recommended that the Council explore the viability of running at least one

children's home in Hartlepool to enable our looked after children and young people to remain within their home town.

After a very successful investigation into Social Media last year, the young people's representatives on the Forum decided this year, to explore ways of making transport more accessible for young people. The young people

gathered views from youth groups across the town on current bus times, routes and costs. After a very detailed investigation, the young people recommended that options of providing transport be explored through the Transport Champions Group; local transport companies; and organisations across the town who work with young people.

We have achieved positive outcomes this year and would like to thank all those who have contributed.

Councillor Christopher Akers-Belcher,
Chair of Children's Services Scrutiny Forum



Adult & Community Services Scrutiny Forum

Considers issues relating to specialist, targeted and universal services in relation to adults, culture and leisure.

Children's Services Scrutiny Forum

Considers issues relating to (specialist) intervention, targeted (prevention) and universal services for children and young people.

Scrutiny Co-ordinating Committee

Involved in the Call-In process, conducting cross cutting reviews, considering financial and corporate issues, co-ordinating the Overview and Scrutiny Annual Work Programme and responsible for relaying Final Reports to the Authority's Cabinet and Council.

Health Scrutiny Forum

Considers 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.

Neighbourhood Services Scrutiny Forum

Considers issues relating to property, technical services, environmental services, emergency planning and public protection.

Regeneration & Planning Services Scrutiny Forum

Considers issues relating to regeneration, the Community Strategy, building control, development control, economic development, landscape and conservation, strategic housing and community safety.

PART TWO

Scrutiny Co-ordinating Committee

Adult and Community Services Scrutiny Forum



The Scrutiny Co-ordinating Committee has a wide ranging remit that includes consideration of financial / corporate issues and the co-ordination of the work of the five standing Scrutiny Forums. In fulfilling its role, the Committee has had an extremely demanding year, with a primary focus on the development of the Council's 2012/13 budget and the medium term financial strategy, holding the Executive



to account though the call-in of decisions and consideration of referrals. Issues considered by the Committee have included proposals for the provision of ICT, revenues and benefits services, the delivery of support to Members and the closure of day-care facilities. The Committee has also explored the potential for the identification of savings through the

Council's museum and art gallery collections, and in doing so has reinforced the importance of the retention / development of the collection on a social / cultural basis. In terms of previous scrutiny recommendations, I am pleased to report that funding for the introduction of a Council assisted scheme for the provision of household white goods/ furniture has been approved.

2012/13 promises to be an equally challenging year in continuing to provide / improve resident focused services at such a financially difficult time, but also in developing the Overview and Scrutiny function to respond to the requirements of new legislation. I am, however, confident that scrutiny Members will rise to the challenge, ensuring that the voices of Hartlepool people are heard.

As in previous years, Elected Members, officers, residents and representatives from the Community / Voluntary Sector have played an intrinsic part in the work of the Committee. As such, I want to say a huge 'thank you' to everyone who has been involved in the Scrutiny process this year - without their input we could not have achieved our aims.

Councillor Marjorie James, Chair of Scrutiny Co-ordinating Committee



This year the Forum selected one main topic for investigation which was the delivery of early intervention and re-ablement services. These services are vitally important to support people to live independently and help people to build their confidence and involve themselves in their local community, particularly after a period of illness or a hospital stay. The services that are available include meal preparation, personal care, telecare and gardening.

The evidence received provided Members with a clear understanding of how services are delivered and how they contribute to maintaining people's independence. Members were very pleased to discuss the future plans for the delivery of early intervention and re-ablement services, with a range of NHS organisations, including the changes that will be implemented once Clinical Commissioning Groups come into force in March 2013. Members also received evidence from the Professor of Social Policy at York University in relation to a study that the University had undertaken on the impact of re-ablement services. It was evident from the study that re-ablement services do improve people's quality of life.

It was clear from the investigation that early intervention and re-ablement services are essential to reduce pressure on services, particularly given that Hartlepool has a much older population than most towns. Partnership working, information sharing between services and communication are all key elements to the successful delivery of early intervention and re-ablement services. The need to provide these services in



a co-ordinated manner is of the utmost importance, which is why the Forum has recommended that a co-ordinated approach is implemented across all services.

As Chair of the Forum, I am pleased to say that this year has been a very rewarding year, with recommendations that will make a positive difference to people's lives.

Councillor Jane Shaw, Chair of Adult and Community Services Scrutiny Forum

COUNCIL REPORT

21st June 2012



Report of: Director of Child and Adult Services

Subject: YOUTH JUSTICE STRATEGIC PLAN 2012-2013

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Budget and Policy Framework.

2. PURPOSE OF REPORT

2.1 The purpose of this report is to present to Council the final draft of the Youth Justice Strategic Plan for 2012-2013 (**Appendix 1**) and seek approval from Council prior to the plan being submitted to the national Youth Justice Board.

3. BACKGROUND

3.1 The national Youth Justice Performance Improvement Framework is the Youth Justice Board's primary tool for monitoring and securing performance improvement across Youth Offending Services in England and Wales. The Framework includes a range of elements that work together to improve practice and performance. The framework builds upon the statutory responsibilities for Youth Offending Services established under the Crime and Disorder Act 1998 through a requirement for all Youth Offending Services to annually prepare, as part of the local business planning cycle, a local Youth Justice Plan for submission to the Youth Justice Board.

3.2 Whilst the local Youth Offending Service partnership can develop its own structure and content of the Youth Justice Plan, national guidance suggests the Plan should address four key areas as follows:

- Resourcing and value for money - The sufficient deployment of resources to deliver effective youth justice services to prevent offending and re-offending.
- Structure and Governance - The Plan will set out the structures and governance necessary to ensure the effective delivery of local youth justice services. The leadership composition and role of the multi agency Youth Offending Service Management Board are critical to this.

- Partnership Arrangements - To demonstrate that effective partnership arrangements are in place between the Youth Offending Service, statutory partners and other local partners that have a stake in delivering youth justice services and that these arrangements generate effective outcomes for children and young people who offend or are at risk of offending.
 - Risks to Future Delivery - To ensure the Youth Offending Service has the capacity and capability to deliver effective youth justice services, identifying risks to future delivery and the Youth Offending Service's partnership plans to address these risks.
- 3.3 The final draft of the Hartlepool Youth Offending Service Youth Justice Strategic Plan 2012-2013 is attached at Appendix 1. This plan has been developed in consultation with partners and stakeholders, including, but not limited to, children and young people in the Youth Justice system, their families, the police, victims of crime, the judiciary, voluntary sector providers and community safety. The draft plan was considered by the Scrutiny Coordinating Committee on 13th April 2012 and comments from the Forum incorporated into the final draft. The final draft was ratified by Cabinet on 21st of May 2012 and the Youth Offending Service Strategic Management Board on the 22nd of May 2012.
- 3.4 The local Youth Justice Strategic Plan summarises each of the key service priorities and actions for 2012 - 2013 and establishes responsibility across the Youth Offending Service and the Youth Offending Strategic Board for taking each improvement activity forward within agreed timescales. An action plan has been developed for the implementation of the priorities to ensure there is transparency and accountability as to how the priorities will be implemented.

4. PROPOSALS

- 4.1 The Youth Justice Strategic Plan details Hartlepool Youth Offending Services commitment to the provision of high quality youth justice services, in partnership with other services and organisations, with the aim of preventing offending and re-offending by children and young people. In addition to the services provided to young people in or at risk of entering the Youth Justice System, the service recognises the role it has in increasing public confidence in the youth justice system and increasing victim satisfaction through their involvement in restorative and reparative processes. The plan acknowledges the role of the Youth Offending Service in the recently developed Early Intervention Strategy alongside its contribution to broader strategies seeking to improve outcomes for children, young people and their families more generally.

