



Chief Executive's Department
Civic Centre
HARTLEPOOL

23 July, 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, 2 August, 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



2 August 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 Extraordinary meeting of the Council held on 14th June 2012, the Ordinary Council meeting held on 21st June 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 meeting of the Cleveland Fire Authority held on 30 March 2012 are attached.
8. To deal with any business required by statute to be done.

9. To receive any announcements from the Chair, the Mayor, members of the Cabinet or the head of the paid service.
10. To dispose of business (if any) remaining from the last meeting and to receive the report of any scrutiny forum or other committee to which such business was referred for consideration.
11. To receive reports from the Council's committees and working groups other than any overview and scrutiny committee and to receive questions and answers on any of those reports;
 - (a) Report of General Purposes Committee – Models of Senior Officer Structure
 - (b) Report of Constitution Committee – Business Report
 - (c) Report of Standards Committee – Business Report
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;
 - (a) Executive Report – Models of Senior Management officer Structure for the Authority
13. To consider reports from the Executive:-
 - (a) Proposals in relation to the Council's budget and policy framework
None
 - (b) Proposals for departures from the budget and policy framework
 - (1) Development Children's Home
 - (2) Medium Term Financial Strategy – ICT (Information and Communications Technology) Services
 - (3) Housing Market Renewal – Raby Road Corridor Development
14. To consider any motions in the order in which notice has been received.
15. To receive the Acting Chief Executive's report and to pass such resolutions thereon as may be deemed necessary.

EXTRAORDINARY COUNCIL

MINUTES OF PROCEEDINGS

14 June 2012

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

PRESENT:-

The Chairman (Councillor S Akers-Belcher) presiding:

COUNCILLORS:

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

Officers: Nicola Bailey, Acting Chief Executive
Andrew Atkin, Assistant Chief Executive
Peter Devlin, Chief Solicitor
Sue Beevers, Admissions, School Place Planning and Support Services Manager
Peter McIntosh, Head of Planning and Development
Sally Robinson, Assistant Director (Prevention, Safeguarding and Specialist Services)
Dave Stubbs, Director of Regeneration & Neighbourhoods
Joan Stevens, Scrutiny Manager
Amanda Whitaker, Democratic Services Team Manager

14. APOLOGIES FOR ABSENT MEMBERS

The Mayor and Councillors Jackson, Payne and Tempest.

15. DECLARATIONS OF INTEREST FROM MEMBERS

The following Councillors declared a personal interest in minute 16:-

Councillors Brash, Cook, Griffin, Hall, Hargreaves, Hill, James, Lauderdale, G Lilley, Dr Morris, Richardson, Robinson, Simmons, Turner, Wells and Wilcox.

16. REFERRAL FROM SCRUTINY CO-ORDINATING COMMITTEE – CALL-IN OF DECISION

Proposed School Admissions Arrangements for 2013-14

The Chair of Scrutiny Co-ordinating Committee presented a report which informed Council of the referral by the Scrutiny Co-ordinating Committee relating to the 'Call-In of Decision: Proposed School Admissions Arrangements for 2013-14. The report set out also the timetable for consideration of the referral.

At the meeting of the Children's Services Portfolio, held on 27 March 2012, the Portfolio Holder had approved the proposed oversubscription criteria for community and voluntary aided primary schools which proposed to promote the sibling criteria above school admission zone criteria. Following the decision of the Portfolio Holder, a Call-In Notice had been issued by 3 Members of the Scrutiny Co-ordinating Committee on the 5 April 2012. This notice was accepted by the Deputy Monitoring Officer on the 5 April 2012.

The Scrutiny Co-ordinating Committee, at its meeting on the 13 April 2012 had accepted the Call-In and commenced consideration of the issues / concerns raised. The basis of the Call-in being that the decision contravened the principles of decision making in relation to proportionality and reasonableness. The view of the signatories to the notice being that they 'do not believe it to be proportionate or reasonable to put children with siblings already in a school ahead of the majority of children who live within the schools admissions zone'. During the course of discussions, Members were informed that the Portfolio Holder and Department had received a number of emails from parents with positive comments on the decision taken and that the Portfolio Holder was not aware of any adverse comments being received. Members were, however, concerned that:

- A potential situation could arise where children living within an admission zone would be unable to attend their local community school, as places within that school had been taken by siblings of children already attending the school who live outside the admission zone;
- Children who may live opposite a school could be unable to attend the school due to children who live outside the admission zone taking places at that school. This could result in two families travelling outside their admission zone to enable their children to attend school; and
- The full consequences of this decision had not been made dear at the governors' meetings, and parents of children hoping for their child

to attend the school within their admission zone would be disappointed with the decision once the full implications of the decision were known.

Attention was drawn to the importance of local community schools being accessible to the families living within that local community and the Committee decided that the matter should be referred to Council, to enable a town-wide elected Member debate to be undertaken.

An additional report was provided to Council at item 3(b) which gave further information in relation to the decision to assist during the course of discussions. The report set out background information in terms of details of the School Admissions Code ('the Code') and Section 89 of the School Standards and Framework Act 1998. The report also set out considerations when drawing up admission arrangements together with details of the formal consultation which had been undertaken including an 8 week statutory consultation period from 1 November to 31 December 2011. Of the 36 responses received during this formal consultation process, 30 respondents had noted or supported a proposal to move the sibling link criteria above the admissions zone criterion. 6 respondents were against this move. On the basis of the formal consultation the Director of Child and Adult Services had recommended that the sibling criteria be raised in the oversubscription criteria to appear above admission zone. By changing the order of the oversubscription criteria to promote the sibling criteria there will only be a small number of children, 1% in 2011 and 1% in 2012 affected. An admission zone child may not attend the nursery (neither may the sibling child) and have no links with the school whatsoever whereas the sibling child would have links via sibling and parents (even though they may not attend nursery) and therefore it could be that the sibling child would be at more of a disadvantage by not getting a place than the admission zone child (and indeed their families).

Responses from Governors had been discussed at the Admissions Forum on 6 February 2012. Responses were also summarised in the report presented to Council. At this time the Admissions Forum were acting in a purely advisory capacity as the new code (1 February 2012) removed the requirement to have admissions forums.

Following the Admissions Forum meeting and at the request of the Portfolio Holder the issue was raised with Primary Heads on 13 March 2012 and after much debate, a 'straw poll' of community and voluntary controlled heads was taken with 6 for and 9 against moving sibling link above admission zone criteria. Not every head teacher from these sectors was present at the meeting. This did not form part of the formal consultation process. It was noted that the final decision on this matter would rest with the Portfolio Holder for Children's Services.

It was highlighted that as Admissions Authority for community and voluntary controlled schools in Hartlepool, the Local Authority had a responsibility to determine admissions arrangements for Hartlepool Schools and to present them to the Secretary of State on 15th April 2012. The Admissions Authority had failed to do that this year in accordance with the statutory requirements,

however the Department for Education (DfE) had been made aware of this and the circumstances surrounding the decision making process. In addition it was a requirement to publish admissions arrangements on the Council's website on 1st May each year. After taking legal advice, proposed arrangements were published but with a note to draw attention to the fact that the arrangements had been 'called in' and the decision to move sibling criteria needed to be confirmed via due process. Any persons aggrieved by the proposed arrangements could appeal to the Office of the Schools Adjudicator by 30 June 2012. In order to mitigate the impact of the Council's failure to determine the admissions arrangements for Hartlepool Schools, a decision as far as practicable before 30 June 2012 was required. Not least to allow for some degree of certainty behind the Council's decision on this issue and to allow anyone aggrieved to lodge an appeal within the prescribed time frame.

An informal meeting had been arranged immediately prior to this Council meeting to allow Chairs of Governors /Head teachers to share their views on the proposed admissions policy with Members of the Council.

During the course of discussions at both the informal and formal Council meeting, views were expressed in relation to the appropriateness and implications of prioritising the award of school places on the basis of either a sibling link or residence in a school admission zone. Support was expressed for both alternatives and attention drawn to the differing challenges facing schools in areas such as Throston, where the building of new homes had placed additional pressure on the availability of school places.

Council recognised that this was an extremely complex issue for which there was no easy solution. On this basis, Council was of the view that it would be unhappy at this time to express a view in relation to the proposed oversubscription criteria for community and voluntary controlled primary schools, without further consultations and detailed exploration of the potential wider implications for schools, parents and children.

Council agreed that the Scrutiny Co-ordinating Committee should be formally advised of this position and asked to consider the submission of the following response to the Children's and Community Services Portfolio Holder.

- i) That, before any recommendations can be made to the Children's and Community Services Portfolio Holder in relation to the revision of the oversubscription criteria for community and voluntary aided primary schools:

- A full review must be undertaken to explore the wider implications of proposals, as identified during the course of debate at the Council meeting on the 14 June 2012; and

- Wider consultations be undertaken with all stakeholders as part of the full review.

- ii) That the results of the wider review and consultation process be reported to Council, to enable the formulation of a view /

recommendation in relation to the oversubscription criteria for community and voluntary aided primary schools, for consideration by the Children's and Community Services Portfolio Holder.

- iii) That given the oversubscription issues facing Throston Primary School, a review of the Throston catchment area be explored / reviewed immediately, taking into consideration the knock on effect for other schools.

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

Those in favour:

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

Those against:

None

Those abstaining:

Councillor Hill

The vote was carried.

The meeting concluded at 7.50 p.m.

CHAIR

<p style="text-align: center;">COUNCIL</p> <p style="text-align: center;">MINUTES OF PROCEEDINGS</p> <p style="text-align: center;">21 June 2012</p>

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

PRESENT:-

The Chairman (Councillor S Akers-Belcher) presiding:

The Mayor, Stuart Drummond

COUNCILLORS:

Ainslie	C Akers-Belcher	Beck
Brash	Cook	Cranney
Dawkins	Fisher	Fleet
Gibbon	Griffin	Hall
Jackson	James	Lauderdale
A Lilley	G Lilley	Loynes
Dr. Morris	Payne	Richardson
Robinson	Shields	Sirs
Tempest	Thompson	Turner

Officers: Nicola Bailey, Acting Chief Executive
Peter Devlin, Chief Solicitor
Chris Little, Chief Finance Officer
Jill Harrison, Assistant Director, Adult Social Care
Denise Ogden, Assistant Director (Neighbourhood Services)
Dave Stubbs, Director of Regeneration & Neighbourhoods
Louise Wallace, Director of Public Health
Joan Stevens, Scrutiny Manager
Angela Armstrong and Amanda Whitaker, Democratic Services Team

Prior to the commencement of business, Members stood in silence as a mark of respect following the recent death of Alderman Harry Clouth. A number of tributes were paid by Members to his qualities as a Councillor.

17. APOLOGIES FOR ABSENT MEMBERS

Councillors Hargreaves, Hill, Simmons, Wells and Wilcox.

18. DECLARATIONS OF INTEREST FROM MEMBERS

None

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

None

20. PUBLIC QUESTION

The following question had been submitted by Mrs Little to the Mayor:-

'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.

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?'

In response, the Mayor advised that the Local Authority, through the Integrated Transport Unit would offer every possible assistance to any operator who wished to make the appropriate licence application to supply commercial services. The Integrated Transport Unit would also raise this as a discussion item at the next Operators Forum in order to assist operators further. The ITU has already offered some considerable assistance recently to a local operator in order to support both licence and concessionary ticket application. The same operator is now providing a transport solution to a previously unsupported community group".

The following supplementary questions were raised at the meeting:-

(i) *'In view of the loss of so many bus services due to the action of various operators, is it the Council's intention to seek to use the power of well-being to take advantage of any relaxation of rules regarding running of de-regulated services to try to bring the Public Transport function back into Council control?'*

(ii) *'If it's not feasible for the Council to resume the running of public transport services in Hartlepool, can you explore ways of making limited help available to the private operators who are qualified to run services for example*

through making the yellow bus fleet available at certain times for hire at a reasonable rate, or through selling surplus vehicles at a low cost; these moves would be very considerably cheaper than the subsidy which was formerly made available to larger private operators.

The Mayor responded by referring to recent soundings from the Government in relation to re-regulating bus services and indicated that there was support for bringing the provision of bus services back into Council control. The Mayor advised that consideration would be given to any ideas which were submitted and referred to the circumstances which had resulted in the withdrawal of funding to support bus services. Although he could not make any promises, the Mayor advised that if there were any opportunities, through changes in Government legislation, then those opportunities would be considered together with any ideas which were submitted to maximise use of the Council's 'yellow fleet.'

Members debated issues arising from the questions including the implications of re-regulation of bus services and the severity of the impact that budget decisions taken by the Council, involving the withdrawal of bus subsidies, had had on communities. Public health concerns were also highlighted. Reference was made to an investigation which had been undertaken by the Children's Services Scrutiny Forum which had revealed the impact of withdrawal of bus services on children when an example had been given of difficulties in attending sexual health clinics which were held on an evening when bus services were not available. A number of Members expressed their support for opportunities to be given to small private transport operators. The potential for transport powers at a local level being part of City Deal initiative was highlighted

21. MINUTES OF PROCEEDINGS

The Minutes of Proceedings of the Council held on the 12th April 2012 (deferred at last meeting of Council), the Extraordinary Council meeting held on 23rd May 2012 and the Annual Council meeting held on 24th May 2012, having been laid before the Council.

RESOLVED - That all the minutes be confirmed subject to the addition of the following to the minutes of the meeting held on 12th April 2012:-

Minute 185 - Inclusion of comment relating to Charity Commission failing to report the correct set of accounts as they had duplicated accounts.

The minutes were thereupon signed by the Chairman.

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

None

23. 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 5 April 2012 and 17 April 2012 and the meeting of the Cleveland Fire Authority held on 10 February 2012 had been circulated.

24. BUSINESS REQUIRED BY STATUTE

- (i) Report on Special Urgency Decisions

It was noted that no special urgency decisions had been taken in respect of the period January 2012-March 2012.

25. ANNOUNCEMENTS

The Mayor reminded Members that he had contacted all Members, prior to the recent elections, regarding the establishment of a police and crime panel prior to November this year. A proposal had been drafted that the membership of the Panel would be 12 elected Members and 2 Independent Members. The membership would be split with 2 seats allocated to Redcar and Cleveland Council, 3 seats to Middlesbrough Borough Council, 4 seats to Stockton Borough Council and 2 seats to this Council. The Mayor had challenged the proposed allocation of seats and the situation had still not been resolved. There had been a number of debates involving the Leaders of the Councils and the view of the Mayor, that each Council should have an equal stake with 3 seats allocated to each of the Councils, was supported by the Leader of Redcar and Cleveland Council. It appeared, however, that the Home Office had been advised that the proposed membership had been agreed. The Mayor advised Council that he was not comfortable with the current situation and he proposed, with the agreement of the Leader of Redcar and Cleveland Council, to write to the Home Secretary to outline the position and to seek guidance.

The Chairman announced that a Civic Dinner would be held on 19 October 2012. Members were encouraged to support this charity event. Tickets were available to purchase and donations for prizes were sought.

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

None

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

Report of Constitution Committee – Petition Scheme/Annual Council

Petition Scheme

The report set out details of the former duty of the Authority 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 were appended to the report.

The Localism Act, 2011, repealed the duties relating to the promotion of local democracy and for Authorities to operate a petition scheme. 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 set out in the report.

It was highlighted that there were other mechanisms available which allowed 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 was 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).

The Local Government Act, 1972, had the provision for a “parish poll” wherein a Parish Council or Parish Meeting could 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 were non binding and would have only persuasive authority. In the consultation document it was mentioned that although it was 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”*.

The report indicated that Members of the Committee had highlighted 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.

It was noted also 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 could be raised at meetings of the Council, without the need to follow a formal bureaucratic process.

The Committee considered, therefore, that Members of the public would be better served by contacting 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. Members also agreed that it would be beneficial to include a ‘guide’ in the Council’s Hartbeat magazine to signpost members of the public in the event that they have an issue or concern which they would like to progress.

It was moved and seconded:-

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.

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.

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.

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 Ainslie, C Akers-Belcher, S Akers-Belcher, Beck, Brash, Cook, Cranney, Dawkins, Fisher, Fleet, Gibbon, Griffin, Hall, Jackson, James, Lauderdale, A Lilley, G Lilley, Loynes, Morris, Payne, Richardson, Robinson, Shields, Sirs, Tempest, Thompson and Turner

Those against:

None

Those abstaining:

None

The vote was carried.

