

Chief Executive's Department Civic Centre HARTLEPOOL

24 March, 2014

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

Madam or Sir,

You are hereby summoned to attend a meeting of the <u>COUNCIL</u> to be held on <u>THURSDAY, 3 April, 2014 at 7.00 p.m.</u> in the Civic Centre, Hartlepool to consider the subjects set out in the attached agenda.

Yours faithfully

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D Stubbs Chief Executive

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# **COUNCIL AGENDA**



Thursday 3 April 2014

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 11;
- (5) To approve the minutes of the last meeting of the Council held on 27 February 2014 as the correct record;
- (6) To answer questions from Members of the Council on the minutes of the last meeting of Council;
- (7) To answer questions of Members of the Council under Rule 12;
  - (a) Questions to the Chairs of Committees and Forums
  - (b) Questions on Police and Crime Panel and Fire Authority issues to the appropriate Members. Minutes of the meeting of the Cleveland Police and Crime Panel held on 29 August 2013 and 22 October 2013 are attached.
- (8) To deal with any business required by statute to be done;
- (9) To receive any announcements from the Chair, or the Head of Paid Service;

- (10) To dispose of business (if any) remaining from the last meeting and to receive the report of any Committee to which such business was referred for consideration;
- (11) To consider reports from the Council's Committees and to receive questions and answers on any of those reports;
  - (1) Pay Policy 2014/15 Report of Finance and Policy Committee
- (12) To consider any other business specified in the summons to the meeting, and to receive questions and answers on any of those items;
  - (1) Review of the Council's Constitution Report of Monitoring Officer
- (13) To consider reports from the Policy Committees:
  - (a) proposals in relation to the Council's approved budget and policy framework;
    - (1) Reviewing the Sustainable Community Strategy for Hartlepool -Report of Finance and Policy Committee
    - (2) Council Plan 2014/15 Report of Finance and Policy Committee
    - (3) Community Safety Plan 2014-2017 Report of Finance and Policy Committee
  - (b) proposals for departures from the approved budget and policy framework;
    - (1) Proposed New Centre for Independent Living Burbank Street Report of Finance and Policy Committee
    - (2) Priority Schools Building Programme Nursery Provision at Holy Trinity CE Primary School – Report of Finance and Policy Committee
- (14) To consider motions in the order in which notice has been received; and
- (15) To receive the Chief Executive's report and to pass such resolutions thereon as may be deemed necessary.
- (16) Local Government (Access to Information) (Variation) Order 2006

## EXEMPT ITEMS

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 referred to below of Part 1 of Schedule 12A of the Local

Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006

(17) To consider reports from the Council's Committees and to receive questions and answers on any of those reports;

(1) Nominations for Conferment of the Title of Freeman and Alderman of the Borough - Report of Civic Honours Committee (paras 1 and 2)



# COUNCIL

# **MINUTES OF PROCEEDINGS**

# 27 February 2014

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

#### PRESENT:-

The Chairman (Councillor S Akers-Belcher) presiding:

#### COUNCILLORS:

Ainslie Beck Dawkins Gibbon Jackson A Lilley Payne Shields Tempest

Brash Fisher Griffin James G Lilley Richardson Simmons Thompson

C Akers-Belcher

Barclay Cranney Fleet Hall Lauderdale Dr Morris Robinson Sirs

Officers: Dave Stubbs, Chief Executive Peter Devlin, Chief Solicitor Chris Little, Chief Finance Officer Denise Ogden, Director of Regeneration and Neighbourhoods Alastair Rae, Public Relations Manager Amanda Whitaker, Denise Wimpenny, Democratic Services Team

#### 133. APOLOGIES FOR ABSENT MEMBERS

Councillors Atkinson, Cook, Hargreaves, Loynes and Martin-Wells

#### 134. DECLARATIONS OF INTEREST FROM MEMBERS

None

#### 135. BUSINESS REQUIRED BY STATUTE TO BE DONE BEFORE ANY OTHER BUSINESS

None

# 136. PUBLIC QUESTION

Question from Mr Latimer to Chair Finance and Policy Committee

"Could the Chair of the Finance and Policy Committee confirm whether or not he met with the developers or their representatives of the proposed 650 house development at Wynyard prior to their planning application for the development being heard by the Planning Committee? (ref: H/2013/0033)."

The Chair of Finance and Policy Committee responded that as the Council's principal public spokesperson, in accordance with the Council's Constitution, he had met with Wynyard Developments on 8 July 2013 and had been accompanied by the Chief Executive, Director of Regeneration and Neighbourhoods and the Assistant Director Regeneration. The planning application to which was referred had been considered by the Planning Committee, of which he was not a member, on 25<sup>th</sup> September 2013.

The Chair highlighted that one of the remits of his position within the Council Constitution was to act for the benefit of all interested parties and stakeholders. The Chair advised that he had therefore worked collaboratively with senior officers of the Council and had met a number of developers over the previous year. These included Wynyard Developments but also covered Gus Robinson Developments, Vela and Housing Hartlepool, Norcare, Tees Valley Housing and Euro Property Management Limited. This work was in accordance with the role and function of the Leader of the Council to provide policy direction and progress the Council's corporate objectives with the Chief Executive, Chief Officers, partners and other stakeholders.

## 137. MINUTES OF PROCEEDINGS

The Minutes of Proceedings of the Council held on the 6 February 2014, having been laid before the Council.

## RESOLVED - That the minutes be confirmed.

The minutes were thereupon signed by the Chairman.

## 138. QUESTIONS FROM MEMBERS OF THE COUNCIL ON THE MINUTES OF THE PREVIOUS MEETING OF THE COUNCIL

None

## 139. QUESTIONS FROM MEMBERS OF THE COUNCIL

(a) Questions to Chairs of Committees and Forums

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Regeneration Services Committee – 20 February 2014 Minute 99 – Local Plan Timetable and Progress

In accordance with Council Procedure Rule 12.1, a Member referred to the timescales included in the Committee report and sought clarification as to the basis on which comments had been made that the 'failure' of the withdrawn submitted Local Plan had been the responsibility of the Council's former executive administration. In response the Chair of Regeneration Services Committee referred to the process which had been undertaken previously in the context of the Local Plan and the costs which had been incurred. The Chair of Regeneration Services Committee highlighted that only one site had been the subject of the Local Plan's gypsy and traveller site consultation.

Once the question had been answered, the Chair of Council permitted Council to discuss the issue. During the extensive debate which followed, the Chair of Regeneration Services Committee was asked regarding his role in the executive administration's consideration of the Local Plan. Reference was made also to the consideration of the Local Plan by Council and it was highlighted that the decision which had been made by Council in February 2012 had been a unanimous decision. Issues associated with Council's previous consideration of the preferred bidder for the ICT, revenues and benefits services were debated also.

In response to concerns expressed regarding the implications of the withdrawal of the Local Plan, the Leader of the Council presented background and rationale for the Motion being submitted to Council to withdraw the Local Plan. Following the explanation, a Member referred to a letter which had been recently circulated to all Members, from the Assistant Director (Regeneration) which advised that one person had confirmed that they were interested in taking up a gypsy and traveler pitch. The letter had referred also to a Tees Valley Gypsy and Traveller Accommodation Needs Assessment (TVGTAA) undertaken in 2009 which had identified that there was a defined need within the Borough for 6 permanent residential pitches until 2021. During discussion on the provision of a gypsy and traveller site, it was highlighted that the Planning Inspector had considered the Brenda Road site, included in the Local Plan submitted to the Secretary of State, to be neither acceptable nor deliverable. The Chief Solicitor advised Members also in relation to advice which had been received from the Department Communities and Local Government in relation to adoption of Local Plan. The Chief Solicitor advised that clarification was awaited from the DCLG with regard to timescales for adoption of the Local Plan.

(b) Questions to Police and Crime Panel and Fire Authority issues

None

Minutes of the meeting of the Cleveland Fire Authority held on 13 December 2013 had been circulated.

# 140. BUSINESS REQUIRED BY STATUTE

None

# 141. ANNOUNCEMENTS

The Chairman of Council announced that Hartlepool's Local Land Charges Team had been awarded the Most Improved National Land Information Services (NLIS) Services Award for 2014. The Award was given to the local land charges department that had best improved their service and electronic product offering for its customers and was based on a number of factors including the highest overall increase in percentage of NLIS electronic searches and the fastest turnaround time. The Chairman highlighted the award demonstrated the good work of Officers.

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

None

# 143. TO RECEIVE REPORTS FROM THE COUNCIL'S COMMITTEES

None

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

None

# 145. REPORT FROM THE POLICY COMMITTEES

- (a) Proposal in relation to the Council's budget and policy framework
- Formal Council Tax Setting 2014/2015 Incorporation of Fire Authority, Office of the Police and Crime Commissioner and Parish Council Precepts.

The Chief Executive presented a report to enable Council to set the overall level of Council Tax following the notification by precepting authorities i.e. the Fire Authority, the Office of the Police and Crime Commissioner and Parish Councils of their Council Tax levels for 2014/2015. At the meeting of Council held on 6<sup>th</sup> February, 2014, Members had considered and approved the Medium Term Financial Strategy, which had included approving a 2014/15 Council Tax freeze for this Authority's element of the Council Tax. In accordance with statutory

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requirements the Council needed to approve the overall Council Tax, inclusive of precepts set by the Fire Authority, the Office of the Police and Crime Commissioner and Parish Councils. The Fire and Police precepts were subject to the Council Tax referendum thresholds and both were eligible to receive the Council Tax freeze grant if they determined to maintain their individual Council Taxes at the levels set in the current year.

It was noted that the Fire Authority had set its precept on 14<sup>th</sup> February 2014 and a 1.9% increase in its Council Tax for 2014/15 had been approved. The Office of the Police and Crime Commissioner Precept and Council Tax for 2014/15 had been set on the 5th February, 2014 and was an increase of 1.997%. The report included the statutory Council Tax calculations incorporating the 2014/15 Council Tax levels approved by the Council, the Office of the Police and Crime Commissioner and Cleveland Fire Authority.

Concern was expressed that despite this Council freezing its Council Tax, the Cleveland Fire Authority and the Office of the Police and Crime Commissioner had approved an increase in precepts. Concern was expressed particularly in relation to the increase in the police precept considering the reduction in police services in this town. Representatives of the Fire Authority and the Cleveland Police and Crime Panel responded to clarification sought from them at the meeting in relation to the representations which they had made at the meetings when the precepts had been set.

Following debate, an amendment was moved by Cllr Thompson and seconded by Cllr Brash:-

"That the statutory calculations, detailed in the appendix be approved excluding the Police and Crime Commissioner precept"

The Chief Solicitor highlighted that the determination of the overall Council Tax level was a statutory function, which brought together the individual Council Tax levels determined by this Council, Cleveland Fire Authority, the Office of the Police and Crime Commissioner and where applicable Parish Councils. It was highlighted therefore that Council did not have the authority not to approve the statutory calculation and consequently the amendment did not have any legal foundation. The Chief Solicitor advised that the concerns which had been expressed could be conveyed by making representations to the Police and Crime Commissioner.

The Chief Finance Officer advised Council that he agreed with the advice which had been provided by the Chief Solicitor and highlighted the serious financial implications if Council did not approve the statutory calculations, set out in the report, at this Council meeting.

The amendment was withdrawn based on the advice which had been received and a letter being sent on behalf of Council, to the Police and Crime Commissioner, expressing the concerns which had been expressed at this meeting.

In accordance with Council Procedure Rule 17.5 of the Constitution, a recorded

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vote was taken on approving the statutory calculations detailed in Appendix A, which included the precepts set by the Office of the Police and Crime Commissioner, Cleveland Fire Authority and Parish Councils and that a letter be sent on behalf of Council, to the Police and Crime Commissioner, expressing the concerns which had been expressed in relation to the precept increase of 1.997%.

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Those in favour:

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

Those against:

None

Those abstaining:

None.

The vote was carried unanimously.

(2) Hartlepool Green Infrastructure Supplementary Planning Document and Action Plan – Report of Regeneration Services Committee.

The Chair of Regeneration Services Committee presented the report which advised Council that the Green Infrastructure Supplementary Planning Document (SPD), when adopted, would form part of the Hartlepool Local Development Framework. The Document outlined the benefits and purpose of Green Infrastructure and its importance to the Borough. It highlighted the current areas of green infrastructure within Hartlepool and investment in green infrastructure as well as the management of it. The SPD and Action Plan would guide future development of, and investment in, green infrastructure and would be a material consideration in the determination of planning applications where green infrastructure contributions had been requested or where the application would contribute to the development of green infrastructure in the Borough.

Members were advised that the documents had been the subject of two consultation periods and had been amended to reflect comments made. The Consultation Statement which outlined the consultation process and comments made was attached as Appendix 1 of the report.

It was noted that the SPD and Action Plan have to be adopted by the end of March 2014 to adhere to Natural England's funding requirements. The Council had already received the £5000 funding. If not adopted by that date, there was a likelihood the funding would need to be returned.

RESOLVED – That the documents be adopted.

The above was agreed by show of hands. The Chair confirmed, in the absence of dissent, that this was the unanimous decision of the Council.

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

None

146. MOTIONS ON NOTICE

None

147. CHIEF EXECUTIVE'S REPORT

None

The meeting concluded at 8.10 p.m.

CHAIR

# Member questions for Council

# Meeting: 3 April 2014

1.	From:	Councillor Brash	
	To:	Chair of Regeneration Services Committee	
	Question:		
	"Can the Chair explain in terms of resources, officer time, and any other associated costs to the council, how much the new local plan is going to cos the tax payer of Hartlepool from November 2013 to its proposed adoption in December 2016 and from whom did the Chair obtain this information?"		

# **Cleveland Police and Crime Panel**

A meeting of Cleveland Police and Crime Panel was held on Thursday, 29th August, 2013.

Present: Cllr Norma Stephenson O.B.E(Chairman), Cllr Chris Abbott, Geoff Baines, Cllr Hazel Pearson OBE, Cllr Ken Dixon, Gwen Duncan, Cllr George Dunning, Cllr Terry Laing,

Officers: David Bond and Michael Henderson (LD)

#### Also in attendance:

Apologies: Cllr Charles Rooney, Cllr Christopher Akers-Belcher, Carl Richardson, Cllr Steve Nelson, Cllr Ian Jeffrey, Cllr Bernie Taylor

#### PCP **Evacuation Procedure/Mobile Phones**

## 30/13

The Chairman presented the Evacuation Procedures and reminded those present to turn off, or turn to silent, any mobile phone, or similar device, they might have with them.

#### PCP **Declarations of Interest**

31/13

Councillors Abbott, Laing and Stephenson declared personal/non prejudicial interests in the issue to be discussed as they were former members of Cleveland Police Authority.

#### PCP **Exclusion of the Public**

32/13

RESOLVED that the public be excluded from the following item of business as discussion is likely to involve the disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

#### PCP Complaints

#### 33/13

The Panel considered a report that provided details of a complaint, which had been received by Stockton-on-Tees Borough Council, regarding the alleged conduct of the Cleveland Police and Crime Commissioner ('the Commissioner').

The Complaint raised two matters; the first matter related to the Commissioner's alleged attendance at a meeting on 18 November 2012 and the second matter concerned the dismissal of the former Chief Executive of Cleveland Police Authority and the appointment of his replacement.

Each Panel member was asked to consider issues relating to whether they should participate in any consideration of the complaint.

Members discussed both matters and agreed that they were complaints and that the Panel was the relevant Police and Crime Panel to consider them.

Members also agreed that the matters should be recorded in accordance with the Panel's procedures and that a full copy of those records should be provided to the Complainant and Commissioner.

Members considered that neither of the matters were conduct matters nor matters that should be referred to the Independent Police Complaints Commission.

The Panel considered its options on how to deal with the matters and agreed to proceed to informal resolution. The Panel requested that the Commissioner and Complainant be invited to a future meeting, in order to provide relevant information or documents and/or answer relevant questions or give evidence.

#### **RESOLVED** that

1. both matters were complaints and that the Panel was the relevant Police and Crime Panel to deal with the matters concerned.

2. the matters be recorded in accordance with the Panel's procedures and copies of the record be provided, in full, to the Complainant and Commissioner.

3. neither of the matters contained in the complaint were conduct matters, or matters that should be referred to the Independent Police Complaints Commission, and that

4. the Panel attempt to secure informal resolution of the complaint and the Commissioner and Complainant be invited to a future meeting in order to provide relevant information or documents and/or answer relevant questions or give evidence.

# **Cleveland Police and Crime Panel**

A meeting of Cleveland Police and Crime Panel was held on Tuesday, 22nd October, 2013.

**Present:** Cllr Norma Stephenson O.B.E (Chairman), Cllr Charles Rooney (vice-Chairman), Cllr Christopher Akers-Belcher, Cllr Chris Abbott, Geoff Baines, Cllr Ken Dixon, Gwen Duncan, Cllr George Dunning, Ian Jeffrey, Cllr Terry Laing, Cllr Carl Richardson, Cllr Bernie Taylor

**Officers:** David Bond, Margaret Waggott, Michael Henderson, Graham Birtle (LD); Mike Batty, Steve Hume (DNS)

**Also in attendance:** Barry Coppinger (Commissioner), Ed Chicken, Joanne Hodgkinson (Commissioner's Office); Deputy Chief Constable Iain Spittal (Cleveland Police)

Apologies: Cllr Steve Nelson, Cllr Hazel Pearson OBE

#### PCP Evacuation Procedure/Mobile Phones

34/13

The Chairman presented the Evacuation Procedures and reminded those present to turn off, or turn to silent, any mobile phone, or similar device, they might have with them.

#### PCP Declarations of Interest

35/13

There were no declarations of interest.

# PCP Minutes of the Meetings held on 18th July 2013 and 29th August 2013

#### 36/13

The minutes of the meetings held on 18 July 2013 and 29 August 2013 were confirmed as a correct record and were signed by the Chairman.

## PCP Police and Crime Commissioner - First Year in Office

#### 37/13

Members considered a report that provided an update on the achievements of the Police and Crime Commissioner for the period November 2012 to October 2013. The report also considered the challenges ahead.

The report included details of some of the work being undertaken and initiatives introduced by the Commissioner. These included:-

- Holding summits/seminars which brought a number of different people and organisations together, which helped with the understanding of issues, including retail crime and disability hate.

- Allocation of Property Act funding to 19 local community projects.

- Establishment of FarmWatch across Cleveland and supported joint operations with neighbouring police forces to tackle rural based crime.

- Consultation - the Commissioner had personally attended over 100 meetings across all 82 Cleveland Wards to hear directly the views of the local community. A Youth Forum had been established to ensure the views of young people were taken into consideration.

- Collaboration arrangements with other forces had been put in place to reduce costs, improve resilience and efficiency.

The Panel considered the report and discussed a number of points/queries with the Commissioner and officers:

- It was noted that crime was rising and it was suggested that unemployment and the prevailing economic climate may be a factor in this. It was explained that national performance data showed that most force areas were experiencing increases in crime rates. Cleveland had seen a 2% rise since last year. However, last year's crime figures were at an all time low. Theft had increased by 6% and most of this had been retail theft. The Police were working with retailers to address this.

- Members discussed the challenges ahead including the budget deficit and what this might mean for Community Safety Officers. The Commissioner explained that one of the options to tackle the deficit was a reduction in the police property estate and he considered that spend on buildings must come second to spend on officers at the front line. It was explained that Community Support Officers would be an important part of future policing in Cleveland and they were a key element of Neighbourhood Teams.

- The Commissioner explained that moving to a new HQ would be cost neutral. New HQ would produce revenue savings in terms of maintenance, energy costs etc. In addition it was envisaged that the facility would have an area for partners to develop the wider community protection agenda.

- Drugs were a factor in many crimes and the Police were targeting at both ends of the spectrum in terms of large organised drugs gangs and dealers at street level. The Commissioner indicated that he supported community projects that diverted people away from drugs.

RESOLVED that the report be noted.

# PCP Police and Crime Commissioner - Quarter 2 Monitoring Report 38/13

Members considered a report that provided an update of performance scrutiny undertaken by the Police and Crime Commissioner for Cleveland during the period July – September 2013.

Members considered the information provided and noted that:

• Despite the challenges the force had dealt with it remained in the top 10 for levels of public satisfaction.

• Information obtained from public surveys and ' ring backs' to the public was fed in to the Force's service improvement team and assisted with training and briefings.

• The Commissioner would monitor the effectiveness of the Restorative Justice initiative and the reoffending rates. The Commissioner considered that the initiative was good at diverting people from reoffending. It was not soft on criminals and would benefit perpetrators, victims and the wider community. It was early days and a learning process.

• The Chairman explained that she represented the Panel on the out of court disposals partnership group.

RESOLVED that the information be noted.

# PCP Programme of Engagement for the Police and Crime Commissioner 39/13

Members considered a report that provided an update in relation to meetings the Commissioner had attended from July 2013 – September 2013. Details of future meetings were also summarised,

The Panel noted that feedback from all engagement exercises continued to be positive with residents being supportive and appreciative of Neighbourhood Policing in their local area.

Key meetings attended by the Commissioner included:

• Community Safety Awards

• Strategic Planning Day to assist with the Police and Crime Plan refresh

• A meeting with UNITE union – part of the Commissioner's commitment to work for better industrial relations

• Retail Crime Partnership to improve links with retailers and share best practice.

• Sensory tunnel exercise which provided the Commissioner, front line officers and staff with a greater understanding of how people with sight loss use all their senses in everyday life.

The Panel congratulated the Commissioner for the extent and depth of his consultation.

The Panel referred to the planned webchat with Rural Community. The Commissioner explained that the use of social media was very helpful to engagement with the rural community. The Commissioner continued and indicated that the neighbourhood watch was being revised and would consider how the rural community could be supported. A regional rural Crime Conference was planned and there were collaborative arrangements, in terms of rural crime, with North Yorkshire and Durham forces.

RESOLVED that the information be noted.

# PCP Decisions of the Police and Crime Commissioner (including forward plan 40/13 of decisions)

The Panel received a report that provided an update in relation to decisions made by the Police and Crime Commissioner between 2 July 2013 and 7 October 2013.

During consideration of the report the Panel noted that:

• The Commissioner was the first Police and Crime Commissioner in the Country to implement the national living wage, as an employer and in respect of contractors.(working at police site for more than 2 hours a day). The Commissioner would receive an accreditation and details would be provided to the Panel.

• Corporate governance checks and safeguards were in place including an Independent Audit Committee, external audit and an inspection regime. In 2014 the University would give the Commission an Independent Health check.

RESOLVED that the report be noted.

# PCP Scrutiny Update - Officer Reporting In.

41/13

Members were reminded that the Panel had previously identified a number of issues within its Scrutiny Work Programme that it wished the Commissioner to provide an update on:

- Independent Advisory Groups
- Management of police officer hours
- Arrest Referral Contract
- Energy and Efficiency of Estates and Fleet
- Collaboration Agreements

A report providing updates was presented to the Panel.

RESOLVED that the report be noted.

## PCP Probation Services - Scrutiny approach

## 42/13

Members were reminded that the Panel had agreed to undertake a range of scrutiny work, including a piece of work examining the probation service.

The Panel received a report suggesting that it appoint a Task and Finish Group to undertake this work, starting in February 2014.

**RESOLVED** that:

1. a Task and Finish Group be established to undertake a review, starting in February 2014, of the probation service.

2. the membership of the Group be as follows:

Gwen Duncan Cllr Chris Akers Belcher Cllr Steve Nelson (if Cllr Nelson was unable to serve on the Group, then Cllr Laing would take the position) Cllr Charles Rooney Cllr Ian Jeffrey

# PCP Youth Engagement

# 43/13

Members received a report informing them of the youth engagement activities undertaken by the Office of the Police and Crime Commissioner in fulfilling the statutory duty to consult with local communities. Details of future plans were also provided.

The Commissioner explained that he would be taking part in the national Children's Commissioner Takeover Day event on 22 November 2013.

RESOLVED that the report be noted.

# PCP Audit Completion Report

44/13

The Panel received a report that presented a copy of the Police and Crime Commissioner's Audit Completion Report for 2012/13.

Members noted that the Police and Crime Commission had received an unqualified opinion on the statement of accounts.

RESOLVED that the report be noted.

# PCP Local Authority Crime and Disorder Scrutiny Committee Work45/13 Programmes

The Panel received a report that provided an overview of relevant work being undertaken by Local Authority scrutiny panels.

RESOLVED that the range of Local Authority Crime and Disorder scrutiny work underway in the Cleveland Police area be noted.

# PCP Member Development

# 46/13

Members received a report relating to Learning and Development activities for members serving on the Panel.

The Panel was reminded that Members had been requested to identify any specific training needs by completing a Personal Development Plan. It was noted that those Plans had been received and considered and no further training needs had been identified.

In terms of induction training it was suggested that the initial induction pack be circulated to new Panel Members on appointment. If Members had any queries regarding the information in the pack then they could contact Democratic Services for assistance.

The Panel was informed that the Police and Crime Commissioner was organising a programme of events to fulfil his commitments in the Police and Crime Plan. A programme of planned and future events was provided and it was suggested that Members may wish to attend these PCC organised events.

In addition, it was further suggested that a Panel Development item be added to each agenda allowing members an opportunity to receive updates from officers on any relevant issues. This item could then be stood down if there were no updates.

If Members required any further support, they would be able to request this by contacting Stockton on Tees Borough Council's Democratic Services Unit.