- 4.2 The plan reflects upon a reduction in both the number of offenders and the number of offences committed during that year when compared with the previous year. There has also been a reduction in the number of first time entrants to the Youth Justice system and the Plan provides details of the Council's preventative work in partnership with the police that has proved successful in deterring young people from entering the Youth Justice system. Nevertheless, the Plan highlights that the needs of children and young people who remain in the system are high and these young people require intensive support and close supervision.
- 4.3 The Youth Offending Service budget is made up of a central grant from the Youth Justice Board and contributions from statutory partner agencies (Health, Local Authority, Police and Probation). In 2011/12, there was a reduction in the funding of the Youth Offending Service from both the YJB and local authority. It is anticipated that the Youth Offending partnership settlement is likely to be challenging for the foreseeable future as the Youth Justice Board consults on a revised funding formula.
- 4.4 The work of the Youth Offending Service is overseen by the Strategic Management Board made up of key partner agencies. The Board is directly responsible for:
- Delivery of the principle aim of preventing offending and re-offending and accountability for performance against national indicators;
 - Strategic performance and oversight;
 - Justice services for children and young people;
 - Accountability and active youth justice representation.

The Board is critical to the success and effective delivery of youth justice services in Hartlepool. The service benefits from strong partnership arrangements with statutory agencies as well as partners in the voluntary sector. The service has excellent working relationships with other agencies and organisations and uses these to share expertise, skills, knowledge and resources in a commonality of purpose of preventing offending and ensure the security and prosperity of the people of Hartlepool.

- 4.5 This is reflected in the service's proposed eight strategic objectives for 2012/2013:
- Reduce further offending by young people who have committed crime;
 - Sustain the reduction of first time entrants to the youth justice system;
 - Ensure that there are effective arrangements in place for the management of the risk and vulnerability of young people and their families;
 - Sustain and deliver excellent partnership arrangements with existing partners and develop partnership arrangements with the new services being developed through the local Early Intervention Strategy to ensure

young people at risk of offending receive appropriate services to meet their needs;

- Maintain and improve compliance and performance in accordance with National Standards for Youth Justice;
- Provide high quality Restorative Justice Services that support victims of youth crime and provide confidence to the community in local Youth Justice Services;
- Ensure the Youth Offending Service is a good place to work focusing on staff training, support and development.

- 4.6 The Youth Justice Strategic Plan is supported by a service action plan to achieve the strategic priorities and the implementation of the action plan is monitored by the Strategic Management Board.

5. LEGAL CONSIDERATIONS

- 5.1 Under section 39 (1) of the 1998 Crime and Disorder Act, it is the duty of every Local Authority, acting in co-operation with partner agencies, to establish for their area one or more youth offending teams who will have responsibility for the provision and coordination of youth justice services for all those in the authority's area who need them.
- 5.2 The national Youth Justice Performance Improvement Framework builds upon the statutory responsibilities for Youth Offending Services through a requirement for all Youth Offending Services to annually prepare, as part of the local business planning cycle, a local Youth Justice Plan for submission to the Youth Justice Board.

6. RECOMMENDATIONS

- 6.1 Council is requested to ratify the Youth Justice Strategic Plan for 2012/13.

7. REASONS FOR RECOMMENDATIONS

- 7.1 The Youth Justice Strategic Plan for 2012/13 remains a statutory requirement and therefore part of the Council's Budget and Policy Framework. The plan will determine how Hartlepool Borough Council and partners can make the most effective use of available funding to produce better outcomes for local children, young people and their families who are at risk of involvement or further involvement in offending behaviour.

8. APPENDICES AVAILABLE ON REQUEST, IN THE MEMBERS LIBRARY AND ON-LINE

- 8.2 Youth Justice Strategic Plan 2012-2013

9. BACKGROUND PAPERS

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

The Youth Justice Boards: Youth Justice Performance Improvement Framework (Guidance for Youth Justice Board English Regions) available at: <http://www.justice.gov.uk>

10. CONTACT OFFICERS

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Hartlepool Youth Offending Service

Youth justice strategic plan 2012-2013



A partnership between



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Foreword

Welcome to the 2012-13 Hartlepool Youth Offending Service's Youth Justice Strategic Plan. In Hartlepool we have set our ambition and aspirations for the future in our Community Strategy 2008-20:

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

The Youth Offending Service has a key role in contributing to this by delivering high quality, effective and safe youth justice services. Overall 2011-12 has been a year of contrasts for the service during what has been a period of significant transition.

The service has now successfully embedded the 'Triage' model at the point of arrest with our partners Cleveland Police and the Crown Prosecution Service which has brought further reductions in the number of young people entering the youth justice system for the first time. However, whilst the number of young offenders has reduced the number of offences committed by this cohort has risen in comparison to the previous year and this will clearly be the key area for improvement across the service and the broader local youth justice partnership going forward.

Beyond this the service has seen:

- The successful relocation to the Windsor Offices One Stop Shop facility which is enabling the service to provide support to young offenders in a non-stigmatising setting in partnership with the Integrated Youth Support Service.
- The re-commissioning of Restorative Justice Services to bring about further improvements in the involvement of victims in youth justice

processes and victim confidence and satisfaction.

- The successful recruitment, retention and training of volunteer panel members to secure effective Referral Order Panels.
- The further increase in the number of reparation projects undertaken by young people and increased week-end and evening work.
- The further development of court team arrangements leading to improved relationships with local magistrates.

In short, the Youth Offending Service is continuing to demonstrate its direct contribution to both improving outcomes for young people and making local communities safer and stronger. Whilst recognising the tough financial climate ahead and the introduction of Police and Crime Commissioners in late 2012, it is essential that we continue to push forward with improvements to the Service in 2012 - 2013. This plan defines priorities for the Youth Offending Service in the coming year and highlights areas for improvement.

As always, the Partnership Board is extremely grateful for the skill and dedication of our employees in supporting young people who offend or are at risk of becoming involved in offending in Hartlepool.

On behalf of the Youth Offending Service Management Board I am pleased to endorse the Youth Justice Strategic Plan for 2012 -2013.



Nicola Bailey
Director, Child and Adult Services

Introduction

The Hartlepool Youth Justice Plan 2012-2013 sets out the strategic objectives and arrangements to ensure the effective delivery of local youth justice services in Hartlepool. The primary functions of Youth Justice Services are to prevent offending and re-offending by Children and Young People in Hartlepool and reduce the use of custody.

Under section 39 (1) of the 1998 Crime and Disorder Act it is the duty of every Local Authority, acting in co-operation with partner agencies, to establish for their area one or more youth offending teams who will have responsibility for the provision and coordination of youth justice services for all those in the authority's area who need them.

Hartlepool Youth Offending Service (YOS) was established in April 2000 following the introduction of the Crime and Disorder Act 1998. It is a multi-agency service and is made up of representatives from the Council's Children Services, Police, Probation, Health, Education, Community Safety and the local voluntary/community sector directed by the Head of Service. Because the Youth Offending Service incorporates representatives from a wide range of services, it can respond to the needs of young offenders, and their families in a comprehensive and coordinated way.

The Youth Offending Service is committed to the provision of high quality youth justice services, in partnership with other services and organisations, with the aim of preventing offending and re-offending by children and young people. In addition to the services provided to young people in or at risk of entering the Youth Justice System, the service recognises the role it has in increasing public confidence in the youth justice system and increasing victim satisfaction through their involvement in restorative and reparative processes alongside its contribution to broader strategies seeking to improve outcomes for children, young people and their families more generally.

Since its inception, Hartlepool Youth Offending Service has been overseen and monitored (like all other Youth Offending Services in the country) by the national Youth Justice Board. The national Youth Justice Performance Improvement Framework is the Youth Justice Board's primary tool for monitoring and securing performance improvement across Youth Offending Services in England and Wales. The framework builds upon the statutory responsibilities for Youth Offending Services established under the 1998 Crime and Disorder Act 1998 through a requirement for all Youth Offending Services to annually prepare, as part of the

local business planning cycle, a local Youth Justice Strategic Plan for submission to the Youth Justice Board.

National guidance suggests the Plan should address four key areas of provision for Youth Offending Services:

■ **Resourcing and value for money**

To demonstrate that available resources are being deployed appropriately to deliver effective youth justice services to prevent offending and reoffending.

■ **Structure and Governance**

To ensure that appropriate structures and robust governance arrangements are in place necessary to ensure the effective delivery of local youth justice services.