Annual Council

On 23rd May 2012 an extraordinary meeting had taken place prior to Annual Council. At that meeting, the Chairman had 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 had agreed to the suggestion which had been proposed.

It was moved and seconded:-

That the Constitution be amended at Part 4, Para 5 – Time and Place of Meetings to reflect that an Extraordinary Council be held to make appointments outside of those matters specifically reserved to the Annual meeting

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

Those in favour:

Councillors Ainslie, C Akers-Belcher, S Akers-Belcher, Beck, Brash, Cook, Cranney, Dawkins, Fisher, Fleet, Gibbon, Griffin, Hall, Jackson, James, Lauderdale, , Loynes, Morris, Payne, Richardson, Robinson, Shields, Sirs, Tempest, Thompson and Turner

Those against:

The Mayor, Stuart Drummond, Councillors A Lilley and G Lilley

Those abstaining:

None

The vote was carried.

Any Other Business – Civic Honours

The Vice Chair of Constitution Committee advised that the Committee had also considered, under any other business, the civic honours arrangements for the town. A number of Members considered that although it was recognised that the Council had agreed to the imposition of a moratorium on civic honours, exceptional circumstances applied in respect of bestowing the honour of Honorary Alderman of the Borough on ex Councillor Preece to reflect the exceptional service he had given to the town.

Council agreed that exceptional circumstances applied and that an Extraordinary Council meeting be convened to confer the honour of Honorary Alderman on Arthur Preece.

The Chief Solicitor confirmed that in accordance with the views of Council, the title of honorary alderman could only be conferred at a Council meeting specially convened for that purpose.

A brief discussion followed on the merits of delaying the specially convened meeting until after the Olympic Games. Members reiterated that exceptional circumstances applied to Arthur Preece and that the specially convened meeting should be held as soon as possible. Members did, however, agree that those Olympians who were competing in this years Olympic Games did deserve an appropriate welcome when they returned to the town from the Games.

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

Overview and Scrutiny Annual Report 2011/12

In accordance with the Constitution, the Chair of the Scrutiny Co-ordinating Committee presented the Authority's Overview and Scrutiny Annual Report for 2011/12 to Council (a copy of which had been circulated separately), which outlined how the Overview and Scrutiny Function had developed and highlighted the key areas of work which had been undertaken by each of the Scrutiny Forums over the past year.

The Chair of Scrutiny Co-ordinating Committee thanked the Scrutiny and Democratic Services Teams, on behalf of Scrutiny Members, for their support over the previous year. Thanks were also expressed to those who had participated in scrutiny investigations.

The Chair of the Children's Services Scrutiny Forum paid tribute to the support which Members and Officers had given to that Scrutiny Forum. It was highlighted that an investigation which had been undertaken by the Scrutiny Forum had achieved an accolade in being shortlisted and reaching the top 3 in the Centre for Public Scrutiny annual awards.

RESOLVED – That the report be noted.

29. REPORT FROM THE EXECUTIVE

(a) Proposals in relation to the Council's budget and policy framework Youth Justice Strategic Plan 2012-13

The Mayor presented a report which set out the context to the final draft of the Youth Justice Strategic Plan for 2012-2013 (appended to the report) and which sought approval to the Plan being submitted to the national Youth Justice Board. The report provided an overview of the broader national context within which the planning of local Youth Justice priorities and actions were taking place.

It was noted that the local Youth Justice Strategic Plan summarised the key service priorities and actions for 2012-13 and established responsibility across the Youth Offending Service and the Youth Offending Strategic Board for taking each improvement activity forward within agreed timescales. An action plan had been developed for the implementation of the priorities to ensure that there was transparency and accountability as to how the priorities would be implemented.

It was moved and seconded:-

'That the Youth Justice Strategic Plan for 2012/13 be approved for submission to the national Youth Justice Board'.

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 Ainslie, C Akers-Belcher, S Akers-Belcher, Beck, Brash, Cook, Cranney, Dawkins, Fisher, Fleet, Gibbon, Griffin, Hall, Jackson, James, Lauderdale, A Lilley, G Lilley, Loynes, Morris, Payne, Richardson, Robinson, Shields, Sirs, Tempest, Thompson and Turner

Those against:

None

Those abstaining:

None

The vote was carried.

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

None

30. MOTIONS ON NOTICE

None

31. CONSTITUTIONAL CHANGE

The Acting Chief Executive presented a report which advised Members that on 8th December, 2011, Council had 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 had now been rectified through the introduction of ‘The Local Authorities (Referendums)(Petitions) (England) Regulations, 2011’, which came into force on 23rd January, 2012. Council had 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.

Members were informed that the Localism Act, 2011, now provided 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 had 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.

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.

It was noted that the Localism Act, 2011, allowed 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.

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.

Members were advised that the Regulations relating to the conduct of referendums had also changed. The earlier 2007 Regulations had now been revoked and the pertinent regulations were now 'The Local Authorities (Conduct of Referendums) (England) Regulations, 2012'. These Regulations provided 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.

The Acting Chief Executive informed Council that it was 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 was requested to consider the contents of the report and take such action as it deemed appropriate.

Following presentation of the report, it was moved and seconded:-

'This Council resolves to hold a referendum on 15th November 2012 to be combined with the ordinary election in respect of the Police and Commissioner subject to recommendations coming forward from Constitution/General Purposes Committees back to Council on proposed Constitutional changes.'

During the discussion which followed, support was expressed for holding a referendum to allow residents to decide future governance arrangements. A debate took place on the nature and involvement of residents in consultation and the possibility of utilising the Neighbourhood Forums was identified. It was highlighted that it had been proposed that Constitution/General Purposes Committees report back to the Council with their recommendations which could include consultation issues.

An amendment was then moved and seconded:-

‘That the residents of Hartlepool be consulted on all the possible governance options available for inclusion within a referendum to enable a full and informed choice of all opportunities.’

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 Brash, Cook, Dawkins, Gibbon, Lauderdale, A Lilley, G Lilley, Thompson and Turner

Those against:

Councillors Ainslie, C Akers-Belcher, S Akers-Belcher, Beck, Cranney, Fisher, Fleet, Griffin, Hall, Jackson, James, Loynes, Morris, Payne, , Richardson, Robinson, Shields, Sirs, Tempest,

Those abstaining:

None

The vote was not carried.

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 Ainslie, C Akers-Belcher, S Akers-Belcher, Beck, Brash, Cook, Cranney, Dawkins, Fisher, Fleet, Gibbon, Griffin, Hall, Jackson, James, A Lilley, G Lilley, Loynes, Morris, Payne, Richardson, Robinson, Shields, Sirs, Tempest and Turner

Those against:

None

Those abstaining:

Councillors Lauderdale and Thompson

The vote was carried.

The meeting concluded at 8.10 p.m.

CHAIR

CLEVELAND FIRE AUTHORITY

MINUTES OF ORDINARY MEETING

30 MARCH 2012



PRESENT:

CHAIR:-

Councillor O'Donnell – Stockton on Tees Borough Council

HARTLEPOOL BOROUGH COUNCIL

Councillors Payne, Wells

MIDDLESBROUGH COUNCIL

Councillors Biswas, Brunton, Clark, Lancaster, Morby, Pearson

REDCAR & CLEVELAND BOROUGH COUNCIL

Councillors Briggs, Cooney, Dunning, Jeffries

STOCKTON ON TEES BOROUGH COUNCIL

Councillors Corr, Stoker, Walmsley, Woodhead

AUTHORISED OFFICERS

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

BRIGADE OFFICERS

Head of Corporate Support

**APOLOGIES FOR
ABSENCE:**

Councillors Akers-Belcher, Richardson	(Hartlepool Borough Council)
Councillors Ovens,	(Redcar & Cleveland Council)
Councillors Cunningham, Gardner	(Stockton on Tees Borough Council)

118. DECLARATIONS OF MEMBERS INTEREST

It was noted no Declarations of Interest were submitted to the meeting.

119. MINUTES

RESOLVED – that the Minutes of the Cleveland Fire Authority Meeting held on 10 February 2012 be confirmed.

120. MINUTES OF COMMITTEES

RESOLVED – that the amended Minutes of the Executive Committee held on 13 January 2012, the Minutes of the Executive Committee on 9 March 2012 and the Minutes of the Standards Committee on 21 February 2012 be confirmed.

121. COMMUNICATIONS RECEIVED BY THE CHAIRMAN

The Chairman outlined correspondence received from Bob Neill MP, CLG regarding:

- Council Tax 2012/2013
- Commencement of General Power of Competence & General Powers
- Fire Capital Funding Bidding Process for Fire & Rescue Authorities 2013-15
- The Future of the Fire Service College

RESOLVED – that the communications be noted.

122. REPORTS OF THE CHIEF FIRE OFFICER

122.1 Efficiency Policy and Strategy

The Chief Fire Officer reported on the Efficiency Policy, which focused and embedded the Brigade's efficiency arrangements to support the realisation of the Authority's vision of delivering high quality cost effective services and the Efficiency Strategy, which acts as a framework to support the Brigade in addressing the financial challenges faced.

The Strategy will be reviewed on an annual basis to ensure it takes into account the new Comprehensive Spending Review, any budget settlements, other economic, environmental and political factors and most importantly, it reflects the Medium Term Financial Strategy of the Authority.

RESOLVED:

- (i) that the report be noted.**
- (ii) that the Executive Committees recommendation to approve the Efficiency Policy (Appendix 1) be ratified.**
- (iii) that the Efficiency Strategy (Appendix 2) be noted.**

122.2 Annualised Hours Policy and Procedure

The Chief Fire Officer reported that as part of the Service Transformation Programme, the introduction of Annualised Hours was included in the revised Duty Systems business report which was approved for implementation by the Fire Authority at its meeting on 25 March 2011.

He confirmed that the Annualised Hours Policy, which was included for noting, has now been agreed by both the FBU and Unison.

RESOLVED – that the agreed Annualised Hours Policy and Procedure for Green Book Staff as outlined in Appendices 1 and 2 be noted.

122.3 Draft Service Plan 2012/13

The Draft Service Plan 2012/13 was tabled at the meeting. The Chief Fire Officer detailed the eight priorities for 2012/13 which have been established by the Executive Leadership Team using the integrated risk management, business, financial and strategic planning processes and the monitoring of the Corporate Risk Register.

These priorities are:

- Fundamental Review of Service Delivery Model
- Better Engagement with Workforce and Community
- Local & National Resilience
- Asset Management
- Growing our Community Business
- Moving Towards a Social Purpose Business
- Work Health and Wellbeing
- Accountability and Assurance

122.3 Draft Service Plan 2012/13 cont

The Chief Fire Officer reported that the Service Plan 2012/13 will be published in May 2012.

Members discussed how much influence a Fire Brigade could exert with regard to healthier communities and although it was acknowledged that the current economic climate has an impact, Members agreed that we should take a proactive approach in this area and that partnership working should be embraced.

RESOLVED – that the Service Plan 2012/13 be approved and published accordingly.

122.4 Review of Service Level Agreements for Legal and Financial Services

The Legal Adviser/Monitoring Officer declared a personal interest in the review and left the meeting for this item of business.

The Chief Fire Officer reported that the Legal Services Service Level Agreement (SLA) was reviewed and renewed on 1 April 2011 and runs through to 31 March 2014 with the Financial Services SLA expiring on 31 March 2012. Both SLA's are with Hartlepool Borough Council and continue to provide value for money.

The Chief Fire Officer advised that due to increased work emanating from accounting changes and new legislation, it is proposed that the Legal Services SLA be increased by £2,500 pa with a full programmed review of the SLA to take place during 2013/14 and the Financial Services SLA be increased by £3,500 to take account of the implementation of the International Financial Reporting Standards. It is also proposed because of this reason to extend the SLA for Financial Services for a further twelve months with a full review programmed in the current year with the aim of agreeing a new SLA for 1 April 2013. This report was considered by the Executive Committee at their meeting on 9 March 2012.

RESOLVED – that Executive Committee decisions of 9 March 2012 be ratified:
i) that the increased charges for the SLA's for Legal and Financial Services, ie £2,500 pa for Legal Services and £3,500 pa for Financial Services be approved.
ii) that the Financial Services SLA be extended for 12 months and that a full review be undertaken in 2012/13.

122.5 Land at Marine Fire Station, Ferry Road, Middlesbrough

The Chief Fire Officer stated that a request had been received from Middlesbrough Council to be granted a right of way (by way of a legal Easement) over land at Marine Fire Station in Middlesbrough.

He advised that the land in question comprised of an area currently used for parking at the side/rear of the Fire Station and part of the site projects over the River Tees and is a deck support on posts and joists. The request has been made to allow controlled public access to a passenger lift to be located on a platform in the River Tees Adjacent to Marine Fire Station. This lift would be predominantly for emergency purposes.

122.5 Land at Marine Fire Station, Ferry Road, Middlesbrough (cont)

The Chief Fire Officer informed Members that should the land be sold during the duration of an Easement, this would have an effect on the value of the land. He reported that this item had been discussed at great length by the Executive Committee on 9 March, who had requested that further negotiations be undertaken. These negotiations have now run their course and Middlesbrough Council are not prepared to purchase the land and are not agreeable to an Easement being terminated before its stated period.

Councillor Biswas stated that he was in favour and asked Members to grant the Easement.

Councillor Pearson sought clarification as to whether Middlesbrough Councillors should declare an interest in this matter, however the Legal Adviser/Monitoring Officer (LAMO) confirmed that as the item under discussion was a public asset there was no need to declare an interest.

Councillor Corr stated that she believed that 50 years was too long a period for an Easement and suggested that a shorter Easement was the way forward, eg 10 years.

Councillor Wells asked if it would be possible to grant a licence rather than an Easement. The LAMO explained that as a licence can be revoked easily it would probably not be acceptable under the grant conditions.

Councillor Corr proposed a deferment to give Middlesbrough Council the opportunity of clarifying the terms of the Heritage Lottery Fund grant, this was seconded and a vote was taken, the results were 4 in favour, 12 against and 1 abstention.

Following detailed discussions, Councillor Brunton proposed a 25 year Easement with a condition that if the land in question was put up for sale during the period of the Easement, then Middlesbrough Council be given the first option to purchase it. The proposal was seconded and a vote was taken, the results were 13 in favour, 0 against and 4 abstentions.

RESOLVED:

- i) that the report be noted.**
- ii) that the Easement be granted to Middlesbrough Council for a period of 25 years (providing the terms of the Heritage Lottery fund grant are satisfied) with the condition that should the land in question be put up for sale during the period of the Easement then Middlesbrough Council be given the first option to purchase the land.**

122.6 Annual Service of Thanks Giving

The Chief Fire Officer requested that Members considered if a representative should attend the Annual Service of Thanksgiving at the Firefighters Monument, National Memorial Arboretum in Staffordshire on Sunday, 13 May 2012.

Members agreed that a serving Firefighter should attend the event.

RESOLVED – a serving Firefighter attend the Annual Service of Thanksgiving at the National Memorial Arboretum in Staffordshire on Sunday 13 May 2012.

Councillors Clark, Lancaster and Pearson left the meeting.

122.7 Information Pack – March 2012

- 122.7.1 Fire and Rescue Service Monthly Bulletins
- 122.7.2 Employers Circulars
- 122.7.3 National Joint Council Circulars
- 122.7.4 Appointment of Interim Auditor
- 122.7.5 Fire and Rescue Services National Framework – Response to the Consultation
- 122.7.6 Fire Capital Grant Funding Bidding Process for Fire and Rescue Authorities 2013-15

RESOLVED - that the Information Pack be noted.

123 REPORT OF THE LEGAL ADVISER/MONITORING OFFER

123.1 Localism Act 2011 – Pay Accountability

The Legal Adviser/Monitoring Officer (LAMO) reported that the Localism Act 2011 requires the Authority to prepare a Pay Policy Statement (PPS) for the financial year 2012/13 and each subsequent financial year. He detailed what must be contained within the PPS and explained that it must be approved by a resolution of the Authority before it comes into force and then be published on the Authority's website.