Following the Local Elections in 2015, the Induction Programme would be refreshed, prior to delivery, and consideration would be given to any individual needs arising from Panel Members.

RESOLVED that:

1. the report be noted.

2. the induction pack be circulated to new Panel Members.

3. a Panel Development item be added to each agenda. The item to be stood down if there were no updates.

4. the induction programme be refreshed following the Local Elections in 2015.

5. Members contact the Democratic Services Unit if they required any specific development support.

## PCP Forward Plan

47/13

Members considered the Panel's draft Forward Plan.

RESOLVED that the draft Forward Plan be approved.

# PCP Public Questions

#### 48/13

The Panel received a report relating to Public Questions.

Members were reminded of the agreed procedure for considering questions, on notice, and noted that no such questions had been received for this meeting.

RESOLVED that the report be noted.

## PCP Complaints

49/13

Members received a report that provided details of a complaint about alleged conduct of the Cleveland Police and Crime Commissioner.

Members were reminded that the Panel had considered the complaint, at its

meeting held on 29 August 2013. Following consideration the Panel had made a number of decisions, including:

'...the Panel attempt to secure informal resolution of the complaint, and the Commissioner and Complainant be invited to a future meeting, in order to provide relevant information, or documents and/or answer relevant questions or give evidence.'

The Panel noted that the Complainant had been invited to this meeting but had indicated that he would not be attending.

Given this the Panel discussed its options.

**RESOLVED** that

1. the Complainant be informed of the Panel's disappointment regarding his decision not to attend the meeting.

2. the Complainant be asked to confirm within one month if he is willing to engage with the Panel's attempt to secure an informal resolution of the complaint, and in particular to attend a future meeting in order to provide relevant information or documents and/or answer relevant questions or give evidence.

3. no further action be taken regarding the complaint at this stage.

11 (1)

# COUNCIL

3<sup>rd</sup> April 2014



**Report of:** Finance and Policy Committee

Subject: PAY POLICY 2014/15

# 1. PURPOSE OF REPORT

1.1 To enable Council to adopt the Pay Policy 2014/15.

# 2. BACKGROUND

- 2.1 Under Section 38 of the Localism Act 2011 full Council has to approve a Pay Policy on an annual basis. Previous pay policies have been approved in respect of 2012/13 and 2013/14.
- 2.2 At its meeting on 27 February 2014 the Finance and Policy Committee considered the draft Pay Policy 2014/15 and agreed to recommend it to Council.

# 3. PROPOSALS

3.1 The Finance and Policy Committee considered a draft Pay Policy 2014/15 (**Appendix A**) and recommended it to Council as it reflects the various pay related policies and arrangements operating within the Council.

# 4. FINANCIAL CONSIDERATIONS

4.1 There are no financial considerations.

# 5. **RECOMMENDATIONS**

5.1 Council is requested to approve the draft Pay Policy 2014/15 (Appendix A)

## 6. REASONS FOR RECOMMENDATIONS

The Pay Policy reflects the Council's various employment related procedures and arrangements and the Council has a legislative requirement to adopt the Pay Policy each year.

## 7. BACKGROUND PAPERS

Finance and Policy Committee report 27 February 2014

## 8. CONTACT OFFICERS

Andrew Atkin Assistant Chief Executive E-mail: <u>andrew.atkin@hartlepool.gov.uk</u> Tel No: 01429 523002

# Hartlepool Borough Council Pay Policy Statement 2014/15

(Section 38, Localism Act 2011) To be agreed at Council on 3 April 2014

# 1. Introduction

- 1.1 This document sets out the Council's pay policy in relation to the remuneration of its employees (excluding those employed by schools with delegated budgets) for the period 1 April 2013 to 31 March 2014 in accordance with Section 38 of the Localism Act 2011<sup>1</sup> and reflects the guidance issued by the Department for Communities and Local Government<sup>2,3</sup> unless stated differently. This pay policy applies equally to all employees regardless of status and seniority unless stated differently. The policy is subject to annual review and must be approved by the Borough Council for each financial year. The policy will be published on the Council's website<sup>4</sup> as soon as reasonably practicable after approval or amendment.
- 1.2 Hartlepool Borough Council is committed to transparency and fairness in its payment and remuneration of all of its employees and will comply with all relevant employment legislation.
- 1.3 In 2014/15, the Council has an overall pay budget of £54,329m (excluding school staff) including on-costs for its workforce. In order to deliver these services it will employ around 2,500 people excluding those who are employed directly by schools in Hartlepool, in a variety of diverse roles.
- 1.4 The Council's values give us a desire to increase the standard of living for everyone. Given that the Council is the largest employer in Hartlepool and that around 75% of employees live in the town, it has a major influence on the economic wellbeing of the town and a direct impact on levels of inequality. The Council wants to do all in its power to make Hartlepool a fairer town and is committed to reducing inequality by leading by example and doing so through the way it operates as an organisation.

4 Available at: http://www.hartlepool.gov.uk/info/100002/business/1837/hartlepool\_council\_pay\_policies

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<sup>1</sup> Available at: http://www.legislation.gov.uk/ukpga/2011/20/contents

<sup>2</sup> Available at: Openness and accountability in local pay: guidance - Publications - GOV.UK

<sup>3</sup> Available at: Openness and accountability in local pay: supplementary guidance - Publications - GOV.UK

# 2. National and other Conditions of Service

2.1 The appropriate National Conditions of Service (as detailed in Table 1) are automatically incorporated into employee contracts of employment.

|--|

Condition of Service	Type of Employees	
Joint Negotiating Committee (JNC) for Local Authority Chief Executives	Chief Executives	
Joint Negotiating Committee (JNC) for Chief Officers in Local Authorities	Directors, Divisional Heads and some other senior managers	
The Soulbury Committee	Educational Improvement Professionals, Educational Psychologists and Young People's/Community Service Managers	
Conditions Of Service for School Teachers in England And Wales <sup>5</sup>	Head Teachers, Deputy/Assistant Head Teachers, all Leadership, Teachers, Qualified and unqualified teachers	
Joint Negotiating Committee for Youth and Community Workers	Youth and Community Workers	
National Joint Council (NJC) for Local Government Services – Part 2 only	All other employees	

For legal and other reasons, some employees are employed on other conditions of service, for example as a result of TUPE transfers.

- 2.2 The Council's Single Status Agreement is automatically incorporated into the employment contract of NJC for Local Government Services employees.
- Sections 1 (paragraphs 1.1.3 and 1.1.4 only), 3 (sub section 3.5 only),
   5-9 and 12-16 of the Council's Single Status Agreement apply to all employees where their national conditions of service are silent.

# 3. Pay Structure

3.1 The Council uses nationally negotiated pay rates included in the above national conditions of service as the basis for its local pay structure, which determines the pay bands of the large majority of its workforce. Locally determined pay bands apply for the remainder of the workforce.

<sup>5</sup> The Conditions of Service for School Teachers In England And Wales August 2000 is supplemented by the statutory School Teachers' Pay and Conditions Document available at <a href="http://www.education.gov.uk/schools/careers/payandpensions/a00203870/strb-21st-report">http://www.education.gov.uk/schools/careers/payandpensions/a00203870/strb-21st-report</a>

- 3.2 National pay awards are automatically applied to the national and local pay rates where employees are employed under the national conditions of service detailed in Table 1. Employees who continue to be employed under their pre transfer conditions of service following their TUPE (or similar) transfer to the Council are
  - not entitled to receive pay awards (equivalent to the appropriate Council condition of service national pay awards) where the value of the maximum of the employees pre transfer pay band is greater than the pay they would receive at the maximum of the pay band if they were employed under the appropriate Council conditions of service and/or if the employees are entitled to increments within their TUPE pay band as they are not at the maximum of their TUPE (or similar) pay band.
  - entitled to receive national pay awards in all other circumstances.
- 3.3 All other pay-related allowances are the subject of either nationally or locally negotiated rates, having been determined from time to time in accordance with collective bargaining machinery.
- 3.4 In determining its grading structure and setting remuneration levels for any posts which fall outside the scope of nationally set pay grades, the Council takes account of the need to ensure value for money in respect of the use of public expenditure. This is balanced against the need to recruit and retain employees who are able to deliver high quality services to the community and the need to comply with pay related legislation e.g. in relation to equal pay, national minimum wage etc
- 3.5 In line with good employment practice JNC for Local Authority Chief Executives and JNC for Chief Officers in Local Authorities jobs have been evaluated using the LGA Senior Managers job evaluation and NJC for Local Government Services jobs have been evaluated using the bespoke NJC job evaluation scheme. This is to ensure that the majority of jobs are graded fairly and equitably. Both job evaluation schemes used are substantial schemes. The associated grading structures are attached as Annex A. For legal and other reasons, some employees pay is not consistent with the current grading structures for example as a result of TUPE transfers.
- 3.6 No job evaluation process exists for the remainder of jobs i.e. those on Teachers, Youth and Community workers and Soulbury conditions of service but employees are placed within nationally defined grading structures.
- 3.7 The number of increments in pay bands generally increases from the bottom to the top of pay structures.
- 3.8 As part of its overall and ongoing monitoring of alignment with external pay markets both within and outside the sector, the Council will use available benchmark information as appropriate.

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3.9 Periodic equal pay audits will be undertaken and pay structures and allowances will be reviewed as necessary.

# 4 **Remuneration on Appointment**

- 4.1 Appointments to the posts of Chief Executive, Directors and other Chief Officer posts are subject to the Council's Officer Employment Procedure Rules<sup>6</sup> and the salary package (including basic pay, any bonuses, fees or allowances routinely payable to the appointee and any benefits in kind) for each post is determined by full Council. Appointments to posts where the salary package is £100,000 or more per annum will be approved by full Council in the case of the appointment of the Chief Executive/Head of Paid Service or by the Appointments Panel in the case of other appointments. Appointment of all other officers is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by members.
- 4.2 New appointments are subject to the Council's Recruitment and Selection Policy and will generally be made to the agreed pay structures at the bottom spinal column point of all pay bands unless there are special circumstances and payment at a higher level can be objectively justified. However, in the event of any employee securing a higher-graded post via internal promotion/recruitment and there being an overlap of salary points between their current post and bottom point of the newly secured position, then the Council will generally pay at a minimum point in the new grade which provides a reasonable increase.
- 4.3 Where employees are redeployed into a lower graded post because of ill health (where this is supported by the Council's Occupational Health Advisor) or as an alternative to redundancy they will generally be appointed to the highest spinal column point within the lower grade so as to minimise financial loss.
- 4.4 From time to time, it may be necessary to take account of external pay levels in the labour market in determining starting salary levels and the use of market forces supplements in order to attract and retain employees with particular experience, skills and capacity.
- 4.5 The Council does not make any "golden hello" payment or any other incentive payments at recruitment other than market forces supplements where these are determined in accordance with the provisions in Table 3.
- 4.6 Where appropriate, the Council pays removal and relocation allowances, as detailed in the Council's Recruitment and Selection Policy upon the presentation of approved receipts.

4

<sup>6</sup> Available at http://www.hartlepool.gov.uk/site/scripts/download\_info.php?fileID=3956

# 5. Senior Management Remuneration

- 5.1 The definition of 'Senior Management' in this statement mirrors the definition of 'Chief Officer' as detailed in Section 42(2) of the Localism Act 2011 i.e.
  - the head of its paid service designated under section 4(1) of the Local Government and Housing Act 1989;
  - its monitoring officer designated under section 5(1) of that Act;
  - a statutory chief officer mentioned in section 2(6) of that Act;
  - a non-statutory chief officer mentioned in section 2(7) of that Act;
  - a deputy chief officer mentioned in section 2(8) of that Act.

Within Hartlepool, the above definition includes employees on JNC for Local Authority Chief Executives, JNC for Chief Officers in Local Authorities and NJC for Local Government conditions of service plus employees employed on NHS conditions of service as a result of TUPE (or similar) transfers.

5.2 The 'Senior Management' salary bands as at 1 April 2014 are set out in Table 2.

Role	Annual Salary Band as at 1 April 2014	No of Points in Pay Band
Chief Executive	$\pounds140,000 - \pounds150,000^7$	6
Director of Child and Adults	£100,000 - £110,000 <sup>7</sup>	6
Director of Regeneration and	£100,000 - £110,000 <sup>7</sup>	6
Neighbourhoods		
Director of Public Health <sup>8</sup>	£64,850 - £81,062 <sup>7</sup>	1
Chief Officers <sup>9</sup>	£64,850 - £81,062 <sup>7</sup>	5
Band 15 <sup>10</sup>	£44,121 - £48,221 <sup>7</sup>	5
Band 14	£39,351 - £43,043 <sup>7</sup>	5

Table 2 – Salary bands of 'Senior Management'

5.3 There has been no annual "cost of living" pay award for the Chief Executive, Director of Child and Adults, Director of Regeneration and Neighbourhoods and Chief Officers since April 2008 and for the Director of Public Health since April 2009. The 1% pay award from 1 April 2013 for Band 14 and Band 15 employees is the first since April 2009.

<sup>7</sup> Will be automatically updated for any annual pay award (subject to national agreement)

<sup>8</sup> The current employee is paid their TUPE pay

<sup>9</sup> Includes 2 employees paid on Chief Officer C which is no longer used for new appointments

<sup>10</sup> Includes one employee who is paid their TUPE pay

- 5.4 Since 1 April 2012 the Council have reduced the pay bands of the Chief Executive, the Director of Regeneration and Neighbourhoods and the Director of Child and Adults when vacant posts have been filled. In addition the roles of all Chief Officers have been reviewed with the pay bands of Chief Officer A and B being merged and it being agreed that Chief Officer C will not be used for any new appointments.
- 5.5 The increments for the Chief Executive, Director of Regeneration and Neighbourhoods and Director of Child and Adults are implemented automatically on an annual basis, subject to the Council Plan, Annual Governance Statement and the conclusion of the Budget and Policy Framework being agreed by the Finance and Policy Committee and Council.
- 5.6 Information on 'Senior Management' responsibilities and remuneration will be published on the Council's website<sup>11</sup> in line with The Code of Recommended Practice for Local Authorities on Data Transparency<sup>12</sup> and the Accounts and Audit (England) Regulations 2011<sup>13</sup>.

# 6. Additional Benefits

6.1 Employees receive/have access to additional benefits (in addition to basic salary) as outlined in the Table 3.

Employees Additional Denefit			
Employees	Additional Benefit		
All officers involved in	Duty payments in connection with elections as		
delivering local,	determined locally in consultation with the other Tees		
Parliamentary and/or	Valley Councils and/or by statute depending on the		
European elections	duties concerned.		
and/or referenda			
Employees in	Progression through pay bands where pre-		
Development Scheme	determined progression criteria are met.		
posts			
All employees whose pay	The pay protection arrangements detailed in the		
reduces as a	Council's Single Status Agreement apply to all		
consequence of	employees as a means of assisting employees to		
organisational change,	adjust, over a 3 year period, to a reduction in pay		
job evaluation or	arising from organisational change, job evaluation or		
redeployment	redeployment. At the end of the 3 year protection		
	period the standard pay arrangements apply.		

Table 3 – Additional Benefits

<sup>11</sup> Available at:

http://www.hartlepool.gov.uk/info/200110/council\_budgets\_and\_spending/1650/senior\_management\_team\_salary\_information/1

<sup>12</sup> Available at: <a href="http://www.communities.gov.uk/publications/localgovernment/transparencycode">www.communities.gov.uk/publications/localgovernment/transparencycode</a>

<sup>13</sup> Available at: http://www.legislation.gov.uk/uksi/2011/817/contents/made

Posts/EmployeesAdditional Payment		
All employees who are members of public sector	The Council operates the Local Government Pension Scheme (LGPS), the Teachers Pension Scheme	
pension schemes	(TPS) and the NHS Pension Scheme (PHPS) and makes employer pension contributions, as required, for all employees who elect to participate in one of the	
	above schemes. The current employer pension contributions are as	
	follows Local Government Pension Scheme -14.2% of	
	pensionable pay	
	Teachers Pension Scheme - 14.1% of pensionable pay	
	NHS Pension Scheme - 14% of pensionable pay The contribution rates are regularly reviewed and set by actuaries advising the various Pension Funds.	
All employees in posts where there are particular	As a general rule, the pay bands provide relevant and adequate compensation to attract and retain	
recruitment and/or retention difficulties	employees for the vast majority of posts and the necessity to apply a salary supplement should not exist. There may be specific circumstances,	
	however, where an additional market forces supplement may be required to either attract hard to recruit categories of employees or to retain such	
	employees within the employment of the Council. In all circumstances a business case will need to be	
	developed (and reviewed regularly) to support the payment of market supplements which will be	
	approved by members in relation to posts subject to the Council's Officer Employment Procedure Rules <sup>6</sup> and by the relevant Assistant Director in relation to all	
	other posts. The market forces supplement arrangements detailed in the Council's Single Status Agreement apply to all	
Chief Solicitor	employees Payment of £3,432 per annum for acting as	
	Monitoring Officer to Cleveland Fire Authority. This cost is paid for by the Fire Authority and has not	
All permanent employees	changed since 1 April 2010. Able to access the Council's Lease Car scheme	
	through a salary sacrifice arrangement.	

# Table 3 (cont) – Additional Benefits

<sup>6</sup> Available at http://www.hartlepool.gov.uk/site/scripts/download\_info.php?fileID=3956

Posts/Employees	Additional Payment
All employees	Able to access the Council's Childcare Voucher scheme through a salary sacrifice arrangement.
All employees	Able to access the Council's Cycle to Work scheme through a salary sacrifice arrangement.
All employees	The Council pay a range of allowances/premium payments as detailed in National Conditions of Service (see Table 1 above)
All employees employed under the National Joint Council (NJC) for Local Government Services conditions of service	The Council pay a range of allowances/premium payments as detailed in the Council's Single Status Agreement subject to employees meeting the criteria for payment.

#### 7. **Changes to Salaries**

- 7.1 Changes in salary for employees will occur only as a result of
  - the application of the provisions in Table 3 above
  - promotion
  - significant changes to an employees role which results in a different • pay band being appropriate (as confirmed by the outcome of an appropriate job evaluation process, where appropriate)
  - an honorarium or ex-gratia being appropriate to recognise circumstances or events not covered by conditions of service
  - progression of a maximum of one increment each year within previously agreed pay bands based on service, other than as detailed in 5.5 of this policy
  - changes in the working arrangements of employees
- 7.2 The Council does not currently award any performance related pay or bonuses to any of its employees or require them to have an element of their basic pay 'at risk' to be 'earned back' through meeting pre agreed objectives.

#### 8. Payments to all Employees upon Termination of Employment

- 8.1 Employees who cease to hold office or be employed by the Council will receive payments based on entitlement within their contract of employment, their general terms and conditions and existing policies.
- 8.2 In the case of termination of employment by way of early retirement, redundancy (voluntary or otherwise) or on the grounds of efficiency of the service, the Council's Early Retirement/Redundancy Policy and

Scheme and the Council's Procedure for Managing Reorganisation, Redeployment and Redundancy set out provisions which apply to all employees.

- 8.3 The Council's Local Government Pension Scheme Discretionary Policy sets out the applicable provisions in respect of awarding additional pension entitlement by way of augmentation or otherwise.
- 8.4 In accordance with the newly developed Council's Constitution, the determination of early retirement applications which do not generate sufficient savings to ensure that the costs of the application (including salary paid in lieu, redundancy compensation, strain on the pension fund, holiday pay and any bonuses, fees or allowances paid) are recovered within a pay back period of 3.05 years or less are considered by members of the Personnel Sub Committee. Officers determine all other early retirement applications. This arrangement does not reflect the Department of Communities and Local Government guidance<sup>3</sup>.
- 8.5 The new Local Government Pension Scheme<sup>14</sup> effective from 1 April 2014 will require the Council's severance (including early retirement and redundancy) policies to be reviewed and it would be premature to amend the Council's arrangements in advance of the review being undertaken.

# 9. Lowest Paid Employees

- 9.1 The lowest paid employees will be remunerated at JNC for Government Services spinal column point 10 (equivalent to £14,013 per annum, £7.26 per hour) as a consequence of the Council introducing its own Living Wage for its employees with effect from 1 September 2013.
- 9.2 The Council introduced its Single Status Agreement on 1st April 2007. The lowest paid employees within the Council are appointed to jobs which have been evaluated using the NJC Job Evaluation Scheme and are remunerated accordingly.
- 9.3 The relationship between the rates of pay for the lowest paid and for senior management is determined by the processes used for determining pay and grading structures as set out earlier in this Policy Statement.
- 9.4 The basic pay 'median pay multiple' for the Council is determined by comparing the basic pay of the highest paid full time equivalent employee against that of the median basic pay for the Council at 31 December 2013.

<sup>3</sup> Available at: Openness and accountability in local pay: supplementary guidance - Publications - GOV.UK

14 Available at: ADD LINK WHEN REGULATIONS PUBLISHED

9.5 The 2013 'median basic pay multiple' with comparative data is detailed in Table 4

Year	actual basic pay of the highest paid employee	
2011	as at 31 December 9.21	<b>31 December)</b> 9.79
2012	8.16	8.74
2013	8.19	8.65

## Table 4 – ' Basic Pay Multiple'

9.6 The Council will generally aim to ensure that the basic pay 'pay multiple' does not exceed ten.

# 10. Employment of Individuals already in receipt of a public sector pension

- 10.1 The Council does not generally support the employment of individuals already in receipt of public sector pensions in respect of posts subject to the Officer Employment Procedure Rules<sup>6</sup> as doing so potentially restricts the recruitment of younger workers who may be disadvantaged in the labour market. However there may be circumstances where the employment of an individual with a public sector pension is the most effective and efficient way of meeting the Council's needs. Members will approve any appointments in respect of posts subject to the Officer Employment Procedure Rules<sup>6</sup>.
- 10.2 In respect of posts not subject to the Officer Employment Procedure Rules<sup>6</sup> the Council does not generally support the employment of former Hartlepool Council employees who have accessed their pensions when they left the employment of the Council as doing so potentially restricts the recruitment of younger workers who may be disadvantaged in the labour market. However there may be circumstances where the employment of former Council employees who have accessed their pensions when they left the employment of former Council employees who have accessed their pensions when they left the employment of the Council in posts not subject to the Officer Employment Procedure Rules<sup>6</sup> is the most effective and efficient way of meeting the Council's needs. In these circumstances the Chief Executive (in his role as head of the paid service) will formally approve any appointments.

<sup>6</sup> Available at http://www.hartlepool.gov.uk/site/scripts/download\_info.php?fileID=3956

# 11. Employment Of Individuals under a Contract For Services

11.1 The Council does not generally support engaging individuals under a 'contract for services' where the Council is not required to make either pension or national insurance contributions for such individuals as it supports the Government's commitment to tackling all forms of tax avoidance and recognises that public appointments that involve arrangements whereby savings in tax and National Insurance contributions are made may be at the expense of other taxpayers or other parts of the public sector. However there may be exceptional circumstances where engaging an individual under these terms is the most effective and efficient way of meeting the Council's needs. If this situation applies formal approval will be sought from members in relation to posts subject to the Officer Employment Procedure Rules<sup>6</sup> and from the Chief Executive (in his role as head of the paid service) in respect of other posts and individuals will be sourced through an appropriate procurement process in accordance with the Council's Contract Procedure Rules (which ensure the Council is able to demonstrate the maximum value for money benefits from competition in securing the relevant service).

# 12. Income Tax and National Insurance

12.1 The Council does not enter into arrangements with individual employees to minimise their tax and national insurance contributions other than via salary sacrifice schemes.

# 13. Use of Agency Workers

13.1 The Council does not generally support using agency workers. However there may be circumstances where engaging agency workers is the most efficient and effective way of meeting the Council's needs. If this situation applies formal approval will be sought from the relevant Assistant Director. Agency workers operating in the Council receive at least the national minimum wage initially and at least the pay of comparable employees after 12 weeks of qualifying service.

# 14. Apprentices

14.1 The Council has entered into a partnership with Hartlepool College of Further Education whereby the Council fund the College to employ apprentices and place them with the Council. The apprentices are paid the appropriate national minimum wage (depending upon individual circumstances).

<sup>6</sup> Available at <a href="http://www.hartlepool.gov.uk/site/scripts/download\_info.php?fileID=3956">http://www.hartlepool.gov.uk/site/scripts/download\_info.php?fileID=3956</a>

14.2 Employees with substantive jobs who undertake apprenticeships via the Council's Adult Education service within their current duties and responsibilities will continue to be paid in accordance with their contract of employment.

# 15 Contractors pay

- 15.1 The Council requires that contractors comply with the national minimum wage legislation in all new and extended Council contracts and encourages all contractors to pay the Council's Living Wage (see 9.1 above).
- 15.2 The Council will encourage all local employers employing 250 or more employees to publish their pay multiple.