■ **Partnership Arrangements**

To demonstrate that effective partnership arrangements are in place between the Youth Offending Service, statutory partners and other local partners that have a stake in delivering youth justice services and that these arrangements generate effective outcomes for children and young people who offend or are at risk of offending.

■ **Risks to Future Delivery**

To ensure the Youth Offending Service has the capability to

identify risks to future delivery and to determine how best the Youth Offending Service and the broader partnership's can address these risks.

The 2012/2013 Strategic Plan is structured to demonstrate how these key areas are delivered in Hartlepool.

Local needs analysis

Hartlepool is a small unitary authority on the North East coast of England. The borough as a whole covers 9,386 hectares and is predominantly rural with four distinct villages. The majority of the town's 91,900 people live in the urban area. Approximately 25% of the population are children and young people (under 18) and 10.8% (9905) are aged 10 to 17, the Youth Offending Service client group. Despite significant regeneration over the past twenty years the Index of Multiple Deprivation (2007) indicates that Hartlepool is still ranked as the 23rd most deprived out of England's 354 Local Authority districts. Deprivation covers a broad range of potentially life limiting issues and refers to unmet needs caused by the interplay of a number of local factors that impact upon families living conditions such as:

- low income;
- exclusion from the labour market;
- impairment of quality of life by poor physical and mental health and disability;
- educational underachievement, barriers to progression and a shortage of skills and qualifications amongst adults;
- barriers to accessing key local services and affordable housing;
- low quality of individuals' immediate surroundings both within and outside the home; and

- a prevalence of violent crime, burglary, theft and criminal damage in an area.

Local analysis of need and outcomes highlights that, whilst there are families who are more resilient to deprivation, the interplay of the above factors clearly places families who are contending with deprivation at a disadvantage. This can significantly limit the opportunities and outcomes for their children which, in time, will tend to perpetuate a cycle of deprivation and disadvantage due to diminished life chances.

Unemployment in Hartlepool was 12.6% in 2010/2011 compared to the North East average at 9.8%. This is an increase on 2010 but in line with other areas where unemployment rates remain high.

The population of Hartlepool is predominantly white British (98.8%), 51.5% are female and 1.2% are from ethnic minority groups. Migration from the east European countries of the newly expanded European Community is a fairly recent phenomenon for which there is not yet definitive data.

There are five secondary schools, thirty primary schools, one nursery school, one pupil referral unit and two special schools. The Hartlepool Youth Offending Service boundaries are within those of the Cleveland Police and Durham Tees Valley Probation areas. Hartlepool Primary Care Trust and North Tees and

Hartlepool NHS Foundation Trusts provide health services in the area.

Hartlepool has a number of notable demographic characteristics when compared to the national average. They include:

- Above average proportion of people with a health problem.
- Above average proportion of single parent households.
- Above average levels of households without access to a car.
- Above average levels of teenage pregnancy (15 to 17 years)
- Above average gap between young people on free school meals achieving 5 A* - C GCSE's including English and Maths in comparison to their peers.
- Above average binge drinking levels and hospital admissions.
- Above average levels of child poverty.
- Below average owner-occupiers but above average households renting from local authorities or housing associations.
- Below average proportion of ethnic minorities.

In the Government's Index of Multiple Deprivation (IMD) of 354 English districts, Hartlepool is ranked 23rd with Middlesbrough being the only other Tees Valley District ranked as more deprived (9th). Close to half (47%) of Hartlepool's residents live in wards

that are in the 20% most deprived in the country whilst only 5% live in the 20% most affluent.

A more detailed analysis of the broader circumstances/factors of families whose children are experiencing difficulties indicates that parenting, parental substance misuse, housing and home conditions, employment issues and domestic violence are often the main factors linked to the prevalence of poor outcomes in local children and young people. It is often the complex interplay of each of these factors that makes problems in some households insurmountable and places the children at significant risk.

An annual analysis of factors that contribute to young peoples risk taking behaviour locally highlights that the most prevalent factors are often a combination of the young person's family circumstances, their lifestyle, their misuse of substances and a lack of engagement with education and/or further learning all of which shapes thinking and behaviour.

Local youth crime: key characteristics

In 2010/11, Hartlepool Youth Offending Service dealt with a total of 236 young offenders who committed 492 offences. 193 were male and 43 female. This represents a significant 21.5% reduction in offenders and 22.1% reduction in offences on the

previous year. The table overleaf illustrates the type and numbers of offences committed by these young people and the trend over the last five years (these figures will be updated once annual data for 2011/2012 have been verified by the Youth Justice Board).

As a comparison with the rest of the North East, Hartlepool has the second highest rate of offences per offender. Whilst this can be affected greatly by actual numbers, it is notable that the custody figures have also regressed and this underlines the fact that there have been a small number of high-profile cases affecting performance.

Local intelligence shows that the service is dealing with a number of offenders who repeat offend, for example one who is appearing at court on a weekly basis for minor criminal damage; this case is likely to progress to ISS status shortly. The partnership has relatively new but robust arrangements for discussing those young offenders who are known to all key children's services and community safety locally. The monthly risk & vulnerability meeting is attended by a range of partners and due to some changes in personnel, partners seem keen to engage, particularly around transition of young people from statutory Youth Offending Service contacts to targeted (voluntary) services. This would seem to be an area for development in order to ensure

the smoothest possible transition to targeted services, where some young people disengage simply because they are no longer required to comply and helpful professional relationships are lost.

It is notable that there is a low use of remand and that after a significant break in provision, Hartlepool will be recruiting to its remand foster carer pool. In the past, this service has been available sub-regionally and spot purchased on occasion by neighbouring Youth Offending Service's. In a period of great financial constraint, the retention of the budget to enable this service is a significant and positive decision - and should put the local Youth Justice Partnership in a strong position to manage down the costs of custody.

Local intelligence about first time entrants into the Youth Justice System underlines that the rate continues to reduce and actually shows a 25% improvement over the comparator for last year. However, reductions are levelling out. In a town the size of Hartlepool, just one change of police officer can lead to a significant difference in how policing around first time entrants is carried out. However, work with the Police to compare figures enabled a match between the Youth Offending Service and Police National Computer for the first time, showing discrepancies around fixed-penalty notices on young people and the use of a

Table 1: offences committed

Grouping	Offence	2006/07	2007/08	2008/09	2009/10	2010/11	% Change
Breach	Breach of Bail	14	11	8	0	6	57 % Reduction
	Breach of Conditional Discharge	5	6	6	3	8	60% Increase
	Breach of Statutory Order	45	33	28	38	15	66% Reduction
Vehicle	Death or Injury by Reckless Driving	0	0	0	0	0	NA
	Motoring Offences	87	74	51	73	21	75% Reduction
Theft and Burglary	Theft and Handling	215	245	200	140	108	49% Reduction
	Vehicle Theft	24	30	12	21	12	50% Reduction
	Domestic Burglary	47	35	22	14	11	76% Reduction
	Non Domestic Burglary	16	14	25	8	12	25% Reduction
	Fraud & Forgery	13	2	1	5	4	69% Reduction
	Robbery	4	0	6	4	1	75% Reduction
Violence	Racially/Aggravated	8	2	0	3	4	50% Reduction
	Sexual Offences	2	3	5	1	3	50% Increase
	Violence Against Person	187	146	117	128	76	59% Reduction
Other	Arson	9	8	6	1	3	66% Reduction
	Criminal Damage	140	121	109	103	78	44% Reduction
	Drugs Offences	13	9	23	22	16	23% Increase
	Other	19	18	9	11	25	31% Increase
	Public Order	104	101	71	57	89	14% Increase
	TOTAL	952	858	699	632	492	48% Reduction

Court Absolute Discharge in a number of cases. In both scenarios, young people are not contacted by the Youth Offending Services. It is essential that the Prevention Manager works closely with the Police to encourage a change in policy to ensure that young people are fed through the triage system.

Consultation with service users/recipients

Consultation with local service users and recipients highlights that in the main both young people and parents are satisfied with the services they receive via the Youth Offending Service. Parents and young people highlighted the dual role the Youth Offending Service often performs in relation to highlighting the wrong-doing of young people whilst providing them with holistic support to help them refrain from further offending behaviour.