The LAMO highlighted the guidance issued by DCLG at Appendix 1 of the report and confirmed that Cleveland Fire Authority's Pay Policy Statement (attached at Appendix 2 of the report) had been produced in line with the provisions of the Localism Act 2011 and the guidance issued by DCLG. The LAMO commented that this report had been considered at the Executive Committee on 9 March 2012.

RESOLVED :

- i) that Cleveland Fire Authority's Pay Policy Statement (Appendix 2) noted.**
- ii) that the Executive Committees recommendation to approve the Pay Policy Statement (Appendix 2) be ratified.**
- iii) that the Pay Policy Statement be published on the Authority's website by 31 March 2012.**

124 REPORT OF THE CHAIR OF THE AUDIT & GOVERNANCE COMMITTEE

124.1 Information Pack

- 124.1.1 Audit Plan 2011/12
- 124.1.2 Audit Progress Report 2011/12
- 124.1.3 Interim Auditor's Appointment
- 124.1.4 Organisational Performance Presentation
- 124.1.5 Corporate Risk Register Review
- 124.1.6 Progress Against Revenue and Capital Budgets
- 124.1.7 Scrutiny of Internal Audit Reports
- 124.1.8 Internal Audit Plan
- 124.1.9 Scrutiny of Treasury Management Strategy 2012/13

RESOLVED – that the Information Pack be noted.

125 REPORT OF THE CHAIR OF THE OVERVIEW AND SCRUTINY COMMITTEE

125.1 Information Pack

- 125.1.1 Update on Service Priorities
- 125.1.2 Call Management and Mobilising Strategy 2011/16

Members discussed the issue of domestic sprinkler installation and the Chief Fire Officer provided Members with an update regarding the recent success of a partnership project with Vela Homes and Hartlepool Water in which 32 sprinkler systems were installed into social housing. However, he reported that despite the innovative design of the low cost suppression system, other social housing providers have not shown an interest. The Overview & Scrutiny Committee has requested a presentation of domestic sprinklers at its next meeting.

RESOLVED – that the Information Pack be noted.

126 ANY OTHER BUSINESS

126.1 Fuel Supplies

The Chief Fire Officer commented on two issues following the recent concerns over disruption to fuel supplies:

- From a business continuity stance, Cleveland Fire Brigade carry 50 days supply of fuel for operational vehicles. Once this is exhausted we would be included on a primary list for supply.
- Cleveland Fire Brigade have issued community safety messages in the press and on the radio regarding the storing of fuel.

RESOLVED – that the update be noted.

126.2 Changes to Fire Fighter Pension Scheme

The Chief Fire Officer advised Members that he had just received notification of an increase to pension contribution rates for both the Firefighters' Pension Scheme (1992) and New Firefighters' Pension Scheme (2006). The increase, effective from 1 April, was not expected and information has been circulated to staff as quickly as possible. A report detailing the changes will be brought to a future meeting.

RESOLVED – that the update be noted.

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

- 128. CONFIDENTIAL MINUTES
RESOLVED – that the Confidential Minutes of the Cleveland Fire Authority Meeting held on 10 February 2012 be confirmed.**
- 129. CONFIDENTIAL MINUTES OF COMMITTEES
RESOLVED – that the Confidential Minutes of the Executive Committee held on 9 March 2012 be confirmed.**
- 130. REPORTS OF THE CHIEF FIRE OFFICER**
- 130.1 Capital Programme – Procurement Options**
The Chief Fire Officer appraised Members of the options for procuring the new buildings identified in the Capital Building Programme.
- 130.2 FireControl Bid**
The Chief Fire Officer informed Members of the Outcome of the Authority's Bid for the Governments Fire Control Services Grant.

**COUNCILLOR JEAN O'DONNELL
CHAIR**

COUNCIL

2nd August 2012



Report of: General Purposes Committee

Subject: MODELS OF SENIOR OFFICER STRUCTURE

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is for Council to consider the discussions and recommendations from the Council's General Purposes Committee from their meeting held on 2nd July, 2012. This meeting followed earlier reports from the Council's Corporate Management Team to Cabinet and to the General Purposes Committee on 25th June, 2012. Also included on this agenda is a report of the Executive which considered this report and the reports submitted to General Purposes Committee.

2. BACKGROUND

- 2.1 The post of Chief Executive became vacant in August 2011 through the retirement of the then postholder and subsequently temporary arrangements have been agreed whilst the option on the most appropriate model of a senior officer structure is determined. The earlier report from the Corporate Management Team covered the "rationale" for change, and that theme is incorporated within the confines of this particular report. Suffice to say, the General Purposes Committee on reviewing the available models under consideration, have expressed a preference for the "Chief Executive option", which option is elaborated under paragraph 14 of the earlier report to General Purposes Committee and Cabinet.

3. CHIEF EXECUTIVE OPTION

- 3.1 The Council have a "Remuneration Strategy" which specifically relates to the determination of "rewards" (including remuneration) for officers at Chief Officer level. It is particularly noted within that strategy document that *"it is expected and intended that Members will make final decisions bearing in mind the views of their electorate and local economic conditions. All Committee matters relating to Chief Officer remuneration will generally be dealt with in private session"*. This statement is now largely repeated within the guidance issued by the Secretary of State under Section 40 of the Localism Act, 2011 "Openness and Accountability in Local Pay" which mentions (paragraph 6 refers);

“Each local authority is an individual employer in its own right and has the autonomy to make decisions upon pay that are appropriate to the local circumstances and which deliver value for money for local taxpayers”.

3.2 Employers and employees are free to negotiate and agree upon terms relating to remuneration, subject to certain statutory employment rights, such as that relating to equal pay, in order to prevent less favourable treatment within the workplace. The remuneration strategy therefore outlines certain principles which had resonance to the discussions of the Committee and its recommendations. Those considerations are further itemised below;

- The authority will have complete discretion on how it remunerates its Officers, but will have due regard to remuneration packages within local government generally.
- Regular external benchmarking will take place (commissioned either externally or internally) and not less than every three years to ensure that reward packages are appropriate in the employment market.
- The level of total remuneration packages will be in line with those awarded generally to Officers in similar unitary authorities elsewhere in the United Kingdom.
- Job descriptions accurately represent the work required of Senior Officers.

3.3 The Council's Pay Policy Statement as adopted under Section 38 of the Localism Act, 2011, designates a "Chief Officer" as follows;

- Head of Paid Service designated under Section 4(1) of the Local Government and Housing Act, 1989;
- Monitoring Officer designated under Section 5(1) of that Act;
- Any statutory Chief Officer mentioned in Section 2(6) of that Act;
- Any non-statutory Chief Officer mentioned in Section 2(7) of that Act;
- Any Deputy Chief Officer mentioned in Section 2(8) of that Act.

The Pay Policy Statement outlines the levels and elements of remuneration for Chief Officers and indicates (para 3.3 refers) the salaries attributable to Chief Officer posts are subject to job evaluation and based on;

- clear salary differentials which reflect the level of responsibility attached to any particular role; and

- rates which are reasonably sufficient to recruit and retain Senior Officers taking into account market conditions.

The Pay Policy Statement also describes the “relationship between Chief Officer and non-Chief Officer remuneration” by a pay multiplier which compares the hourly pay for the highest paid employee against that of a mean basic hourly pay for the organisation as a whole. As required under Section 39(5) of the Localism Act, 2011, any amendments to a Pay Policy Statement during the course of a financial year, which is intended to reflect changes or development in the authority's Pay Policy, can only be made by resolution of full Council and any amended statement must be published as soon as is reasonably practicable.

4. SALARY COMPARISONS

- 4.1 The Committee considered the salaries of Chief Executive's within the North East region and in particular the authority comparisons within the Tees Valley area, being as follows;

Redcar and Cleveland Borough Council – £145,239* (*contractual entitlement to annual salary review by the Chief Executive Officer)

Hartlepool BC - £158,000 - £168,000

Stockton BC - £169,044 - £175,191 (agreed £10,000 reduction on these figures)

Middlesbrough BC – £142,000 (to be reviewed after 12 months and within the confines of 24 months)

Darlington BC - £156,720

- 4.2 It was noted in the report to the Corporate Management Team as dated 25th June, 2012, that most local authorities combined the statutory role of Head of Paid Service with that of Chief Executive Officer. Furthermore, it was duly noted “the statutory posts are accountable to this role and they provide focus for internal and external leadership”. Given the significant challenges facing public authorities it was accepted that there should be a continuation of the statutory role of Head of Paid Service being combined with that of a Chief Executive Officer and the same should be reflected in the job description and person specification of the Chief Executive Officer. Having regard to a comparative analysis of the remuneration of Chief Executive Officers within other unitary based authorities, particularly within the Tees Valley area, it was felt that a salary banding of £140,000 - £150,000 was appropriate. Further, this salary band should be based upon five increments and it should be measured against defined performance targets including reference to the Council's annual governance requirements and to other specific and measurable criteria to be developed between Council and the successful applicant. It was also indicated that although there was a clear differential

being maintained between the Chief Executive Officer and those Officers at Director level, that some element of communication should be undertaken with those officers, as part of the authority's proper workforce arrangements.

5. RECOMMENDATIONS

- 5.1
1. The statutory role of Head of Paid Service of Hartlepool Borough Council should be combined with the duties of a Chief Executive Officer.
 2. A Chief Executive Officer should be remunerated through a salary banding of £140,000 - £150,000.
 3. The above salary banding, should be based upon five annual increments and performance should be based against measurable criteria including the Council's Annual Governance Statement.
 4. That amendment to the Chief Executive's remuneration and relationship between Chief Officer and non-Chief Officer remuneration should be reflected through amendments to the Council's Pay Policy Statement and will require the consent of Council.
 5. That an Appointment Panel should be convened in line with the Council's Officer Employment Procedure Rules to make appropriate recommendations to Council.

COUNCIL
2 August 2012



Report of: Constitution Committee

Subject: BUSINESS REPORT

1. STANDARDS FRAMEWORK – LOCALISM ACT, 2011

- 1.1 Under the Localism Act, 2011, a “relevant authority” (including Town and Parish Councils) must promote and maintain high standards of conduct by Elected and Co-opted Members. The Local Government Act, 2000, had required all “relevant authorities”, which at that time excluded reference to Town and Parish Councils, to operate Standards Committees as part of the ethical framework. With the introduction of the Localism Act, 2011, there is no statutory requirement to have a Standards Committee, but “arrangements” need to be in place for dealing with complaints. Further, a relevant authority must have in place such arrangements, to assist a Town/Parish Council in discharging their obligations under the Localism Act, 2011. It is open for local authorities to arrange for the discharge of functions through a Committee, or Sub-Committee (Section 101 and 102 of the Local Government Act, 1972, refers) and the Council have recommended the retention of a ‘non statutory’ Standards Committee that will deal with these new arrangements.
- 1.2 It was the case that Independent Members must comprise of at least 25% of the membership of a Standards Committee but this no longer has application. Further, such an Independent Member had to chair meetings of Standards Committees and its Sub-Committees in the operation of the local assessment and determination process. Again, this is no longer a statutory requirement. Under the Localism Act, 2011, an authority must appoint an “Independent Person” who is there to be consulted upon a complaint although appointed as a ‘Co-opted Member’, such an individual has no voting rights and therefore acts purely in an advisory capacity. The new system is intended to seek local resolution and though a formal investigation may well be warranted in the particular circumstances of a case, this may well become the exception rather than the norm. In addition, the system as operating under the Local Government Act, 2000, had a range of “sanctions” which were available where there was a ‘finding of fault’ in respect of an allegation of Member misconduct. There will now be a limited range of “actions” under the new arrangements, which will largely comprise the following;

- Censure
- Report to full Council
- Recommendation of action to Group Leaders
- Withdrawal of facilities, if both necessary and proportionate but which would not prevent the Councillor in performing their duties.

1.3 Article 9 of the Council's Constitution covers the role and function of the Standards Committee, which is also replicated within Part 3 'Responsibility for Functions.' The changes introduced in the 'new standards regime' under the Localism Act, 2011, need to be reflected in amended terms of reference and composition of the Standards Committee and how it will operate. It is therefore recommended that, as at present, seven Councillors (other than the Mayor) do comprise the Standards Committee and that the appointed "Independent Person(s)" sit on that Committee in a strictly advisory capacity. Para 9.02(b) provides that Independent Members will be entitled to vote at meetings. This will no longer be the case under the new arrangements. A local authority must assist a Parish Council in meeting its obligations under the Localism Act, 2011, and this will still require Parish Council representation through the Standards Committee. It is proposed that there be a Hearing Sub-Committee to deal with matters referred by the Monitoring Officer (following consultation with the Independent Person) on a particular case wherein recommendations for "action" could follow. The Committee is no longer required to be chaired by an Independent Person and therefore the position of the Chair and Vice-Chair of the Committee will be determined by the Committee. Having regard for the role and functions of the Committee under 9.03 is recommended to Council that the following roles and functions be applied to the Standards Committee;

- (i) Promoting and maintaining high standards of conduct by Members and Co-opted Members of the authority.
- (ii) Assisting Members and Co-opted Members to observe the requirements of the Council's Code of Conduct.
- (iii) To advise and offer guidance to Members and Co-opted Members on the adoption or revision of the Code of Conduct.
- (iv) To grant dispensations to Members and Co-opted Members (including Parish Council representatives) from requirements relating to interests as set out within the relevant Code of Conduct.
- (v) To delegate to a Hearing Sub-Committee, the conduct of a hearing upon a complaint and to make recommendations and report findings, as appropriate.
- (vi) To assist in making recommendations through the better governance of the Council insofar as it relates to the maintenance and promotion of high ethical standards.

It is also recommended that the quorum for the Committee be maintained as being four (three elected Members and an Independent Person), and that the Hearing Sub-Committee should similarly comprise three Members with

the attendance of an Independent Person, which should also reflect the quorum to transact the business of the Sub Committee. Finally, under para 9.05 reference should be made to the appointment of the Independent Person(s) and the same should be approved by Council following receipt of an application and recommendations made by the Standards Committee. As before, Parish representation (two representatives suggested) would be through nominations by the Parish Councils, on a rota basis, where Parish Councils have agreed to operate such arrangements.

RECOMMENDATIONS

1. That Council approve the amendments to Article 9 ('The Standards Committee') and Part 3 ('Responsibility for Functions') applying to the Standards Committee as outlined within this report
2. The Chief Executive Officer being authorised to make such factual, grammatical, presentational and other changes that are necessary to comply with legislation and any applicable statutory guidance.

2. CIVIC HONOURS COMMITTEE

- 2.1 To inform Council of recent consideration by the Committee of the membership of the Civic Honours Committee.
- 2.2 An invitation had been extended to leaders of the political groups and independent Members of the Council to make nominations for appointments to various committees, Forums and Other Bodies. In relation to the Civic Honours Committee, the nominations were as follows:-

Chair of Council (Chair)
The Mayor
Councillor Wells (Vice Chair)
Councillor Tempest
Councillor Richardson
Councillor G Lilley
- 2.3 In accordance with a decision taken by the Constitution Committee on 23rd January 2009, the appointments of the Mayor and Chair of Council are outside the requirements for the Civic Honours Committee to be 'politically proportionality'.
- 2.4 Following receipt of the notifications set out above, it was noted that the Constitution Committee, at its meeting on 29th March 2012, had agreed that the Civic Honours Committee should comprise 6 Members including the Mayor, Chair of Council and the Chair of the Scrutiny Co-ordinating Committee. Therefore, only 3 additional appointments were required based on proportionality calculations.

- 2.5 Members of the Constitution Committee considered that the self selecting position on the Committee for the Chair of Scrutiny Co-ordinating Committee should also be outside the requirements of political proportionality. To enable a full representation of Members' views, it was agreed to recommend to Council an increase in the Civic Honours Committee membership to seven Members as follows:

Chair of Council (Chair)) outside the
The Mayor) requirements of
Chair of Scrutiny Co-ordinating Committee) political proportionality

4 Other Members based on proportionality requirements.

RECOMMENDED –

- (1) That Council approve the Civic Honours Committee membership comprise the following Members:-

Chair of Council (Chair)) outside the
The Mayor) requirements of
Chair of Scrutiny Co-ordinating Committee) political proportionality

4 Other Members based on proportionality requirements.

STANDARDS COMMITTEE

2nd August 2012



Report of: STANDARDS COMMITTEE

Subject: BUSINESS REPORT

1. PURPOSE OF REPORT

- 1.1 For Council to consider the recommendation from Standards Committee, following the introduction of regulations dealing with “disclosable pecuniary interests” and a further Commencement Order, under the Localism Act, 2011, relating to the operation of the new standards ‘arrangements’. A separate report to Council from the Constitution Committee concerns the revised terms of reference of the Standards Committee (Article 9 of the Constitution refers). The comments from the Constitution Committee on a revised Code of Conduct have also been incorporated into the recommendations from Standards Committee to Council.