Annex A

# **Grading Structures based on Job Evaluation Schemes**

	Job Evaluation Points*		Spinal Column Points	
Day Band	JE Points Minimum	JE Points Maximum	SCP Minimum	SCP Maximum
Pay Band Chief Executive	1990	Maximum	iminimum 1	6
Directors	1710	1940	1	6
Chief Officer	1150	1700	1	5
To be assessed under the Local Government Services Job Evaluation Scheme – see below	0	1140	N/A	N/A

# LGA Senior Managers Job Evaluation Scheme

\* JE point scores increase in tens

# Local Government Services Job Evaluation Scheme

	Job Eva	luation Points	Spinal Column Points	
Pay Band	JE Points Minimum	JE Points Maximum	SCP Minimum	SCP Maximum
Band 1 - 3	0	289	10	10
Band 4	290	299	11	12
Band 5	300	327	13	15
Band 6	328	355	16	18
Band 7	356	383	19	21
Band 8	384	411	22	24
Band 9	412	446	25	28
Band 10	447	481	29	32
Band 11	482	516	33	36
Band 12	517	551	37	40
Band 13	552	606	41	45
Band 14	607	661	46	50
Band 15	662	1000	51	55

COUNCIL

3rd April, 2014



**Report of:** Monitoring Officer

# Subject: REVIEW OF THE COUNCIL'S CONSTITUTION

#### 1. INTRODUCTION

- 1.1 At a meeting of Council held on 5th December, 2013 it was resolved that a Council Working Group in unison with the Monitoring Officer do meet to review the Council's Constitution and "to ensure the aims and principles of the Constitution are given full effect". Article 15 of the Council's Constitution refers to a "protocol" and indicates that the Monitoring Officer in reviewing the Council's Constitution may, amongst other matters "record and analyse issues raised with the Monitoring Officer by Members, Officers, the public and other relevant stakeholders". Consequently views were invited from elected Members, Officers and members of the public and those representations were thereafter raised at the Working Group on 28th January, 2014. As an exception the Working Group was open to members of the public to attend. A Press Release publicising the meeting of the Working Group had been issued, together with notification on the Council's website and individual correspondence was sent to those individuals who had submitted representations as part of the consultation process.
- 1.2 This report therefore captures the views expressed at that Working Group (Appendix A), those changes which are required on the recommendation on the Monitoring Officer (Appendix B) and those matters which require consideration and formal resolutions of Council (Appendix C). It is intended, unless otherwise specified, that changes to the Council's Constitution will be implemented to coincide with the municipal year 2014/15.

## 2. BACKGROUND

2.1 As previously reported, the Local Government Act 2000 required every principal local authority to "prepare, publicise and keep up to date" a written Constitution that sets out its governance arrangements. At that time, this Council adopted the modular form of Constitution consistent with the document "New Council Constitutions – Modular Constitutions for English Local Authorities" (December, 2000) and accompanying DETR guidance. The Council also revised its Constitution in light of the outcome of the

Further Referendum as held on 15th November, 2012 and the subsequent operation of a Committee based system. Accordingly, although revised to reflect this change in its governance arrangements the Council's Constitution (in line with other Local Authorities) follows the format of the Modular Constitution, as detailed below;

- Part 1 Summary and Explanation
- Part 2 Articles of Constitution
- Part 3 Responsibilities and Functions
- Part 4 Rules of Procedure
- Part 5 Codes and Protocols
- Part 6 Members' Allowance Scheme
- Part 7 Appointment to Outside Organisations
- Part 8 Management Structure
- 2.3 The duty to 'prepare, publicise and keep up to date' a Constitution has been carried forward through the Localism Act, 2011, which specifies that a Constitution must contain;
  - a copy of the Council's Standing Orders (now termed "Procedure Rules") for the time being,
  - a copy of the Council's Code of Conduct,
  - such information as the Secretary of State shall direct, and
  - such other information (if any) as the Council considers appropriate.

The Local Authorities (Committees System) (England) Regulations, 2012, specifies those functions which are exclusively the preserve of Council and those which can be delegated to a Committee, Sub-Committee or to an Officer under the principles established under Section 101 of the Local Government Act, 1972. The only other feature of particular mention in these Regulations is that where a Council have decided to have an Overview and Scrutiny Committee, (discretionary in a committee system), it must include a statement within its Constitution to that effect. There are areas where Overview and Scrutiny have a statutory connotation namely in the areas of Health, Crime and Disorder and Flood Risk, where a Council is a "lead authority". These functions, as Members are aware, have been accommodated within the remit of the Audit and Governance Committee.

2.4 Following revisions to coincide with the movement to a Committee system, the Council's Constitution is therefore fully compliant with the 2012 Regulations. Furthermore, the operation of five Policy Committees is also consistent with the earlier DETR guidance, for those Authorities which then operated outside the "executive arrangements", namely the Mayor/Leader and Cabinet models of governance. Given the earlier extensive review of the Council's Constitution it was envisaged that subsequent revisions, particular in the first year of the operation of the "new" Constitution would for the most part, be relatively minor through updating and "fine tuning". It was indicated in the previous report that the "Modular Constitution for English Local Authorities" specified that;

"The Constitution is an important means of enabling citizens and stakeholders to understand how the Council makes decisions and who is responsible for those decisions".

The above sentiments are repeated in the Local Government Association (2012) document "Rethinking Governance – Practical Steps for Council's Considering Changes to their Governance Arrangements". In that document it is mentioned;

"Council's have a responsibility to ensure that decision making is as effective as it can be: decision making should critically benefit from the perspective of all Councillor's, but also be accountable, and involve the public".

Further, that document also indicates that a Local Authority that has changed its governance arrangements should "return to the issue after a year and review how things have gone". The assessment of that review should involve all Members and also engage the "public voice". As mentioned, the present number of Policy Committees is appropriate and they are closely aligned with how the Council functions. Furthermore, unless exempt or confidential items are under consideration members of the public can attend formal meetings of those committees and (as referenced within the Access to Information Procedure Rules) with the consent of the Chair, members of the public can ask questions. This is an important facility which hopefully will enhance public participation but which is a point of reflection in consideration of one of the "issues" raised in relation to public questions at meetings of Council.

#### 3. REVIEW OF THE CONSTITUTION

#### (i) Required Amendments

3.1 Two distinct "issues papers" were provided at the meeting of the Council Working Group on 28th January, 2014. It is therefore considered appropriate the Council similarly considers those matters which require amendment or revision of the Council's Constitution and those matters which were subject to discussion at the Working Group and which will need to be determined by Council. Appendix B therefore concerns itself with those matters which require amendment to the Council's Constitution. Primarily these amendments relate to changes introduced through legislation for example, reference to the titles of Honorary Freewoman and Alderwoman as introduced under the Local Democracy, Economic Development and Construction Act, 2009, as well as to the reference to the Local Council Tax Support Scheme which forms part of the Government's Welfare Reform Programme. There is also reference to the additional functions and responsibilities as provided to the Director of Public Health under the Health and Social Care Act, 2012 and associated Regulations and Members will note in particular the appointment process and any disciplinary action relating to this particular postholder. It should also be pointed out that under

the Council's current Officer Employment Procedure Rules there is mention of a disciplinary process which involves those Officers holding statutory Officer positions and wherein current legislation provides for the appointment of a "Designated Independent Person". The Government are seeking to legislate in this area and those revisions when known will require further amendment. The Local Audit and Accountability Act, 2014, received Royal Assent at the end of January and again some of its provisions most notably that relating to the formation of a "Local Audit Panel" which will oversee the appointment of the Council's external auditors will also entail further revisions to the Council's Constitution.

- 3.2 Reference to the "Children's Strategic Partnership" is now made in Schedule 2 of the Constitution (Appendix 1). Members will also observe that the functions of the former Grants Committee (with the exception of the Civic Lottery Fund) are now to be included within the functions of the Finance and Policy Committee (Appendix 2). Changes are also made to the Contract Procedure Rules (Appendix 3). Members will also note the suggested inclusion in the Constitution of various "pro formas" relating to the calling of Extraordinary Meetings under the provisions of the Local Government Act, 1972 and the "Reference to Council" mechanism under Council Procedure Rule 27 (Appendices 4 & 5). There is also a clearer demarcation in those items of business at Council meetings in relation to Council Procedure Rule 12. Previously, Procedure Rule 12.1 and 12.2 had essentially been referenced together without distinction. The suggested change now separates and distinguishes these Rules to record the ability of questions to Chairs of Committees and Forums about recent decisions without notice (under Council Procedure Rule 12.1) and those guestions with notice (under Council Procedure Rule 12.2).
- 3.3 The Local Authorities (Standing Orders) (England) (Amendment) Regulations, 2014 now require a recorded vote to be taken on any "budget decisions". For the avoidance of doubt, "budget decisions" relates to the setting of the Council's precept and also the statutory calculations which underpin the Council Tax to be collected by the Borough Council. Members will recall these Regulations came into effect on 25th February, 2014 and will not have so significant an impact upon this Council, as it has been common practice to take a recorded vote on such matters as part of this Council's overall governance. However, these provisions will now be incorporated within Council Procedure Rule 17 and reference will also be made to the statutory definition of what constitutes a "budget decision". Members will also recall that following a six months trial agreed by the Finance and Policy Committee all Members will have access to the so called "pink papers" of "non-urgent" key decisions and this will be mentioned within the Access to Information Procedure Rules. Members will also note the revisions to the Council's Planning Code of Practice (Appendix 6), revised Code of Corporate Governance (Appendix 7) as well as the Protocols for filming, recording and photographing Council meetings (Appendix 8) which document is in general conformity with the Local Audit and Accountability Act, 2014. It is also to be noted, the power of the Secretary of State to

introduce regulations and guidance in relation to filming, recording etc of meetings.

3.4 The Members' Allowances Scheme is to be updated to reflect the agreed 1% increase in Members' Allowances. Any changes to that Scheme by way of amendment must follow a consideration of the recommendations of the Independent Remuneration Panel and is therefore a matter outside of the scope of this report. There are also some revisions to Part 7 of the Council's Constitution which relate to appointments to outside organisations and other bodies as mentioned therein and Members will note that recent changes to the governance of the Local Government Association is now reflected in the appended document. Finally, the Council's management structure (Part 8 of the Constitution) as at 1st April, 2014 has been updated to reflect changes in that structure.

#### (ii) Matters for Determination

3.5 **Appendix C** covers those matters which have been raised before the Council Working Group and which incorporates representations received from members of the general public. It is perhaps worthwhile itemising those matters under their relevant headings for the benefit Members' consideration of these matters and their determination upon the same;

#### (a) Public Questions

3.6 The "new" governance arrangements extended the time available for "public questions" albeit that questions were to be read out by the Chief Executive Officer rather than as was previously the case by the questioner. Furthermore, the number of questions was increased from one to two but supplementary questions were removed. The Council's Access to Information Procedure Rule allow (at the discretion of the Chair) questions to be raised by members of the public attending Committee meetings. The Council has therefore sought to publicise the meetings of its Policy and Regulatory Committees and public speaking rights do relate to the regulatory activities of the Council and are covered in the guidance document contained within Part 5 of the Council's Constitution. In my opinion, the meeting of full Council is a more formalised occasion, where certain decisions are reserved by law to be taken solely by Council and also where formal debate by Members is a pivotal part of the transaction of business. That formality should reflect how a Council meeting is conducted. I therefore see no objection in principal to questions being read out by an Officer of the Council and would not condone the suggested "free for all" questioning of Members. Council should be formal, orderly and above all, civil. I do not see any "democratic deficit" in Council proceeding in the manner currently adopted under its governance arrangements which came into effect at the start of the present municipal year. Practice in relation to public questions varies considerably amongst Local Authorities. It is appreciated that the issue surrounding public "supplementary questions" has generated particular interest and debate, both within and outside of the Council. I have previously indicated that the Modular Constitution provided for one

supplementary question to be given. The Council allowed for two supplementary questions as introduced into its Constitution under the Local Government Act, 2000. Again, this is a matter entirely at the discretion of each individual Local Authority. The views of the Council Working Group are referenced within Appendix A. There is also the suggestion that questions should continue to be allowed to the Ceremonial Mayor in their capacity as Chair of the Council. The position of Chair is essentially to regulate the meetings of Council and those matters, often of a civic and ceremonial nature, as referenced within Article 5 of the Council's Constitution. I see no particular reason why questions on notice should be directed to the Ceremonial Mayor other than where that individual is a Chair of a Committee or Council Forum. Similarly, the Leader of the Council as defined within Article 6 of the Council's Constitution is an individual who is appointed through convention rather than through any statutory requirement. Accordingly it follows, that individuals should be subject to questions in their role as Chair of the Council Committee or Forum, not least as the Chair of the Council's Finance and Policy Committee, but not necessarily as "Leader". It has also been suggested that the position of "Leader" be subject to a "ballot" taken at the same time as the holding of the municipal elections, not least to offset costs. There are provisions to hold polls in limited circumstances (for example, Section 116 of the Local Government Act, 2003), but the same are persuasive only and have no binding effect. I would therefore consider an "election" for a Leader as suggested would have no binding effect and any expenditure associated with the conduct of such a ballot could be seen as being unlawfully incurred. The position is more than adequately covered within the Constitution (Article 6.01 and Council Procedure Rule 4) as previously drafted.

#### (b) **Proportionality**

3.7 The Local Government and Housing Act, 1989 requires as far is reasonably practicable, a Local Authority should allocate seats to be filled by appointment that is broadly representative of the different political groups within the Authority. A Guidance Note (**Appendix 9**) is appended and could be accommodated within Part 5 of the Council's Constitution as a reference document. This Guidance Note is intended to give general advice on the review and allocation of seats under the 1989 Act and the additional requirements that fall under the Local Government (Committees and Political Groups) Regulations, 1990. For the avoidance of doubt, although the 1989 Act specifically refers to "political groups" the Council have traditionally sought to include all Councillors within the broader allocations of seats, whether or not the Councillor is aligned to a political group or not.

#### (c) Others

3.8 There is the suggestion that the Ceremonial Mayor (Chair of Council) should be appointed subject to a rota. The Local Government Act, 1972 prescribes that at its annual meeting a principal Council is required to appoint a Chair and Vice-Chair for the ensuing municipal year. Consequently, although this appointment needs to be made on an annual basis there is no statutory impediment to the operation of such a "rota system". It is therefore suggested through the Council Working Group that these positions should be occupied for no longer than two consecutive years. It was also the opinion of the Council Working Group that there should be no separation of the roles of the Ceremonial Mayor and Chair of Council and therefore by implication the roles of Deputy Ceremonial Mayor and Vice-Chair of Council.

- 3.9 There was a recommendation from the Children's Services Committee that the membership of the Corporate Parent Forum should include all Members of Children's Services Committee together with the Chair of Adult Services Committee. There are also certain co-opted appointments in relation to the Forum. It was also suggested that the Chairs of Adult Services Committee and Children's Services Committee be outside the consideration of political proportionality. However, under present arrangements the Chair of Adult Services Committee has been able to be a member of the Corporate Parent Forum, so it would be possible for political balance to be applied wherein the Chair of Adult Services Committee would also be a member of the Corporate Parent Forum. It also needs to be emphasised that all Members as part of the Council as a corporate entity and are therefore the "Corporate Parent" and are able to attend Corporate Parent Forums and should at the very least be aware of its workings.
- 3.10 There is also a additional representation, in relation to the operation of the Children's Services Committee with respect to its "Education representatives". A Direction by the Secretary of State for Education provides that there should be representations from a "diocesan body" on a Committee which discharges "education functions". Currently, Children's Services Committee has positions for two such representatives to attend and have voting rights when dealing with "education matters". This representation relates to those schools maintained by the Local Authority and consideration should therefore be given to those 'education representatives' who will represent institutions outside of maintained schools. The Government has yet to legislate specifically for such representation, but it is open for the Council to co-opt (and allow voting rights) to such representatives. It was also suggested that the composition of "education representatives" from diocesan bodies covers representation for both primary and secondary maintained schools. It is also the requirement under the Parent Governor Regulations, 2001, for between two and not more than five parent governor representatives, (following an election), to participate on a committee dealing with educational matters and have voting rights thereon. The Council's Constitution presently prescribes for three such representatives and again, although such representation is ordinarily limited to primary, secondary and special schools maintained by the Local Authority, Members may wish to give consideration to co-option of such parent governor representatives outside of the above definitions. The terms of office of a parent governor representative can be between two and not more than four years whilst the appointment of an "education representative" is generally for a period not exceeding four years. The terms of office of a "co-opted representative" can be for such a period as the Council may determine.

- 3.11 The Council is required to have appointed certain officers to cover Adult and Children's Services and also to have "lead Members" in relation to those roles. Members generally have responsibility as champions for the alleviation of child poverty and it is possible for other roles to be so defined and for Member representation as "champions". Again, if Members wish to proceed with such an initiative, it is suggested that a further report be tabled.
- 3.12 There was also the suggestion that the Health and Wellbeing Board seeks to include representatives from other Health Trusts. Although there are certain requirements relating to the appointment of Members of the Board, essentially the Board is a collective body deciding upon its own membership. This suggestion should therefore be considered by the Board at their entire discretion.
- 3.13 It was previously decided by Council that the membership of the Planning Committee should be retained at 16 (quorum 7). It now appears to be opportune to reappraise the composition of the Committee in order to more closely align the Committee with the overall membership of the Council. It is therefore suggested that the composition of this Committee be reduced to 11 Members (quorum 5). This Committee would need to be politically balanced and ideally representing a majority of the Wards within the Borough. However, it will be inevitable that not all Wards will have a Committee representative in that situation, and individual Ward Members would be able to address the Committee on an application, as presently applies. Although the Planning Committee is not strictly a "statutory committee" (unlike the Licensing Committee established under the Licensing Act, 2003) wherein substitution of Members is not allowed, Members may wish to prohibit the use of substitutes on this Committee.
- 3.14 There was a public suggestion that the minutes of a Committee and any decisions thereon should be actioned once those minutes had been formally approved. This would entail that no decision would be able to be implemented until the subsequent Committee approved those minutes. This would unduly inhibit the decision making process and matters of accuracy of those minutes could still be considered at a subsequent meeting, as is presently the case.
- 3.15 It has also been suggested that there should be compatibility between the requisitioning of an Extraordinary Meeting under the Local Government Act 1972 which requires the signatures of at least five Members and the reference to Council under Council Procedure Rule 27. This is a matter entirely for Council but Members must realise that use of Council Procedure Rule 27 which relates itself to non urgent key decisions is an entirely different mechanism from the calling of an Extraordinary Meeting under the 1972 Act. Under that legislation five Members need to so requisition. The reference to Council is an entirely different creature and "inbuilt" within that procedure rule are steps to limit the use of this mechanism wherever practicable. Both measures should be seen as being somewhat exceptional in nature. Although Council have moved away from the "call-in" process of

the former scrutiny system, should they wish to limit the number of signatories in a reference to Council under Rule 27, they may wish to have signatories from at least two political groups, to activate the use of this procedure rule, by way of a suggestion.

#### 4. REASONS FOR RECOMMENDATION

It is opportune for Council to review its formative governance arrangements following on from the movement away from executive arrangements to that of a committee system, which was introduced at the start of the present Municipal Year. The Local Government Association and the Centre for Public Scrutiny suggests that the ideal time for such a review is following the first year of operation of any new system. I am minded that the recommendations mentioned herein fall ostensibly into two distinct categories. Those that are required through statute or better governance and those matters which require further consideration and determination by Council. Therefore, in unison with the minutes of the Council Working Group (**Appendix A**) the two appendices to this report (**Appendix B and Appendix C**) demarcate those matters which Members should approve without qualification and those matters which will require debate and decision.

#### 5. **RECOMMENDATIONS**

- 1. That Members approve those required amendments to the Council's Constitution as outlined in **Appendix B**.
- That Members consider and determine those matters within Appendix
   C, which would require changes to the Council's Constitution, with particular emphasis upon the following areas:-
  - Position of Ceremonial Chair to be occupied for no longer than 2 consecutive years (issue number 58)
  - Corporate Parent Forum change to composition of Forum (issue number 60)
  - Additional representation on Children's Services Committee with respect to "education representatives", parent governor representatives and potential other co-optees (issue number 61)
  - Reduction in number of Members on Planning Committee from 16 to 11 Members (issue number 65)
  - Determination of whether substitution arrangements will be permitted in respect of Planning Committee (issue number 65)
- 3. That Members agree that reports be presented on options in respect of the following issues:-
  - Review of composition of Children's Strategic Partnership
  - Review of format of Neighbourhood Forums with regard to 'Face the Public' agenda items
  - Alignment of the role of 'Champions' to the general duties of Committee Chairs

4. Unless where otherwise specified, the resolution of Council in respect of all the changes incorporated within Appendix B and those changes agreed by Council in respect of Appendix C operate from the beginning of the Municipal Year 2014/15.

#### 6. BACKGROUND PAPERS

- 1. Localism Act, 2011.
- 2. Local Authorities (Committee System) (England) Regulations 2012
- 3. Rethinking Governance Practical Steps for Councils Considering Changes to their Governance Arrangements (Local Government Association/Centre for Public Scrutiny)
- 4. New Council Constitutions: Modular Constitutions for English Local Authorities (December 2000)
- 5. DETR New Council Constitutions: Guidance for English Local Authorities

# **COUNCIL WORKING GROUP**

## 28 January 2014

The meeting commenced at 5.00 pm in the Civic Centre, Hartlepool

#### Present:

Councillors:	Ainslie, C Akers-Belcher, S Akers-Belcher, Barclay, Cook, Dawkins, Fisher, Fleet, Gibbon, Griffin, Lauderdale, G Lilley, Loynes, Morris and Simmons
Officers:	Dave Stubbs, Chief Executive Andrew Atkin, Assistant Chief Executive Peter Devlin, Chief Solicitor Amanda Whitaker and Denise Wimpeny, Democratic Services Team
Public	Steve Latimer, John Maxwell, Ray Pocklington and David Riddle

#### 1. Introductions

The Chief Executive welcomed Members and members of the public to the meeting and highlighted his intention to Chair the meeting. Clarification of the purpose and format of the meeting was provided.

2. Issues Paper – Constitution Review

The Group was referred to an Issues Paper which had been circulated in advance of the meeting, copies of which were available at the meeting. The Issues Paper was separated into two parts, process and discussion items. Whilst it was not proposed to discuss process items, as set out in Part 1, (reference numbers 1-32), there was the opportunity to raise any questions. Elected Members and members of the public were invited to raise questions in relation to the discussion items set out in Part 2 of the Issues Paper.

In the discussion that followed Officers responded to issues raised by the Group in relation to the following:-

#### **Public Questions**

• A member of the public suggested that all questions raised by the public at Committee meetings should be recorded.

• A Member expressed support in relation to the proposals presented by Councillor Brash in a recent email which had been sent to all Members. It

was highlighted that these submissions were included within the Issues Paper.

• A lengthy discussion ensued in relation to current methods of community engagement, public questions and voting procedures at meetings. In response to a member of the public's recommendation that the public should have the ability to ask Elected Members questions at full Council in the same way as they did at Committee meetings, the Leader outlined the benefits of the current arrangements and importance of public participation in Committee meetings. The Leader emphasised that the current governance arrangements provided for questioning at the lowest strategic level.

• Supplementary Questions - Whilst there was some support for the reinstatement of supplementary questions, there were also arguments against this proposal

• Public Participation at Meetings/Attendances at Meetings/Timing of Meetings – Members of the public reiterated the importance of public participation at full Council meetings and it was suggested that the start times of meetings should be reviewed to encourage/increase public participation. The various existing methods of engaging with the public were shared with the Group. The need to explore the ways in which meetings were currently publicised was suggested.

• Consideration of Council Questions - A Member of the public was of the view that the vetting of Council questions should not be within the remit of the Chair of the Council or any Elected Member. It was noted that the approval of Council questions was the responsibility of the Chief Executive in consultation with the Chair of Council.

• Questions to the Leader - With regard to a Member suggestion that questions be allowed to the Leader irrespective of being a Chair of any Committee or Forum, it was reported that recommendations from the Corporate Management Team in this regard would be presented to Members for consideration.

## Proportionality

• In response to a request for clarification in relation to reference number 48 of the Issues Paper relating to the mathematical calculation of the political composition of the Council, the Chief Solicitor provided an explanation of the allocation of seats process as set out in the political balance/proportionality guidance note attached as an appendix to the Issues Paper.

• A Member expressed concern that the allocation of seats process was unfair and should be reviewed. In relation to outside body appointments, some concern was also expressed regarding the poor attendance by some Members and it was suggested that this process should be reviewed to ensure the Council was adequately represented on outside bodies. A number of comments/concerns were raised regarding Member attendances at meetings and the need to explore Member attendances at meetings generally was recommended. It was suggested that the reasons for non-attendance at meetings should be recorded as well as details of when Members left meetings.

#### Others

#### **Ceremonial Mayor**

• In relation to public suggestions that the position of Ceremonial Mayor should be on a rota basis and that the role of Ceremonial Mayor should be separate from the Chair of Council, the majority of those present were of the view that the role of Ceremonial Mayor and Chair of Council should be one role. Support was expressed for the rotation of this role and a view was expressed that the Constitution should include a maximum of two consecutive terms for the office of Chair/Ceremonial Mayor and be an annual appointment.

#### **Corporate Parent Forum**

• Although a change in the composition of the Corporate Parent Forum had been proposed it was highlighted that all Members were able to attend Corporate Parent Forum meetings and the role of Members as Corporate Parents was noted. It was therefore considered that the specific reference to the Leader of the Council being a member of the Forum be removed.

#### **Corporate Parent Forum**

Agreed.

#### **Children's Strategic Partnership**

• It was clarified that the composition of the Partnership included the Lead Member for Children's Services as opposed to Chair of Children's Services Committee.

#### **Neighbourhood Forums**

• A member of the public questioned the legality of introducing face the public sessions at Council meetings. The Chief Solicitor advised that whilst the Council Procedure Rules facilitated public engagement in terms of questions to Council and Motions, full Council was not an appropriate arena for face the public events. Face the public events were currently carried out on an informal basis and it was proposed that the current arrangement of basing face the public events on themes/key areas should continue.