- **Parent - 'Makes them realise what wrong they have done.'**
- **Young person – 'Help people so they have someone to talk to about their problems.'**
- **Parent – 'Prevents them getting into drugs and drink.'**
- **Young person – 'What can happen about getting involved with the Police.'**

When asked what the Youth Offending Service could do better, participants in the consultation identified that the Youth

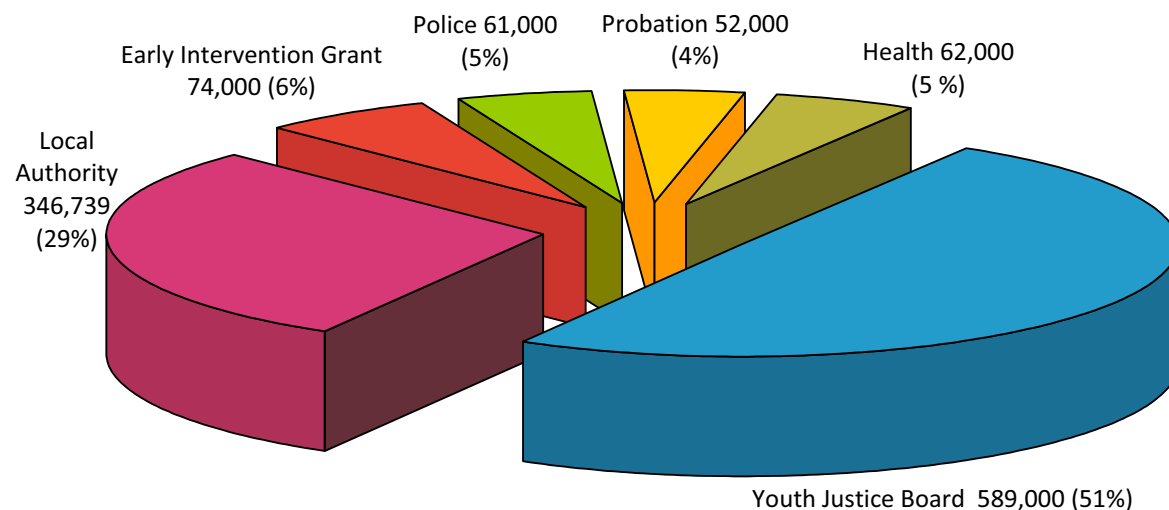
Offending Service could improve the way it provides information relating to what services are available and that the service would benefit from further resources to either enable the service to increase the amount of contact time with young people and parents or to improve the facilities/activities used by the young people.

- **Young person – 'Do some more activities out of school.'**
- **Parent – 'Better explanations of services.'**
- **Young person – 'Pool cues and pool balls needed.'**
- **Young person – 'See me more.'**

Resources and value for money

Adequate resourcing and the appropriate use of resources underpin the ability of the Youth Offending Service to deliver high quality services. The Youth Offending Service Budget for 2012/13 has seen a reduction in both the Youth Justice Board funding and contributions across statutory partners and as a consequence is 11% less than 2011/2012 at 1.18 million. The budget is made up of a central grant from the Youth Justice Board and contributions from statutory partners (Health, Children's Social Care, Police and Probation). Hartlepool Borough Council is the major contributor to the partnership budget.

Youth Offending Service funding 2012-2013 (£)



In preparation for these anticipated reductions the Youth Offending Service has participated in a service wide review of resources. The Phase 1 review focussed on Management and Case Management arrangements in the Youth Offending Service. The Phase 2 review has considered Youth Offending support services including Intervention Support, Reparation, Education/training services and Referral Panel Co-ordination. Alongside the Phase 2 review into the Youth Offending Service, the Local Authority is undertaking reviews of:

- Administrative support to the Youth Offending Service and the Integrated Youth Support Service (IYSS) which became co-located teams in April 2011.
- The Youth Offending Service Prevention Service as part of broader Early Intervention Children's Services.
- The Restorative Justice Services contract.

Both phase 1 and phase 2 of the review have highlighted that the number and profile of young people who offend and require intervention and supervision services from the Youth Offending Service has changed significantly over the last five years. Whilst the numbers of young people receiving court orders has diminished, in line with improved preventative arrangements, the nature of the work undertaken by Youth Offending case managers has become more complex as they deal with a client group which is lower in number but whose risk and vulnerability needs are greater and require a very sound assessment, offence focussed intervention and regular reviews. Correspondingly the workload of support staff included in the Phase 2 review of Intensive Supervision and Support (ISS) & Integrated Resettlement and Support (IRS) has also changed over the same period with some of the work diminished and some expanded.

This has seen the development of more group work interventions being progressed within the service. It is anticipated that these will be fully embedded within the year and that case managers as well as Youth Offending Service support staff and partner agencies will all be involved in delivery. The group work will offer and deliver a wide ranging programme of interventions that address offending behaviour and the issues that ASSET assessment has identified as pre-disposing a young

person to offend. This shift in service delivery has enabled the service realise a number of efficiencies whilst developing a more robust and accountable model of service delivery, without any depreciation to the service provide to young people at risk of offending or reoffending and their families.

Youth Offending Service Partnership funding settlements are anticipated to continue to be challenging for the foreseeable future and introduction of Police and Crime Commissioners in late 2012 has the potential have a further impact upon the resources of the Youth Offending Service going forward. It is anticipated that the Home Office element of the Youth Justice Grant (amongst other Home Office monies) will go to Police and Crime Commissioners who will have a remit to cut crime, and will have commissioning powers and funding to enable them to do this. In preparation for the introduction of Police and Crime Commissioners, Hartlepool Youth Offending Service intends to continue to work with its partners to continue to drive efficiency and improved performance across the Service to make maximum use of resources, ensuring that the service remains competitively placed to deliver high quality Youth Justice Services going forward.

Hartlepool Youth Offending Service currently believes that it has sufficient resources and staff, with the appropriate skills and

expertise, to deliver youth justice services in line with National Standards and is committed to having in place a workforce strategy that ensures:

- the needs of Youth Offending Service staff are met, and their strengths recognised
- the Youth Offending Service retains its integrity as a successful multi-agency working model, and is not diluted in the process of establishing broader multi-agency structures
- the crucial role of the Youth Offending Service as the balancing point between the children's and criminal justice agenda is asserted
- managers can attract and retain a strong and suitable workforce
- Youth Offending Service staff can access training and development opportunities.
- Youth Offending Service staff have the appropriate knowledge, skills and expertise to deliver high quality and responsive services to young people at risk of offending or reoffending and their families.

The Youth Offending Service Management Board has supported workforce development with sufficient resources to ensure staff and volunteers have all the necessary support, training and

advice to deliver effective youth justice services and as individuals improve their skills and progress in their chosen careers.

The effective and efficient use of resources is also dependent on effective commissioning arrangements. Working through the Children's Strategic Partnership commissioning processes the Youth Offending Service has during 2011/2012 revised the local service specification for Restorative Justice Services and re-commissioned a service that will ensure that Restorative Justice is an important underlying principle for all of our local youth justice disposals, from Final Warnings and Referral Orders to Reparation Orders, Action Plan Orders and Supervision Orders. Hartlepool Youth Offending Service believes that an investment in Restorative Justice is key to supporting the services broader efforts to prevent offending and re-offending by children and young people in Hartlepool.

The YOS will continue to manage and review existing commissioned services to ensure that commissioned services continue to deliver services in accordance with contractual specifications to improve outcomes for young people, victims and their families.

Structure and governance

Governance

The Youth Offending Service is located within the Prevention, Safeguarding and Specialist Services Division of Child and Adult Services.. The Management Board is chaired by a local Chief Inspector and is made up of representatives from Child and Adult Services, Police, Probation, Health, Courts, Housing, Youth Support Services, Community Safety and the local Voluntary and Community Sector. Effective integrated strategic partnership working and clear oversight by the Management Board are critical to the success and effective delivery of youth justice services in Hartlepool.