2. STANDARDS – LOCALISM ACT, 2011

- 2.1 Previous meeting of the Standards Committee (7th February and 17th April, 2012) considered reports as to the “new standards framework” to be operated in conjunction with the Localism Act, 2011, with particular emphasis on the so called “sanctions issues” and that relating to the appointment of the “Independent Person”. In addition, Members considered a draft Code of Conduct, to confirm with the Localism Act, 2011, but upon which regulations dealing with ‘disclosable pecuniary interests’ were still awaited. As before, every “relevant authority” (which description now incorporates Town and Parish Councils) ‘must promote and maintain high standards of conduct by elected and co-opted Members’. In addition, a Code of Conduct must be adopted by such an authority detailing conduct that is expected of both elected and co-opted Members “when they act in that capacity”. Further, the Code must be consistent with the seven “Nolan Principles”, namely;

- selflessness
- honesty

- integrity
- objectivity
- accountability
- openness
- leadership

- 2.2 It will be observed that the above principles do not extend to the present “Ten General Principles of Public Life” as set out originally under The Relevant Authorities (General Principles) Order, 2001. Indeed, those matters relating to personal judgement, respect for others, duty to uphold the law and stewardship are not now mandatory provisions. However, both the Standards Committee and their colleagues on the Constitution Committee felt strongly the ‘Ten General Principle’ should be incorporated within the Council’s revised Code of Conduct. In addition, it was noted that The Local Elections (Declaration of Acceptance of Office) Order 2012, which is effective from 9 July, 2012, removes all reference of the Code of Conduct from the declaration and acceptance of office, for an individual elected as a Councillor from this date. Therefore, a provision has been included within the revised Code to cover this situation.
- 2.3 It is a requirement that relevant authorities have in place “arrangements” for dealing with complaints. This Council along with other public organisations have indicated the retention of a dedicated Standards Committee to deal with such complaints and the composition of which will still need to reflect broad political balance. Although, it has been a requirement for at least 25% of the membership of the Standards Committee to comprise “Independent Members”, this has not been carried forward under the provisions of the Localism Act, 2011, which provide for a “clear break” with the previous system. Independent Members had been required to occupy the role of Chair and Vice Chair of the Committee and its Sub Committees. Such positions will now be occupied by elected Members. Under the ‘new regime’ there is now the requirement to have an “Independent Person” who can be consulted upon a complaint and it is also advised that there be a substitute “Independent Person”, to cover cases where there may be a conflict of interest or the person is otherwise unavailable. Although an ‘Independent Person’ will still retain the status of being a “Co-opted Member” they will only be able to act in a strictly advisory and ‘non voting’ capacity. Emphasis is now placed upon “local resolution” of complaints but there is still scope for a formal investigation, if the same is warranted, and for a hearing to take place, most probably through a Sub-Committee of the Standards Committee. There will continue to be representation on the Standards Committee of Parish Council representatives in an advisory capacity and it is thought that two representatives should be appointed through the parishes.
- 2.4 Although the “standards regime” under the Local Government Act, 2000, provided for a range of “sanctions”, the system to operate in compliance with the Localism Act, 2011, is very much different. There will be a limited range of so called “actions” that can be taken in dealing with a matter of complaint, which would conceivably comprise the following;

- Censure
- Report to a meeting of the Authority
- Recommendations of action to a Group Leader
- Withdrawal of facilities, provided the same was both necessary and proportionate and which would not prevent a Councillor to perform his/her duties

2.5 Although, it is recognised that public organisations covered by the previous standards regime, may have existing complaints to deal with, the Government have already revoked the existing sanctions relating to the disqualification and suspension of a member. Whilst this may seem to be premature, it provides further evidence of the Government's intention that the "new arrangements" will be markedly different in their application in dealing with complaints. The Monitoring Officer is still required to establish and maintain a Register of Interests of Members, which will now include "disclosable pecuniary interests". The Relevant Authorities (Disclosable Pecuniary Interests) Regulations, 2012 were laid before Parliament on 8th June, 2012 and are effective from 1st July, 2012. Such declarations of these "disclosable pecuniary interests" are a feature of the appended Code of Conduct. Members will therefore appreciate a return to the system of declaration of "pecuniary" and "non-pecuniary" interests that were prevalent before the Local Government Act, 2000. Such 'register of interests' are available for public inspection and it is a criminal offence to fail to register such a disclosable pecuniary interest within 28 days of election or co-option without reasonable excuse, or to provide false or misleading information or to be reckless as to the accuracy of that information. The Localism Act, 2011, prescribed for the registration of such interests within a period of 28 days from the person's election, which obviously conflicts with the effective start date of 1st July, 2012, as indicated in the Regulations. Consequently, there is provision within the draft Code of Conduct to cover all conceivable scenarios in order to ensure that members are patently aware of their obligations.

3. CODE OF CONDUCT

3.1 An authority can either revise or adopt a new Code of Conduct in order to comply with the Localism Act, 2011. On 10th April, 2012, the Local Government Association circulated to Leaders and Chief Executives a "template and guidance note on conduct". The draft Code as appended to this report therefore incorporates some of the features of this "template" in addressing the statutory principles under the Code of Conduct. Further, on 11th April, 2012, communication was received from Bob Neil MP, Parliamentary Under Secretary of State for the Department for Communities and Local Government, attaching an 'example of a local Code'. Following on from receipt of Regulations covering "disclosable pecuniary interests" reference from this document have also been incorporated within the revised draft. For the avoidance of doubt, training on the new provisions will be

organised through the Monitoring Officer in conjunction with the Standards Committee.

4. COUNCIL PROCEDURE RULES

- 4.1 Council Procedure Rule 23 indicates that a Member withdraws from a meeting where they have a 'prejudicial interest' in a matter, in the absence of a dispensation from Standards Committee. This is reflected in the draft Code and it is suggested that this is broadened to encompass a 'prejudicial' interest and a 'disclosable pecuniary' interest situation. Reference to Standards Committee where there is an incident of Member misbehaviour as contemplated in Council Procedure Rules 21.3 and 21.4, should be maintained given the duty to maintain high standards of conduct and the general obligations contained within the Code

5. ASSOCIATED DOCUMENTATION

- 5.1 In conjunction with the operation of a Code of Conduct and arrangements to deal with complaints, the following documentation as appended (**Appendix 2-6**) is attached herewith for the approval of Council.

- Recruitment Pack for Appointment of Independent Person
- Complaint Form
- Assessment Criteria
- Arrangements for dealing with standards allegations under the Localism Act, 2011. This document also incorporates reference to the Authority's Code of Conduct and also the 'Hearing Procedures' for the Standards Committee.
- Register of Members Disclosable Pecuniary Interests

6. INDEPENDENT PERSONS

- 6.1 The role of the "Independent Person" is prescribed under Section 28(7) of the Localism Act, 2011. A person is not independent if that person is;

- (i) a member, co-opted member or Officer of the authority,
- (ii) a member, co-opted member or Officer of the Parish Council for which the authority is the principal authority, or
- (iii) a relative, or close friend, of a person within paragraph (i) or (ii).

A person may not be appointed under the provisions required by sub-section (vii) if at any time during the five years ending with the appointment if the person was –

- (i) a member, co-opted member or Officer of the authority, or
- (ii) a member, co-opted member or Officer of a Parish Council for which the authority is the principal authority.

- 6.2 The legislation also requires for appointment to be approved by the majority of members of the authority. Through correspondence dated 23rd February, 2012, which was sent to Chris Hopkins MP through the Parliamentary Under Secretary of State it was mentioned that the new provisions were intended to provide that “clear break” with the old Standards Board regime. The intention was that no person who is an Independent Member or Chair of a Council’s statutory Standards Committee can be appointed as an ‘independent person’ while they continue to be a member of that Committee. The correspondence also indicated that the Department for Communities and Local Government has received a number of representations and after careful consideration Ministers were minded that transitional provisions should be made allowing a Council to appoint a person as an independent person “who, although not a member or a Chairman of a Standards Committee at the time of appointment (or thereafter) has held such a post within the last five years”. Further, such transitional provisions would apply to the first year of the new arrangements.
- 6.3 The Localism Act, 2011 (Commencement No 6 and Transitional, Savings and Transitory Provisions) Order, 2012, makes reference to a Code of Conduct in order to comply with the Localism Act, 2011 taking effect “on or after 1st July, 2012” and similarly in relation to the operation of “arrangements” underpinning that system. There is also reference to the maintenance of the Register of Declarable Pecuniary Interests, revisions to Standing Orders and reference to the granting of dispensations through a Standards Committee. Article 7, of this Order, indicates that notwithstanding Section 28(8)(b) of the Localism Act, 2011, an authority may appoint an independent member as an independent person who is not a member or co-opted member on 1st July, 2012, but has been so, any time in the five years before 30th June, 2012. This will have application to appointments made before 1st July, 2013. This was subsequently confirmed in a letter from Bob Neill MP ‘To all Local Authority Leaders’ dated 28 June 2012, in that *‘any former member of a standards committee under the transitional arrangements as an independent person can hold office only until 30 June 2013.*
- 6.4 Mr Ted Jackson, Mr Brian Footitt and Reverend John Lund have expressed an interest in continuing in the role of the ‘Independent Person’ until 30 June 2013. The Committee strongly advises Council to draw upon the experience, competency and fairness of these individuals in making this recommendation for appointment. Mr Barry Gray who has been the Independent Chair of Standards Committee since the inception of the ethical standards regime has decided not to seek appointment as an Independent Person. The Committee have expressed the view that there be recognition of the service of Mr Gray in this role through a letter of appreciation from the Chair of Council.

7. RECOMMENDATIONS

1. That Council adopt the revised Code of Conduct as appended herewith (**Appendix 1**) and associated documentation (**Appendix 2 – 6**).
2. That Council Procedure Rule 23 be amended in accordance with paragraph 4 of this report.
3. The applications of Mr Ted Jackson, Mr Brian Footitt and Reverend John Lund as Independent Persons be approved until 30 June 2013.
4. A letter of appreciation from the Chair of Council be sent to Mr Barry Gray as the former Independent Chair of Standards Committee.
5. In unison with the report to Council from the Constitution Committee that all necessary changes as approved by Council be incorporated into the Council's Constitution by the Chief Solicitor and the Acting Chief Executive.

CODE OF CONDUCT

INTRODUCTION

This code applies to you as a member of Hartlepool Borough Council and when you act in your role as a Member it is your responsibility to comply with the provisions of this code. The code will also have application to voting co-opted Members and to those Independent Persons appointed to Standards Committee..

You are a representative of this authority and the public will view you as such. Therefore your actions impact on how the authority as a whole is viewed and your actions can have both positive and negative impacts on the authority.

This Code is adopted through the requirement for Hartlepool Borough Council to promote and maintain high standards of conduct by its members, under Section 27 of the Localism Act, 2011. The Code has application to those “principles of public life” as set out below under paragraphs (i) – (vii) as specified under the Localism Act, 2011 and the Council has decided to incorporate the additional principles as set out within paragraphs (viii) – (x).

PRINCIPLES OF PUBLIC LIFE

(i) SELFLESSNESS

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

(ii) INTEGRITY

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

(iii) OBJECTIVITY

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holder of public office should make choices on merit.

(iv) ACCOUNTABILITY

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

(v) OPENNESS

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

(vi) HONESTY

Holders of public office have a duty to declare any private interest relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

(vii) LEADERSHIP

Holders of public office should promote and support these principles by leadership and example, and should act in a way that secures or preserves public confidence.

((viii) RESPECT FOR OTHERS

Members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

(ix) DUTY TO UPHOLD THE LAW

Members should uphold the law and, on all occasions act in accordance with the trust that the public is entitled to place in them. This principle (which is to have general application) is intended to apply through a Member's election and their acceptance of the office of Councillor and following the appointment of a Co-opted Member to the Authority.

(x) PERSONAL JUDGEMENT

Members may take account of the view that others, including their political groups, but should reach their conclusion on the issues before them and act in accordance with those conclusions.

As a Member your conduct will in particular address the statutory principles of the Code of Conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me – and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.

- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the authority's area or the good governance of the authority in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional Officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it.
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public and engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

[Extracted from the Local Government Association 'Template Code and Guidance Note on Conduct'.]

Interpretation

In this Code;

"Disclosable Pecuniary Interest" has the meaning and description as detailed in the Schedule to this Code of Conduct.

“Meeting” means any meeting of;

- (a) the authority;
- (b) the Executive of the authority;
- (c) any of the authority’s or its Executive Committees, Sub-Committees, Joint Committees or Area Committees;
- (d) whether or not the press and public are excluded from the meeting in question by virtue of a resolution of Members.

“Member” includes a co-opted Member and any appointed Member.

GENERAL OBLIGATIONS

1. When acting in your role as a Member of the authority
 - 1.1 You must treat others with respect.
 - 1.2 You must not conduct yourself in a manner which is contrary to the authority’s duty to promote and maintain high standards of conduct amongst its Members.
 - 1.3 You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe or are reasonably aware, is of a confidential nature, except where –
 - (i) you have the consent of the person authorised to give it;
 - (ii) you are required by law to do so
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is –
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the authority; and
 - (c) you have consulted with the authority’s Monitoring Officer prior to its release.
 - 1.4 You must not prevent any other person from gaining access to information to which that person is entitled by law.
2. When using or authorising the use by others of the resources of the authority –
 - 2.1 You must act in accordance with the authority’s reasonable requirements including the requirements of the authority’s applicable information technology policy and those related policies, copies of which have been provided to you and which are deemed to have been read;
 - 2.2 You must ensure that such resources are not used improperly for political purposes (including party political purposes); and

- 2.3 You have regard to any applicable Code of Recommended Practice on local authority publicity issued under Section 4 of the Local Government Act, 1986.

INTERESTS

3. As a public figure, your public role may, at times, overlap with your personal and/or professional life and interests. However when performing your public role as a Member, you should act solely in terms of the public interest and should not act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.
4. You are required to register “pecuniary” and such other interests as directed. A failure to declare or register a pecuniary interest will be a criminal offence if this is done without a reasonable excuse. If you knowingly or recklessly provide false or misleading information about a pecuniary interest this will also be a criminal offence.
5. There will be a requirement for you to formally declare or register any gifts and hospitality to the Monitoring Officer over £25. Further, you should also have regard to the following considerations;
 - *you should not accept any gift or hospitality which might interfere with or be perceived as impacting on Council business or services,*
 - *you should not accept significant personal gifts from any contractor and/or outside suppliers or agents thereof,*
 - *you should only accept hospitality if there is a genuine need to impart information or to represent the Council (or a body to which you are appointed by Council) in the community*
 - *you should also be particularly sensitive to receiving gifts and/or hospitality which may relate to the timing of a decision which the Council may be taking which affects those from whom the gift and/or hospitality was received,*
 - *the advice of the Council’s Monitoring Officer should be obtained where necessary or desirable.*

(i) **Notification of Interests**

- (1) You must, within 28 days of –

- (a) this Code being adopted by or applied to your authority; or
- (b) your election or appointment to office (where that is later),

notify the Monitoring Officer of your disclosable pecuniary interests that are notifiable under the Localism Act 2011 and The Relevant Authorities

(Disclosable Pecuniary Interest) Regulations 2012, for inclusion in the register of interests, and
notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the following descriptions, for inclusion in the register of interests.

- (2) You have a personal interest in any business of your authority where either –
 - (a) it relates to or is likely to affect –
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
 - (iii) any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- (3) You must, within 28 days of becoming aware of any new interest or change to any interest registered under paragraph (1) above, or as a disclosable pecuniary interest notify the Monitoring Officer of the details of that new interest or change.