#### **Role of Member Champions**

Agreed alignment to the general duties of Committee Chairs.

#### Health and Wellbeing Board Membership

•. A member of the public requested further information on the role/remit of the Health and Wellbeing Board. The option to invite other Trusts to Health and Wellbeing Board Meetings as appropriate was highlighted.

#### Planning Committee – possible reduction in number of members

• The suggestion of a reduction in the number of members on Planning Committee was debated at length. The benefits of a reduction in membership as well as the benefits of retaining the status quo were outlined. There were mixed views on this issue.

• The quasi judicial nature of the Planning Committe was highlighted in response to a member of the public's view that there should be a minimum of 1 Elected Member from every Ward on Planning Committee.

#### Relationship Safer Hartlepool Partnership/Neighbourhood Services Committee – Transfer of Community Safety Function to Finance and Policy Committee

The Chief Executive indicated that this issue had been considered earlier in the meeting?

#### Part 4 Rule 18 - Minutes

• A general discussion took place on the agreement of minutes process In response to a suggestion that all meetings be audio recorded, the practicalities and cost implications of introducing an efficient audio recording system were outlined by the Chief Executive.

#### **Reference to Council**

• In relation to a suggestion that the number required for referral be reduced from 17 to 5, it was highlighted that there was currently provision within the Local Government Act and the Council's Constitution to call an Extraordinary Meeting of Council which required the signature of 5 Members.

#### Members' Allowances Scheme

• It was reported that there were no claims for attendances at political groups and the Council did not fund travel cards.

• A member of the public suggested that mileage rates be reduced to 45p per mile as opposed to 52.2p per mile.

• A Member expressed a view that there was no value to the Special Responsibility Allowance (SRA) allocated to the Principal Minority Group Leader. It was noted that any changes would have to be considered first by the Independent Remuneration Panel.

• In relation to reference number 67 that Members' Allowances be reviewed but not increased, it was acknowledged that Members' Allowances should be reviewed in future and that allowances should reflect the level of work and responsibility of individuals.

#### 3. Concluding Remarks

In response to a request for clarification, the Chief Executive reported that a report on the Constitution Review would be presented to the Council meeting on 3 April 2014 which would include the views that had been expressed by the Working Group.

The meeting concluded at 7.00 pm.

CHAIR

#### **REVIEW OF CONSTITUTION – 2014**

### **1 - REQUIRED AMENDMENTS/PROCESS**

Ref No	Subject	Reasons
	Part 1 – Summary and Explanation	
1	People's Rights – include reference to Council Tax referendum	Right of a registered elector to participate in any council tax referendum 'Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) (Amendment) Regulations 2014'
	Part 2 – Articles of the Constitution	
2	Article 2 – Members of the Council 2.02 – date of elections include " subject to Parliamentary Order"	Dates of Ordinary Elections can be combined resulting in a different election date than that prescribed in Constitution see Local Elections (Ordinary day of elections in 2014) Order 2013
3	Article 4 – Full Council 4.01 (vii) – functions of the Council to include reference to Honorary Freewoman and Alderwoman	Changes to 'Local Freedoms and Honorary Titles' introduced through the Local Democracy, Economic Development and Construction Act 2009
4	4.4 (a) Policy Framework Include reference to Local Council Tax Support Scheme	Part of the Government's Welfare Reform Initiatives which requires formal Council approval for adoption.
5	Tees Valley Unlimited – addition of paragraph "Decisions taken by the Chief Executive Officer under delegated powers subject to consulting with and seeking the agreement of the Leader of the Council where decisions are required at Tees Valley Unlimited."	To conform with the Joint Agreement for the Governance of Tees Valley Unlimited between the Tees Valley Local Authorities dated 31 March 2011.
6	Article 10 – Neighbourhood Forums 10.07 (iii) – suggested amendment 'consult <i>and engage with residents</i> on the development of key partner strategies and plans for the Borough'	To assist in clarification of the role of the Neighbourhood Forums.

7	<ul> <li>Article 12 – Officers</li> <li>Addition of the following to Director of Public Health:-</li> <li>4) Such other public health functions as the Secretary of State shall determine, <i>including functions in planning for and responding to emergencies which pose a risk to Public Health.</i></li> <li>5) Responsibility for providing representations on behalf of the Council as a responsible authority under the Licensing Act 2003 and associated regulations.</li> </ul>	Recognition of the additional functions and responsibilities that the Secretary of State may provide under the Health and Social Care Act 2012 and Regulations made thereunder.
8	Schedule 2 – political structure – to include Children's Strategic Partnership – <b>Appendix</b> 1	Clarification to assist with an understanding of the Council's structure.
	Part 3 – Responsibility for Functions	
9	Track changes document submitted as <b>Appendix 2</b>	See Appendix 2.
10	Functions within former Grants Committee to be included in the functions of Finance and Policy Committee with the exception of Civic Lottery Fund which is to be reported annually to Neighbourhood Services Committee in accordance with the decision of the Finance of Policy Committee (Aug 2013).	Changes to assist with the better governance of the Council having regard to the responsibility for functions assigned through its Committees.
	<b>Note</b> – Functions of former Grants Committee – Allocation of Grants of over £500 from the following funds:-	
	<ul> <li>Community grants pool</li> <li>Community safety capital grants</li> <li>Grants for play schemes and play development</li> <li>Directed lettings</li> <li>Voluntary sector youth centre support</li> <li>Youth advisory grants</li> </ul>	
	The sponsorship of new grant-aiding schemes, related to community services functions funded by external agencies.	
11	Clarification Relationship Safer Hartlepool Partnership/Neighbourhood Services Committee – Community Safety Plan /SHP/NS Cttee to Council – transfer of Community Safety function to Finance and	

-		
	Policy Committee	
12	Amendments to the powers of the Director of Public Health relating to pharmaceutical needs assessment, the information contained in those assessments and consultation requirement thereon. Further, the preparation maintenance and publication of required pharmaceutical and other lists and arrangements for applications in respect of them.	Requirements as set out within the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013.
13	Power to Act Generally Appendix 2 in the current constitution to be updated.	To reflect changes in legislation up to commencement of the next municipal year
	Part 4 – Rules of Procedure	
	Access to Information Procedure Rules	
14	Rule 19.1 – Delete the requirement to 'advertise' Forward Plan dates	No longer statutory requirement.
15	Rule 22 – quarterly report on Special Urgency decisions — inclusion on Chief Executive's Business Report rather than the Leader submitting quarterly reports to Council.	Highlighted as good practice by Monitoring Officer.
16	Contract Procedure Rules - Appendix 3	Track changes document (appendix 3) incorporating amongst other matters Hartlepool living wage, "blacklisting" following motions resolved by Council
	Council Procedure Rules	
17	Calling Extraordinary Meetings	
	Suggested pro-forma attached Appendix 4	To assist with this procedure
	Order of Business at Ordinary Meetings –	
18	amendment of procedure rule 2.1 viii)	Separation of Council Procedure Rule 12 into its constituent parts – Rule 12.1
	a) Questions to the Chairs about recent decisions of Council Committees and Forums without notice under Council Procedure Rule 12.1	(questions without notice in defined circumstances) and Rule 12.2 (questions with notice in conjunction with other Procedural Rule
	b) Questions on notice to the Chair of any Committee or Forum under Council Procedure Rule 12.2.	requirements)

	c) Questions on notice to the Council representatives on the Police and Crime Panel and Cleveland Fire Authority	
	d) Minutes of the meetings held by the Cleveland Fire Authority on xxxx and the Police and Crime Panel held on xxxx for information	
19	<b>Questions by Members</b> – procedure rules relating to accepting member questions/reasons for rejection	Should be broadly comparable with questions/reasons for rejection for public questions – Rule 11 refers
20		The Local Authorities (Standing
	Rule 17 – Voting Recorded Vote on Budget Decisions to be incorporated.	Orders) (England) (Amendment) Regulations 2014 require a recorded vote to be taken on any 'budget decision' taken by the Authority.
21	Rule 23 – Interests of Members in Contracts and Other Matters	To reflect the Council's Code of
	Heading to be amended to read:- "Pecuniary or Prejudicial Interest of Members in Contracts and other Matters"	Conduct and Contract Procedure Rules and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.
22	and amend bullet point (ii) "the contract, proposed contract or matter is under consideration as part of the report of a body or committee and is not itself the subject of debate <i>and where that interest is not</i> <i>pecuniary or otherwise a prejudicial interest.</i> "	
23	Rule 27 – Reference to Council	To assist with Procedure.
	Suggested pro-forma attached - Appendix 5	
24	Officer Employment Procedure Rules	
27	Appointment of Director of Public Health – A Committee of the Council will make this appointment. The Committee to also include:-	
	- External Health Professional Assessor	
	- Local Authority Chief Executive Officer or nominee	To conform with provisions in the
	- Senior Local NHS representative	Health and Social Care Act 2012.
	- Public Health England Regional Director or nominee	

25	<b>Disciplinary Action relating to Director of</b> <b>Public Health</b> – The Local Authority must consult the Secretary of State before dismissing the Director of Public Health	
	Access to Information Procedure Rules	
26	Formalise Access to "Pink Papers" by all Members for (non urgent) key decisions – 6 month trial agreed by Finance and Policy Committee from 1 October	
	Part 5 – Codes and Protocols	
27	Revised Planning Code of Practice - Appendix 6	Updated and Revised
28	Revised Code of Corporate Governance - Appendix 7	Updated and Revised
29	Addition of Protocol for Filming, Recording and Photographing Council Meetings – Appendix 8	Compliance with the Local Audit and Accountability Act 2014 and Guidance issued through the Secretary of State
	Part 6 – Members' Allowances Scheme	
30	Updated	To reflect 1% increase in Members' Allowance
	Part 7 – Appointments to Outside Organisations and other bodies	
31	1. Tees Valley joint Health Scrutiny Committee –	3 seats with seat 1 allocated to the Chair of Audit and Governance Committee
32	2. NuLeaf	Chair Regeneration Services Committee
33	3. North East Cultural Partnership	Chair of Regeneration Services Committee
34	4. Regional Health Scrutiny Cttee	1 place

35	5.	Economic Regeneration Forum	Chair of Finance and Policy Committee and Chair of Regeneration Services Committee and Director of Regeneration and Neighbourhoods
36	6.	Limestone Landscapes Board	1 place
37	7.	Local Government Association	Changes to the Local Government Association governance arrangements agreed by LGA General Assembly on 23 January 2014. The Rural and Urban Commissions and their respective Steering Groups will be disbanded with the creation of the City Regions and People and Places Boards. The 2 Boards may continue to hold an annual conference. This Council will nominate only to the General Assembly as the nominations to the City Regions and People and Places Boards will be made by the LGA's political groups.
38	8.	Industrial Communities Alliance	1 Elected Member representative and 1 Officer representative (usually with an economic regeneration/ development interest/background)
39		- Management Structure ed Management Structure	To reflect changes effective from 1 April 2014 in the Council's Management Structure.

## **REVIEW OF CONSTITUTION – 2014**

#### MATTERS FOR DETERMINATION

Ref No	Subject	Yes	No	Comments
	A. Public Questions			
	Council Procedure Rules			
	Public Questions - Member suggestions			
40	• Members of the public should be allowed to ask their own questions, instead of having it read out for them.		X	No valid reason to change current Constitution arrangements
41	• The deadline for submission of public and Member questions should be reduced (noon on the day prior to the Council meeting)		x	No valid reason to change current Constitution arrangements
42	• The public should have the facility to ask questions without notice, just as Councillors are allowed to do, but only, as with Councillors, if it relates directly to a recent decision (made since the last meeting).		x	No valid reason to change current Constitution arrangements
43	• The Leader of the Council should be required to answer questions on any aspect of Council business, in the same way as the Elected Mayor did.		x	Elected Members answer questions appropriate to their area of responsibility
44	• All Councillors should be able to be questioned, not just those who hold certain posts, about the work they are involved in.		x	No valid reason to change current Constitution arrangements
	Public Supplementary Questions			
	Member Suggestions			
45	No return of supplementary questions.	x		
46	• Alternative suggestion from Members that supplementary questions be reinstated to original		x	No valid reason to change current Constitution arrangements.

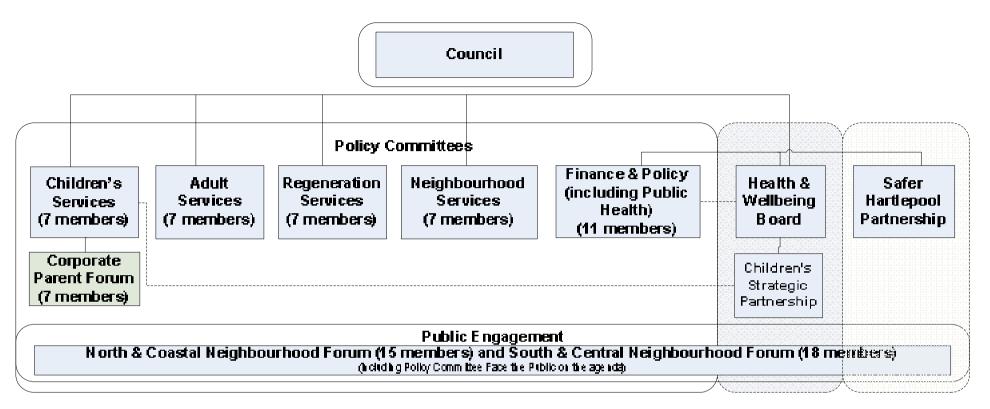
	number of 2.		
	Public Suggestions		No volid research to shanne
47	• 2 questions with 2 supplementary questions be reintroduced	x	No valid reason to change current Constitution arrangements.
48	• Public should have the ability to ask Elected Members questions "verbally in Full Council" as opposed to being read out by Chief Executive Officer	x	Item 40 refers.
49	• That questions on notice only provide for a prescriptive answer" and questions without notice should be permitted.	x	Item 42 refers.
	Questions on Notice at full Council		The position of Ceremonial Mayor/Chair
50	Whether questions should be allowed to the Ceremonial Mayor in his/her capacity as Chair of the Council?	X	Council is not decision making role.
51	<ul> <li><u>Member suggestion -</u></li> <li>That questions be allowed to the Leader irrespective of being a Chair of any Committee or Forum.</li> </ul>	x	Item 43 refers.
	B. Proportionality		
	Part 5 – Codes and Protocols		
	Political Balance/Proportionality		
	Public suggestions		
52	• Not only should committees be broadly representative of political balance , the Membership of committees should also reflect the composition of Council Wards – <b>Note</b> officer advice, this would prove to be impractical given the present size of committees and present composition of Council following Local Government Boundary Review – Committees have the ability to listen to the views of Ward Councillors.	x	52-57 Overall proportionality discussed every year in accordance with applicable legislation. Guidance Note refers.
53	• The constitution be amended to ensure proportionality regarding Committee Chairs and Vice-Chairs.		"Rules of Proportionality" apply to the overall composition of
54	<ul> <li>The mathematical calculation of political composition of the Council should be undertaken by Chief Solicitor in his role of Monitoring Officer.</li> <li>Note – this is current practice (guidance note attached at Appendix 9 refers)</li> </ul>		Committees/Sub- Committees etc not to the appointment to the positions of Chair/Vice
			Chair. However, the

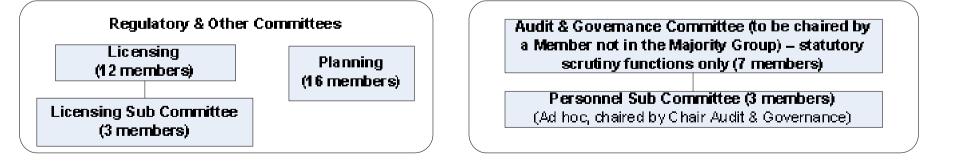
# 12 (1) APPENDIX C

55	Committees should reflect the political composition of the Council as a whole (4 submissions) <b>Note</b> position is referred to in attached guidance note – <b>Appendix 9</b>			apply broad political balance to such appointments.
56 57	<ul> <li><u>Member suggestions</u></li> <li>The allocation of Chairs of Committees and Forums reflect the true political proportional balance of the Council</li> <li>The allocation of seats on the Fire Authority represent the political proportional balance of the Council on a simple mathematical basis Note - see Appendix 9</li> <li>C. Others</li> </ul>	x		
58 59	<ul> <li>Part 2 – Articles of the Constitution</li> <li>Article 5 – Ceremonial Mayor</li> <li>Public suggestions -</li> <li>Position of Ceremonial Mayor (Chair of Council) should be on a rota.</li> <li>Separate roles of Ceremonial Mayor and Chair of Council</li> </ul>	x	x	Legislation prescribes the appointment of the Chair and Vice Chair (Ceremonial Mayor/Deputy Ceremonial Mayor) to be reserved to the annual meeting of the Authority. Suggestion that
60	Article 7 – Policy Committees Corporate Parent Forum potential increase in membership (presently 7 members of the authority, comprising Chair of Children's Services Committee, Chair of Adult Services Committee, Leader of the Council, plus 4 other Members, 4 non-voting co- optees and 2 officers - NB: recommendation of Children's Services Committee to increase membership to include all Members of the Children's Services Committee and Chair of Adult Services Committee. Also suggested that the Chairs of the Adult Services Committee be outside consideration of political proportionality requirements for inclusion in the membership of the Corporate Parent Forum.	x		these positions be occupied for no longer than 2 consecutive years. All Members able to attend Corporate Parent Forum meetings and have an important role as Corporate Parents. Therefore, specific reference to the Leader of the Council being a member of the Forum to be removed. Note - Membership includes Lead Member Children's Services. Future report to be presented on options.
61	Additional representation to review the composition of the Children's Services Committee with respect to "Education representatives", parent governor representatives and potential other co-optees.	x		Report to be presented to Children's Services Committee on options.

	Article 9 – Joint Committees and Partnership Boards			
62	Children's Strategic Partnership – Member suggestion – composition of partnership be reviewed (currently 1 Member – Chair of Children's Services Committee)	x		Future report to be presented on options.
	Article 10 – Neighbourhood Forums 10.05 – Operation of Neighbourhood Forums Member suggestion – format of "Face the Public" at Neighbourhood Forums to be discussed.	x		Future report to be presented on options.
	Part 3 – Responsibility for Functions			Recommended in
63	Role of Champions – alignment to the general duties of Committee Chairs.	x		principle, report to be presented on options.
64	Health and Wellbeing Board Membership – Audit and Governance Committee recommendation - That a recommendation be made to the H&WBB that the membership of the H&WBB be reconsidered to include representatives from other Health Trusts.		x	Option to invite other Trusts to attend meetings of Board if appropriate to agenda items.
65	Member suggestion – Planning Committee – possible reduction in number of Members – currently 16.	x		<b>Note:</b> Following recommendations of a Peer Review, suggested that the composition of Planning Committee be limited to 11 Members (quorum 5 Members) Consideration as to whether substitution should be allowed for this Committee)
	Part 4 – Rules of Procedure			
	Council Procedure Rules Rule 18 - Minutes			
	Public suggestion			
66	• That minutes should be passed only after the full Committee has agreed them to be a true record.		x	This would slow down the process of implementing a decision of a Policy Committee and potentially undermine Council Procedure Rules (Council Procedure Rule 27 refers)

67 68	Rule 27 – Reference to Council <u>Member suggestion</u> • Number required for referral be reduced from 17 to 5.         Scrutiny Procedure Rules		x	Distinction between CPR 27 which would seek a review of a key decision and the ability for Members to request the calling of an EO meeting under the Local Government Act 1972 (which requires the signature of 5 Members.)
	<u>Member suggestion</u> Possible expansion of the Councillor Call for Action Procedures		x	In view of significant reduction in resources, to be maintained at statutory minimum.
69	<ul> <li>Part 6 – Members' Allowances Scheme <u>Member suggestions</u></li> <li>Changes to travelling and subsistence rates (suggested mileage rate 45p per mile as opposed to 52.2p per mile, travel cards should not be funded by the Council and travel and subsistence should not apply for attendance at political meetings.</li> </ul>			Noted that there were no claims for attendances at political groups and the Council did not fund travel cards.
70	<ul> <li>Review Members' Allowances but do not increase them.</li> </ul>	x		SRAs to be reviewed this year, in accordance with IRP recommendation.





# Advisory & Joint Arrangements

# Part 3

# Responsibility for Functions

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HBC Constitution

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Part 3 - Page 2

# **RESPONSIBILITY FOR FUNCTIONS**

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HBC Constitution

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HBC Constitution

Part 3 - Page 4

# A. INTRODUCTION

- **1.** This part of the Constitution sets out which bodies are responsible for particular Council functions.
- 2. These are described in more detail in the paragraphs below. Also included in this part of the Constitution are details of the membership of Committees and Forums, information about other bodies (including advisory bodies) and the list of proper officer functions. Advisory bodies have no decision-making power but will advise the Council or its Committees or Sub-Committees, about a particular function. The list of proper officer functions sets out the Officers responsible for certain functions under a particular piece of legislation.

#### **Council Functions**

3. These are functions which under law cannot be the responsibility of a Committee or Sub-Committee or through an Officer. For example adopting the annual budget, is a decision which can only be taken at a meeting of the Full Council. In other cases, the responsibility for undertaking a function may be delegated by the Full Council to a Committee or Sub-Committee or an Officer or through joint arrangements with other Authorities – where this is the case it is identified in a separate column in each function table.

#### **Committee Functions**

4. All other functions are delegated by Council to Committees and Sub-Committees and to Officers. Where a function is discharged through a Committee or Sub-Committee, decisions about these functions will be taken either by a Policy Committee (Article 7), or through Regulatory and other Committees (Article 8). The Council is also able to discharge functions through Joint Arrangements (Articles 9 and 11) with other Authorities and through Officers. Further information about the delegation scheme and its operation can be found in section B.

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HBC Constitution

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HBC Constitution

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# B. COUNCIL FUNCTIONS AND DELEGATION SCHEME

The delegation arrangements in this Constitution reflect the principles that all matters that have been previously delegated prior to the revision of this Constitution should remain so. Where, in any statement of the powers previously delegated, reference is made to the holder of a post or office which no longer exists, that reference shall be interpreted as being a reference to the holder of the current post or office of which the responsibilities or functions most closely relate to those of the former postholder or office holder. In the event of any contradiction between the earlier delegations and those set out below, the latter shall prevail.

(\*The Council has determined that Plans and Strategies for the alleviation of child poverty within the Borough should be reflected across all Policy Committees.)

Council	
Membership:	33 Councillors
Quorum:	9
FUNCTION	DELEGATION
<ol> <li>Functions relating to the approval or adoption of a Plan or Strategy of a description specified in column (1) of the Schedule to the Local Authorities (Committee System)(England) Regulations 2012 (SI No.1020) ('the Regulations') and conferred by the enactments specified in relation to those functions in column (2).</li> </ol>	
2. The approval or adoption of a Plan or Strategy for the control of the Local Authority's borrowing, investments or capital expenditure, or for determining the Authority's minimum revenue provision.	
Council (Continued)	

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	FUNCTION	DELEGATION
3.	The approval for the purpose of submission to the Secretary of State or any Minister of the Crown for approval, of any Plan or Strategy referred to in 1 and 2 above (whether or not in the form of a draft) of which any part is required to be so submitted.	
4.	Functions relating to town and country planning and development control.	Planning Committee and the Director of Regeneration and Neighbourhoods
5.	Licensing and registration functions.	Planning Committee, Licensing Committee-and the Director of Regeneration and Neighbourhoods/ <u>Director of</u> <u>Public Health</u>
6.	Functions relating to health and safety at work.	Finance and Policy Committee and the Director of <del>Regeneration and</del> <del>Neighbourhoods Public</del> <u>Health</u>
7.	<ul> <li>Functions relating to elections <ul> <li>a) Duty to appoint an electoral registration officer</li> <li>b) Functions in relation to parishes and parish councils, contained in Part II of the Local Government and Rating Act, 1997 (c29) and subordinate legislation under that part.</li> <li>c) Power to dissolve small parish councils</li> <li>d) Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.</li> <li>e) Duty to appoint returning officer for local government elections</li> <li>f) Duty to divide constituency into polling districts</li> <li>g) Power to fill vacancies in parish councils in the event of insufficient nominations</li> </ul> </li> </ul>	All other powers to the Finance and Policy Committee or the Chief Solicitor

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	Council (continued)	
	FUNCTION	DELEGATION
8.	Functions relating to name and status of areas and individuals.	
9.	Power to make, amend, revoke or re-enact byelaws.	
10.	Power to promote or oppose local or personal Bills.	
11.	Functions relating to pensions.	Finance and Policy Committee, Personnel Sub-Committee (dealing with appeals) and the Chief Executive
12.	Functions relating to public rights of way.	<ul> <li>Planning Committee and the following Officers:</li> <li>Director of Regeneration and Neighbourhoods</li> <li>Chief Solicitor</li> </ul>
13.	Functions relating to Sea Fisheries.	Finance and Policy Committee
14.	Power to make standing orders.	
15.	To approve the appointment of the Head of Paid Service and power to appoint Directors and Chief Officers, and to engage such staff (as the Chief Executive as Head of Paid Service considers necessary to carry out the Council's functions) and to determine the terms and conditions of those employees (on which they hold office (including procedures for their dismissal).	Appointments Panel (appointment of Directors and Chief Officers) and Chief Executive (all other officer appointments) in accordance with the Officer Employment Procedure Rules.
16.	Power to make standing orders as to contracts.	
17.	Duty to make arrangements for proper administration of financial affairs.	