The board is directly responsible for:

- determining how the youth offending team(s) is to be composed and funded, how it is to operate and what functions it is to carry out;
- determining how appropriate youth justice services are to be provided and funded;
- overseeing the formulation each year of a Youth Justice Plan;
- overseeing the appointment or designation of a youth offending team manager; and
- agreeing measurable objectives linked to key performance indicators as part of the youth justice plan.

The Management Board is clear about the priority areas for improvement, and monitors the delivery of the Youth Justice Strategic Plan, performance and prevention work. It is well attended and receives comprehensive reports relating to performance, finance and specific areas of service delivery.

Members of the Board are knowledgeable, participate well in discussions and are members of other related boards, which contribute to effective partnership working at a strategic level. Board meetings are well structured and members are held accountable.

The membership of the Board is as follows:

- Chief Inspector, Cleveland Police (Chair)
- Director of Child and Adult Services, Hartlepool Borough Council (HBC)
- Assistant Director Prevention, Safeguarding and Specialist Services, HBC
- Assistant Director Performance and Achievement, HBC
- Assistant Director Children's Services, Primary Care Trust
- Director of Probation Trust, Durham Tees Valley Trust
- Deputy Justice Clerk , Hartlepool Magistrates Court
- Principal Housing Officer, HBC

- Community Safety Manager, HBC
- Chair of the West View Project (Voluntary/community sector representative)

The Youth Offending Service Manager and nominated officers from within the Youth Offending Service are members of strategic boards relevant to young people who offend. For example representatives sit on the Criminal Justice Intervention Managers, 11-19 Strategic Board, Secondary Behaviour and Attendance Partnership, Parenting Strategy Board, Substance Misuse Steering Group, Pupil Referral Unit Management Board, Social Inclusion Strategy Group, Multi Agency Public Protection Arrangements (MAPPA). The Youth Offending Service is represented on the Children's Strategic Partnership, Local Safeguarding Children Board and the Crime and Disorder Reduction Partnership.

Structure

The Youth Offending Service is currently structured into two main areas; **Pre-court** and **Post-court** provision. The Pre-court team works with those children and young people requiring support to prevent them becoming involved in crime and anti-social behaviour and as a consequence entering the criminal justice system. The team also work with those young people who have

come to the attention of the Police and have been the subject of a triage intervention, reprimand or final warning alongside young people who have been identified by the Anti-Social Behaviour Unit as requiring support relating to alcohol use and anti-social behaviour via Anti-Social Behaviour Contracts. Each worker within the team is attached to a designated secondary school as part of the 'Team Around the School' arrangements.

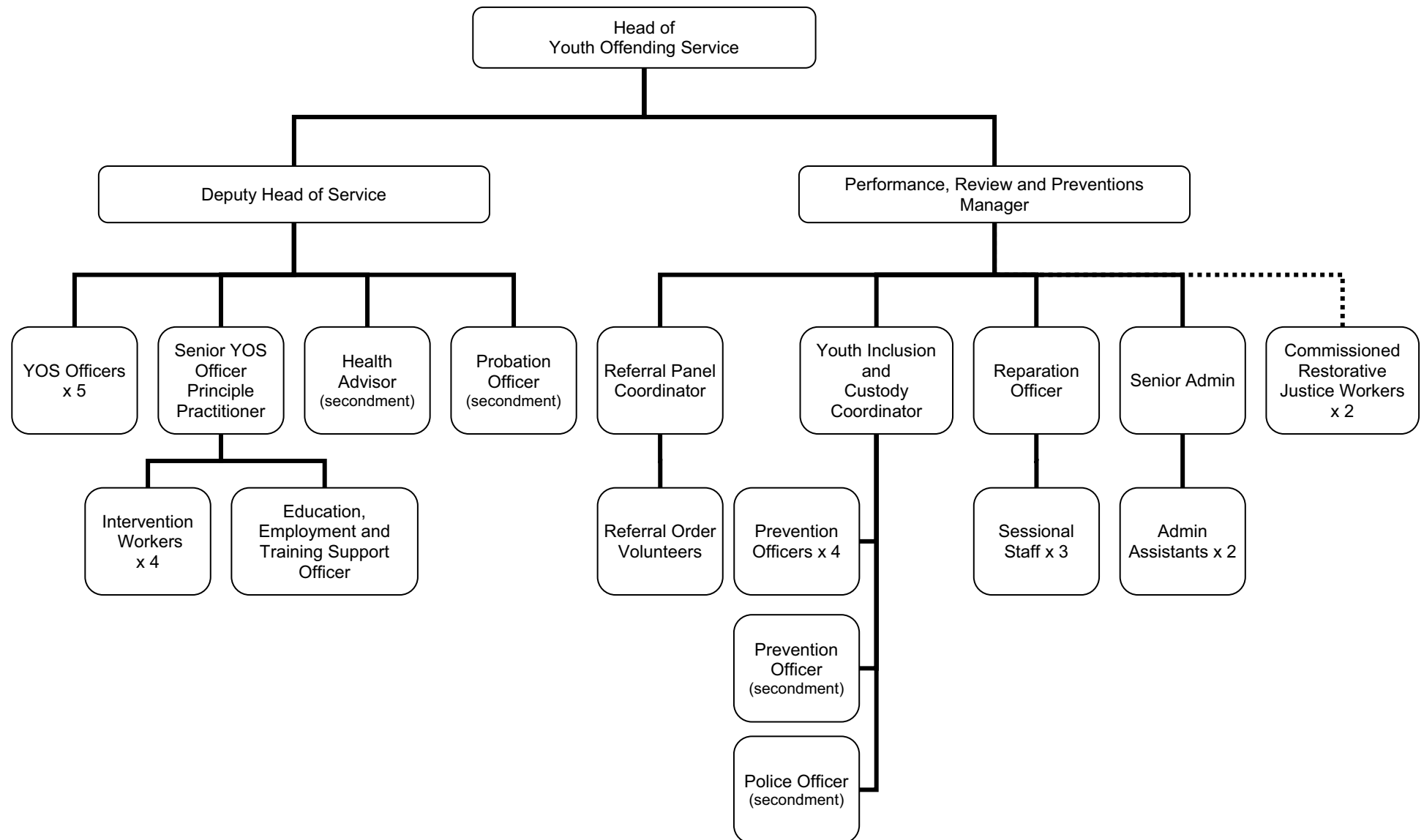
The promotion and introduction of a Restorative Justice approach is a high priority for the Pre-court and Restorative Justice Team. The increased use of the 'Triage' early intervention system in partnership with Cleveland Police and the effective use of reparation are just two examples of effective prevention and diversion of young peoples who are at risk of offending behaviour.

The team work closely with the Police, Courts and a range of agencies including social care, Child and Adolescent Mental Health Services, education, housing and the substance misuse team to deliver services to young people and their families to reduce the risk factors associated with their offending.

The Youth Offending Service currently has a staff team of thirty three people, which includes four seconded staff, three commissioned staff and three sessional workers. The service also

benefits from a team of twenty two active volunteers who sit as Referral Order Panel members who have recently received refresher training. All staff and volunteers are subject to enhanced CRB checks which are renewed every three years.

Youth Offending Service structure chart 2012-2013



Partnership arrangements

Hartlepool Youth Offending Service is a statutory partnership which includes, but also extends beyond, the direct delivery of youth justice services. In order to deliver youth justice outcomes it must be able to function effectively in both of the two key sectors within which it operates, namely:

- criminal justice services, and
- services for children and young people and their families.

The Youth Offending Service contributes both to improving community safety and to safeguarding and promoting the welfare of children and in particular protecting them from significant harm. Working Together to Safeguard Children highlights the need for Youth Offending Services to work jointly with other agencies and professionals to ensure that young people are protected from harm and to ensure that outcomes for local children, young people and their families are improved.

Many of the young people involved with the Youth Offending Service are amongst the most vulnerable children and are at greatest risk of social exclusion. The Youth Offending Service's multi-agency approach to meeting the needs of young people ensures that it plays a significant role in meeting the safeguarding needs of these young people. This is achieved through the effective assessment and management of

vulnerability and risk and through working in partnership with other services, for example Children's Social Care, Health and Education to ensure young people have their needs met and are protected from harm.