(ii) Disclosure of interests

- (1) Subject to sub-paragraphs (2) to (5) below, where you have a personal interest described in paragraph (2) above or in paragraph (2) below in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) (A) You have a personal interest in any business of your authority
 - (i) where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the

well-being or financial position of a *relevant person* to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision, or

- (ii) it relates to or is likely to affect any of the interests you have registered as a disclosable pecuniary interest.

(B) In sub-paragraph (2)(A) (i), a *relevant person* is –

- (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in paragraph (i) (2)(a)(i) or (ii).
- (3) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph (i) (2)(a)(i) or (i) (2)(a)(ii)(aa) above, you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
 - (4) Where you have a personal interest but, by virtue of paragraph (iv), sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
 - (5) Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(iii) Register of interests

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the authority's website.

(iv) Sensitive interests

Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

(v) Non participation in case of pecuniary interest

- (1) Where you have a personal interest in any business of your authority you also have a pecuniary interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business –
 - (a) affects your financial position or the financial position of a person or body described in paragraphs (i) (2) or (ii) (2) ;or
 - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph.
- (2) Subject to paragraph (3) and (4), where you have a pecuniary interest in any business of your authority –
 - a) You may not participate in any discussion of the matter at the meeting.
 - b) You may not participate in any vote taken on the matter at the meeting.
 - c) If the interest is not registered, you must disclose the interest to the meeting.
 - d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: In addition Council Procedure Rule 23 requires you to leave the room where the meeting is held while any discussion or voting takes place.

- (3) Where you have a pecuniary interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and

you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

- (4) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a pecuniary interest that relates to the functions of your authority in respect of –
- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.
- (5) Where, as an executive member, you may discharge a function alone, and you become aware of a pecuniary interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

PRE – DETERMINATION OR BIAS

6. Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as member, however you should not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
7. When making a decision, you need to consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.
8. In any business before an Overview and Scrutiny Committee of your authority (or of a Sub-Committee of such a Committee) where –

- (a) that business relates to a decision made (whether implemented or not) or action taken by the executive or another of your authority's Committees, Sub-Committees, Joint Committees or Joint Sub-Committees; and
- (b) at the time the decision was made or action was taken, you were a member of the Executive, Committee, Sub-Committee, Joint Committees or Joint Sub-Committee mentioned in paragraph (a) and you were present when that decision was made or action was taken,

You may only attend a meeting of the Overview and Scrutiny Committee for the purpose of answering questions or giving evidence relating to the business, and you must leave the room thereafter, if requested to do so by the Overview and Scrutiny Committee.

SCHEDULE

A “disclosable pecuniary interest” is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

(In the extracts from the Regulations below, ‘M’ means you and ‘relevant person’ means you and your partner, as above)

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority –</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or

longer.

Corporate tenancies

Any tenancy where (to M's knowledge) –

(a) the landlord is the relevant authority; and

(b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where –

(a) that body (to M's knowledge) has a place of business or land in the are of the relevant authority; and

(b) either –

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

[Extract from 'The Relevant Authorities (Disclosable Pecuniary Interests) Regulations, 2012]

**RECRUITMENT PACK FOR
APPOINTMENT OF
INDEPENDENT PERSON**

CLEVELAND FIRE AUTHORITY AND HARTLEPOOL BOROUGH COUNCIL

APPOINTMENT OF INDEPENDENT PERSONS

Under the Localism Act, 2001, the Fire Authority and the Borough Council are required to appoint Independent Persons as part of their arrangements in the promotion and maintenance of high standards of conduct affecting its members and in the case of the Borough Council, those members of a Parish Council within its area.

The Fire Authority and the Borough Council presently propose to appoint two Independent Persons and two substitutes, although, this composition may change following on from any transitional arrangements.

Applications are therefore invited from members of the public, particularly from those within experience in either a regulatory, commercial, professional or voluntary sector with an interest in the proper and effective ethical governance of an organisation.

Training will be provided and reasonable travel and subsistence expenses will be payable.

Subject to transitional provisions, applicants should not within the past five years have been an elected member, co-opted member or Officer of either the Fire Authority or Borough Council or of a Parish Council within the Council's area, or a relative or close friend of such persons.

An application pack, including application form and role description is available upon request. For an informal discussion about the post please contact Peter Devlin, Chief Solicitor and Monitoring Officer, Hartlepool Borough Council and Legal Advisor and Monitoring Officer to the Cleveland Fire Authority on 01429 523003.

Completed applications should be returned no later than _____ to;

Peter Devlin
Chief Solicitor and Monitoring Officer
Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

peter.devlin@hartlepool.gov.uk

INDEPENDENT PERSON

SELECTION CRITERIA

SKILLS AND COMPETENCIES

The Independent Person will have:

- a keen interest in standards in public life.
- a wish to serve the local community and uphold local democracy.
- the ability to be objective, independent and impartial.
- sound decision making skills
- leadership qualities, particularly in respect of exercising sound judgement.

The Independent Person will:

- be a person in whose impartiality and integrity the public can have confidence.
- understand and comply with confidentiality requirements.
- have a demonstrable interest in local issues.
- have an awareness of the importance of ethical behaviours.
- be a good communicator.

Desirable additional criteria are:

- working knowledge/experience of local government or other public service and/or of large complex organisations and awareness of and sensitivity to the political process.
- knowledge and understanding of judicial/quasi-judicial or complaints processes.

You should demonstrate in your application how you meet the above criteria as this will assist any short-listing process.

Means of assessment will be by application form and by interview.

NOTE: You will be required to be contactable at all times during normal working hours by telephone or by email and to be available to attend hearings which may be held in the day time and at relatively short notice.

Eligibility for Appointment

A person cannot be appointed as an Independent Person if they are or were within a period of 5 years prior to the appointment:

- a member, co-opted member or officer of the authority.
- A member, co-opted member or officer of a parish council in the Borough Council's area, or a relative or close friend of the above.

NOTE

However, by virtue of transitional arrangements it is likely that this will not prevent existing Independent Members of the Council's or the Fire Authority's Standards Committee from being eligible to apply for the role.

ROLE OF INDEPENDENT PERSON

ROLE DESCRIPTION

Responsible to: The Council/The Cleveland Fire Authority

Liaison with: Monitoring Officer, members of the Standards Committee, officers and members of the Council/Fire Authority and parish councillors within the Borough, key stakeholders within the community.

1. To assist the Council/Fire Authority in promoting high standards of conduct by elected and co-opted members of the Council/Fire Authority and parish councillors and in particular to uphold the Code of Conduct adopted by the Council/Fire Authority including the principles of public office, namely; selflessness, honesty, integrity, objectivity, accountability, openness and leadership.
2. To be consulted by the Council/Fire Authority through the Monitoring Officer and/or the Standards Committee before it makes a decision on an investigated allegation and to be available to attend meetings of the Hearing Sub-Committee of the Standards Committee for this purpose.
3. To be available for consultation by the Monitoring Officer and/or the Standards Committee before a decision is taken as to whether to investigate a complaint or to seek local resolution of the same.
4. To be available for consultation by any elected member, including parish councillors, who is the subject of a standards complaint.
5. To develop a sound understanding of the ethical framework as it operates within the Council/Fire Authority and Parish Councils within the Borough.
6. To participate in training events to develop skills, knowledge and experience and in networks developed for Independent Persons.
7. To attend training events organised and promoted by the Council's and/or the Fire Authority's Standards Committee.
8. To act as advocate and ambassador for the Council/Fire Authority in promoting ethical behaviour.

APPLICATION FOR THE POSITION OF INDEPENDENT PERSON

Individuals who wish to be considered for appointment as Independent Person are requested to provide the following information to support their application. All information provided will be treated in the strictest confidence and will only be used for the purposes of selection. Please feel free to use a separate continuation page if you wish to expand upon your answer to any question outlined below.

1. PERSONAL DETAILS

Name:

Address:

Postcode:

National Insurance Number:

Contact Details:

Daytime Telephone Number:

Daytime Fax Number:

Email Address:

2. QUALIFICATIONS

(Please list in particular any qualifications which you think are relevant to the position of Independent Person)

3. SUMMARY OF EXPERIENCE

(Please give a brief account of your experience including career, public and voluntary work together with the nature of your current or most recent occupation)

4. RELEVANT EXPERTISE/SKILLS

(Please outline briefly any knowledge or expertise which you believe would be particularly relevant to your role as an Independent Person having regard to the selection criteria and role description)

5. Why do you wish to be considered for appointment as Independent Person and what particular attributes do you believe you would bring to the role?

6. Please provide any additional information you may wish to give in support of your application:

7. References will be taken up for all applicants who are invited for interview

1. Name:	2. Name:
.....
Address:	Address:
.....
.....
.....
.....
Telephone No.	Telephone No.

I wish to apply to be an Independent Person for * Hartlepool Borough Council/Cleveland Fire Authority.

(*delete as applicable)

In submitting this application, I declare that:

EITHER

- I am not and have not during the past five years been a Member or Officer of the Borough Council or Cleveland Fire Authority (as applicable).
- I am not related to, or a close friend of, any Member or Officer of the Borough Council or Cleveland Fire Authority.
- I am not currently an Officer or Member of any other relevant authority (this includes parish, unitary councils and Police and Fire Authorities).
- I am not actively engaged in local party political activity. *

OR

- I am an existing independent member of the Standards Committee. *

(* Please delete as applicable)

Signed

Date

Please return this application form by addressed to:

Peter Devlin
Chief Solicitor & Monitoring Officer
Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Or the completed form to peter.devlin@hartlepool.gov.uk

COMPLAINT FORM

Your details

1. Please provide us with your name and contact details

Title:	
First name:	
Last name:	
Address:	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

(Delete as appropriate)

- The member (s) you are complaining about
- The monitoring officer of the authority
- The parish or town clerk (if applicable)

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete section 6 of this form.

2. Please tell us which complainant type best describes you:

- ☐ Member of the public
- ☐ An elected or co-opted member of an authority
- ☐ An independent person of the standards committee
- ☐ Member of Parliament
- ☐ Local authority monitoring officer
- ☐ Other council officer or authority employee
- ☐ Other ()

3. Equality Monitoring questions

Dealt with in another document.

Making your complaint

Anyone who considers that a Member of the Authority may have breached the Code of Conduct may make a complaint through the Monitoring Officer. The Standards Committee are required to promote and maintain high standards of conduct by elected and co-opted Members of the Authority. In addition a Hearings Sub-Committee is established to determine (where necessary) whether a Member has breached the Code, and where appropriate, what action should be taken in relation to that Member.

Consequently, a complaint is initially directed to the Monitoring Officer who will determine in conjunction with an Independent Person whether or not to refer the matter for investigation or whether other action (for example, training, conciliation, instituting changes to procedures) should be taken or that no action should be taken. The aim is to complete this initial review within an average of 20 working days.

Guidance on 'Arrangements for dealing with standards allegations under the Localism Act, 2011, can be found on the Authority's website www.hartlepool.gov.uk.

4. Please provide us with the name of the member (s) you believe have breached the Code of Conduct and the name of their authority:

Title	First Name	Last Name	Authority

5. Please explain in this section (or separate sheets) what the member has done that you believe breaches the Code of Conduct. If you are complaining about more than one member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account in the decision whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

Only complete this next section if you are requesting that your identity is kept confidential

6. In the interests of fairness and natural justice, members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have good reason to believe that:
- Disclosure may lead to intimidation either of yourself as a complainant or a witness
 - Disclosure could prejudice an investigation
 - Lead to evidence being compromised or destroyed.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer in conjunction with the Independent Person will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

Additional Help

7. Complaints must be submitted in writing. This includes fax and electronic submissions. However, in line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

If you would like information in another language or format, please ask us. Tel No: 01429- 523003

إذا أردت المعلومات بلغة أخرى أو بطريقة أخرى، نرجو أن تطلب ذلك منا.
(Arabic)

যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।
(Bengali)

ئەگەر زانیاریت بە زمانیکی که یا بە فۆرمیکی که دەوی تکایه داوامان لی بکه
(Kurdish)

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔
(Urdu)

यदि आपको सूचना किसी अन्य भाषा या अन्य रूप में चाहिये तो कृपया हमसे कहे
(Hindi)

Jeżeli chciałoby Państwo uzyskać informacje w innym języku lub w innym formacie, prosimy dać nam znać.

(Polish)

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。
(Cantonese)

If you need any support in completing this form, please let us know as soon as possible.

Peter Devlin
Chief Solicitor / Monitoring Officer
Hartlepool Borough Council
Level 3
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Tel: 01429 523003

HARTLEPOOL BOROUGH COUNCIL

STANDARDS COMMITTEE

**ASSESSMENT CRITERIA FOR DEALING WITH STANDARDS ALLEGATIONS
UNDER THE LOCALISM ACT, 2011**

Assessment Criteria

Before commencing an assessment of a complaint, it needs to be satisfied that:-

1. It is a complaint against one or more named Members of the Council or a Parish Council within the Borough of Hartlepool.
2. The named Member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time.
3. The complaint, if proven, would be a breach of the Code under which the Member was operating at the time of the alleged misconduct.

If the complaint fails one or more of the above requirements it cannot be investigated as a breach of the code and the complainant will be informed that no further action will be taken in respect of the complaint.

Decisions to refer a complaint for investigation

A complaint is likely to be investigated when it meets one or more of the following criteria:-

- It is so serious, if proven, to justify in the public interest a formal investigation of the complaint.
- It is part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the Authority and there is no other avenue left to deal with it, other than by investigation.

Note: In considering the above points, consideration will be given to the time that has passed since the alleged conduct occurred.

Decisions not to refer for investigation

A complaint is unlikely to be referred for investigation where it falls into any of the following categories:-

- The complaint appears to be vexatious, malicious, politically motivated, relatively minor or insufficiently serious,
- The same, or substantially similar, complaint has already been the subject of an investigation and there is nothing more to be gained by further action being.
- The complaint concerns acts carried out in the Members private life, when they are not carrying out the work of the authority or have not misused their position as a Member.

11(c) APPENDIX 4

- It appears that the complaint concerns, or is really about dissatisfaction with a Council decision, or policy rather than a breach of the Code.
- There is not enough information currently available to justify a decision to refer the matter for investigation.
- The complaint is about someone who is no longer a member of the Authority.
- A significant period of time has elapsed since the events the subject of the complaint occurred.
- The complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter.

Other Considerations

- Training for the Member concerned is considered to be a more appropriate way of dealing with the matter.
- The Monitoring Officer in conjunction with the Independent Person believe that a breakdown in relationships has occurred which may be effectively dealt with by conciliation/mediation and the member complained of and the complainant are amenable to engaging in such alternative action.
- An investigation is not the most cost effective way of resolving the matter and the Monitoring Officer is able to deal with it informally.
- Some other action is more appropriate eg a review and/or change to the Authority's policies and procedures.
- The conduct complained of is not so serious that it requires a substantive investigation.

Decisions to refer the complaint to another Authority

The Monitoring Officer is likely to refer complaints to another Authority where:-

- The Complaint is about someone who is no longer a Member of an Authority within Hartlepool, but is a Member of another Authority. In such cases the Monitoring Officer may refer the complaint to the Standards Committee of that other Authority.

Anonymous Complaints

The Monitoring Officer will only consider anonymous complaints if there is independent evidence to substantiate them. There must be documentary, photographic or other evidence which supports the substance of the anonymous complaint. However, even if such evidence has been provided, the Monitoring Officer in consultation with the Independent Person is unlikely to consider a complaint that is minor in nature, or appears to be malicious or politically motivated.

Considering Requests for withholding a complainant's details

The Monitoring Officer and where required a Hearing Sub-Committee will need to determine whether or not the complainant's details should be withheld from the subject member. Rarely is it in the public interest not to disclose the complainant's details. This could be on the basis that disclosure could prejudice an investigation, may lead to intimidation of the complainant or indeed, any witnesses involved, or could lead to evidence being compromised or destroyed. This will necessarily involve undertaking an assessment of the potential risks against the wider connotations of procedural fairness and the principles of natural justice.

Withdrawing Complaints

A complainant may ask to withdraw their complaint before it is considered by the Monitoring Officer or a Hearing Sub-Committee.