## Council (continued)

	FUNCTION	DELEGATION
18.	Power to appoint Officers for particular purposes (appointment of "Proper Officers").	
19.	Power to make limestone pavement order.	Planning Committee and the Director of Regeneration and Neighbourhoods
20.	Duty to designate officer as the Head of the Authority's Paid Service, and to provide staff.	
21.	Duty to designate officer as the Monitoring Officer, and to provide staff.	
22.	Duty to approve Authority's statement of accounts, and Annual Governance Statement.	Audit and Governance Committee
23.	Powers relating to the protection of important hedgerows.	Planning Committee and the Director of Regeneration and Neighbourhoods
24.	Powers relating to the preservation of trees.	Planning Committee and the Director of Regeneration and Neighbourhoods
25.	Powers to make payments or provide other benefits in cases of maladministration.	Chief Solicitor (acting in capacity of Monitoring Officer)
26.	The determination of an appeal against any decision made by or on behalf of the Authority.	Audit and Governance Committee
27.	The making of arrangements pursuant to subsection (1) of Section 6.1(1) of, and Schedule 18 to, the Schools Standards and Framework 1998 Act (appeals against exclusion of pupils).	Chief Executive

	Council (continued)	
	FUNCTION	DELEGATION
28.	The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the 1998 Act (admission appeals).	Chief Executive
29.	The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the 1998 Act (children to whom section 87 applies: appeals by governing bodies regarding the admission of permanently excluded pupils).	Chief Executive
30.	The making of appointments under Part 2 of Schedule 6 of the Police Reform and Social Responsibility Act 2011.	
31.	The discharge of any functions relating to the control of pollution or the management of air quality.	Director of Regeneration and NeighbourhoodsPublic Health
32.	The service of an abatement notice in respect of a statutory nuisance.	Director of Regeneration and NeighbourhoodsPublic Health
33.	The inspection of the Authority's area to detect any statutory nuisance.	Director of Regeneration and NeighbourhoodsPublic Health
34.	The investigation of any complaint as to the existence of a statutory nuisance.	Director of Regeneration and NeighbourhoodsPublic Health

	Council (continued)	
	FUNCTION	DELEGATION
35.	<ul> <li>The appointment of any individual:</li> <li>a) to any office other than an office in which he/she is employed by the Authority;</li> <li>b) to any body other than – <ul> <li>i) the Authority</li> <li>ii) a joint Committee of two or more Authorities; or</li> <li>c) to any Committee or Sub-Committee of such a body, and the</li> </ul> </li> </ul>	
36.	The making of agreements with other Local Authorities for the placing of staff at the disposal of those other Authorities.	Finance and Policy Committee
37.	The function of making any scheme authorised or required by regulations under section 18 (schemes for basic, attendance and special responsibility allowances for Local Authority Members) of the Local Government and Housing Act 1989(4), or of amending, revoking or replacing any such scheme.	

	Council (continued)	
	FUNCTION	DELEGATION
38.	The function of determining:	
	<ul> <li>(a) the amount of any allowance payable under – <ul> <li>i) subsection (5) of section 3</li> <li>(Ceremonial Mayor/</li> <li>Chairman's expenses) of the 1972 Act;</li> <li>ii) subsection (4) of section 5</li> <li>(Deputy Ceremonial Mayor/Vice-Chairman's expenses) of that Act;</li> <li>iii) subsection (4) of section 173</li> <li>(financial loss allowance) of that Act</li> <li>iv) section 175 (allowances for attending conferences and meetings) of that Act;</li> </ul></li></ul>	
	<ul> <li>(b) the rates at which payments are to be made under section 174 (travelling and subsistence allowances) of that Act;</li> </ul>	
	<ul> <li>(c) the amount of any allowance payable pursuant to a scheme under section 18 of the Local Government and Housing Act 1989, or the rates at which payments by way of any such allowance are to be made;</li> </ul>	
39.	To exercise powers under Part 2 of the Local Government and Public Involvement in Health Act 2007 <u>, as</u> <u>amended</u> regarding a change in the Council's scheme for elections and for providing by order for consequential changes to the years in which ordinary elections of parish Councillors take place.	

	Council (continued)	
	FUNCTION	DELEGATION
40.	Functions relating to the conduct of Community Governance Review under Part 4 of the Local Government and Public Involvement in Health Act 2007 including the receipt and validation of a community governance petition, the terms of reference for any review and to formulate, publish and make decisions relating from a community governance review.	
41.	The function of making a request to the Local Government Boundary Commission for England under Section 57 (requests for single member electoral areas) of the Local Democracy, Economic Development and Construction Act 2009 for single member electoral areas.	
42.	Power to approve the <u>Annual Local</u> Council Tax Support Scheme. <u>??CL</u>	
43.	The determination of Departmental staffing proposals where service areas are being amalgamated and/or a service area is created or modified due to additional grant funding.	Finance and Policy Committee
44.	Functions reserved to Council by law.Functions relating to the preparation, approval and subsequent publication of a Pay Policy Statement under Section 38 of the Localism Act 2011.	
<u>45.</u>	Functions reserved to Council by law.	

	nance and Policy ommittee	
Me	embership:	11 Councillors: C Akers-Belcher, Chair (Leader of Council); Richardson, Vice Chair (Deputy Leader of Council/Chair of Adult Services Committee); Simmons (Chair of Children's Services Committee); Payne (Chair of Regeneration Services Committee); Jackson (Chair of Neighbourhood Services Committee). Plus Councillors: Dawkins, James, A Lilley, Thompson, <u>Martin-</u> Wells and Cook
Qı	iorum:	3
FU	INCTION	DELEGATION
1.	Responsibility for the financial and other resources of the Authority, for <u>formulating</u> , developing and implementing the authority's plans and strategies under the budget and policy framework. Additional service area responsibility including asset management, strategic procurement, electoral	
	services, revenues and benefits, social welfare and public health, under the Health and Social Care Act 2012, including the development of partnership working.	

Finance and Policy Committee (Continued)	
functions and services not otherwise the responsibility of Council or any other Committee, in particular finance and support services.	
3. The exercise of public health functions of the Authority under Part 5 of the Health and Social Care Act 2012 including partnership arrangements made under Section 75 of the National Health Service Act 2006 and the overall development of partnership working.	
4. Responsibility for the functional areas, other Plans and Strategies and service areas as detailed below.	
5. The determination of Departmental staffing proposals where service areas are being amalgamated and/or a service area is created or modified due to additional grant funding.	
ELECTIONS	
6. Functions relating to elections:	
a) Power to assign Officers in relation to requisitions of the Electoral Registration Officer	Chief Solicitor 6.(a)-(j)
b) Duty to provide assistance at European Parliamentary Elections	
<ul> <li>c) Power to divide electoral divisions into polling districts at Local Government elections</li> </ul>	
d) Powers in respect of holding elections	
e) Power to pay expenses properly incurred by Electoral Registration Officers	
<ul> <li>f) Duty to declare vacancy in office in certain cases</li> </ul>	

Finance and Policy	
Committee (Continued)	
<ul> <li>g) Duty to give public notice of a casual vacancy</li> <li>h) Power to make temporary appointments to Parish Councils</li> <li>i) Power to determine fees and conditions for supply of copies of, or extracts from, election documents.</li> <li>j) Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.</li> </ul>	
<b>STAFFING</b>	
7. Functions relating to Local Government pensions, etc, except those reserved to the <u>Audit and</u> <u>Governance Committee Personnel</u> <u>Sub-Committee in dealing with</u> <u>matters of appeal etc.</u>	
8. Consideration of any staffing proposals requiring compulsory redundancy of one or more staff.	
<u>98</u> .—Power to make agreements with other Local Authorities for the placing of staff at the disposal of those other Authorities.	
9. To advise on the appointment of school governors.	Chief Finance Officer
10.Functions relating to health and safety at work (as set out in Part C of Schedule 1 to the Regulations).	Power to write off debts within the approved limit of £1,000.
FINANCE ADMINISTRATION	
11.Writing-off of debts above the limits allocated to Officers.	
<u>GRANTS</u>	

Functions of former Grants Committee to be added with the exception of the	•	Formatted: Indent: Left: 0 cm, First line: 0 cm
Civic Lottery Fund (to be included		
under the functions of the		
Neighbourhood Services Committee).	 	Formatted: Underline
PROCUREMENT		
12. To receive and examine quarterly		
reports on the monitoring and		
outcome of contract letting		
procedures including outputs,		
values, value for money		
considerations and performance		

Finance and Policy Committee (Continued)		
(incorporating if necessary provider comparative analysis) where lowest/highest price is not payable/receivable.		
13. To receive and examine reports on any exemptions granted to these Contract Procedure Rules.		
Policy Framework Areas Annual Capital Budget Annual Revenue Budget Council Plan Health and Wellbeing Strategy Sustainable Community Strategy	anc of F Nei	ief Executive, Director of Child d Adults Services, <u>-and</u> Director Regeneration and ighbourhoods <u>and Director of</u> <u>plic Health</u> Variations to existing policies
Other Plans & Strategies Alcohol Harm Reduction Strategy Annual Drug Treatment Plan Anti-Fraud and Corruption Strategy Asset Management Plan	1.	and procedures together with new policies/procedures which do not have significant service or corporate impact.
Commissioning & Procurement Strategy Corporate Capital Strategy	2.	Approval of Departmental service plans.
Debt Recovery Strategy Equality & Diversity Plan Health Protection Plan	3.	Strategic service level financial and performance monitoring.
Health Protection Plan Health and Safety Services Plan HR Strategy People Framework (incl. HR & Workforce Development Strategies) Public Health Strategy Risk Management Strategy Treasury Management Strategy Whistleblowing Policy Workforce Development Strategy Workforce Strategy (including Member Development Strategy)	4.	Setting of fees and charges that have not been determined as part of the budget process, where the in-year additional income or expenditure does not have a gross full year effect greater than £100,000 ie where key decision test (i) does not apply.
Service Area Child Poverty * Financial Management (Corporate) Accountancy Financial Management Benefits (incl Fraud and control) and means tested services		

Revenues collection	
Payments / Payroll	

Finance and Policy Committee (Continued)	
Insurances Social Fund Legal Land Charges Members Services Public Relations ICT Policy / Performance / Partnerships Complaints / Consultation Democratic Services Workforce Development Human Resources <u>Business</u> <u>Team</u> Advisors and operations Organisational Development Customer Services / Hartlepool Connect Registrars Equality / Diversity Health, Safety and Wellbeing Strategic Procurement and Reprographic Logistics Asset and Property Management Facilities Management Commissioning public health services Smoking / public health intervention in tobacco control , Obesity / nutrition / healthy weight/ physical activity, Alcohol, Drugs, Cancer, Cardiovascular disease, Breastfeeding, Oral health promotion, Respiratory disease Public mental health / suicide prevention Public health and community safety (domestic violence) NHS Health Check programme School nursing Children's public health 0-5 years and 5-19 years Accidental injury prevention	<ol> <li>Matters relating to bids for funding which do not have major financial or strategic significance, or which have either been approved in principle by the relevant Policy Committee or as part of the approved budget and policy framework.</li> <li>Involvement in grant allocations and other allocations of funding within the terms of a scheme or method of allocation previously agreed by the Council.</li> <li>Improvement plans and other key reports.</li> <li>External Audit and other inspection reports on service and non-strategic corporate matters.</li> <li>Allocations, scheme designs and specifications within agreed programmes of works.</li> <li>Policies, plans and strategies which are not part of the budget and policy framework or otherwise reserved to a Policy Committee.</li> </ol>

Finance and Policy Committee (Continued)
Public health intelligence and epidemiology Joint strategic needs assessments Health equity audits Health impact assessments GP primary prevention programme Health protection plan and related services including: Outbreaks and communicable disease, Sexual health, Immunisation, Screening, Seasonal Flu and Mortality Infection control

HBC Constitution

Adult Services Committee	
Membership:	7 Councillors: Richardson (Chair) Shields (Vice Chair) Plus Councillors: Fisher, Hall, A Lilley, Loynes and Sirs.
Quorum:	3
FUNCTION	DELEGATION
<ol> <li>Responsible for Adult Social Care and related services</li> <li>Responsibility for the formulation, development and implementation of the Policy Framework, other Strategies and Plans and service areas as detailed below.</li> <li>Policy Framework Areas Vision for Adult Social Care in Hartlepool</li> <li>Other Strategies &amp; Plans Dementia Strategy Housing Care &amp; Support Strategy Carers Strategy Reablement Strategy Assistive Technology Strategy</li> <li>Service Areas Child Poverty * Older People's Commissioning Mental Health Commissioning Commissioning for Working Age Adults Social Care Transformation Adult Social Work Teams         <ul> <li>Older People</li> <li>Learning Disabilities</li> <li>Physical Disabilities</li> <li>Sensory Loss</li> </ul> </li> </ol>	<ul> <li>Chief Executive, Director of Child and Adults Services, and Director of Regeneration and Neighbourhoods and Director of Public Health</li> <li>1. Variations to existing policies and procedures together with new policies/procedures which do not have significant service or corporate impact.</li> <li>2. Approval of Departmental service plans.</li> <li>3. Strategic service level financial and performance monitoring.</li> <li>4. Setting of fees and charges that have not been determined as part of the budget process, where the in-year additional income or expenditure does not have a gross full year effect greater than £100,000</li> </ul>

Adult's Services Committee (Continued)	
Safeguarding Vulnerable Adults Integrated Mental Health Services	ie where key decision test (i) does not apply.
Occupational Therapy Early Intervention and Reablement Assistive Technology Direct Care and Support Services for Vulnerable Adults Day Services Commissioned Services Team Performance Management and Management Information Housing Related Support	5. Matters relating to bids for funding which do not have major financial or strategic significance, or which have either been approved in principle by the relevant Policy Committee or as part of the approved budget and policy framework.
	<ol> <li>Involvement in grant allocations and other allocations of funding within the terms of a scheme or method of allocation previously agreed by the Council.</li> </ol>
	<ol> <li>Improvement plans and other key reports.</li> </ol>
	<ol> <li>External Audit and other inspection reports on service and non-strategic corporate matters.</li> </ol>
	9. Policies, plans and strategies which are not part of the budget and policy framework.

	nildren's Services ommittee	
Me	mbership:	7 Councillors: Simmons (Chair) James (Vice Chair)
		Plus Councillors: Atkinson, Fleet, Griffin, Hill and Lauderdale
		Education Representatives (when discharging education functions); 2 Church Representatives (voting): Michael Lee (term of office February 2012 – January 2014); 3 Parent Governor Representatives (1 from each of the following representing: Primary, Secondary and Special Schools within the Borough): Primary – Sacha Paul Bedding October 2011 – September 2013; 6 Young Persons' Representatives
Qu	orum:	3
FU	NCTION	DELEGATION
1.	Responsible for children's services including child protection of children and young people. Exercising the Council's functions as Local Education Authority. Oversight of the Children's Strategic Partnership for the purposes of the Children Act 2004.	
2. <u>3.</u> <u>Aut</u>	Responsibility for the formulation, development and implementation of the Policy Framework, other Strategies and Plans and service areas as detailed below. <u>To make appointments of Local</u> thority school governors.	

1			
	Children's Services Committee (continued)		
	Policy Framework		ief Executive, Director of Child d Adults Services, -and-Director
ļ	Children and Young People's Plan Child Poverty Strategy Youth Justice Strategic Plan	of F Nei	Regeneration and ighbourhoods <u>and Director of</u> <u>plic Health</u>
	Other Strategies & Plans	1.	Variations to existing policies
	Children's Centres and Extended Schools Strategy Early Intervention Strategy Education Asset Management		and procedures together with new policies/procedures which do not have significant service or corporate impact.
	SEN and Disability Action Plan Children Looked After Strategy School Support and Challenge	2.	Approval of Departmental service plans.
	Protocol 14-19 Strategy	3.	Strategic service level financial and performance monitoring.
	Service Area	4.	Setting of fees and charges
	Child Poverty * Safeguarding, Assessment & Support Children looked after and leaving care Children with disabilities Fostering and adoption Safeguarding and Review / Independent Reviewing Officers Local Safeguarding Children Board		that have not been determined as part of the budget process, where the in-year additional income or expenditure does not have a gross full year effect greater than £100,000 i.e. where key decision test (i) does not apply.
	Children's Strategic Commissioning Integrated Youth Support Services Youth Offending Service Early Intervention and Prevention Services including children's centres and extended services Monitoring of Schools Causing Concern School Improvement Support & Challenge	5.	Matters relating to bids for funding which do not have major financial or strategic significance, or which have either been approved in principle by the relevant Policy Committee or as part of the approved budget and policy framework.
	Curriculum development and enrichment Performance management and self- evaluation Pupil Referral Unit ICT in schools	6.	Involvement in grant allocations and other allocations of funding within the terms of a scheme or method of allocation previously agreed by the Council.

Children's Services Committee (continued)		
Transformation of Learning Primary Capital Programme Social and Educational Inclusion School Transformation	7.	Improvement plans and other key reports.
Special Educational Needs Educational Psychology Early Years Foundation Stage School Capital (in partnership with R&N)	8.	External Audit and other inspection reports on service and non-strategic corporate matters.
School Admissions and School Place Planning	9.	Policies, plans and strategies which are not part of the budget and policy framework or otherwise reserved to a Policy Committee.

Corporate Parent Forum	
Membership: <u>Possible change in</u> <u>membership – see issues paper</u>	13 <u>17 (Member representation to</u> increase from 7 to 11) Membership to be same as Children's Services Committee and include Lead Member for Adult Services
	Councillors: Simmons, Chair (Chair of Children's Services Committee) Richardson (Chair of Adult Services Committee) C Akers-Belcher, The Leader of the Council;
	Plus Councillors: James (Vice Chair), A Lilley, Hill and Lauderdale
	2 Children and Young People who are, or have been, looked after; 2 Foster Carers; Assistant Director (Children's Services); Policy Link Officer
Quorum:	3 Councillors and 1 representative from the Children, Young People and Foster Carers
FUNCTIONS	DELEGATIONS
1. This Sub-Committee of the Children's Services Committee is responsible for the <u>formulation</u> , development, implementation and review of the Council's Corporate Parent Strategies and policies in order to ensure that the Council's duty as a 'Corporate Parent' is discharged properly, effectively and consistently.	
<ol> <li>To advise and make recommendations to the Council's decision-making bodies and other partner agencies on any issues that</li> </ol>	

affect children and young people who are Looked After by Hartlepool Borough Council.	
3. To oversee the exercise of the Council's responsibilities as Corporate Parent and ensure that the interests of Looked After Children are appropriately reflected in all Council policies and the work of the Children's Strategic Partnership.	

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HBC Constitution

Regeneration Services Committee	
Membership:	7 Councillors: Payne, Chair Cranney, Vice Chair Plus Councillors: C Akers-Belcher, S Akers- Belcher, Dawkins, Fisher and Morris
Quorum:	3
FUNCTION	DELEGATION
<ol> <li>Responsible for public protection, housing policy including housing market renewal and strategy, economic development and regeneration, building control and planning (except for development control and management functions delegated to the Planning Committee) and sustainability, trading standards, culture, leisure and tourism.</li> <li>Responsibility for the formulation, development and implementation of the Policy Framework, other Strategies and Plans and service areas as detailed below.</li> </ol>	
<b>Policy Framework Areas</b> Economic Regeneration Strategy Housing Strategy The plans and strategies which together comprise the Local Plan	Chief Executive, Director of Child and Adults Services, <u>-and</u> -Director of Regeneration and Neighbourhoods <u>and Director of</u> <u>Public Health</u>
Other Strategies & Plans Adult Learning Plan Archaeology Plan Arts & Museums Plan Arts Strategy Empty Homes Strategy	<ol> <li>Variations to existing policies and procedures together with new policies/procedures which do not have significant service or corporate impact.</li> </ol>
Food Law Enforcement Service Plan Sport & Recreation;-	2. Approval of Departmental service plans.

Regeneration Services Committee (Continued)		
Fuel Poverty Strategy Library Plan Local Cultural Strategy Planning Policy Tourism Strategy Trading Standards Service Delivery Plan Sport & Physical Activity Strategy Playing Pitch Strategy Indoor Sports Facilities Strategy Multi Use Games Area Strategy (MUGA)	3. 4.	Strategic service level financial and performance monitoring. Setting of fees and charges that have not been determined as part of the budget process, where the in-year additional income or expenditure does not have a gross full year effect greater than £100,000 i.e. where key decision test (i) does not apply.
Service Areas Child Poverty * Environmental Health and Protection Building Control Economic Regeneration Housing Services Homelessness and Housing advice Public Protection Planning Services	5.	Matters relating to bids for funding which do not have major financial or strategic significance, or which have either been approved in principle by the relevant Policy Committee or as part of the approved budget and policy framework.
<ul> <li>Housing Management</li> <li>Adult Education</li> <li>Community Centres</li> <li>Culture &amp; Information Services;- <ul> <li>Libraries &amp; Community</li> <li>Buildings</li> <li>Museums &amp; Art Gallery</li> <li>Theatre &amp; Arts Development</li> <li>Strategic Events &amp; Independent</li> <li>Safety Advisory Group</li> <li>Tourist Information &amp; Box Office</li> </ul> </li> </ul>	6.	Involvement in grant allocations and other allocations of funding within the terms of a scheme or method of allocation previously agreed by the Council.
	7.	Improvement plans and other key reports.
	8.	External Audit and other inspection reports on service and non-strategic corporate matters.
	9.	Allocations, scheme designs and specifications within agreed programmes of works.

Regeneration Services Committee (Continued)	
<ul> <li>Leisure Centre management</li> <li>Sport &amp; Physical Activity</li> <li>Carlton Outdoor Education Centre</li> <li>Outdoor Activities &amp; Summerhill</li> <li>Primary Swimming</li> </ul> Tees Archaeology;- <ul> <li>Historic Environment Record (HER)</li> </ul>	10. Policies, plans and strategies which are not part of the budget and policy framework or otherwise reserved to a Policy Committee

Neighbourhood Services Committee	
Membership:	7 Councillors: Jackson, Chair Ainslie, Vice Chair Plus Councillors: Barclay, Dawkins, Gibbon, Loynes and Tempest
Quorum:	3
FUNCTION	DELEGATION
<ol> <li>Responsible for waste, coastal protection and flood defence, highways and traffic management (including integrated transport and partnership working) neighbourhood management and community safety.</li> <li>Responsibility for the formulation, development and implementation of the Policy Framework, other Strategies and Plans and service areas as detailed below.</li> </ol>	
Note – reference to receipt of annual report relating to Civic Lottery Grants <b>Policy Framework Areas</b> Community Safety Plan Local Transport Plan Tees Valley Joint Waste Management Strategy	Chief Executive, Director of Child and Adults Services, <u>-and</u> Director of Regeneration and Neighbourhoods <u>and Director of</u> <u>Public Health</u>
Hartlepool Voluntary and Community Sector Strategy Other Strategies & Plans Anti-Social Behaviour Plan Allotment Development Strategy	<ol> <li>Variations to existing policies and procedures together with new policies/procedures which do not have significant service or corporate impact.</li> </ol>
Child Poverty * Allotment Development Strategy Cleveland Emergency Planning Unit	<ol> <li>Approval of Departmental service plans.</li> <li>Strategic service level financial</li> </ol>
Annual Plan Civic Lottery	and performance monitoring.

Climate Change Strategy	
Community Cohesion Framework	
Contaminated Land Plan	

Neighbourhood Services Committee (Continued)	
Domestic Violence Strategy Iartlepool Incident Response Plan Iighway Asset Management Plan Iighway Maintenance Plan Iighway Network Management Plan Ogistics Gacilities Management Ieighbourhood Management & Empowerment Strategy Ietwork Management Plan	4. Setting of fees and charges that have not been determined as part of the budget process, where the in-year additional income or expenditure does not have a gross full year effect greater than £100,000 i.e. where key decision test (i) does not apply.
Prevent Action Plan Rights of Way Improvement Plan Shoreline Management Plan Social Behaviour Plan Waste Management Strategy Winter Maintenance Plan Play Facility Strategy Service Areas	<ol> <li>Matters relating to bids for funding which do not have major financial or strategic significance, or which have either been approved in principle by the relevant Policy Committee or as part of the approved budget and policy framework.</li> </ol>
Neighbourhood Management Cemeteries and Crematorium Community Safety Integrated Transport Unit Highways and Traffic Street Lighting	<ol> <li>Involvement in grant allocations and other allocations of funding within the terms of a scheme or method of allocation previously agreed by the Council.</li> </ol>
Car Parking School Crossing Patrol Road Safety	<ol> <li>Improvement plans and other key reports.</li> </ol>
Engineering Design and Management Emergency Planning Unit Business Continuity Parks and Countryside Waste and Environment	<ol> <li>External Audit and other inspection reports on service and non-strategic corporate matters.</li> </ol>
	<ol> <li>Allocations, scheme designs and specifications within agreed programmes of works.</li> </ol>
	<ol> <li>Policies, plans and strategies which are not part of the budget and policy framework or otherwise reserved to a Policy Committee.</li> </ol>

Δι		
	<u>udit and Governance</u>	
С	ommittee	
Ме	mbership:	7 Members of the Authority (chaired by a Member not in the majority group and comprising Members not on Finance and Policy Committee).
		Councillors: Fisher (Chair) S Akers-Belcher (Vice Chair)
		Ainslie, Brash, Loynes, Robinson and Shields
		Plus (Independent <u>Persons</u> <u>Member(s)</u> and Parish Council representatives when dealing with standards' functions) and one fully co-opted representative from a responsible local policing body. during consideration of Crime and Disorder Committee matters
Qu	orum:	3
		3
FU	NCTION	JELEGATION

	udit and Governance ommittee (Continued)	
3.	Monitoring audit performance by including reporting schedules and action on recommendations.	
4.	Power to approve Authority's statement of accounts and Annual Governance Statement	
5.	To scrutinise the Treasury Management Strategy and resulting Treasury Management solutions thereon and to make such recommendations to Council as the Committee shall deem appropriate.	
6.	Consider the overall effectiveness of the Council's corporate governance arrangements, risk management and anti-fraud and anti-corruption arrangements and to seek assurance that action is taken on risk related issues identified by internal and external audit.	
7.	Functions relating to the scrutiny of contracts.	
	The monitoring of contracts (at the discretion of the Committee) subject to the formal quotation and tendering procedures under the Council's Contract Procedure Rules.	
8.	Making appointments to the Independent Remuneration Panel as established under the provisions of the Local Government Act 2000.	
ST	ANDARDS	
9.	Promoting and maintaining high standards of conduct by Members and Co-opted members of the Authority.	