In order to generate effective outcomes for children and young people who offend or are at risk of offending the Youth Offending Service has in place effective partnership arrangements and is an important delivery partner for the Safer Hartlepool Partnership as well as a relevant partner in the Children's Strategic Partnership. This close relationship is embedded in Hartlepool's 'Crime, Disorder, and Drugs Strategy' and 'Children and Young People's Plans'.

The Hartlepool Partnership

The Hartlepool Partnership is a network of partnerships that brings together all of the Borough's strategic groups who are developing and delivering local services. It provides opportunities for involvement for a wide range of organisations and individuals in the development and implementation of policy. The Partnership is made up of a Board and a series of Theme Partnerships.

The Partnership works to the Community Strategy 2008-2020.



Community Strategy 2008 - 2020

The Community Strategy describes a long-term vision of Hartlepool's ambition and aspirations for the future as follows:

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

The Vision is further articulated through a set of aims, outcomes

and associated objectives grouped into eight priorities:

1. Jobs and the Economy
2. Lifelong Learning and Skills
3. Health and Well-being
4. Community Safety
5. Environment
6. Housing
7. Culture and Leisure
8. Strengthening Communities

Safer Hartlepool Partnership

The Safer Hartlepool partnership is the statutory body charged with coordinating the activities of its members (including the Youth Offending Service) to work together to keep crime down across the Borough. Members include; Hartlepool Borough Council, Cleveland Police, Cleveland Fire Brigade, Hartlepool Housing, Hartlepool PCT, Youth Offending Service, Drug Strategy Team, Anti-social Behaviour Unit, Durham Tees Valley Probation Trust and is chaired by the local Mayor.

The Partnership has published its three-year Strategy to tackle crime, disorder, substance misuse and reducing re-offending in Hartlepool (2011-2014) which sets out the following priorities:

- Reduce crime and repeat victimisation
- Reduce the harm caused by drug and alcohol misuse
- Create confident, cohesive and safe communities
- Reduce offending and re-offending

Further information about the Safer Hartlepool Partnership is available from www.saferhartlepool.co.uk.

Children and Young People's Plan for 2009 – 2020

The Children and Young People's Plan for 2009 – 2020 is a document which was written on behalf of Hartlepool's Children's Trust and sets out the vision and the direction of travel for commissioning and service improvements for the next eleven years to improve outcomes for local children. The Children's Strategic Partnership is the main body which brings together organisations (including the Youth Offending Service) providing services for children, young people and parents and carers.

The Children and Young People's Plan 2009 – 2020 is structured around five key priorities:

- Tackling Inequalities
- Narrowing the Gap

- Eradicating Child Poverty
- Living Safely
- Promoting Emotional Well-being

You can download the Children and Young People's Plan from http://www.hartlepool.gov.uk/download/4952/children_and_young_peoples_plan

The Early Intervention Strategy

The recent development of the Hartlepool Early Intervention Strategy acknowledges that the best way of dealing with offending and antisocial behaviour is to deliver services to children and young people to prevent them engaging in these risk taking behaviours in the first instance. The key premise of the strategy is to focus more time and money on helping children, young people and their families who are just starting to experience difficulties as opposed to responding at the point of crisis.

The vision is that all children and young people in Hartlepool are able to enjoy a happy, safe and healthy childhood and fulfil their potential. Families will be supported as needs emerge to identify, at the earliest opportunity, what services and support they require to transform their lives.

The vision and strategy are based on a series of principles designed to underpin the provision of prevention and early intervention services. These are:

- Think Family – all partners see their interventions within the context of whole family needs
- Parents as partners in securing improved outcomes for children
- A child-centred system where the needs of the child are the paramount consideration
- A commitment to prevention through early intervention
- Offering children the best start in life
- Supporting families throughout childhood and adolescence
- Accessible, local, community based services for families
- A high quality workforce, and
- Commissioning and delivering programmes that work.

The strategy set outs a new model of service delivery that focuses on prevention and early intervention ensuring children, young people and their families receive support in a timely way and tailored to their individual circumstances and it is envisaged that this will significantly support local efforts to prevent offending and re-offending by Children and Young People in Hartlepool and reduce the use of custody.

Partnership Working in the Youth Offending Service

Partnership working across the local statutory and voluntary sector is well established and effective. Relevant partners second the appropriate level of staff and contribute funding to the Youth Offending Service pooled budget. Additional sources of income have been achieved through successful partnership bids to the Youth Justice Board and through the use of the Early Intervention Grant, which supports projects such as prevention, parenting, mentoring, reparation schemes and restorative justice activities.

Service level agreements and protocols are in place with partner agencies for referrals and delivery of appropriate services to young people and their families to meet their needs. For example, a protocol has been developed to secure effective joint working across the Youth Offending and Children's Social Care to:

- promote a common understanding of the statutory duties, roles and responsibilities of each service
- provide effective joint working between services to support young people and prevent or reduce offending behaviour
- contribute to improvements in outcomes for children and young people in need, in care, leaving care, at risk of entering

or in the youth justice system, and

- support the implementation of national initiatives e.g. the Common Assessment Framework.

A good working relationship with the local Police has facilitated the development of 'Triage', first introduced in January 2010, for young people in Police custody who would previously have received a conviction. The Triage intervention addresses the young persons offending and includes a restorative activity. If the young person successfully completes the Triage intervention there will be no further action from the Police. As a result the young person does not have a criminal record, which could affect their life chances in the future. The development of the Triage Programme has resulted in a significant reduction in the numbers of first time entrants in the Youth Justice System.

Risks to future delivery

The broader context for this Youth Justice Plan remains the publication (December 2010) of the green paper [Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders](#), which outlines their plans for the Criminal Justice System in 3 areas:

- punishing offenders
- protecting the public and
- reducing reoffending.

The paper sets out what the Government expects from Youth Justice Services in order to:

- prevent more young people from offending and divert them from entering into a life of crime, including by simplifying out-of-court disposals
- protect the public and ensure that more is done to make young offenders pay back to their victims and communities
- ensure the effective use of sentencing for young offenders, and
- incentivise local partners to reduce youth offending and re-offending using payment by results models.

Hartlepool YOS is confident that it has a structure and the staff with the appropriate skills to meet any future demands placed

upon it and that the green paper does not conflict with any of the YOS's existing priorities.

Further to this has been the publication of 'A new approach to fighting crime' (March 2011) which lays out the coalition Government's ambition to introduce the role of the Police and Crime Commissioners who will have responsibility for the local prioritisation of Home Office funding going forward. Hartlepool Youth Offending Service is confident that by working through local partnerships youth justice will continue to remain a key focus within the borough in the coming year and will seek to secure funding via the Police Crime Commissioner to continue to deliver a high quality and effective service to prevent offending and re-offending by children & young people in Hartlepool and reduce the use of custody.

Potential further reductions in core funding and the lack of clarity around grant allocations, with subsequent loss of specialist staff and difficulties with recruitment are always areas of concern; however the Youth Offending Service has successfully met these challenges in the past and is well placed to overcome any unpredictable future problems with the support of a committed, strong Management Board.

Hartlepool Youth Offending Service intends to work with its partners to continue to drive efficiency within the Service through the delivery of high quality, lean and efficient practices which make maximum use of resources. The Youth Offending Service Partnership will be proactive in addressing risks to ensure it continues to achieve its central aim and this gives rise to the following priorities for 2012-13:

- Reduce further offending by young people who have committed crime
- Sustain the reduction of first time entrants to the youth justice system
- Ensure that there are effective arrangements in place for the management of the risk and vulnerability of young people and their families.
- Sustain and deliver excellent partnership arrangements with existing partners and develop partnership arrangements with the new services being developed through the local Early Intervention Strategy to ensure young people at risk of offending receive appropriate services to meet their needs.
- Maintain and improve compliance and performance in accordance with National Standards for Youth Justice.

- Provide high quality Restorative Justice Services that support victims of youth crime and provide confidence to the community in local Youth Justice Services.

- Ensure the Youth Offending Service is a good place to work focusing on staff training, support and development.