In such circumstances, and before coming to a decision on the request, consideration will need to be given to;

- whether the public interest in taking action about the complaint (eg because of its seriousness) outweighs the complainant's wish for the matter to be withdrawn;
- if the complaint can be actioned eg investigated, without the complainant's participation or assistance;
- the actual reasons given (if any), and what other reasons there appear to be, for the request to withdraw and whether those reasons would support a decision to agree to the withdrawal of the complaint.

HEARING PROCEDURES FOR THE STANDARDS COMMITTEE:

HARTLEPOOL BOROUGH COUNCIL

Definition and Interpretation

‘Member’ means the Member of the authority who is the subject of the allegation being considered by the Standards Committee, unless stated otherwise. It also includes the Member’s nominated representative.

‘Investigator’ means the Monitoring Officer or other Investigating Officer, and his or her nominated representative.

‘Committee’ also refers to ‘a sub-committee’ of the Council’s Standards Committee.

‘Legal Adviser’ means the officer responsible for providing legal advice to the Committee. This may be the Monitoring Officer or the Deputy Monitoring Officer, another legally qualified officer of the authority, or someone appointed for this purpose from outside the authority.

Representation

The member may be represented or accompanied during the meeting by a Solicitor, Counsel or, with the permission of the Committee, another person.

Legal Advice

The Committee may take legal advice from its legal adviser at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the Committee should be shared with the member and the investigator if they are present.

Setting the scene

After all the Members and everyone involved have been formally introduced, the Chair should explain how the Committee is going to proceed with the hearing.

Preliminary procedural issues

The Committee should seek to resolve any issues or disagreements about how the hearing should be conducted, prior to the formal hearing process.

Making findings of fact

After dealing with any preliminary issues, the Committee should then consider whether or not there are any significant disagreements about the facts contained in the investigator's report.

If there is no disagreement about the facts, the Committee can move on to the next stage of the hearing.

If there is a disagreement, the investigator, if present, should be invited to make any necessary representations to support the relevant findings of fact in the report. With the Committee's permission, the investigator may call any necessary supporting witnesses to give evidence. The Committee may give the Member an opportunity to challenge any evidence put forward by any witness called by the investigator.

The Member should then have the opportunity to make representations to support his or her version of the facts and, with the Committee's permission, to call any necessary witnesses to give evidence.

NOTE

At any time, the Committee may question any of the people involved or any of the witnesses, and may allow the investigator to challenge any evidence put forward by witnesses called by the Member.

If the Member disagrees with any relevant fact in the investigator's report, without having given prior notice of the disagreement, he or she must give good reasons for not mentioning it before the hearing. If the investigator is not present, the Committee will consider whether or not it would be in the public interest to continue in his or her absence. After considering the Member's explanation for not raising the issue at any earlier stage, the Committee may then:

- (a) continue with the hearing, relying on the information in the investigator's report;
- (b) allow the member to make representations about the issue, and invite the investigator to respond and call any witnesses, as necessary; or
- (c) postpone the hearing to arrange for appropriate witnesses to be present or for the investigator to be present if he or she is not already.

The Committee will usually move to another room to consider the representations and evidence in private.

On their return, the Chair will announce the Committee's findings of fact.

Did the Member fail to follow the Code?

The Committee needs to consider whether or not, based on the facts it has found, the Member has failed to follow the Code of Conduct.

The Member should be invited to give reasons why the Committee should not decide that he or she has failed to follow the Code.

The Committee should then consider any verbal or written representations from the investigator.

The Committee may, at any time, question anyone involved on any point they raise in their representations.

The Member should be invited to make any final relevant points.

The Committee will then move to another room to consider the representations.

On their return, the Chair will announce the Committee's decision as to whether or not the Member has failed to follow the Code of Conduct.

If the Member has not failed to follow the Code of Conduct

If the Committee decides that the Member has not failed to follow the Code of Conduct, the Committee can move on to consider whether it should make any recommendations to the authority.

If the Member has failed to follow the Code

If the Committee decides that the Member has failed to follow the Code of Conduct, it will consider any verbal or written representations from the investigator and the Member as to:-

- (a) whether or not the Committee should recommend action to be taken; and
- (b) what form any action should take.

The Committee will then move to another room to consider whether or not to impose a sanction on the Member and if so, what the sanction should be.

The Chair will announce the Committee's decision.

Recommendations to the Authority

After considering any verbal or written representations from the investigator, the Committee will consider whether or not it should make any recommendations to the authority, with a view to promoting high standards of conduct among Members.

The written decision

The Committee will announce its decision on the day and provide a short written decision on that day. It will also need to issue a full written decision within 5 working days from the conclusion of the hearing.

HARTLEPOOL BOROUGH COUNCIL

Arrangements **for dealing with standards allegations under the** **Localism Act 2011**

1 BACKGROUND

These “Arrangements” set out how you may make a complaint that an elected or co-opted member of this Authority *[or of a parish council within the Borough]* has failed to comply with the Authority’s Code of Conduct, and sets out how the Authority will deal with allegations of a failure to comply with the adopted Code of Conduct.

Under Section 28(6) and (7) of the Localism Act 2011, the Authority must have in place “arrangements” under which allegations that a member or co-opted member of the Authority *[or of a parish council]*, or of a Committee or Sub-Committee of the authority, has failed to comply with that Authority’s Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the Authority to appoint at least one Independent Person, whose views must be sought by the Authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Authority at any other stage, or by a member *[or a member or co-opted member of a parish council]* against whom an allegation as been made.

2 The Code of Conduct

The Authority has adopted a Code of Conduct for members, which is attached as Appendix One to these arrangements and available for inspection on the Authority’s website www.hartlepool.gov.uk and on request from Reception at the Civic Centre.

[Each parish council is also required to adopt a Code of Conduct. If you wish to inspect a Parish Council’s Code of Conduct, you should inspect any website operated by the parish council and request the parish clerk to allow you to inspect the parish council’s Code of Conduct.]

3 Making a complaint

If you wish to make a complaint, please write or email to –

Mr P J Devlin
Chief Solicitor & Monitoring Officer
Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

11 (C) APPENDIX 5

Or –

peter.devlin@hartlepool.gov.uk

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member misconduct.

In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the model complaint form, which can be downloaded from the Authority's website, next to the Code of Conduct, and is available on request from Reception at the Civic Centre.

Please do provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the member against whom you make the complaint, without your prior consent. The Authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will keep you informed of the progress of your complaint.

4 Will your complaint be investigated?

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation. This decision will normally be taken within 20 working days of receipt of your complaint. Where the Monitoring Officer has taken a decision, he/she will inform you of his/her decision and the reasons for that decision.

Where he/she requires additional information in order to come to a decision, he/she may come back to you for such information, and may request information from the member against whom your complaint is directed. *[Where your complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Parish Council of your complaint and seek the views of the Parish Council before deciding whether the complaint merits formal investigation.]*

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the member or the authority make a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to refer the matter to the Police and other regulatory agencies.

5 How is the investigation conducted?

If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer, who may be another senior officer of the authority, an

11 (C) APPENDIX 5

officer of another authority or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

The Investigating Officer would normally write to the member against whom you have complained and provide him/her with a copy of your complaint, and ask the member to provide his/her explanation of events, and to identify what documents he needs to see and who he needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the member, or delay notifying the member until the investigation has progressed sufficiently.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

6 What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and, if he is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the member concerned *[and to the Parish Council, where your complaint relates to a Parish Councillor]*, notifying you that he is satisfied that no further action is required, and give you both a copy of the Investigating Officer's final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to reconsider his/her report.

7 What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before the Hearings Sub Committee or, after consulting the Independent Person, seek local resolution.

7.1 Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Authority. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee *[and the Parish Council]* for information, but will take no further action. However, if you tell the Monitoring Officer that any suggested resolution would not be adequate, the Monitoring Officer will refer the matter for a local hearing.

11 (C) APPENDIX 5

7.2 Local Hearing

If the Monitoring Officer considers that local resolution is not appropriate, or you are not satisfied by the proposed resolution, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Sub-Committee which will conduct a local hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

The Authority has agreed a procedure for local hearings, which is attached as Appendix Two to these arrangements.

Essentially, the Monitoring Officer will conduct a "pre-hearing process", requiring the member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chair of the Hearings Sub-Committee may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Hearings Sub-Committee. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearings Sub-Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

If the Hearings Sub-Committee, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and so dismiss the complaint. If the Hearings Sub-Committee concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the member of this finding and the Hearings Sub-Committee will then consider what action, if any, the Hearings Sub-Committee should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Hearings Sub-Committee will give the member an opportunity to make representations to the Sub-Committee and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter..

8 What action can the Hearings Sub-Committee take where a member has failed to comply with the Code of Conduct?

The Standards Committee has delegated to the Hearings Sub-Committee such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Hearings Panel may –

- 8.1 Publish its findings in respect of the member's conduct;
- 8.2 Report its findings to the Authority [*or to the Parish Council*] for information;
- 8.3 Recommend to the member's Group Leader (or in the case of un-grouped members, recommend to the Authority or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;

11 (C) APPENDIX 5

- 8.4 Recommend to the Leader of the Authority (operating executive arrangements) that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- 8.5 Instruct the Monitoring Officer to *[or recommend that the Parish Council]* arrange training for the member;
- 8.6 Remove *[or recommend to the Parish Council that the member be removed]* from all outside appointments to which he/she has been appointed or nominated by the authority *[or by the Parish Council]*;
- 8.7 Withdraw *[or recommend to the Parish Council that it withdraws]* facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- 8.8 Exclude *[or recommend that the Parish Council exclude]* the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Authority, Committee and Sub-Committee meetings.

NOTE The Hearings Sub-Committee has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

9 What happens at the end of the hearing?

At the end of the hearing, the Chair will state the decision of the Hearings Sub-Committee as to whether the member failed to comply with the Code of Conduct and as to any actions which the Hearings Sub-Committee resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Sub-Committee, and send a copy to you, to the member *[and to the Parish Council]*, make that decision notice available for public inspection and report the decision to the next convenient meeting of the Authority.

10 Who are the Hearings Sub-Committee?

The Hearings Sub-Committee is a Sub-Committee of the Authority's Standards Committee. The Standards Committee has decided that it will comprise a maximum of seven members of the Authority and comprising members drawn from at least 2 different political parties. Subject to those requirements, a Member is appointed on the nomination of party group leaders in proportion to the strengths of each party group on the Authority.

The Independent Person is invited to attend all meetings of the Hearings Sub-Committee and his/her views are sought and taken into consideration before the Hearings Sub-Committee takes any decision on whether the member's conduct constitutes a failure to comply with the Code of conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

11 Who is the Independent Person?

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of the Authority.

11 (C) APPENDIX 5

A person cannot be “independent” (subject to transitional arrangements) if he/she –

- 11.1 Is, or has been within the past 5 years, a member, co-opted member or officer of the authority;
- 11.2 *[Is or has been within the past 5 years, a member, co-opted member or officer of a parish council within the authority’s area], or*
- 11.3 Is a relative, or close friend, of a person within paragraph 11.1 or 11.2 above. For this purpose, “relative” means –
 - 11.3.1 Spouse or civil partner;
 - 11.3.2 Living with the other person as husband and wife or as if they were civil partners;
 - 11.3.3 Grandparent of the other person;
 - 11.3.4 A lineal descendent of a grandparent of the other person;
 - 11.3.5 A parent, sibling or child of a person within paragraphs 11.3.1 or 11.3.2;
 - 11.3.6 A spouse or civil partner of a person within paragraphs 11.3.3, 11.3.4 or 11.3.5; or
 - 11.3.7 Living with a person within paragraphs 11.3.3, 11.3.4 or 11.3.5 as husband and wife or as if they were civil partners.

12 Revision of these arrangements

The Authority may by resolution agree to amend these arrangements, and has delegated to the Hearings Sub-Committee the right to depart from these arrangements where the Sub-Committee considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13 Appeals

There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer or of the Hearings Sub-Committee

If you feel that the Authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

Appendix One The Authority’s Code of Conduct

Appendix Two Procedure for Hearings

Register of Members' Disclosable Pecuniary Interests

I, (FULL NAME),

a member of Hartlepool Borough Council, give notice that I have set out below under the appropriate headings my pecuniary interests which I am required to declare in accordance with the Council's approved Code of Conduct as set out in Part 5 of the Council's Constitution and in accordance with applicable regulations and any amendments thereto.

(Please complete all sections indicating "None" or "N/A" as appropriate.)

1. EMPLOYMENT, OFFICE, TRADE, PROFESSION OR VOCATION

You should show every employment, office, trade, profession or vocation carried on for profit or gain

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NOTE:

Give a short description of the employment etc concerned.

Employees should give the name of their employer. If employed by a company, give the name of the company paying your wages or salary, not that of the ultimate holding company.

Where you hold an office, give the name of the person or body which appointed you. In the case of a public office, this will be the authority which pays you. In the case of a teacher in a maintained school, the local education authority; in the case of an aided school, the school governing body.

If you are a partner in a firm, give the name of the firm.

If you are a remunerated director, give the name of the organisation

2. SPONSORSHIP

You should declare the name of any person or body who has made any payments to you in the last year towards your expenses as a councillor or towards your election expenses. You do not need to declare the amounts of any payments: only the name of the person or body making them.

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NOTE:

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act, 1992.

3. CONTRACTS WITH THE AUTHORITY

(a) You should describe all contracts, of which you are aware, which are not fully discharged, and which are:

- (i) contracts for the supply of goods, services or works to the authority or on the authority's behalf, and

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- (ii) between the authority of which you are a member, and either yourself or a company in which you have a beneficial interest or of which you are a director.

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NOTE: You need not say what the financial arrangements are, but should say for how long the contract is.

4. LAND IN THE AREA OF THE AUTHORITY

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NOTE: You should include any land in the area of the authority in which you have a beneficial interest (that is, in which you have some proprietary interest for your own benefit). You should give the address or a brief description to identify it. If you live in the authority's area you should include your home under this heading as owner, lessee, or tenant.

You should also include any property from which you receive rent, or of which you are the mortgagee.

"Land" includes any buildings or parts of buildings.

5. LICENCES TO OCCUPY LAND

You should include land in the area of the authority which you have a right to occupy (alone or jointly with others), but neither own nor have a tenancy of and which licence is for a month or longer.

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NOTE: You should give the address or a brief description to identify it.

"Land" includes any buildings or parts of buildings.

6. CORPORATE TENANCIES

You should list any tenancies of property of which you are aware where the landlord is the authority of which you are a member, and the tenant is a body in which you have a beneficial interest.

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7. SECURITIES

You should list the names of any body that (to your knowledge) has a place of business or land in the authority's area and in which you have a substantial interest. You do not need to show the extent of your interest.

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You have a substantial interest if you own shares or other securities in the body with a nominal value of more than £25,000 or more than 1/100th of the issued shares or securities. If there are several classes of shares or securities, the fraction of 1/100th applies to any of those classes.

The requirement also covers shares and securities held in the name of other people in which you have a beneficial interest.

8. OTHER INTERESTS

You should give the names of any other bodies of which you are a member, or are in a position of general control or management.

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NOTE:

a body to which you are appointed by the authority as its representative.

a public authority or body exercising functions of a public nature

a company, industrial and provident society, charity, or body directed to charitable purposes

a body whose principal purposes include the influence of public opinion or policy, and a trade union or professional association

9. INTERESTS OF CLOSE RELATIONS OR A CLOSE ASSOCIATE (RELATED PARTY DISCLOSURE)

You should disclose the existence of any interests that close relations or a close associate may have with any body that (to your knowledge) are active in the authority's area in which you have a substantial interest. A 'close relation' would be considered as a spouse, civil partner, dependant child or someone living in a common household. Further, it will also include; a grandparent, non dependent child, brother or sister, the spouse or domestic partner of a child, a parent in law, a brother in law or a sister in law.

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I recognise that it can be a criminal offence to:

- (1) fail to comply with an obligation to disclose a pecuniary interest
- (2) provide information that is materially false or misleading;
- (3) fail to give further notices in order to bring up to date information given in this notice.

Signed: _____

Date: _____

FOR OFFICE USE ONLY

RECEIVED

Signed: _____

Proper Officer of
Hartlepool Borough Council.

Date: _____

COUNCIL
2nd August 2012



Report of: Executive

Subject: Models of Senior Management Officer Structure for the Authority

1.0 PURPOSE OF REPORT

- 1.1 To provide Council with the conclusions of Cabinets considerations of the potential models of Senior Management Officer Structure for the Authority.