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HBC Constitution

-	dit and Governance mmittee (Continued)	
10.	Assisting Members and Co-opted members to observe the requirements of the Council's Code of Conduct.	
11.	To advise and offer guidance to Members and Co-opted members on the adoption or revision of the Code of Conduct.	
12.	To delegate to a Hearing Sub- Committee, the conduct of a hearing upon a complaint and to make recommendations and report findings, as appropriate.	
13.	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.	Chief Solicitor acting as the Council's Monitoring Officer
14.	Powers to make payments or provide other benefits in cases of maladministration etc.	Chief Solicitor acting as the
15.	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.	Council's Monitoring Officer
STA	TUTORY SCRUTINY	
16.	To exercise and undertake the statutory health scrutiny functions of the Authority under Part 5 of Chapter 2 of the Health and Social Care Act 2012 and regulations made thereunder and associated guidance.	

	dit and Governance mmittee (Continued)	
17.	To undertake the functions of the Authority's Crime and Disorder Committee for the purposes of the Police and Justice Act 2006.	
MIS	CELLANEOUS	
18.	Power to determine complaints to Members in accordance with the Council's agreed corporate complaints procedures.	
19.	Power to consider and determine:	Personnel Sub-Committee
	<ul> <li>Appeals against dismissal</li> <li>Disputes or appeals arising out of departmental staffing reviews and/or re-structures</li> <li>Grievances at the final internal stage</li> </ul>	
20.	Functions relating to local government pensions, etc. relating to the determination of individual cases.	Personnel Sub-Committee

Ρ	ersonnel Sub-Committee	
М	embership:	Three members selected from a rota of Audit and Governance Committee Members maintained by the Democratic Services Team Manager.
Q	uorum:	3
F	UNCTION	DELEGATION
2.	<ul> <li>Appeals against dismissal</li> <li>Disputes or appeals arising out of departmental staffing reviews and/or re-structures</li> <li>Grievances at the final internal stage</li> </ul>	Assistant Chief Executive Individual early retirement decisions within the scheme with the agreement of the Chief Finance Officer and in consultation with the appropriate Director.

	orth and Coastal eighbourhood Forum	
Membership:		Elected representatives of the following Wards: De Bruce, Hart, Headland and Harbour, Jesmond and Seaton
		Chair: Tempest Vice Chair: Beck
		Councillors: Ainslie, Atkinson, Cook, Dawkins, Fisher, Fleet, Griffin, Hill, Jackson, Payne, Robinson, Shields and Thompson
Qu	orum:	3
FU	NCTIONS	DELEGATIONS
1.	To be a focal point for local consultation on the provision of Council Services through Face the Public and other events incorporating consultation on the Council's Annual Budget.	
2.	To enable discussion to take place with community representatives on issues of local interest.	
3.	To advise the Council on matters of interest to their area.	
4.	To be a key part of the Council's local consultation process.	
5.	To assist all Councillors in listening to and representing their community.	

Ne	orth and Coastal eighbourhood Forum ontinued)	
FU	NCTIONS	DELEGATIONS
7.	To assist in the development of the Sustainable Community Strategy.	
8.	To recommend schemes for the general improvement of the area from a Ward Member budget specifically allocated for this purpose.	Director of Regeneration and Neighbourhoods - Approval of Ward Member Budget submissions
9.	Face the Public for Policy Committees	

HBC Constitution

_	outh and Central eighbourhood Forum	
Me	mbership:	Elected representatives of the following Wards: Burn Valley, Fens and Rossmere, Foggy Furze, Manor House, Rural West and Victoria.
		Chair: Cranney Vice Chair: James
		Councillors: C Akers-Belcher, S Akers-Belcher, Brash, Gibbon, Hall, Hargreaves, James, Lauderdale, A Lilley, G Lilley, Loynes, Morris, Richardson, Simmons, Sirs and <u>Martin-</u> Wells
Qu	orum:	3
EU	NCTIONS	
FU	NCTIONS	DELEGATIONS
1.	To be a focal point for local consultation on the provision of Council Services through Face the Public and other events incorporating consultation on the Council's Annual Budget.	DELEGATIONS
	To be a focal point for local consultation on the provision of Council Services through Face the Public and other events incorporating consultation on the Council's Annual Budget.	DELEGATIONS
1.	To be a focal point for local consultation on the provision of Council Services through Face the Public and other events incorporating consultation on the Council's Annual Budget. To enable discussion to take place with community representatives on issues of	DELEGATIONS
1.         2.         3.	To be a focal point for local consultation on the provision of Council Services through Face the Public and other events incorporating consultation on the Council's Annual Budget. To enable discussion to take place with community representatives on issues of local interest. To advise the Council on	DELEGATIONS

South and Central Neighbourhood Forum (continued)		
FU	NCTIONS	DELEGATIONS
6.	To help build partnerships between the Local Authority, other local public, private and voluntary sector organisations and the public.	
7.	To assist in the development of the Sustainable Community Strategy.	
8.	To recommend schemes for the general improvement of the area from a Ward Member budget specifically allocated for this purpose.	Director of Regeneration and Neighbourhoods - Approval of Ward Member Budget submissions
9.	Face the Public for Policy Committees	

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Li	censing Committee	
<b>M</b> (	embership:	12 Councillors: <u>Martin-</u> Wells, Chair Morris, Vice Chair Plus Councillors: Ainslie, Beck, Cook, Dawkins, Fleet, Gibbon, Griffin, Hall, Jackson and Tempest.
Qı	Jorum:	3
FU	INCTIONS	DELEGATIONS
2.	under the Licensing Act 2003 and the Gambling Act 2005. Additional responsibility in dealing with applications relating to private hire vehicles, hackney carriages and the determination of the appeals, consents, licences and premises as delegated to the Committee. NB: a Licensing Sub-Committee (quorum 3 Members) will deal with individual applications and 'day to day' decisions as determined by the Committee.	Director of Regeneration and Neighbourhoods: Director of Public Health: Power to carry out all of the functions of the Committee with the exception of the power to refuse, revoke or suspend any licence or registration. Power to refuse, revoke or suspend any licence or registration in cases where eligibility criteria are not met or in cases where there is judged to be a clear risk to the well-being of the public which
	functions except those relating to Commons Registration, Roads and Highways (delegated to Planning Committee by Council)	needs to be addressed as a matter of urgency.
3.	Licensing functions under the Licensing Act 2003 and the Gambling Act 2005 in considering the grant refusal, variation, issue of any counter notice and cancellation of licences, certificates, permits or registration (other than where such matters have been delayed) in respect of;	

Lice (Contin	nsing Committee	
FUNCI	TIONS	DELEGATIONS
1.	Application for Premises Licence (Gambling Act).	
2.	Application for a Variation of Premises Licence (Gambling Act).	
3.	Application for a Transfer of a Premises Licence (Gambling Act).	
4.	Application for a Provisional Statement (Gambling Act).	
5.	Review of a Premises Licence (Gambling Act).	
6.	Application for a Club/Gaming Club Machine Permits	
7.	(Gambling Act). Cancellation of Club/Gaming Club Machine Permits	
8.	(Gambling Act). Applications for other permits	
9.	under the Gambling Act. Cancellation of Licensed Premises Gaming Machine	
10.	Permits (Gambling Act). Consideration of Temporary Use Notice (Gambling Act).	
11.	Decision to give a Counter Notice to a Temporary Use Notice (Gambling Act).	
12.	Amusements with Prizes (Gambling Act)	
13.	Lotteries (Gambling Act).	
14.	Prize Bingo (Gambling Act).	
15.	Application for a Premises Licence (Licensing Act).	
16.	Application for a Variation of a Premises Licence (Licensing Act).	
	Application to Transfer a Premises Licence (Licensing Act).	
18.	Application to Grant a Provisional Statement (Licensing Act).	

Licensing Committee (Continued)	
FUNCTIONS	DELEGATIONS
<ol> <li>Application to Vary a Designated Supervisor (Licensing Act).</li> <li>Application to Grant a Club Premises Certificate (Licensing Act).</li> <li>To Grant a Variation of a Club Premises Certificate (Licensing Act).</li> <li>Making an order under Section 284 disapplying Section 279 (Exempt Gaming) or Section 282(i) (Gaming Machines Automatic Entitlement) to specific licensed premises.</li> <li>Approving the Statement of Principles to be applied regarding functions relating to Family Entertainment Centre Gaming Machine Permits and Prize Gaming Permits.</li> </ol>	

Licensing Sub-Committee	
Membership:	Three Members when dealing with Licensing Act matters and four Members in all other cases, selected from a fixed rota of the Committee (including the designation of the Chair of the Sub-Committee) that has been pre-determined by the Committee at the beginning of each municipal year, and maintained by the Democratic Services Team Manager.
Quorum:	3
FUNCTIONS	DELEGATIONS
Dealing with individual licensing and other applications and 'day to day' decisions as determined by the Committee.	

HBC Constitution

Pl	anning Committee	
Me	embership:	16
		Councilllors: Cook, Chair Morris, Vice Chair
		Plus Councillors: Ainslie, Beck, Cranney, Fisher, Fleet, Griffin, James, Loynes, A Lilley, G Lilley, Robinson, Sirs, Shields and <u>Martin-</u> Wells
Qı	iorum:	7
FU	INCTIONS	DELEGATIONS
1.	Exercise the Council's development control and management functions including conservation, Town and Village Greens, Commons Registration and Public Rights of Way.	<ul> <li>Director of Regeneration and Neighbourhoods</li> <li>1. Power to carry out all of the functions of the Committee in paragraphs 1-5 adjacent, subject to the following exceptions:</li> </ul>
2. 3. 4.	All functions relating to town and country planning and development control. Powers relating to the protection of important hedgerows Powers relating to the	<ul> <li>in the case of any relevant application which is submitted to the Council for determination, any matter which any Member requests should be referred to the Committee for decision, such request to be received within 21 days of publication of details of the application.</li> </ul>
5.	preservation of trees. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.	<li>ii) any matter which falls significantly outside of established policy guidelines or which would otherwise be likely to be controversial,</li>
6.	The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	iii) the determination of applications submitted by the Council in respect of its own land or proposed development, except those relating to operational development to which there is no lodged objection.

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Planning Committee	
Planning Committee (continued)	
FUNCTIONS	DELEGATIONS
7. Powers, related to Commons Registration	iv) the refusal of an application except with the agreement of the Chair of the Committee.
<ol> <li>Functions relating to public rights of way.</li> </ol>	v) except in cases of urgency
<ol> <li>9. The licensing and registration functions relating to the New Roads and Street Works Act 1991 and the Highways Act 1980.</li> <li>10. Functions relating to Town and Village Greens</li> <li>11. To comment upon relevant Development Plan Documents (DPD's) and Supplementary Planning Documents (SPD's).</li> <li>12. To consider reports on the proposed DPD's of neighbouring authorities where the Council is a consultee.</li> <li>13. To receive reports on the performance of the Development Control and Planning Policy section.</li> <li>14. To consider reports on proposed changes to national</li> </ol>	<ul> <li>a) power to require the discontinuance of a use of land</li> <li>b) power to serve a stop notice (including a temporary stop notice)</li> <li>c) power to issue an enforcement notice</li> <li>d) power to apply for an injunction restraining a breach of planning control</li> <li>e) power to serve a building preservation notice and related powers</li> <li>f) power to issue enforcement notice in relation to demolition of unlisted building in conservation area</li> <li>g) powers to acquire a listed building in need of repair and to serve a repairs notice</li> <li>h) power to apply for an injunction in relation to a listed building,</li> <li>exercise of such powers to be reported for information to the next available meeting of the Committee.</li> <li>2. Power to formulate decision notices following decisions made in principle</li> </ul>

Planning Committee (continued)	
FUNCTIONS	DELEGATIONS
	3. Power to negotiate and set charges for diversion or related matters and to take action regarding blockages or Rights of Way issues other than those related to countryside management.
	4. Power in cases of urgency to carry out all of the functions of the Planning Committee relating to public rights of way (other than those delegated to the Director of Regeneration and Neighbourhoods), following discussion of the issues with the Chair of the Committee.
	<ol> <li>In relation to matters which are relevant to countryside management, power to negotiate and set charges for diversion or related matters and to take action regarding blockage on Rights of Way issues.</li> </ol>
	<ol> <li>Power in cases of urgency to carry out all of the functions of the Planning Committee relating to public rights of way which are relevant to countryside management.</li> </ol>
	<ol> <li>Power to carry out all of the functions of the Committee with the exception of any matter which falls significantly outside of established policy guidelines or which would otherwise be likely to be controversial.</li> </ol>

Planning Committee (continued)	
FUNCTIONS	DELEGATIONS
	8. Power to register without modification unopposed applications to register land as town or village green in respect of Town and Village Greens, following the statutory consultation period.
	Planning Services Manager
	Power to require proper maintenance of land under Section 215 of the Town and Country Planning Act 1990
	Chief Solicitor
	<ol> <li>Power to confirm without modification unopposed creation, diversion or extinguishment Orders in respect of Public Rights of Way, following the statutory advertising period.</li> </ol>
	2. Power to confirm, without modification, unopposed footpath and footway conversion orders following the statutory advertising period.
	<ol> <li>Power to confirm, without modification, all future unopposed Definitive Map Modification Orders following the statutory advertising period.</li> </ol>

Safor Hartloncol	Torms of Poforonco
Safer Hartlepool Partnershin	Terms of Reference
Partnership Membership: (Currently under Review – Agreed by SHP on 24 April 2013)	<ul> <li>*Two Elected Members, including the Leader of Council</li> <li>*Chief Executive, Hartlepool Borough Council</li> <li>*Director of Regeneration and Neighbourhoods, Hartlepool Borough Council</li> <li>*Neighbourhood Manager (Community Safety), Hartlepool Borough Council</li> <li>*Director of Public Health - Hartlepool Borough Council/Primary Care Trust*</li> <li>*Hartlepool District Commander Cleveland Police</li> <li>*Office of the Police and Crime Commissioner</li> <li>*Youth Offending ServiceBoard - Chair of Management Board, Hartlepool Borough Council</li> <li>Representative of Hartlepool and Stockton on Tees Clinical Commissioning Group</li> <li>*Director of Offender Management, Durham Tees Valley Probation Trust</li> <li>*Cleveland Fire and Rescue Authority - nominated member</li> <li>*Cleveland Fire Srigade - and Rescue Service - Hartlepool District Manager</li> <li>VCS Representative - Chief Executive, Safe in Tees Valley</li> <li>Housing Hartlepool - Director of Housing Services</li> <li>Head of Youth Services, Hartlepool Borough Council</li> <li>Hartlepool Magistrates Court - Chair of the Bench</li> <li>*indicates Responsible Authority</li> </ul>
	member

Safer Hartlepool Partnership (Continued)	
Quorum:	73 Members, with at least 2 being Responsible Authority Members.
FUNCTIONS	DELEGATIONS
1. A partnership to create confident cohesive and healthy communities by working together to reduce crime, anti-social behaviour, re- offending and substance misuse in Hartlepool.	
2. The Partnership is responsible for the delivery of the community safety outcomes within the Sustainable Community Strategy.	
PLANS AND STRATEGIES	
Anti-Social Behaviour Strategy Community Safety Plan (previously known as the Crime, Disorder and Substance Misuse Strategy) Youth Justice Strategic Plan Drug Treatment Plan Alcohol Harm Reduction Strategy Domestic Violence Strategy Social Behaviour Plan Prevent Action Plan <u>Reducing Reoffending Strategy</u> Community Cohesion Framework Troubled Families Programme	

Board	<u>Updated Terms of</u> <u>Reference – Agreed by the</u> <u>Board</u>
Membership:	Prescribed Members: Elected Members, Hartlepool Borough
	Council <sup>*</sup> , including the Leader of the Council <u>and Chair of Children's</u> <u>Services Policy Committee</u> (4); Representatives of Hartlepool and Stockton-on-Tees Clinical Commissioning Group (2) <sup>**</sup> ; Director of Public Health, Hartlepool Borough Council (1); Director of Child and Adult Services, Hartlepool Borough Council (1); Representatives of Healthwatch (2).
	Other Members:
	Chief Executive, Hartlepool Borough Council (1); Director of Regeneration and Neighbourhoods, Hartlepool Borough Council (1); Representative of the NHS <u>England</u> <u>Commissioning Board Area Team (1);</u> Representative of Hartlepool Voluntary & Community Sector (1); Representative of Tees Esk and Wear Valley NHS Trust (1); Representative of North Tees and Hartlepool NHS Foundation Trust (1); Representative of North East <u>Ambulance NHS Trust (1);</u> Representative of Cleveland Fire Brigade (1). Observer – Representative of Audit and Governance Committee, Hartlepool Borough Council (1)
Quorum:	5 prescribed Members with at least 1 representative from each of the 3 prescribed Member organisations
FUNCTIONS	DELEGATIONS

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and implementation of a Health	
and Wellbeing Strategy for the	
Borough.	

\* The Chair will be the Leader of Hartlepool Borough council or their substitute. \*\* The Vice-Chair will be a representative of the Clinical Commissioning Group

05.09.13

HBC Constitution

	and Wellbeing (continued)
developm comprehe Joint Stra (JSNA) fo	bility for ensuring the nent and use of a ensive evidence based tegic Needs Assessment or Hartlepool <u>and that a</u> <u>eutical needs assessment</u> <u>aken</u> .
consisten commissi partners a Wellbeing Having st commissi decisions health an ensure in commissi those ser commissi	bility for ensuring acy between the oning priorities of and the Health and g Strategy and JSNA. trategic influence over oning and investment across health, public d social care services to tegration and joint oning particularly for vices being oned and provided to the herable people.

Ci	vic Honours Committee		
Membership:		5 S Akers-Belcher, Chair ( <del>Chair of CouncilCeremonial Mayor</del> ) Councillors: Barclay, Dawkins, Simmons and <u>Martin-</u> Wells	
Quorum:		3	
FUNCTIONS		DELEGATIONS	
1.	Receive, consider and make recommendations to Council in respect of conferment of the Freedom of the Borough upon individuals or organisations.		
2.	Consider nominations for Honorary Alderman <u>and Honorary</u> <u>Alderwoman</u> and make recommendations to the Council thereon.		
3.	Make recommendations and issue guidance as the Committee may consider appropriate to Council on the conferment of Civic Honours.		

# 8. Decision Making by Joint Bodies

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

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

## 9. Decision Making by Officers – Statutory Framework and Basic Principles

9.1. Legislation and Statutory Guidance provides that Councils should continue to delegate operational management decisions to Officers, as well as decisions in respect of functions which require professional officer training and skills. Where decisions are currently delegated, those delegations should continue. The officer delegation arrangements in this Constitution reflects this Guidance) and all matters previously delegated to Officers prior to the revision of the Constitution remain so. Where, in any statement of the powers previously delegated, reference is made to the holder of a post or office which no longer exists, that reference shall be interpreted as being a reference to the holder of the current post or office of which the responsibilities or functions most closely relates to those of the former post-holder or office holder. In the event of any contradiction between the earlier delegations and those set out below, the latter shall prevail.

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

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

**9.2** Responsibilities to be exercised by all Officers listed in Appendix 1 and their authorised representatives.

Working within the basic principles set out in the introductory section, the Council's Corporate Management Team and their authorised representatives may take decisions and initiate action falling within

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their managerial or professional responsibilities in the following categories;

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

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

In exercising their delegated powers, Chief Officers will

- (i) act within the law, the Council's Constitution and follow the Council's policy framework including the approved budget.
- (ii) consult the relevant Committee Chair prior to taking action where:-

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

b) where the relevant Committee Chair has given a prior indication that he/she wishes to be consulted on the matter or type of matter.

- (iii) consult any other appropriate Chief Officer
- (iv) keep a formal record of the exercise of the delegated power and of the consultation undertaken.
- (v) make the record available on request to
  - a) The public, provided this does not involve the release of confidential or exempt information.

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

Each Chief Officer shall act as the designated Proper Officer for the following functions under the Local Government Act 1972, as amended:-

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

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

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

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

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

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

# 10. Individual Director/Chief Officer Delegation

All Officers listed in Appendix 1 may exercise such delegations which apply to the functions and services for which they are responsible. A summary of how responsibility for functions and services is allocated within the Council's Officer management structure is given in Part 8 of the Constitution. Delegations should be exercised following consultation with other Directors/Chief Officers where they have a relevant interest.

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

# **Chief Executive**

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

B. Determination, and where necessary adjudication, on all issues of interpretation/application relating to the national and local conditions of service both corporately and in individual cases.
 9. Power to consult, negotiate and reach agreements with the Trade Unions on corporate staffing/employment matters within the overall policy and financial framework determined by Members, and in consultation with Directors/Chief Officers as appropriate.

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10. To act as the Council's representative on Joint Committees and Partnership Boards and to exercise all decision making powers therein in consultation with the Leader of the Council, as required under the Council's governance arrangements.

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# Assistant Chief Executive

- 1. To exercise all of the powers of the Chief Executive under the Constitution, in the absence of the Chief Executive.
- 2. To receive and record declarations of hospitality received from Officers.
- 3. Determination, and where necessary adjudication, on all issues of interpretation/application relating to the national and local conditions of service both corporately and in individual cases.
  - 4. Power to consult, negotiate and reach agreements with the <u>Trade Unions on corporate staffing/employment matters within</u> <u>the overall policy and financial framework determined by</u> <u>Members, and in consultation with Directors/Chief Officers as</u> <u>appropriate.</u>

#### **Chief Solicitor**

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

## **Chief Finance Officer**

- 1. The arrangement of insurance cover and settling of claims within the framework of the approved Insurance Strategy.
- 2. To administer the billing and collection of Council Tax and Non-Domestic Rates in accordance with the Local Government Finance Acts 1988 and 1992.
- To determine applications for rate relief under sections 43, 45, 47 and 48 of the Local Government Finance Act 1988 in accordance with any general scheme approved by the Council.

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- 4. To determine applications for hardship relief in respect of Non-Domestic Rates under Section 49 of the Local Government Act 1988 in accordance with any general scheme approved by the Council.
- 5. To determine applications in respect of empty allowances for part-occupation of non-domestic hereditaments under Section 44A of the Local Government Act 1988.
- 6. To make proposals for the alteration of the Local Valuation List and to lodge appeals against decisions of the Valuation Tribunal and Lands Tribunal.
- 7. To take Court proceedings for the recovery of, Council Tax, Non-Domestic Rates and Sundry Debts.
- 8. To write off irrecoverable Community Charge, Council Tax, Non-Domestic Rates and other irrecoverable debts which are uneconomic to collect.
  - 9. To manage the borrowing, financing and investment requirements of the Council in accordance with approved council policy.
  - 10. To make all necessary banking arrangements on behalf of the Council.
  - To administer and grant Housing and Council Tax <u>SupportBenefit</u> (for pensioners and any other excepted categories) under the Social Security, Contributions and Benefits Act 1992 and the Social Security Administration Act 1992.
  - 12. To grant Discretionary Housing Payments to Housing Benefit recipients for Housing Costs in accordance with the Social Security Amendment (Discretionary Housing Payments) Regulations 2001 and the Discretionary Housing Payments (Grants) Order 2001.
  - 13. To administer and grant Council Tax support to working age adults under the approved Local Council Tax Support Scheme.
  - 14. To administer and grant Social Fund grant payments.
  - 15. To determine sanctions in fraudulent benefit cases in accordance with the Social Security Administration Act 1992.