The following Action Plan details how these strategic objectives will be taken forward during 2012-2013.

Youth Justice Action Plan 2012-2013

Key Objective	Key Actions	Resources	Responsible Officer(s)	Timeline	Performance Monitoring and Indicators
Reduce further offending by young people who have committed crime	The factors behind young peoples offending behaviour are established and robust plans are developed to reduce the risk of further offending behaviour through the use of ASSET.	Officer time	Post Court Team monitored by YOS Deputy Manager	Ongoing (reviewed monthly)	Reduce the re-offending rate from a baseline of 39.8% in 2011/2012.
	Develop, review and improve current interventions to secure bespoke packages of support for young people and their families (including exit strategies and transitions).	Officer time	Intervention Manager and Prevention Manager	Ongoing (reviewed monthly)	Reduce the re-offending rate from a baseline of 39.8% in 2011/2012.
	Work effectively to increase the engagement in education, training and employment (ETE) of young people in the youth justice system.	Officer time	YOS Post Court Team E, E and T Support Officer Social Inclusion Co-ordinator	Ongoing (reviewed monthly)	Engagement in ETE is raised from an annual baseline of 69.5% in 2010/2011.
	Continue to work closely with the management of the Attendance Centre (Middlesbrough) to continuously improve the interventions we can provide.	Officer time	YOS Post Court Team	Ongoing (reviewed monthly)	Reduce the re-offending rate from a baseline of 39.8% in 2011/2012.
	Participate in the Youth Justice Boards Peer Review process to determine the effectiveness of internal systems and local arrangements.	Financial cost to be determined	Youth Offending Service Manager and Youth Offending Service Management Board	September 2012	Areas of strength and areas that would benefit from improvement are identified and any remedial action is taken to raise standards.

Key Objective	Key Actions	Resources	Responsible Officer(s)	Timeline	Performance Monitoring and Indicators
Sustain the reduction of first time entrants to the youth justice system	Develop, review and improve current interventions to secure bespoke packages of support for young people and their families (including exit strategies and transitions).	Officer time	Intervention Manager and Preventions Manager	June 2012	First Time Entrants are further reduced from a Baseline of 93 in 2010/2011.
	Work closely with Cleveland Police to further develop the pre-court disposals process.	Officer time	Preventions Manager	Ongoing (reviewed quarterly)	First Time Entrants are further reduced from a Baseline of 93 in 2010/2011.
	Work effectively to increase the engagement in education, training and employment (ETE) of young people in the youth justice system.	Officer time	YOS Pre Court Team E, E and T Support Officer Social Inclusion Co-ordinator	Ongoing (reviewed quarterly)	Engagement in ETE is raised from an annual baseline of 69.5% in 2010/2011
	Participate in the Youth Justice Boards Peer Review process to determine the effectiveness of internal systems and local arrangements for the prevention of youth crime.	Financial cost to be determined	Youth Offending Service Manager and Youth Offending Service Management Board	September 2012	Areas of strength and areas that would benefit from improvement are identified and any remedial action is taken to raise standards.
Ensure that there are effective arrangements in place for the management of the risk and vulnerability of young people and their families.	Maintain operational procedures to ensure we are working within guidance issued by MAPPA (Multi Agency Public Protection Arrangements).	Officer time	YOS Deputy Manager	Ongoing (reviewed quarterly)	YOS is represented at all MAPPA meetings scheduled to discuss young people being supervised by the YOS.

Key Objective	Key Actions	Resources	Responsible Officer(s)	Timeline	Performance Monitoring and Indicators
	Review operational procedures to ensure risk and vulnerability are reviewed regularly and that the review of risk and vulnerability remains at the forefront of performance management arrangements.	Officer time	YOS Management Team	Ongoing (Reviewed Fortnightly)	<p>Risk, threats and vulnerability levels to both the young person and/or the broader community are identified and reviewed regularly in line with best practice to support the development of multi agency arrangements to protect individuals and the broader community.</p> <p>Risk and vulnerability arrangements are reviewed fortnightly via YOS Management Team meetings.</p> <p>Risk and vulnerability are a key focus of all supervision meetings with individual YOS staff.</p>
	The Protocol for joint working arrangements between YOS and Social Care is reviewed and updated to reflect local arrangements and best practice.	Officer time	YOS Deputy Manager	June 2012	Effective joint planning is in place for all young offenders and their families who are supported by Children's Social Care.
	The Protocol for joint working arrangements between YOS and Probation is reviewed and updated to reflect local transition arrangements and best practice.	Officer time	YOS Deputy Manager	June 2012	Effective joint planning and transition arrangements are in place for all young offenders and their families prior to the young persons 18 th birthday.

Key Objective	Key Actions	Resources	Responsible Officer(s)	Timeline	Performance Monitoring and Indicators
	Local arrangements to ensure that secure that use of custodial remand and sentencing is done the safely and effectively are reviewed to reflect best practice.	Officer time	YOS Deputy Manager	June September 2012	<p>The YOS will ensure that all relevant information (Asset, ROSH, RMP, VMP, PSR) is collated and sent to the Y J B Placement Service via Connectivity prior to the arrival of the young person at the secure establishment to ensure the welfare and safety of the young person and to address any form of risk of harm to themselves or others.</p> <p>The Initial Planning meeting (within 5 working days) and subsequent Reviews are a multi agency response to putting plans and interventions in place to address the needs of the young person whilst in custody. Continuity of staff, regular welfare visits and continued supervision assist in the seamless transition from custody to resettlement into the community upon release.</p>
	Participate in the Youth Justice Boards Peer Review process to determine the effectiveness of internal systems and local arrangements for the management of risk and vulnerability.	Financial cost to be determined	Youth Offending Service Manager and Youth Offending Service Management Board	September 2012	Areas of strength and areas that would benefit from improvement are identified and any remedial action is taken to raise standards.

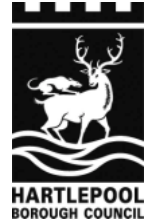
Key Objective	Key Actions	Resources	Responsible Officer(s)	Timeline	Performance Monitoring and Indicators
Sustain and deliver excellent partnership arrangements with existing partners and develop partnership arrangements with the new services being developed through the local Early Intervention Strategy and Team Around the Household initiative.	Actively participate in the ongoing development of the local Early Intervention Strategy.	Officer time	All staff	Ongoing (reviewed quarterly)	Attendance from across the service in Early Intervention development meetings and workshops.
	Actively participate in the ongoing development of the local Team Around the Household initiative.	Officer time	All staff	Ongoing (reviewed quarterly)	Attendance from across the service Team Around the Household meetings were there are concerns relating to young people who are at risk of offending/further offending.
	Review all existing partnership arrangements with a view to improving collaborative working arrangements to improve outcomes for young people and their families.	Officer time	Youth Offending Service Management Team	September 2013	Partnership Arrangements and pathways for young offenders and their families are reviewed with clear expectations of partners areas of responsibility and commitments by September 2013.
	Clear expectations are developed relating to the role of YOS staff in securing services for the broader families (particularly Parents and siblings) of Young Offenders.	Officer time	Youth Offending Service Management Team	September 2013	All assessment and planning relating to Young Offenders is holistic and incorporates the needs of the broader family. Further support for families is brokered via the Early Intervention Information HUB and locality teams.
Maintain and improve compliance and performance in accordance with National Standards for Youth Justice.	Continue to develop data processing auditing, training and data surgeries to improve accuracy of recording procedures.	Officer time	Youth Offending Service Management Team	Ongoing (reviewed Monthly)	Reporting requirements are compliant with Youth Justice National Standards.