2.0 CABINET PROPOSAL AND BACKGROUND

- 2.1 Cabinet received a report on the 12th July 2012 which set out the options available for Members' consideration in respect of the future Tier 1 management of the authority and to enable consideration of the recommendations from the General Purposes Committee held on 2 July 2012, reconvened from 25 June 2012.
- 2.2 Further information on the background to this issue is included in the report from General Purposes Committee.
- 2.3 At its meeting on 25 June 2012, adjourned and reconvened on 2 July 2012, the General Purposes Committee considered two reports from the Corporate Management Team in relation to Models of Senior Management Officer Structure for the Authority. It was highlighted that the Corporate Management Team had recommended the appointment of a Chief Executive Officer. The Committee considered all options proposed along with background information and associated financial implications for the local authority.
- 2.4 The General Purposes Committee had made the following recommendations (the full report from General Purposes Committee is included elsewhere on this agenda):
1. The statutory role of Head of Paid Service of Hartlepool Borough Council should be combined with the duties of a Chief Executive Officer.
 2. A Chief Executive Officer should be remunerated through a salary banding of £140,000 - £150,000.
 3. The above salary banding, should be based upon five annual increments and performance should be based against measurable criteria including the Council's Annual Governance Statement.

4. That amendment to the Chief Executive's remuneration and relationship between Chief Officer and non-Chief Officer remuneration should be reflected through amendments to the Council's Pay Policy Statement and will require the consent of Council.
 5. That an Appointment Panel should be convened in line with the Council's Officer Employment Procedure Rules to make appropriate recommendations to Council.
- 2.5 Cabinet considered the reports which had been submitted and agreed General Purposes Committees recommendations
- 3.0 **RECOMMENDATION**
- 3.1 Council is requested to consider the report from General Purposes Committee and the recommendations of Cabinet and approve them.

COUNCIL
2 August 2012



Report of: Executive

Subject: DEVELOPMENT OF CHILDREN'S HOME

1. PURPOSE OF REPORT

- 1.1 To enable Council to consider Cabinets proposed variation to the approved 2012/2013 Budget and Policy Framework to allocate up to £0.1m from the final 2011/12 Early Intervention Grant underspend of £0.135m transferred to the General Fund Reserve to fund one off adaptation/set up costs of developing a Children's Home in Hartlepool.

2. BACKGROUND

- 2.1 In accordance with the constitution Cabinet is responsible for proposing changes to the approved Budget and Policy Framework, which are then referred to Council for consideration. Details of Cabinet's proposals are set out in the following paragraphs.

3. PROPOSALS

- 3.1 A detailed report was considered by Cabinet on 9th July outlining the business case for developing a Children's Home within Hartlepool. The report advised Cabinet that the proposal to develop the business case for the Council to become a provider of a children's home has arisen from a Scrutiny investigation into the provision of services for children looked after by the Council. This investigation heard from children and young people in care who highlighted their views that they should be able to remain within Hartlepool and continue to have their needs met in their home community. At present, children requiring residential care are usually placed in independent sector provision in other authority areas and in some cases at a significant distance from Hartlepool. The proposal that the Council manages and delivers a local authority run children's home in Hartlepool will ensure that for those children for whom it is appropriate, they can receive care and support within the town ensuring continuity of education, health care family and social networks.
- 3.2 The report also stated that there are substantial benefits to a young person being placed within their own community promoting continuity of relationships with family members, education, health care and social networks. This

continuity prevents disruption for children which arises when children move to a placement out of the area necessitating, amongst other things, a change of school, G.P. and dentist. Being separated and at some distance from their family can also cause difficulties for children. Despite breakdowns in family relationships, children in residential care retain strong links with their family and local area having a strong sense of identity and belonging. This comes up as an important matter in consultations with looked after children, who stipulate they wish to live in Hartlepool.

- 3.3 When children are local, the service is better placed to respond to any emergency need that may arise, for example a risk of placement breakdown and mobilise resources to support the child and his/her placement. Where children are placed at a distance from the town, support is less easy to resource and sustain for any length of time and can lead to the breakdown of placements and disruption for children and young people.
- 3.4 In terms of improving outcomes for children in care, officers are confident that the provision of a children's home in Hartlepool will lead to improved outcomes. The quality of services for children looked after was judged to be good during the last inspection of services for looked after children in 2010. Since that time, the service has further developed local services including the formation of a Placement Support Team made up of multi agency professionals who work alongside social workers to support children in care and promote placement stability. Providing children with stability and high quality care will enable them to enjoy and achieve, receive responsive tailored support from an integrated looked after service which works collaboratively to support children and young people and have access to wider local services specifically commissioned for looked after children in Hartlepool.
- 3.5 The Assistant Director, Safeguarding, Prevention and Specialist Services advised Cabinet that full consultation would be undertaken with local residents once a potential property had been identified. This would include explaining the substantial benefits children and young people would gain through being placed within their own community, promoting the continuity of relationships with family members, education, health care and social networks.
- 3.6 In relation the financial aspects of the business case the report detailed the costs of the Council operating a children's home compared to the cost of placing children in the independent sector. This analysis anticipates there be an annual saving associated with the Council providing its own children's home in Hartlepool ranging from £28,000 to £110,000 depending on the final model adopted, with an expectation of an annual saving of at least £45,000. The risk assessment also considered the financial impact of temporary under occupancy and advised Members that given the recent increase in the number of looked after children it is not anticipated this would occur for any sustained period. However, in the event that this situation did arise, there is the opportunity for income generation, as a placement could be sold to a neighbouring local authority requiring a placement.

- 3.7 The report identified that there will be one-off set up costs for adapting a property to meet the requirements of a Children's Home. For planning purposes an initial assessment of these potential costs indicates that up to £0.1m may be needed and it was suggested that Council approval is requested to fund these costs from the final 2011/12 Early Intervention Grant underspend of £0.135m transferred to the General Fund.

4. PROPOSAL

- 4.1 Council is requested to approve Cabinet's proposals to allocate up to £0.1m from the final 2011/12 Early Intervention Grant underspend of £0.135m transferred to the General Fund Reserve to fund one off adaptation/set up costs of a developing a Children's Home in Hartlepool, and to note that if the costs are less than £0.1m the uncommitted monies will remain within the General Fund.

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

None

6. BACKGROUND PAPERS

Cabinet report 9th July 2012

7. CONTACT OFFICERS

Assistant Director, Safeguarding, Prevention and Specialist Services, [Sally Robinson@hartlepool.gov.uk](mailto:Sally.Robinson@hartlepool.gov.uk), 01429 523734 or Chief Finance Officer Chris.Little@hartlepool.gov.uk, 01429 523002

COUNCIL
2 August 2012



Report of: Executive

Subject: HOUSING MARKET RENEWAL – RABY ROAD
CORRIDOR DEVELOPMENT

1. PURPOSE OF REPORT

- 1.1 To enable Council to consider Cabinets proposed variation to the approved 2012/2013 Budget and Policy Framework to vire £0.366m allocated for Land Remediation costs to cover increased Housing Market Renewal costs.

2. BACKGROUND

- 2.1 In accordance with the constitution Cabinet is responsible for proposing changes to the approved Budget and Policy Framework, which are then referred to Council for consideration. Details of Cabinet's proposals are set out in the following paragraphs.

3. PROPOSALS

- 3.1 A preferred developer was appointed in December 2010 to undertake the redevelopment of the Raby Road Corridor (Perth Street area) site in December 2010 following the successful Compulsory Purchase Order and subsequent General Vesting Declaration. Officers have continued to work with the preferred Developer to progress this site.
- 3.2 An update of the scheme viability assessment was completed in June 2012 and this highlighted an unfunded scheme deficit of £0.366m owing to the following factors:
- a) Firstly a number of amendments were required as part of the planning application consideration process. This has resulted in a reduction of units from 85 to 83 (with affordable numbers remaining the same at 15 units).
 - b) In addition the economic downturn and lack of availability of finance has meant that sales projections have been revised from 36 units to 24 units a year. This is based on sales rates of similar schemes in Hartlepool and elsewhere in the North East.

COUNCIL

2 August 2012



Report of: Executive

Subject: MEDIUM TERM FINANCIAL STRATEGY – ICT
(INFORMATION AND COMMUNICATIONS
TECHNOLOGY) SERVICES

1. PURPOSE OF REPORT

- 1.1 To enable Council to consider Cabinet's proposed variation to the approved 2012/2013 Budget and Policy Framework to allocate £80,000 to fund one off external support costs for the bid management and evaluation team for the ICT procurement.

2. BACKGROUND

- 2.1 In accordance with the constitution Cabinet is responsible for proposing changes to the approved Budget and Policy Framework, which are then referred to Council for consideration. Details of Cabinet's proposals are set out in the following paragraphs.

3. CABINET'S PROPOSAL

- 3.1 Following on from the previous budget decisions made by Council in February 2012 a comprehensive report on the options for the Council's ICT Services was considered by Cabinet on 11th June and 9th July and Scrutiny Co-ordinating Committee on 29th June 2012. Cabinet and Scrutiny Co-ordinating Committee considered the issues detailed in the report and in particular the advantages and disadvantages of the options identified.
- 3.2 Both Cabinet and Scrutiny Co-ordinating Committee considered the detailed information provided in the report regarding the potential options available to the Council and concluded that the Council should seek a private sector ICT solution, using a competitive dialogue. It was clear from the Scrutiny Co-ordinating Committee discussion that Members wished to disregard the public/public and in-house contract options at the current time with the aim of securing the best outcome to be achieved through a private sector arrangement. In addition, Members of Scrutiny Co-ordinating Committee were keen to ensure that the principles in relation to the retention and growth

of jobs and the incorporation of scalability in terms of services and potential expansion to other local authorities should flow through the outsourced arrangement or contract.

- 3.3 The report advised Members that the existing ICT contract will terminate in September 2013 and it will be extremely challenging to complete the procurement process within a timescale of just over 12 months, as this type of procurement normally takes around 18 months. In order to meet this extremely challenging timescale a decision on the procurement route needed to be made in June and a funding decision for one off external support costs for the bid management and evaluation team needs to be made by Council at your meeting today to enable the procurement to be completed by September 2013.
- 3.4 The net costs of the external support for the bid management and evaluation team are estimated to be in the region of £80,000 and cover the following issues:

	£
Technical and Bid Support	85,000
Legal advice	30,000
Financial advice	15,000
Less Earmarked Revenue Underspend	<u>(50,000)</u>
NET COSTS	80,000

The Technical and Bid support is required to cover supporting the authority and the identified internal resources with the following tasks:

- Review/update of current requirements
- Design of procurement route, roles and responsibilities
- Working with legal advisors to develop baseline contract
- Review of the Project Information Notice (PIN), OJEU Notice, Pre-Qualifying Questionnaire (PQQ) and Project Information Memorandum (PIM); documents, management of evaluation and development of evaluation report
- Review of submissions, interviews with bidders, management of evaluation and development of evaluation report
- Dialogue meetings with bidders, agreement of substantive contract with bidders, management of evaluation and development of evaluation report
- Dialogue with preferred bidder and associated contract development to financial close

The level of legal advice is based around the assumptions that some of the work would be carried out by our internal legal team but that external support would be required as there are specific legal steps at various stages in relation to the Competitive Dialogue process that would require specific knowledge, not available in-house.

Again, the level of financial advice is based on the assumption that internal Finance resources would be used wherever possible but specific areas of expertise and knowledge would also be required to be sourced externally.

All of these costs are estimates, based on the best advice available and working on the assumption that, wherever possible, the work would be done by HBC resources and supported externally as required.

- 3.5 To put these costs into perspective, they are lower as a percentage of the total potential contract value for this exercise than for the similar exercise completed as part of the Building Schools for the future programme. They are also significantly lower than the saving which will be achieved over the lifetime of the ICT contract which will run into millions of pounds and in broad terms these one-off costs will be around 3% of the expected contract savings.
- 3.6 In addition to this external support, there will be a requirement for internal resources to be made available. This internal work will be undertaken by a number of senior staff in addition to their normal workload and through reallocation of current work, re-prioritisation of activities etc. Whilst it is anticipated that this will be absorbed within existing resources, the extent of the work involved cannot be underestimated, and will rely on the goodwill and commitment of the staff involved. It has been assessed that to ensure the procurement is effective the following roles will be required, and although the full extent of the involvement is difficult to quantify, it is expected to take up considerable time during the various phases of the project.
- Corporate Lead
 - Project Manager
 - Strategic ICT Lead
 - Technical Lead
 - Financial Support
 - Legal Support
 - HR Support
 - Procurement Support
- 3.7 One-off funding had previously been identified to fund potential one-off costs of the proposed ICT / Revenues and Benefits contract. Following the decision not to proceed with this proposal an element of the available one-off funding has been allocated to support the 2012/13 budget and the uncommitted one off funding of £0.545m transferred to the General Fund Reserve.
- 3.8 It is proposed that £80,000 of this uncommitted one off funding is allocated to fund the one-off costs detailed in paragraph 3.4. The remaining funding will be held within the General Fund.
- 3.9 In addition to considering the detailed ICT report a comprehensive report updating the Medium Term Financial Strategy (MTFS) was considered by both Cabinet (11th June 2012) and Scrutiny Co-ordinating Committee (15th June 2012). The MTFS report provided an update on the budget deficits

facing the Council in 2013/14 and 2014/15 and also provided indicative forecasts of the budget deficits for 2015/16 and 2016/17.

- 3.10 The MTFS report concentrated on the strategy for addressing the 2013/14 and 2014/15 budget deficits as this is the immediate challenge facing the Council.
- 3.11 The MTFS report highlighted the significant forecast savings from the ICT procurement, which should begin to benefit the budget in 2013/14 and have a full year effect in 2014/15. As indicated earlier in this report achieving the part year saving for 2013/14 will be extremely challenging owing to the timescale for completing the procurement process. If these planned saving are not achieved alternative savings will need to be identified to balance the 2013/14 budget.

4. PROPOSALS

- 4.1 Council is requested to approve Cabinet's proposals to allocate £80,000 of the uncommitted one off funding held within the General Fund Reserve to fund the one-off costs detailed in paragraph 3.4 and to note that the remaining funding of £0.465m will remain held within the General Fund Reserve.

5. RECOMMENDATIONS

- 5.1 It is recommended that

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

None.

7. BACKGROUND PAPERS

None.

9. CONTACT OFFICER

Chris Little
Chief Finance Officer
01429 523003
Email: Chris.little@hartlepool.gov.uk

- c) Site investigation conducted in January 2012 revealed greater proportions of ash in the ground which would require more extensive foundation works to the new build properties than initially projected and additional remediation works on the site.
 - d) Finally, recent improvements in the standards of building and sewer regulations having an additional cost impact.
- 3.3 In order to address the scheme deficit and to enable the scheme to proceed the preferred developer is seeking funding from the Council to fund the shortfall by contributing to the demolition of the existing properties.
- 3.4 Benchmarking of demolition costs has taken place and this indicates that there is a considerable cost saving (approximately £500,000) to the Council in taking forward the demolition in the proposed way. A recent demolition scheme for similar property types was approximately £5,000 a unit. Applying this cost to the Raby Road Corridor Scheme would result in a cost of £995,000 for the demolition of the residential properties alone and an additional cost for demolition of the club.
- 3.5 If the Council does not progress with demolition at this stage the cost of managing and security of properties is approximately £100,000 a year. There is also a significant risk that the existing preferred Developer does not take the scheme forward and the Council would be unable to progress with redevelopment. This would have an additional cost implication in terms of appointing a new developer and ongoing management of the liability of the existing properties. The likelihood of appointing a new developer to deliver the Raby Road Corridor scheme is marginal given current economic conditions.

4.0 FINANCIAL CONSIDERATIONS

- 4.1 As part of the 2012/13 Medium Term Financial Strategy an assessment of one-off strategic financial risks, covering Housing Market Renewal, Land Remediation costs and redundancy/early retirement costs relating to budget cuts over a three year period, was completed. This assessment identified the estimated costs of these issues and phasing of expenditure commitments over the period 2012/13 to 2014/15 and the total estimated value of these commitments is £14m. The key commitments relate to Housing Market Renewal schemes and redundancy/early retirement costs and these costs will be phased over 3 years.
- 4.2 Specific funding of approximately £9.5m was identified and Members were advised that the shortfall of £4.5m will need to be funded from capital receipts forecast to be achieved over the next three years, which is being managed carefully to ensure there is not a funding shortfall. Members were advised that in the event of a funding shortfall this will need to be funded from Prudential Borrowing, which would result in an additional unbudgeted revenue pressure. This fall back position assumes that any potential funding shortfall relates to expenditure which can be capitalised.