# **Director of Child and Adult Services**

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

- Whether to make a statement of special educational needs after such an assessment.
- The manner in which the Authority proposes to provide for those needs.
- Any payment or reimbursement of travelling costs incurred by a pupil with SEN or the parents of such a pupil in relation to the attendance of the child at school, visits of the parent to the school and weekend visits to the home by the pupil.
- 12. Exercise the powers of the Council as Local Education Authority under the Schools Standards and Framework Act 1998 and any steps required under direction issued by the Secretary of State for Education.
- 13. To make arrangements to promote co-operation between the Council and its partner Authorities and other persons or bodies to reduce and mitigate the effects of child poverty in the Council's area under Section 21 of the Child Poverty Act 2010.
- 14. Exercise responsibilities and duties in order to protect and safeguard the interest and well being of children for whom the Local Authority has a social services function.
- 15. Exercise responsibilities and duties conferred as or exercisable by the Local Authority in their capacity as Local Education Authority.
- 16. Approve grants and awards to pupils and students in further or higher education in accordance with nationally or locally agreed schemes or provisions, or as a special case outside such provisions, in either case in accordance with regulations and advice issued by the Secretary of State for Education.
- 17. To grant Discretionary Housing Payments to Housing Benefit recipients for Housing Costs in accordance with the Social Security Amendment (Discretionary Housing Payments) Regulations 2001 and the Discretionary Housing Payments (Grants) Order 2001.
  - 18. To administer and grant Local Welfare Support grant payments

# Director of Regeneration and Neighbourhoods

1. Determine and implement a Joint Waste Strategy developed by the constituent Authorities.

- 2. To manage, operate and develop regeneration policies and activities.
- 3. To receive, pass or reject all plans, certificates and notices pursuant to the Building Regulations 2010 and related legislation.
- To exercise the Council's functions in respect of dangerous and dilapidated buildings and other structures including authorising service of Notice under the Public Health Acts 1936 and 1961 and the Building Act 1984.
- 4. To exercise the Council's functions in respect of dangerous and dilapidated buildings and other structures including authorising service of Notice under the Public Health Acts 1936 and 1961 and the Building Act 1984.
  - 5. To determine all forms of planning and other applications under Part III and Part VIII and Part VIII (Chapter II) of the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990, the Planning Act 2008 or under any related secondary legislation except those reserved to the Planning Committee.
  - 5. To exercise the Council's functions with regard to temporary markets under Section 37 of the Local Government (Miscellaneous Provisions) Act 1982.
  - 7. To undertake the Council's powers and duties in relation to high hedge complaints under the Anti-Social Behaviour Act 2003.
  - To exercise the functions of the Council in relation to the management, inspection and control of asbestos, (Control of Asbestos at Work Regulations), and water systems in relation to Legionella (Approved Code of Practice for Minimisation of Legionella in Water Systems (L8)).
  - To exercise the Council's functions under the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987.
  - Exercise responsibilities in relation to applications for Child Safety Orders under Section 11 of the Crime and Disorder Act 1998.
  - Power to apply for Anti-Social Behaviour Orders under Section
     1 of the Crime and Disorder Act 1998 in consultation with

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Cleveland Police and to respond to consultation with social landlords.

- 12. To consent/respond to Police consultation in respect of designation of areas for dispersal of groups under the Anti-Social Behaviour Act 2003.
- 13. Exercise responsibilities in consultation with the Chief Solicitor in relation to Drink Banning Orders under the Violent Crime Reduction Act 2006.
- 14. Power to approve land and property disposals, leases, lettings, licences, wayleases, easements, undertaking and concluding rent reviews, lease renewals and the release and amendments of restrictions, covenants and other land and property matters within prescribed thresholds as approved by Council.
- 15. Power to offer, open and accept tenders subject to compliance with the Council's Contract Procedure Rules, the best value tender received by the Council for a land and property advertised for sale or to let by way of lease or licence upon the open market and to report back to the appropriate Committee for information.

# **Director of Public Health**

- 1. To oversee public health and commissioning to deliver better health outcomes and to reduce health inequalities within the Borough.
- 2. To liaise with Local Authorities, communities and voluntary groups, public health services and clinical commissioning groups to deliver effective public health interventions.
- 3. To prepare an Annual Report on the health of the local population and for the Council to publish that report.-

 <u>6.</u> To exercise the Council's functions with regard to temporary markets under Section 37 of the Local Government (Miscellaneous Provisions) Act 1982.
 9. To exercise the Council's functions under the Safety of Sports

<u>Grounds Act 1975 and the Fire Safety and Safety of Places of</u> Sport Act 1987. Formatted: Indent: Left: 0 cm, Hanging: 1.5 cm, Tab stops: Not at 2.5 cm

# C. PROPER OFFICER FUNCTIONS

- 1. The Chief Executive is hereby appointed the Proper Officer in relation to any reference to any enactment other than the Local Government Act 1972, or in any instrument made before the 26th October, 1972, to the Clerk of a Council or the Town Clerk of a Borough, which by virtue of any provision in the said Act, is to be construed as a reference to the Proper Officer of the Council.
- 2. The Chief Executive is hereby designated as Head of the Paid Service.
- 3. The Chief Executive is hereby appointed the Proper Officer under Section 6(3) of the Sheriffs Act, 1887.
- 4. The Chief Finance Officer is hereby appointed the Proper Officer in relation to any reference in any enactments or Instruments to a Borough Treasurer or Treasurer or Section 151 Officer which by any such provision is to be construed as a reference to the Proper Officer of the Council.
- 5. The Chief Solicitor is hereby appointed Monitoring Officer under the Local Government and Housing Act, 1989.
- 6. The Chief Solicitor is hereby appointed the Proper Officer for the purposes of the Commons Registration Act 1965.
- 7. The Chief Solicitor is hereby appointed the Returning Officer and the Electoral Registration Officer under S.35 and S.8 respectively of the Representation of the People Act 1983.
- 8. The Chief Solicitor is hereby appointed the Proper Officer for the taking of an election candidate's declaration of expenses pursuant to S.82 Representation of the People Act 1983.
- 9. The Assistant Chief Executive is hereby appointed Proper Officer under the Local Government and Housing Act 1989 as amended in respect of politically restricted posts.
- 10. The Chief Solicitor is hereby appointed Proper Officer under the Local Government (Miscellaneous Provisions) Act 1976 s. 41(2A) for the purposes of certification of records of decisions.
- 11. The Chief Executive is hereby appointed Proper Officer under the Local Elections (Declaration of Acceptance of Office) Order 2001 for the purposes of receipt of declaration of office of Members.

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- 12. The Assistant Chief Executive is hereby appointed Proper Officer for the purposes of Registration Services Act 1953 as amended.
- 13. The Director of Child and Adult Services is hereby appointed Proper Officer under Section 532 of the Education Act 1996.
- 14. The Director of Regeneration and Neighbourhoods is hereby appointed the Proper Officer under Section 606 of the Housing Act 1985.
- 15. The Director of Child and Adult Services is hereby appointed Proper Officer under Section 6 of the Local Authority Social Services Act 1970 (as amended).
- 16. The Assistant Director (Transportation and Engineering ServicesNeighbourhoods) is hereby appointed Proper Officer in relation to any reference in any enactments or Instruments referred to in any resolution of the Council to a Borough Engineer, Borough Surveyor, Surveyor or Head of Engineering and Waste Management which by any provision in the Local Government Act, 1972, is to be construed as a reference to the Proper Officer of the Council.
- 17. The Assistant Director (Regeneration and Planning) and Director of Regeneration and Neighbourhoods are hereby appointed the Proper Officers in relation to any reference in any enactments or Instruments to a Sanitary Inspector or Public Health Officer which by any such provision is to be construed as a reference to the Proper Officer of the Council
- 18. The person appointed by the Health Protection Agency North East (part of Public Health England) as a Consultant in Communicable Disease/Consultant in Health Protection/Regional Epidermiologist/Unit Director is hereby appointed to act as Proper Officer for the Council for the purposes of functions under the Public Health (Control of Disease) Act 1984 (as amended) and in relation to any reference in any enactments or instruments made thereunder.
- 19. The Assistant Chief Executive-The Chief Solicitor is hereby appointed Proper Officer to receive notices under the Local government (Committees and Political Groups) Regulations 1990.
  - 20. The Assistant Chief Executive is hereby appointed Proper Officer to undertake the Council's duties under the Civil Partnership Act 2004.
  - 21. The Director of Child and Adult Services as the Proper Officer under Section 18 of the Children Act 2004.
  - 22. The Director of Child and Adult Services is hereby appointed the Proper Officer for ensuring compliance with the Local Authority

Social Services and National Health Services Complaints (England) Regulations 2009.

- 23. The Scrutiny Manager is hereby designated as Scrutiny Officer under Section 31 of the Local Democracy, Economic Development and Construction Act 2009.
- 24. The Director of Public Health is hereby appointed Proper Officer for the purposes of Section 30 of the Health and Social Care Act 2012.
- 25. In respect of the sections of the Local Government Act 1972 set out in the first column hereunder the Officer of the Council referred to in the second column shall be the Proper Officer with regard to the function referred to in the third column, that is to say:-

Section of Act	Proper Officer	Functions
13(3)	Chief Executive	Parish Trustee
83(1) to (4)	Chief Executive	Witness and receipt of declarations of acceptance of office.
84	Chief Executive	Receipt of declaration of resignation of office.
88(2)	Chief Executive	Convening of meeting of Council to fill casual vacancy in the Office of Chairman.
89(1)(b)	Chief Executive	Receipt of notice of casual vacancy from 2 Local Government electors
100B - 100F	Chief Solicitor	Functions with respect to exempt information
115(2)	Chief Finance Officer	Receipt of money due from Officers
117	Chief Executive	Keeping record of particulars of any notice given by an officer as to a pecuniary interest in any contract or proposed contract.
146(1)(a) & (b)	Chief Finance Officer	Declarations and certificates with regard to securities.
191	Assistant Director ( <del>Transportation and Engineering Services<u>Neighbor</u></del>	Functions with respect to ordnance survey urhoods)

Section of Act	Proper Officer	Functions
210(6) & (b)	Chief Executive	Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities, or, if there is no such office, to Proper Officers
212(1) and (2)	Chief Solicitor	Proper Officer to act as local registrar for Land Charges Act 1972 and 1975
225(1)	Assistant Chief Chief Solicitor Executive	Deposit of Documents
229(5)	Chief Solicitor	Certification of photographic copies of documents
234(1) and (2)	Chief Executive	Authentication of documents
236(9)	Chief Solicitor	To send copies of bye-laws for Parish Records.
238	Chief Solicitor	Certification of bye-laws
248	Chief Solicitor	Keeping of roll of Freemen
Schedule 12 Para. 4(2)(b)	Chief Executive	Signature of summonses to Council meetings
Para. 4(3)	Chief Executive	Receipt of notices regarding address to which summons to meetings is to be sent
Para. 25(7)	Chief Solicitor	Certification of resolutions under para. 25 of Schedule 14
Schedule 16 Para. 28	Chief Solicitor	Receipt on deposit of lists of protected buildings (section 54(4) of the Town and Country Planning Act 1971)

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

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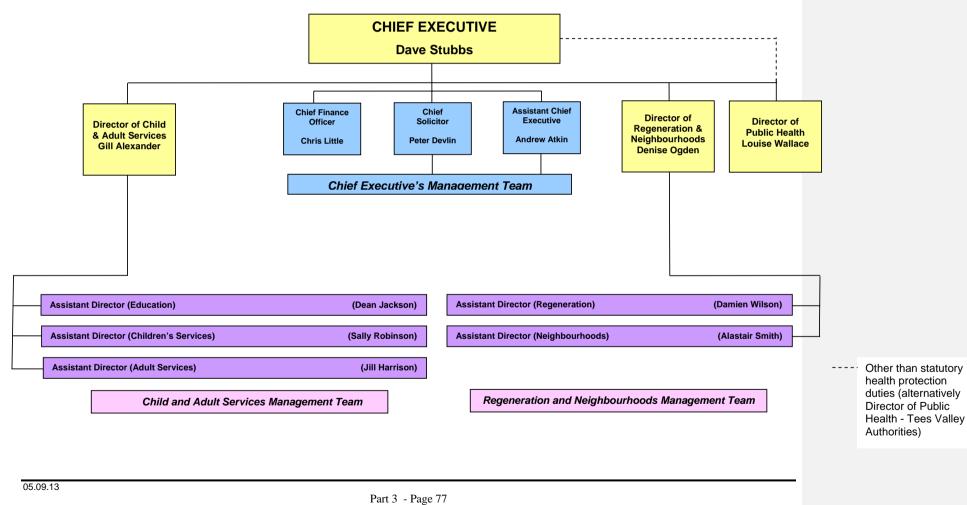
	Proper Officer	Deputy Proper Officer		
	Chief Executive	Assistant Chief Executive		
	Chief Solicitor	Chief Executive		
	Assistant Chief Executive	Chief Solicitor		
	Chief Finance Officer	Assistant Chief Finance Officer		
I	Assistant Director	Director of Regeneration and		
I	(Transportation and EngineeringNeighbourhoods	Neighbourhoods		
	Assistant Director (Regeneration-and Planning)	Director of Regeneration and Neighbourhoods		
	Director of Regeneration and Neighbourhoods	Assistant Director ( <del>Transportation</del> and Engineering <u>Neighbourhoods</u> ) or Assistant Director (Regeneration-and Planning) (as appropriate)		
	Director of Child and Adult Services	Assistant Director (Children's Services) istant Director (Adult Services)	Formatted: Indent:	Left: 0 cm, First
	Director of Public Health	<u>Chief Executive other than</u> statutory health protection duties – Alternative Director of Public Health (Tees Valley Authorities)	line: 0 cm, Tab stops + 8.47 cm	: Not at 2.12 cm

## POWER TO ACT GENERALLY

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

# **DELEGATION SCHEME – OFFICERS**





### **APPENDIX 2**

## POWER TO ACT GENERALLY

Abandonment of Animals Act 1960 Access to Neighbouring Land Act 1992 Accommodation Agencies Act 1953 Acquisition of Land Act 1981 Administration of Justice Act 1970 Adoption Act 1976 Adoption and Children Act 2002 Agriculture Act 1970 Agriculture (Miscellaneous Provisions) Acts 1968, 1972, 1976 Agriculture Produce (Grading & Marking) Act 1931 Airports Act 1986 Animal Act 1971 Animal Boarding Establishments 1963 Animal Health Act 1981 Animal Health and Welfare Act 1984 Animal Welfare Act 2006 Animals Cruel Poisons Act 1962 Anti-Social Behaviour Act 2003 Apprenticeships, Skills, Children and Learning Act 2009 Asylum and Immigration Act 2004 Audit Commission Act 1998

Banking Act 1987 Breeding of Dogs Acts 1973, 1991 Bribery Act 2010 Building Act 1984 Building Regulations Act 1991 Business Names Act 1985

Caravan Sites Act 1968 Caravan Sites and Control of Development Act 1960 Care Standards Act 2000

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Charities Act 2006

- Charities Act 2011
- Child Support Act 1991
- Child Support Pensions and Social Security Act 2000
- Child Trust Funds Act 2004
- Children Act 1989
- Children Act 2004
- Child Care Act 1980
- Child Poverty Act 2010
- Childcare Act 2006
- Children and Adoption Act 2006
- Children (Leaving Care) Act 2000
- Children, Schools and Families Act 2010
- Children and Young Persons Act 1933
- Children and Young Persons Act 2008
- Children and Young Persons (Protection from Tobacco) Act 1992
- Charities Act 1992
- Christmas Day (Trading) Act 2004
- Chronically Sick and Disabled Persons Act 1970
- Cinemas Act 1985
- Civil Contingencies Act 2004
- Civil Partnership Act 2004
- Clean Air Act 1993
- Clean Neighbourhoods and Environment Act 2005
- **Cleveland County Act 1986**
- Climate Change Act 2008
- Climate Change and Sustainable Energy Act 2006
- Coastal Protection Act 1949
- Commonhold and Leasehold Reform Act 2002
- Commons Act 2006
- Commons Registration Act 1965
- Companies Act 1985
- Companies Act 1989
- Companies Act 2006
- Competition Act 1998
- Concessionary Bus Travel Act 2007

Consumer Credit Act 1974 **Consumer Protection Act 1987** Contract (Rights of Third Parties) Act 1999 Control of Dogs Order 1992 Control of Pollution Act 1974 and 1976 Copyright Design and Patents Act 1988 Coroners and Justice Act 2009 Corporate Manslaughter and Corporate Homicide Act 2007 Council Tax (New Valuation Lists for England) Act 2006 County of Cleveland Act 1987 Countryside and Rights of Way Act 2000 Courts Act 2003 Courts and Legal Services Act 1990 Crime and Courts Act 2013 Crime and Disorder Act 1998 Criminal Procedure and Investigations Act 1996 Criminal Damage Act 1971 Criminal Justice Act 1991 Criminal Justice Act 2003 Criminal Justice and Immigration act 2008 Criminal Justice and Police Act 2001 Criminal Justice and Public Order Act 1994 Criminal Law Act 1977 Criminal Procedure and Investigations Act 1996 Customs and Excise Management Act 1979

Dangerous Dogs Acts 1989 and 1991 Dangerous Wild Animals Act 1976 Data Protection Act 1998 Defective Premises Act 1972 Defamation Act 1996 <u>Defamation Act 2013</u>

Cycle Tracks Act 1984

Deregulation and Contracting Out Act 1994 Development of Tourism Act 1969 Digital Economy Act 2010

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Disability Discrimination Acts 1995 and 2005 Disabled Persons' Parking Badges Act 2013 Disabled Persons (Services, Consultation and Representation) Act 1986 Disability Rights commission (DRC) Act 1999 Dogs Act 1871 Dogs Act 1906 Dogs (Fouling of Land) Act 1996 Dogs Protection of Livestock Act 1953 Domestic Violence, Crime and Victims Act 2004

Education Act 1962 Education Act 1973 Education Act 1996 Education Act 1997 Education Act 2002 Education Act 2011 Education and Skills Act 2008 Education and Inspections Act 2006 Education Reform Act 1988 Elections Act 2001 Electoral Administration Act 2006 Electoral Registration and Administration mendment Act 2013 Electronic Communications Act 2000 Employment Acts 1982 - 2002 Employment Act 2008 Employment Equality Act 1998 Employment Protection (Consolidation) Act 1978 **Employment Relations Act 1999** Employment Rights act 1996 Employment Rights (Dispute Resolution) Act 1998 Employment Tribunals Act 1996 Energy Act 1976 Energy Act 2008 Energy Act 2011 Energy Act 2013 Energy Conservation Act 1981

Energy Conservation Act 1996 Enterprise and Regulatory Reform Act 2013 Environment Act 1995 Environmental Protection Act 1990 Equal Pay Act 1970 (as amended) Equality Acts 2004, 2006 and 2010 Estates agents Act 1979 European Communities Act 1972 Explosive (Age of Purchase) Act 1976 Explosives Act 1875

Factories Act 1961 Fair Trading Act 1973 Farm and Garden Chemicals Act 1985 Finance Act 2013 Fire Precautions Act 1971 Fire Safety and Safety of Place of Sport Act 1987 Flood and Water Management Act 2010 Food Act 1984 Food Safety Act 1990 Food and Environmental Protection Act 1985 Forgery and Counterfeiting Act 1981 Foreign Traffic (Foreign Vehicles) Act 1972 Fraud Act 2006 Freedom of Information Act 2000

Gambling Act 2005 Game Acts 1831 – 1860 Gender Recognition Act 2004 Growth and Infrastructure Act 2013 Guard Dogs Act 1975

Hallmarking Act 1973 Health Act 1999 Health Act 2006 Health and Safety at Work Act Etc 1974

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Health and Safety (Offences) Act 2008 Health and Social Care Act 2001 Health and Social Care Act 2008 Health and Social Care Act 2012 Health and Social Care (Community Health and Standards) Act 2003 Hire Purchase Act 1973 Highways Act 1980 Highways (Obstruction by Body Corporate) Act 2004 Home Energy Conservation Act 1995 Homelessness Act 2002 Housing Acts 1957 - 1985 as amended Housing Act 1988 Housing Act 1996 Housing Act 2004 Housing Associations Act 1985 Housing Grants, Construction and Regeneration Act 1996 Housing and Regeneration Act 2008 Human Rights Act 1998 Human Fertilisation and Embryology Act 2008

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

Jobseekers Act 1995 Jobseekers (Back to Work Schemes) Act 2013 Justices of the Peace act 1997

Land Charges Act 1972 and 1975 Land Drainage Act 1991 Land Registration Act 2002

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Landlord and Tenant Act 1954 Landlord and Tenant Act 1985 Landlord and Tenant Act 1987 Landlord and Tenant Act 1988 Late Night Refreshment Houses act 1969 Late Payment of Commercial Debts (Interest) Act 1998 Law of Property Act 1925 Law of Property (Miscellaneous Provisions) act 1989 Litter Act 1983 Learning and Skills Act 2000 Licensing Act 1964 Licensing Act 2003 Licensing (Young Persons) Act 2000 Live Music Act 2011 Local Land Charges Act 1975 Localism Act 2011 Local Authorities (Goods and Services) Act 1970 Local Authority Social Services Act 1970 (as amended) Local Democracy, Economic Development and Construction Act, 2009 Local Government Act 1972 Local Government Act 1974 Local Government Act 1985 Local Government Act 1986 Local Government Act 1987 Local Government Act 1988 Local Government Act 1992 Local Government Finance Act 1982 Local Government Finance Act 1987 Local Government Finance Act 1988 Local Government Finance Act 1989 Local Government Finance Act 1992 Local Government Finance Act 2012 Local Government Finance Act 2013 Local Government and Housing Act 1989 Local Government, Planning and Land Act 1980 Local (Contracts) Act 1997

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Local Government and Rating Act 1997 Local Government Act 1999 Local Government Act 2000 Local Government Act 2003 Local Government (Miscellaneous Provisions) Act 1976 and 1982 Local Government and Public Involvement in Health Act 2007 Local Transport Act 2008 Lotteries and Amusements Act 1976 Lotteries Act 1993

Malicious Communications Act 1988 Marine and Coastal Access Act 2009 Medicines Act 1968 Mental Health Act 2007 Mental Health Act 1983 Mental Health (Discrimination) Act 2013 Mobile Homes Act 2013 Mobile Homes Acts 1975 and 1983 <u>Mobile Homes Act 2013</u> Mock Auction Act 1961 Motor Cycle Noise Act 1987 Motor Vehicles (Safety equipment for Children) Act 1991

National Assistance Act 1948 National Assistance Act 1951 National Health Service and Community Care Act 1990 National Health Service Act 1999 National Health Service Act 2006 Nationality, Immigration and Asylum Act 2002 New Roads and Streetworks Act 1991 Noise and Statutory Nuisance Act 1993 Noise Act 1996 Nurses Agencies Act 1957

Occupiers Liability Act 1957 Offices, Shops and Railway Premises Act 1963

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Party Wall Etc Act 1996 Performing Animals Acts 1925 and 1968 Personal Care at Home Act 2010 Pet Animals Act 1951 Petroleum (Regulations) Acts 1928 and 1936 Pilotage Act 1987 Planning and Compensation Act 1991 Planning Act 2008 Planning and Energy Act 2008 Planning (Listed Buildings and Conservation Areas) Act 1990 Planning and Compulsory Purchase Act 2004 Poisons Act 1972 Police Act 1996 Police Act 1997 Police and Criminal Evidence Act 1984 Police and Justice Act 2006 Police Reform Act 2002 Police Reform and Social Responsibility Act 2011 Political Parties, Elections and Referendums Act 2000 Political Parties and Elections Act 2009 Powers of the Criminal Courts (Sentencing) Act 2000 Prevention of Damage by Pests Acts 1949 Prevention of Social Housing Fraud Act 2013 Prices Acts 1974 and 1975 Private Places of Entertainment (Licensing) Act 1967 Private Security Industry Act 2001 Property Misdescriptions Act 1991 Prosecution of Offences Act 1985 Protection of Animals Act 1911 Protection of Freedoms Act 2012 Protection from Eviction Act 1977 Protection from Harassment Act 1997 Public Health Acts 1907, 1936-1961 Public Health (Control of Disease) Act 1984 Public Libraries and Museums Act 1964

Public Service Pensions Act 2013 Public Services (Social Value) Act 2012

Race Relations Act 1976 Race Relations (Amendment) Act 2000 Racial and Religious Hatred Act 2006 Refuse Disposal (Amenity) Act 1978 Registered Homes Act 1984 **Registration of Political Parties Act 1998 Registration Services Act 1953** Regulation of Investigatory Powers Act 2000 Regulatory Enforcement and Sanctions Act 2008 Rehabilitation of Offenders Act 1974 Representation of the People Act 1983 Representation of the People Act 1985 Representation of the People Act 2000 Rent Act 1977 Riding Establishment Acts 1964 and 1970 Rights of Way Act 1990 Road Safety Act 2006 Road Traffic Act 1974 Road Traffic Act 1991 Road Traffic Acts 1971 and 1988 Road Traffic (Consequential Provisions) Act 1988 Road Traffic (Foreign Vehicles) Act 1972 Road Traffic Offenders Act 1988 Road Traffic Regulation Act 1984

Safety of Sports Grounds Act 1975 School Inspection Act 1996 School Standards and Framework Act 1998 Scotch Whisky Act 1988 Scrap Metal Dealers Act 1964 Scrap Metal Dealers Act 2013 Sea Fisheries Regulation Act 1966 Sex Discrimination Acts 1975 and 1986

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Sheriffs Act 1887 Slaughter Houses Act 1974 Slaughter of Poultry Act 1974 Social Security Act 1986 Social Security Act 1998 Social Security Administration Act 1992 (as amended) Social Security Contributions and Benefits Act 1992 Social Security Fraud Act 2001 Solicitors Act 1974 Special Educational Needs Act 2008 Special Educational Needs (Information) Act 2008 Special Educational Needs and Disability Act 2001 Sports Grounds Safety Authority Act 2011 Statistics and Registration Service Act 2007 Sunday Theatres Act 1972 Sunday Trading Act 1994 Sustainable Communities Act 2007

Taxes Management Act 1970 Teaching and Higher Education Act 1998 **Telecommunications Act 1984** Theatres Act 1968 Theft Acts 1968 and 1978 Timeshare Act 1992 Town and Country Planning Act 1971 Town and Country Planning Act 1990 Town Police Clauses Act 1847 Trade Descriptions Act 1968 Trade Marks Act 1938 Trade Marks Act 1994 Trading Representation (Disabled Persons) Acts 1958 and 1972 Traffic Management Act 2004 Transport Act 1982 Transport Act 1985 Transport Act 2000 Transport and Works Act 1992

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Tribunals, Courts and Enforcement Act 2007 Trustee Act 2000 Trusts of Land and Appointment of Trustees Act 1996

Unsolicited Goods and Services Act 1971 Unsolicited Goods and Services (Amendment) Act 1975

Video Recordings Act 1984 Video Recordings Act 2010 Vehicle (Excise) Act 1971 Vehicles (Crime) Act 2001 Violent Crime Reduction Act 2006

Warm Homes and Energy Conservation Act 2000 Waste and Emissions Trading Act 2003 Water Act 1973 Water Act 1989 Water Industry Act 1991 Weights and Measures Act 1976 Weights and Measures Act 1985 Welfare Reform Act 2007 Welfare Reform Act 2012 Wildlife and Countryside Act 1981

Young Persons (Employment) Acts 1938 - 1964

Zoo Licensing Act 1981

Any amending or replacement legislation, or Statutory Instruments, Regulations, Codes of Practice, Byelaws or Orders associated with or made under these enactments.