Key Objective	Key Actions	Resources	Responsible Officer(s)	Timeline	Performance Monitoring and Indicators
Maintain and improve compliance and performance in accordance with National Standards for Youth Justice.	Review internal Quality Assurance Arrangements to ensure that all key documentation is quality assured by the YOS Deputy Manager and/or Senior Practitioner.	Officer time	YOS Deputy Manager and Interventions Manager	Ongoing (Reviewed in line with Internal Audit).	ASSET's ROSH Risk Management Plans Vulnerability Management Plans Intervention Plans Pre-Sentencing Reports Referral Order Panel Reports are all quality assured internally to secure compliance with National Standards.
	Participate in the Youth Justice Boards Peer Review process to determine the effectiveness of internal systems and local arrangements for the prevention and reduction of youth crime and the management of risk and vulnerability and their compliance with National Standards.	Financial cost to be determined	Youth Offending Service Manager and Youth Offending Service Management Board	September 2012	Areas of strength and areas that would benefit from improvement are identified and any remedial action is taken to raise standards.
Provide high quality Restorative Justice Services that support victims of youth crime and provide confidence to the community in local Youth Justice Services.	Manage the new contract for the delivery of Restorative Justice Services to develop and improve outcomes for victims.	Officer time	Performance, Review & Prevention Manager	Ongoing (Reviewed Quarterly)	Quarterly report produced to determine the success of local Restorative arrangements and the satisfaction of victims.
	Promote the work and success of the YOS in local communities and with key stakeholders.	Officer time	YOS Management Team	Ongoing (Reviewed fortnightly via Management Meetings)	YOS submits at least one success story per quarter to raise the profile of the YOS across local communities.

Key Objective	Key Actions	Resources	Responsible Officer(s)	Timeline	Performance Monitoring and Indicators
Ensure the Youth Offending Service is a good place to work focusing on staff training, support and development.	Maintain arrangements for the effective support of staff through regular supervision, annual appraisal, annual training reviews and team meetings.	Officer time	YOS Management Team	Ongoing	Managers facilitate Annual Appraisal for all staff by June 2012 and Training Reviews by September 2012. Managers are able to identify training need across the service and secure appropriate workforce development opportunities.
	Re-visit expectations relating to office conduct, highlighting the role of individuals in supporting the further development of a productive and supportive working environment.	Officer time	All staff	Ongoing	Staff performance relating to the development of a productive and supportive working environment is discussed during supervision and annual appraisal. All staff are aware of what harassment and bullying in the workplace looks like.
	Human Resources provide an update to all staff relating workforce harassment and bullying and the use of the Local Authorities Grievance/ Disciplinary Procedures,	Officer time	Human Resources (to be determined) and YOS Management Team	September 2012	Staff are able to identify harassment and bullying within the work place and understand their role in responding to these behaviours. All Internal grievances are managed at the informal stage with recourse to formal Grievance proceedings only when these have failed to bring about improvements for the staff concerned.

COUNCIL

21st June 2012



Report of: Acting Chief Executive

Subject: BUSINESS REPORT

1. CONSTITUTIONAL CHANGE

- 1.1 On 8th December, 2011, Council received a report which indicated that a petition seeking a “Mayoral Referendum” had been deemed to be invalid. Although, the requisite number of signatories had not been established, Council was also advised that ‘The Local Authorities (Referendums) (Petitions and Directions) (England) Regulations, 2000’, were so defective as to not allow for any form of constitutional change, where an authority currently operated an Elected Mayor and Cabinet Executive. That position has now been rectified through the introduction of ‘The Local Authorities (Referendums)(Petitions) (England) Regulations, 2011’, which came into force on 23rd January, 2012. Council also resolved that any consideration as to the holding of a referendum to seek any constitutional change should therefore be deferred until the introduction of amending Regulations introduced under the Localism Act, 2011.
- 1.2 The Localism Act, 2011, now provides for the following permissible forms of governance which a local authority must operate;
- (a) executive arrangements
 - (b) a Committee system, or
 - (c) prescribed arrangements

Executive arrangements must either follow the Elected Mayor and Cabinet Executive format or that of a Leader and Cabinet Executive. The Department of Communities and Local Government have also indicated that it would be permissible for local authorities “....to consider some novel form of governance arrangements such as a hybrid of executive and committee systems, or something entirely new”. Such “prescribed arrangements” would require the Secretary of State’s approval through his regulation making powers and in submitting such proposals a local authority must set out how it considers that the following statutory conditions would be met –

- that the operation of the proposed arrangements would be an improvement on the Council’s current arrangements;

- that the operation of the proposed arrangements would be likely to ensure that decisions are taken in an efficient, transparent and accountable way; and
 - that the proposed arrangement would be appropriate for all Councils or any particular description of Council.
- 1.3 Through 'The Local Authorities (Committee System) (England) Regulations, 2012, which came into force on 4th May, 2012, local authorities may resolve to move to a committee based system of governance. Where such a resolution was passed, a Council would operate a committee system from its next annual meeting or subsequent annual meeting as specified in the resolution. These Regulations also provide for certain functions that can only be discharged by Council, for example, the approval or adoption of a plan or strategy (which effectively replicates the Council's current policy framework) and also the approval or adoption of any plan or strategy for the control of the authority's borrowing, investment or capital expenditure or for determining the authority's minimum revenue provision. Whereas under the executive arrangements an authority must appoint one or more committees to discharge its overview and scrutiny function, under a committee based system, this would be a discretionary feature. If adopted, an overview and scrutiny committee would review or scrutinise decisions made, or action taken, in connection with the discharge of any function of the authority as set out more fully within the Regulations.
- 1.4 As indicated, The Localism Act, 2011, allows for a local authority to change its form of governance. A formal resolution is required in order to make a change in governance arrangements. As soon as practicable after passing such a resolution a local authority must; provide copies of the document setting out the arrangements for its governance, for public inspection and that the same is published in one or more newspapers circulating in the local authority's area. The legislation also provides that where local a authority is currently operating a Mayor and Cabinet Executive and any change to these arrangements would see a cessation to the operation of a Mayor and Cabinet Executive, the "relevant change time" is the time during the third day after the day on which the next ordinary election of a Mayor was expected to be held. Further, where the implementation of a local authority's existing form of governance was approved in a referendum then a subsequent referendum to effect any change, is a statutory requirement.
- 1.5 Where a local authority wishes to make a change in its governance arrangements that require approval through a referendum, then it must draw up proposals for such a proposed change. The proposals must include;
- A timetable with respect to the implementation of the proposals
 - Details of any transitional arrangements which are necessary to implement the proposals, and
 - A statement that the change in governance arrangements is to be subject to approval in a referendum.

After complying with these requirements, a local authority may hold a referendum on its proposals. A local authority may not pass a resolution which makes the proposed change unless the result of the referendum is to approve the proposals. Such a resolution must be passed within a period of 28 days beginning with the day when the referendum was held. In addition, such a resolution must be passed at a meeting which is specially convened for the purpose of deciding the resolution with notice of the object of the meeting. As before, where a local authority holds a referendum, it may not hold or be required to hold a further referendum within a period of 10 years beginning with the date of that referendum.

- 1.6 The Regulations relating to the conduct of referendums, have also changed. The earlier 2007 Regulations have now been revoked and the pertinent regulations are now 'The Local Authorities (Conduct of Referendums) (England) Regulations, 2012'. These Regulations provide that not less than 56 days (excluding Saturdays, Sundays, Bank Holidays) before any referendum, the local authority proposals and a statement as to the question to be asked at the referendum, and the date of the referendum and other required information must have been published. The Regulations also provide for the combination of polls namely where an "ordinary election" is to be held within a period of 28 days either side of the proposed referendum. Where a local authority either resolved to hold a referendum or received a valid petition or Order from the Secretary of State, then the question to be put must be that which is described within the Regulations. The question to be asked in a referendum is that prescribed within Schedule 1 to these Regulations and is based on the current arrangements that an authority operates and the proposal to move to another permissible form of governance.
- 1.7 It is therefore open for Council to resolve to move towards holding a referendum but it would also need to establish proposals for any change in its governance arrangements as set out herein which ideally would require the input of the Council's Constitution Committee to make formal recommendations for the consideration of Council. Although, there had been a previous requirement for a local authority to undertake consultation before promoting any change in its governance arrangements, this provision has now been removed, but it is of course open to Council to consider what (if any) wider consultation should take place against a background of proposed changes in its form of governance. Council are therefore requested to consider the contents of this report and take such action as it deems appropriate.

2. RECOMMENDATIONS

1. For Council to consider this report and to consider what proposals should be subject to a referendum to effect any constitutional change.