- 4.3 The commitments identified for Housing Market Renewal commitments did not include provision for the costs identified in this report of £0.366m, as these costs could not be foreseen at the time the original forecasts were prepared. Therefore a funding strategy is needed to address these unfunded costs.
- 4.4 At this stage it is too earlier to determine if the full funding provisions previously allocated for the Housing Market Renewal schemes, or allocated for redundancy/early retirement costs will be needed as these costs will be phased over a number of years. In the case of the Housing Market Renewal schemes these commitments are only beginning to be incurred in the current year. It would therefore be prudent to maintain these provision until 2013/14 by which time the major expenditure commitments will have either been incurred, or will be more certain.
- 4.5 The position on the commitment for land remediation costs is slightly more positive as these costs are expected to be less than initially forecast. This position is not guaranteed and the actual cost will still depend on the completion of more detailed assessments and final decisions reached by the Environment Agency. In view of this reduced risk it would not at this stage be inappropriate to anticipate a lower cost for this element of the one-off strategic financial risks. A precise figure cannot be determined at this stage, although for planning purpose it is anticipated that the reduction should be in the order of £0.4m, which would offset the increased costs identified within this report.
- 4.6 Therefore, it is suggested that Cabinet note that at this stage it is anticipated that the additional costs identified within the report in relation to Housing Market Renewal commitments should be able to be funded from the overall funding allocated for one-strategic financial risks. It needs to recognise that funding these additional costs may increase the risk that the total costs of one-off strategic issues exceed the resources set aside for these issues. At this stage this risk is anticipated to be manageable, although this position will need to be managed carefully over the next few years and regular update reports will be submitted to Members to manage this position.

5. PROPOSAL

- 5.1 Council is requested to approve Cabinet's proposals to vire £0.366m allocated for Land Remediation costs to cover increased Housing Market Renewal costs.

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

None

7. BACKGROUND PAPERS

Cabinet report 23rd July 2012

8. CONTACT OFFICERS

Director of Regeneration and Neighbourhoods ,
Dave.stubbs@hartlepool.gov.uk, 01429 523301 or Chief Finance Officer
Chris.Little@hartlepool.gov.uk, 01429 523002

COUNCIL

2 August 2012



Report of: Acting Chief Executive

Subject: BUSINESS REPORT

1. CONSTITUTIONAL CHANGE

1.1 At the last meeting of Council held on 21st June, 2012, it was resolved “to hold a referendum on 15th November 2012 to be combined with the ordinary election in respect of the Police Crime Commissioner subject to recommendations coming forward from Constitution/General Purposes Committee back to Council on proposed constitutional changes”. The General Purposes Committee with colleagues from the Constitution Committee duly met on 25th June, 2012 to consider proposals by the local authority for any changes in the Council's governance arrangements that would be subject to approval in a referendum. The Committee decided that although the legislation had changed in that statutory consultation was no longer required, that there should be some consultation which is covered further in this report. The Localism Act, 2012, allows for the following permissible forms of governance which a local authority must operate;

- Executive arrangements, comprising either an Elected Mayor and Cabinet Executive or that of a Leader and Cabinet Executive
- A Committee system, or
- Prescribed arrangements

1.2 Members are reminded that such “prescribed arrangements” would require the approval of the Secretary of State through his regulation making powers, following representations upon such additional forms of governance provided the same comply with certain statutory conditions which were outlined in the earlier report to Council. Section 9MA of the Local Government Act, 2000 (as amended) has application to the holding of a referendum in the case of Hartlepool Borough Council and requires a local authority to draw up proposals for a change in its governance. Those proposals must include;

- (a) a timetable with respect to the implementation of the proposals,
- (b) details of any transitional arrangements which are necessary for the implementation of the proposals, and
- (c) a statement of a change in governance arrangements that is to be subject to approval in a referendum.

- 1.3 After drawing up such proposals the local authority is required to make available the document setting out those proposals at its principal office for inspection by members of the public at all reasonable times and to publish in one or more newspapers circulating in its area a notice which;
- states that the authority has drawn up the proposals,
 - describes the main features of the proposals
 - states that copies of the documents setting out the proposals are available at the authority's principal office for inspection by members of the public at such a time as may be specified in the notice, and
 - specifies the address of the authority's principal office.
- 1.4 As previously reported to Council, The Local Authorities (Conduct of Referendums) (England) Regulations, 2012, provides that the local authority proposals and 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 56 days (excluding Saturdays, Sundays, Bank Holidays) before any Referendum. It is therefore currently envisaged that such notification would ideally be given during the week commencing 20th August, 2012 and can not be any later than 29th August, 2012. Further, it will be a recommendation of this report that the Acting Chief Executive be given authority to provide this statement and proposals and to publish and make available, to comply with the statutory requirements. This can be done in consultation with the Chairs of both the General Purposes and Constitution Committees and if necessary following consideration of a draft statement and proposals document at the next scheduled meeting of the General Purposes Committee on 6th August or potentially at the Constitution Committee that is scheduled to be held on 24th August, 2012.
- 1.5 The poll for the Referendum and that combined with the election of the Police Crime Commissioner will be held on Thursday 15th November, 2012 between the hours of 7.00 am and 10.00 pm. However, the question to be asked in a Referendum needs to comply with that prescribed under Schedule 1 of the 2012 Regulations. Essentially the question to be asked is that between the Council's current arrangements, namely, by a Mayor and Cabinet Executive and whether it should be run either through a Leader and Cabinet Executive or through one or more Committees. A consultation exercise has been undertaken, as set out further below.

Consultation on the Alternative Governance Options

- 1.6 On 25th June 2012 the General Purposes Committee agreed that the views of residents should be canvassed on the alternative governance options available for the referendum. It was agreed that this would be done through a range of consultation mechanisms including Neighbourhood Forums', the council's website, survey monkey, the Viewpoint Panel and with residents associations and the Voluntary and Community Sector (VCS).

- 1.7 Consultation with residents was launched on Friday 6th July for a period of 2 weeks in order to feed back the results to Council on 2nd August. Information leaflets which included pre-paid return slips were made available in the Civic Centre, Bryan Hanson House, libraries and the Middleton Grange Shopping Centre. The online survey was launched the same day and a press release, one of three published over the consultation period, was sent out to promote the consultation. In addition to the survey being made accessible from the homepage of the Council's website the link for the survey was emailed to Viewpoint Panel members who have opted to complete their surveys online and other residents who have previously taken part in online consultations. Town and Parish Councils have been informed of the consultation and advised that they could submit their views to help inform the Council decision. A letter promoting the survey was also sent out via HVDA to VCS organisations and Resident's Associations in the Borough. In addition the consultation has been promoted through the Council's Twitter, Facebook and other social media accounts. Unfortunately, due to the short timescales involved the survey has not been analysed in time for the publication of this report. However, the results will be circulated to Council in advance of the meeting on 2nd August as appendix 1 to this report.
- 1.8 Special Neighbourhood Forum meetings were arranged for 19th June, turnout was lower than anticipated, however the debate at both Forum meetings was informative. Whilst no real conclusion was reached at either Forum regarding future governance arrangements they both concluded and supported the referendum. Little appetite was expressed for a Leader and Executive model with the discussion focusing upon the differences between the existing Mayoral system and a Committee structure. The Forums were keen to understand what a Committee system would look like, and what savings could be made if this alternative governance arrangement was introduced. Some residents questioned whether the role of Elected Mayor and Cabinet had diminished democracy by eroding the role of backbench Elected Members. However the counter argument was also put that an Elected Mayor is chosen by the electorate and therefore expected to govern the town.
- 1.9 Other issues which need to be taken forward as we move towards a referendum included communication in plain English and publicity of the Forums.
- 1.10 Council is therefore requested to reaffirm its resolution to proceed through a Referendum to be held as a combined poll on the 15th November, 2012. In addition delegated responsibility be given to the Acting Chief Executive as to the publication of the local authority proposals and a statement as to the question to be asked in that Referendum and all other required information.

RECOMMENDATIONS

1. That Council agree to the question to be put in a Referendum as specified in conjunction with either paragraph 3 or paragraph 5 of Schedule 1 to The Local Authorities (Conduct of Referendums) (England) Regulations, 2012.
2. That on the basis of the decision under recommendation 1 that Council reaffirms its resolution to hold a Referendum on 15th November, 2012 as a combined poll taken with the election of the Police Crime Commissioner.
3. That the Acting Chief Executive be delegated responsibility in accordance with provisions of Section 9MA of the Local Government Act, 2000 (as amended) relating to the Council's proposals and a statement as to the question to be asked at the Referendum and such other required information as prescribed through legislation.

2. APPOINTMENTS PANEL – CHIEF EXECUTIVE

Council has considered two previous reports on this agenda in respect of the Chief Executive Post, one from General Purposes Committee and one from the Executive.

Dependant upon the conclusion of any debates on these two reports Council is requested, to approve the establishment of an Appointments Panel.

In line with the Officer Employment Procedure Rules, as set out in the Constitution, the Panel will consist of eight members, as follows:-

The Chair of the Council (Labour)
The Mayor (Independent)

Plus the following Members:

4 Labour
1 Conservative
1 Putting Hartlepool First

In addition, as identified in the Officer Employment Procedure Rules, Council is also requested to reflect the gender balance of the Council when nominating to the Panel. It is suggested therefore that Council's nominations to the Panel, include female Councillors to the Panel.

Council is requested to approve the establishment of the Appointments Panel and nominate members accordingly.

3. VOLUNTARY AND COMMUNITY SECTOR STEERING GROUP

At the Cabinet meeting on Monday 9th July 2012, the final Voluntary and Community Sector Strategy was endorsed. The governance arrangements for the future implementation of the strategy were also approved however, in addition to

the proposed membership of the steering group (representation from the VCS Infrastructure organisation, elected representation from the Voluntary and Community Sector (x4) incorporating representation from smaller VCS organisations (2) and from VCS service provider organisations (2), representation from 3 Hartlepool Borough Council Departments and from each of the Theme Partnerships (nominated by the Theme Partnership)) it was suggested that there should also be Elected Member representation.

Therefore nominations are being sought from Council for 3 Elected Members, including the Mayor as the relevant Portfolio Holder, to participate in the Voluntary and Community Sector Strategy Steering Group.

The role of the VCS Steering Group will be to oversee the implementation of the strategy and the key responsibilities of the group are:

- Communication and awareness raising of the strategy.
- Develop, review and monitor the Action Plan.
- Report to Strategic Partners Group.
- Ensure that the undertakings are embedded.
- Oversee the Dispute Resolution Procedure.
- Ensure that there are linkages across the authority to other strategic aims.
- Ensure that there is a consistent approach across all departments within the Council towards the VCS e.g. contract management, commissioning and procurement.

The elections for representatives from the Voluntary and Community Sector will take place on Tuesday 24th July, it is anticipated that the first Steering Group will be held in September 2012. A Chair will be nominated from within the membership for the Steering Group.

4. APPOINTMENTS TO CIVIC HONOURS COMMITTEE

Subject to Council's adoption of the recommendations of the Constitution Committee set out in item 2 of the report at Agenda Item 11 (b), Council is requested to nominate four Councillors based on the current proportionality requirements.

Members are reminded that through the discussions prior to Extraordinary Council on 23 May 2012, the following nominations were made: -

Councillor Wells (Vice Chair)
Councillor Tempest
Councillor Richardson
Councillor G Lilley

Council's instructions are requested.

5. OUTSIDE BODY APPOINTMENTS

The following Executive appointments are submitted for information:-

SCHEDULE B – EXECUTIVE APPOINTS EXECUTIVE MEMBER(S)

Association of North East Councils	THE MAYOR, STUART DRUMMOND DEPUTY MAYOR, CLLR HILL CLLR THOMPSON (EXECUTIVE MEMBER)
Executive	THE MAYOR, STUART DRUMMOND (sub: CLLR HILL DEPUTY MAYOR)
Local Government Association	
General Assembly	THE MAYOR, STUART DRUMMOND
Urban Commission	CLLR THOMPSON
Rural Commission	CLLR GILLEY
North Tees and Hartlepool NHS Foundation Trust	EXECUTIVE MEMBER: CLLR LAUDERDALE
Safer Hartlepool Partnership	2 EXECUTIVE MEMBERS INCLUDING RESPONSIBILITY FOR COMMUNITY SAFETY: THE MAYOR CLLR HILL Executive THE MAYOR
Tees Valley Joint Health Scrutiny Committee	CHAIR HEALTH SCRUTINY FORUM: CLLR S AKERS-BELCHER
(Members of Health Scrutiny Forum)	CLLR HALL CLLR FISHER
Tees Valley Local Access Forum	EXECUTIVE MEMBER
(3 year term of office – ends 2014)	CLLR LAUDERDALE
Durham Heritage Coast Partnership Steering Group	CLLR TEMPEST
Hartlepool and District Sports Council	CLLR JACKSON CLLR PAYNE

Housing Hartlepool	CLLR GIBBON
	CLLR WILCOX
Limestone and Landscape Partnership	EXECUTIVE MEMBER
	THE MAYOR
Standing Advisory Council for Religious Education	CLLR GRIFFIN
(Term of office 2012-2016)	CLLR SIMMONS

SCHEDULE D – COUNCIL APPOINTS ANY MEMBER(S)

Hartlepool Credit Union	EXECUTIVE MEMBER WITH RESPONSIBILITY FOR FINANCE:
	CLLR THOMPSON
(Nominations subject to FSA Approval)	EXECUTIVE MEMBER:
	CLLR LAUDERDALE

Consultation question

Hartlepool residents were asked to tell the Authority which alternative system they would like to be asked about at the November referendum, in addition to the current system. The alternatives are

Option A: A leader who is an elected Councillor

Option B: Committees made up of elected Councillors

Response mechanism

In total, 300 leaflets and posters were distributed to the following various Council buildings for members of the public to pick up, complete and return. All leaflets were self sealing, and included a post-paid return address.

- Central Library
- Headland Library
- Owton Manor Library
- Seaton Carew Library
- Throston Grange Library
- Civic Centre reception
- Bryan Hanson House Reception
- Mill House Leisure Centre
- Headland Sports Hall
- Middleton Grange Customer Reception

In addition, a selection of Councillors made local people aware either through leaflets in community centre, photocopied versions of the leaflet to their ward or other means.

In total 893 responses were received, (235 paper surveys (26%) were returned, and 658 (74%) responses were received online)..

Response

In total 893 people responded to the consultation.

Several checks were put in place to ensure the validity of the final data analysed, these were not designed to validate all responses received due to the timescales involved but included:

- Checking names and addresses against the electoral register
Removing duplicate responses
- Looking at IP addresses behind responses
- Removing responses where participants had not provided any address details
- Removing cases where respondents had not cast a vote (8 cases, 6 online)

Three respondents indicated that they were under the age of 18. As this low number will not alter the results of the consultation, it was decided to include them in the final useable response, and not to analyse the data separately.

After these checks were put in place, we were left with a usable response of 801 Hartlepool residents. However, in comparing results before and after verifying responses, we can see very little difference.

Sample (no. case)	Option A Leader	Option B Committee
Initial Sample (893)	26%	74%
Final Sample (801)	25%	75%

Ward analysis

As respondents provided a postcode, we were able to analyse results by ward. Response for Option B – Committees Made up of Elected Councillors received a response of between 60% and 82%.

Ward (no. cases)	Option A Leader	Option B Committee
Burn Valley (114)	31%	69%
De Bruce (25)	40%	60%
Fens & Rossmere (69)	30%	70%
Foggy Furze (52)	19%	81%
Hart (67)	33%	67%
Headland & Harbour (51)	35%	65%
Jesmond (30)	33%	67%
Manor House (39)	23%	77%
Rural West (263)	18%	82%
Seaton (52)	19%	81%
Victoria (39)	28%	72%