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Rules

## CONTRACT PROCEDURE RULES

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#### INTRODUCTION

#### 1. Contracts covered by the rules

- The following procedure rules apply to contracts entered into by the Council whether under authority exercised by Full Council, a Policy Committee or a relevant Officer. The contracts to which they are applicable are contracts for the acquisition of goods, materials or services or for the execution of works, with certain <u>exceptions\_exemptions</u> set out in the rules.
- ii) The rules do not represent a total procedure package rather they stipulate a number of requirements that must be complied with within any contract letting procedures adopted. For further details of the procedures to be followed in the procurement of goods and services, reference should be made to the Procurement Guidance (Officers Guide to Procurement), which gives a wider explanation of the Council's procurement policies and practices. Where significant expenditure is contemplated, the rules establish requirements in the context of three contract-letting concepts –
- Best Price basis lowest price where price to be paid by Council; highest price where price to be received by Council;
- Price/Quality contractor to be selected on basis of combination of price and quality, buyer of goods/services to be selected on basis of combination of price and benefits to Hartlepool residents;
- Strategic Partnerships arrangements to be developed between the Council and its strategic partners (including other public sector organisations), to exploit common resources, potential economies of scale, support local infrastructure or to secure continuing service provision.

# 2. Procurement Exercises undertaken as a result of a successful challenge under the Localism Act 2011

- Once a decision has been made to procure a service following acceptance of a challenge submitted under the 'Community Right to Challenge' legislation, the Council's Contract Procedure Rules come into effect.
- ii) As with all other procurement activities undertaken by the Council, the procurement procedure will be selected by assessing the value of the contract to be awarded as described later in these rules.
- iii) Given the possible nature of the services subject to challenge, care will need to be taken to ensure that evaluation criteria are utilised

which reflect the Council's obligation to secure Best Value and meet the requirements and principles laid down in the Public Services (Social Value) Act 2012, i.e. to consider how the procurement can promote or improve the social, economic or environmental well-being of the Authority's area.

- iv) In addition, care will be taken to ensure that Third Sector and Voluntary & Community Sector organisations are not excluded from bidding for services as a result of the Council incorporating requirements which are not proportional to the value of the service and any associated risks relating to public safety, service delivery, service continuity etc.
- In addition to the above, any planned procurement activity will take into account any pre-existing contractual obligations the Council may have. This may result in decisions being required on whether to extend or terminate existing contracts.

#### 3. Central Purchasing Contracts and Framework Agreements

- i) Where goods or services are to be acquired of a nature in respect of which a central contract or framework agreement has been established by the North East Procurement Organisation (NEPO), via a national, regional or other public sector collaborative arrangement the Council's Procurement Unit, or is a contract designated as the Council's preferred channel, such goods and services will be purchased through that contract or framework agreement unless the Chief Officer, following consultation with the Council's Corporate Lead for Procurement considers a special exemption can be made.
- ii) Goods or services for which the Council has; accepted a tender submitted to NEPO or the Council's Procurement Unit or, where they can be secured through a contract or framework agreement which has been designated as the Council's preferred channel (as detailed in 3(i) above), are outside the scope of the Contract Procedure Rules and will be obtained from the relevant supplier in accordance with the applicable procedures.

#### 4. Select Lists

i) Where goods, services or works are to be acquired of a nature in respect of which a Select List has been established or adopted by the Council, such goods, services or works will be purchased through that arrangement unless the Chief Officer, following consultation with the Council's Corporate Lead for Procurement considers a special exemption can be made. Council – 3 April 2014

 Goods or services for which the Council has accepted a tender submitted via a Select list are outside the scope of the Contract Procedure Rules and will be obtained from the relevant supplier in accordance with the procedures defined for using the Select List.

#### 5. Strategic Partnerships

- Where goods or services are to be acquired of a nature in respect of which the Council has established a Strategic Partnership with another provider, such goods and services will be acquired through that Strategic Partnership. Only in exceptional circumstances and following consultation with the Council's Corporate Lead for Procurement and the Chief Solicitor, will exemptions be made.
- ii) Strategic Partnerships of the kind intended in these Contract Procedure Rules are likely to be of a lengthy duration and as a result, will typically represent a monetary value well in excess of the threshold detailed in the Public Contracts Regulations (2006) – currently £173,934 (2013).
- iii) The Public Contracts Regulations impose specific requirements in relation to the setting up of strategic partnerships (as opposed to letting contracts through the normally required competitive procurement routes) with the main considerations revolving around structural control, economic dependency, and the pursuit of objectives in the public interest.
- This is a highly complex area and as such, any Council activities identified as possibly suitable for the creation of a Strategic Partnership must be referred to the Council's Legal Division for consideration.

#### 6. The Rules and an In-house Provider

- These rules do not apply when a decision is taken to have work executed by an in-house provider such as Neighbourhood Services, without competitive process provided that the service is not subject to a challenge under the 'Community Right to Challenge' legislation.
- ii) Should such a challenge exist, contracts will not be awarded until the outcome, either successful or unsuccessful of the challenge has been ascertained.
- iii) In such circumstances, the provider being a department or division of the Council, there is no contract as it is a fundamental principle of contract law that a party cannot contract with itself. Even where a competitive process has taken place and the work is awarded to the in-house provider on the basis of their bid, there is no contract.

iv) This has the consequence that, when it is necessary for the in-house provider to have some part of the work done by an outside contractor, the contract with the outside contractor is a 'contract', rather than a 'sub-contract' (requiring specific contract provision regulating the relationship between the in-house provider and the external contractor which is outside the scope of this commentary). For the purposes of their bid as part of a competitive process, the in-house provider may wish to include elements of cost for an external contractor and provision is made for a higher limit for informal/quotations/tender procedures to be followed in such circumstances. Costs established through these informal/quotation/tender procedures can then be used as the basis of the contract with the external contractor without further tendering procedures being followed. In these rules, such contracts are referred to as "In-house Bid Contracts".

#### 7. Recording of decision making process with regard to Procurement Strategy

- As part of their specification writing and tender preparations, procurers must record details of and the rationale behind the procurement strategy to be employed. As a minimum, the details must include the following:
  - Scope of the contract
  - Reasons for tender packaging and structure of lots
  - Basis of any price/quality split to be used in the evaluation process
- ii) This information is to be retained for audit purposes and in the event that the relevant Policy Committee requests a review of the procurement process followed.
- iii) Considerations which will inform decisions around the procurement strategy to be employed are likely to include: -
  - Value of contract and method of payment
  - Nature of project e.g. is the work involved of a specialist nature where the contractor's techniques, design talents, contacts with government departments, national agencies etc are likely to be material to any choice
  - Length of contract and any extension arrangements
  - Frequency of need for services/work
  - Importance of adherence to budget and cost monitoring

- Client input and contract management throughout the project
- In the event of the contract arising as a result of a successful challenge under 'Community Right to Challenge' legislation the Council will consider its obligations and stated preferences in relation to delivery of services and the opportunities the contract may provide to support and develop the Third and Voluntary Sectors in the locality.

#### 8. Roles and Responsibilities

i) Responsibility for decision making and action under contract letting procedures and for monitoring of the application of the contract procedures will be spread over the Council, in the interests of both efficiency and probity.

The role of Members Policy Committees or the Council

- ii) Most contracts will relate to 'policy' functions and regulations, provided that those functions may only be discharged by Full Council, a Policy Committee or a relevant Officer, as the case may be. In respect of contracts relating to their policy functions, Policy Committees of the Council will have the responsibility:
  - To determine the policy aims of the project, or service to be acquired
  - To establish the level of expenditure for the project or service.
  - To waive any element of the Contract Procedure Rules in the case of an individual project / service or class or group of contracts / services and to delegate such decisions to the relevant Chief Officer or the Council's Corporate Lead for Procurement to the Director of Regeneration and Neighbourhoods in consultation with the Chief Finance Officer and Chief Solicitor where deemed appropriate.

#### The Finance and Policy Committee

- iii) In order to ensure monitoring in the award of contracts, the Committee will review outcomes after the completion of a tender procedure. In respect of any tender the Committee will have the responsibility:
  - The same functions under 8(ii) above in its role as a Policy Committee.
  - To receive and examine quarterly reports on the monitoring and outcome of contract letting procedures including outputs, values,

value for money considerations and performance (incorporating if necessary provider comparative analysis) where lowest/highest price is not payable/receivable.

 To receive and examine reports on any exemptions granted to these Contract Procedure Rules

#### iv) The Audit and Governance Committee

To monitor contracts (at the discretion of the Committee) subject to the formal quotation and tendering procedures.

#### The Role of Officers - The Chief Officer/Officer Team

- v) The Chief Officer/Officer Team will have the responsibility:
  - To prepare the specification and procurement strategy in accordance with section 7 of this introduction.
  - To approve use of selected tendering lists or frameworks, if none available, to determine the tendering list for the contract.
  - To advertise/issue invitations for expressions of interest, where appropriate.
  - To determine a marking mechanism for each contract or for categories of contracts.
  - To select contractors for participation in contracts procedures.
  - To evaluate proposals and contractors and allocate scores.
  - To approve the successful contractor.
  - To open all tenders in conjunction with Democratic Services and the Corporate Procurement Unit.
- vi) The relevant Chief Officer must:-

Record the outcome of all tenders indicating:-

- Contract Name and Reference number;
- Description of Goods / Services being procured;
- Department / Service area procuring the Goods / Services;
- Bidders;
- Prices (separate to Bidders details to preserve commercial confidentiality);
- Identity of successful Bidder.

And report the above information to the Finance and Policy Committee on a quarterly basis.

vii) It is presumed that Officers responsible for procuring goods, works and services under these rules are familiar with the powers delegated to Officers under the Council's delegation scheme, at least to the extent that those powers enable an Officer to take action without a specific authority from Members. Where an Officer is given power to take action (eg to incur expenditure for which budgetary provision has been made), that power includes the power to enter into any contract necessary to secure the goods, works or services involved. In the interests of transparency, the requirement for the outcome of a Tender letting procedure to be reported to the Finance and Policy Committee applies to contracts undertaken by an Officer under delegated powers, but the responsible Officer, rather than the Chief Solicitor would sign such a contract.

#### 9. Electronic Procurement (e-Procurement)

 It is the Council's policy that, whenever possible, procurement shall be carried out electronically. All procurement carried out, on any eprocurement system approved by the Chief Solicitor and the Council's Corporate Lead for Procurement, is subject to these Rules.

#### 10. The Public Services (Social Value) Act 2012

- i) The Public Services (Social Value) Act places a number of statutory obligations on the Council, in relation to certain elements of its procurement practices.
- ii) The Act applies to all contracts for services and framework agreements to which the Public Contracts Regulations 2006 ('the Regulations') apply, but not call-offs under those frameworks. In real terms this means that the Act only applies to services' contracts with a value in excess of the current EU Public Procurement thresholds (currently £173,934 excl VAT).
- iii) The Act does not apply to below threshold contracts or any works or supplies contracts. However, it is likely that 'mixed' contracts involving services will be subject to similar analysis as is currently undertaken in terms of the dominant value test.
- iv) As the Act covers service contracts as defined in the Regulations the duty appears to extend to Part B service contracts since these service contracts are covered by the Regulations albeit the requirements for the procurement of such contracts are less onerous.

- v) The Act also includes an amendment to section 17 of the Local Government Act 1988 (exclusion of non-commercial considerations in the case of local and other public authority contracts) which basically enables the Council to consider non-commercial matters when awarding business, provided this is done in pursuit of the duties imposed by the Public Services (Social Value) Act 2012.
- vi) The Council confirms that it will consider the following when proposing to procure or make arrangements for procuring services and will ensure that the Council's Key Social Values, as described in the Sustainable Community Strategy or Council Plan, are taken into account:
  - How what is being proposed to be procured might improve the economic, social and environmental wellbeing of the relevant area (and this is the Authority's own area (or combined areas if it is a joint procurement) in which it 'primarily exercised its functions');
  - How, in conducting the procurement process, it might act with a view to securing that improvement (although the Act makes it clear, in order to remain in line with EU law, that anything under this limb much be relevant and proportionate in respect of the proposed contract);
  - Whether they need to undertake any consultation about the two limbs of the duty as set out above.
- vii) Where appropriate, tender documentation will include a reference to the Act and will provide the opportunity for bidders to propose the delivery of 'Social Value' as part of their submission with such proposals being considered and scored as part of the tender evaluation process.
- viii) Whilst the 'Public Services (Social Value) Act 2012' places a requirement on the Council to consider the issues described above, the Council is committed to the principles of the Act in all of its procurement activities, regardless of the value of the procurement or the nature, ie not solely service contracts to the exclusion of supply and/or works contracts, and will endeavour to apply these principles in a relevant and proportionate way.

<u>11.</u>	Prompt Payments in the Supply Chain
<u>i)</u>	The Council is keen to ensure that prompt payment of valid invoices takes place throughout its supply chains.
<u>ii)</u>	The Council has a good record in paying its suppliers promptly and it has expressed the aim of ensuring this good performance is extended throughout it supply chains.

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<u>iii)</u>	To achieve this aim, the Council has amended its contractual terms and conditions to impose the following payment related obligations on		
	its suppliers:		
	Purchase Order Terms and Conditions:		
	Where the supplier enters into a sub-contract, the Council expects that all sums due by the supplier to the sub-contractor are paid within a specified period not exceeding 30 days from the receipt of the invoice.		
	Standard Terms and Conditions for the Purchase of Goods and Standard Terms and Conditions for the Purchase of Services	 Formatted: Font: Not Bold	
	Where the Contractor enters into a sub-contract they must ensure that a provision is included which:		
	<ul> <li>Requires payment to be made of all sums due by the Contractor to the sub-contractor within a specified period not exceeding 30 days from the receipt of a valid invoice as defined by the sub-contract requirements and provides that, where the Council has made a payment to the Contractor in respect of the services and the sub-contractor's invoice relates to such services then, to that extent the invoice must be treated as valid and, provided the Contractor is not exercising a right of retention or set-off in respect of a breach of contract by the sub-contractor to the Contractor, payment must be made to the sub-contractor without deduction;</li> <li>Notifies the sub-contractor that the sub-contract forms part of a larger contract for the benefit of the Council and that should the sub- contractor have any difficulty in securing the timely payment of an invoice, that matter may be referred by the sub-contractor to the Council.</li> </ul>		
<u>12.</u>	which conform to the principles outlined in the above clauses. Hartlepool Living Wage		
<u>i)</u>	The Council has adopted the 'Hartlepool Living Wage' (HLW) and seeks to encourage its supply chain to do the same.	 Formatted: Font: Not Bold	
<u>ii)</u>	In pursuit of this aim, the Council has determined that all tender documentation will include a clause which reiterates the Council's position, documents the prevailing rate of the HLW and encourages other businesses to do likewise.		
<u>iii)</u>	In addition, all tender and quotation exercises must include the following questions Do you pay your employees the Hartlepool Living Wage	 Formatted: Indent: Left: 0 cn line: 0 cm	n, First
	<u>'Do you intend to pay your employees the Hartlepool Living</u> Wage?		

'Would you consider paying your employees the Hartlepool	
Living Wage?	
iv) Responses to these questions will be compiled and statistics retained for reporting purposes.	
13. Blacklisting	
i) The Council operates a policy of not contracting with organisations who undertake 'blacklisting' in relation to their employees on the basis of their trade union membership or union activities.	
ii) This policy is enacted through the content of Pre-qualification and Business questionnaires, and the Council's contract terms and conditions.	
iii) The questionnaires referred to above contain the following warranty which bidding organisations are required to offer:	
'The organisation (or its directors or any other person who has powers of representation, decision or control of such organisation) confirms that:-	
Being an organisation, it has not complied or disseminated any 'blacklsit' which is intended to discriminate against workers on the grounds of their Trade Union membership or union activities.	
It is understood that such activities are expressly prohibilited by         law and that should the organisation engage in such practices,         the Council has the right to exclude the organisation from         tendering for any Council contracts.	
Furthermore the organisation warrants that they have not been convicted of any offence under the Employment Relations Act 1999 (Blacklists) Regulations 2010.	
iv) The Councils' contract terms and conditions incorporate the following < clause:	Formatted: Indent: Left: 0 cm
<ul> <li>Subject to the provisions of the Force Majeure clause in these terms and conditions the Council may terminate this contract with immediate effect by notice in writing to the Contractor/Supplier at any time if the Contractor/Supplier or any subsidiary company of the Contractor/Supplier is convicted of any offence under the Employment Relations Act 199 (Blacklists) Regulations 2010.</li> </ul>	<b>Formatted:</b> Indent: Left: 2.5 cm
<u>ــــــــــــــــــــــــــــــــــــ</u>	Formatted: Font: Not Bold
<u>14</u> 11. General	Formatted: Indent: Left: 0 cm

- In the event of conflict between this Introduction and the following Contract Procedure Rules, the latter shall prevail. i)
- ii) These rules are made in pursuance of Section 135 of the Local Government Act 1972 and any statutory modification or amendment thereto.

### PART A - SCOPE OF CONTRACT PROCEDURE RULES

#### 1 Application of Contract Procedure Rules

- These rules apply to every contract for the supply of goods, materials or services or for the execution of works, so far as they are relevant to a contract of the type determined by Council, except as provided in (ii) below.
- ii) With the exception of (vii) below, these rules do not apply to contracts with professional persons or contractors for the execution of works or the provision of services in which the professional knowledge and skill of these persons or contractors is of the primary importance, or where the contract is for the provision of caring services to children or vulnerable persons.
- iii) No exemption ception from any of the rules shall be made otherwise than by direction of a Policy Committee or the Council or in any case of urgency, the Chief Officer after consultation with the Monitoring Officer.

 Requests for an exemption from the rules must be documented using

 the template available on the Council's intranet. On completion of the

 template, a copy must be sent to the Corporate Procuremeth Team.

 The request will be checked for completeness and passed for revire

 to:

the Chief Solicitor or representative

the Director of Regeneration and Neighbourhoods as

Corporate Lead for Procurement or representative

- the Chief Finance Officer or representative
- the Commissioning Officer requesting the exemption
- A record of any <u>granted exemption exception</u> from any of the provisions of these procedure rules shall be reported to the Finance and Policy Committee on a quarterly basis and shall specify the case or urgency by which the <u>exception exemption</u> shall have been justified.
- iv) Any granted exemption to these Contract Procedure Rules shall remain valid for a maximum period of 12 months. Officers will not be able to rely upon the granted exemption beyond this point and a procurement process must be undertaken in accordance with these Contract Procedure Rules, wherever possible.
- For the purposes of any financial limit referred to in the rules, if the application of the rules to a particular contract cannot be identified until after opening of any tender, the value of the contract shall be as estimated by the Chief Officer.
- vi) Reference in these rules to any decision, authority or action of the Council, a Policy Committee or an Officer shall be deemed to include

reference to a decision approval or action of the responsible body or Officer prior to as well as after the adoption of these rules.

- vii) The letting of any contract shall also comply with any legislation or regulations relevant to the contract, Health and Safety Regulations, the European Directive on public procurement and the Council's Financial Regulations.
- viii) In respect of any contract to which, for whatever reason, the procedures set out in these rules do not apply, there shall be followed a procedure which:
  - ensures a level of competition consistent with the nature and value of the contract
  - is transparent and auditable
  - provides value for money, and
  - records the reasons for choosing the successful contractor

#### **PART B - SELECTED TENDERERS LISTS**

#### 2 Compilation of Select Tenderers Lists

- This rule applies where a decision has been made that a list shall be kept of persons to be invited to tender for contracts for the supply of goods, materials or services of specified categories, values or amounts, or for the execution of specified categories of work.
- ii) The list shall include, where possible, a minimum of four persons, wherever practicable two of which should be local to Hartlepool, and shall;
  - be approved by the Chief Officer;
  - contain the names of all persons included in it subject to their approval by the Chief Officer/Head of Department, the appropriate technical officer (being satisfied that they have the capacity to undertake the contracts envisaged), the Health, Safety and Wellbeing Manager or Chief Executive's nominee (being satisfied that they have adequate Health and Safety arrangements) and the Chief Finance Officer (being satisfied that they are financially sound); and
  - indicate whether a person whose name is included in it is approved for contracts for all or only some of the specified values or amounts of categories.

- iii) At least <u>sixfour</u> weeks before the list is first compiled, notices inviting applications for inclusion in it shall be published:
  - a. in one or more local newspapers circulating in the district, and/or
  - b. on the procurement pages of the Council's website, and/or
  - c. in one or more newspapers or journals circulating among such persons as undertake contracts of the specified values or amounts or categories.
  - iv) The list may be amended by the appropriate Chief Officer as required from time to time and shall be reviewed as follows:
    - Review to be carried out at intervals not exceeding 4 years, where an update of the list is carried out and notices inviting applications for inclusion in the list shall be published in the manner provided by paragraph (iii) of this section.
    - Update to be carried out at intervals not exceeding 2 years, where each person whose name appears in the list shall be asked whether s/he wishes his/her name to remain therein.

Any such amendment or update shall be approved by the Chief Officer.

# 3. Adoption / Development of Corporate or Collaborative framework agreements

- i) This rule applies where a decision has been made to adopt or develop a framework agreement corporately and where the agreement is to be used exclusively with no 'off-contract' purchases being made.
- ii) When developing / adopting framework agreements for corporate use, the agreement must include a number of suppliers appropriate to the nature and subject of the framework agreement.
- iii) The maximum duration of any such framework agreement is 4 years. This limit refers to the duration of the framework agreement and not any contracts implemented via the framework agreement. The duration of Framework Agreements may not be extended beyond the 4 year limit.
- Procurement processes and public notice provisions for developing framework agreements are the same as those detailed in Part B section 2
- Any exemptions relating to the use of alternative procurement routes to approved Corporate framework agreements (for goods / works / services covered by approved Corporate framework agreements) are

to be requested from the Council's Corporate Lead for Procurement and will be reported to the Finance and Policy Committee on a quarterly basis.

#### **PART C - PROCUREMENT PROCEDURES**

#### 3 NOTE:

- i) The requirements detailed in this Part C do not apply to contracts which have been determined should be let under the Selected Tenderer or Corporate framework provisions (see Part B) or which relate to the following matters: -
  - (a) Purchase by auction;
  - (b) Work to be executed, or goods materials or services to be purchased, which are a matter of urgency;
  - (c) The work to be executed or the goods, materials or services to be supplied consist of repairs to or parts for existing machinery or plant;
  - (d) The goods, materials or services to be purchased are such that a substantial proportion of the price is likely to be attributable to haulage;
  - (e) The purchase of goods, materials or services which are obtainable only from a limited number of contractors, but in such case a reasonable number of contractors shall be invited to submit tenders;
  - (f) Purchase or repair of patented or proprietary article or articles sold only at fixed price;
  - (g) The goods, materials or services to be purchased are such that effective competition is prevented by government control;
  - (h) The prices of the goods, materials or services to be purchased are controlled by a trade organisation or for other reasons there would be no genuine competition.
- (i) Purchase of second-hand goods.
- ii) NOTE: All quotations / tenders referred to in sections 4, 5 and 6 below are to be sought from pre-determined frameworks or existing contracts, where such arrangements exist.
- iii) Where such arrangements do not exist, a minimum of two local suppliers (where available) must be invited to submit a quotation in

respect of the processes outlined in sections 4 & 5. This is not possible with section 6 (Tenders) as these are advertised, however steps should be taken to communicate opportunities to local businesses.

#### 4. Informal Procedure -

#### i) Contracts under £2,000

For a contract for less than £2,000, reasonable enquiries shall be made to determine that the price is fair and reasonable and records retained to evidence such reasonable enquiries.

#### 5. Formal Quotations Procedure –

#### i) Works contracts £2,000 - £100,000 Goods materials or Services Contracts £2,000 - £60,000 (In-house bid contracts £2,000 - £100,000)

In respect of contracts:

- for the execution of works over £2,000 and up to £100,000 (for In-house bid contracts see 'The rules and an In-house provider' in these Contract Procedure Rules): or
- for the supply of goods materials or services over £2000 and up to £60,000 (£100,000 for In-house bid contracts)

at least three documented quotations shall wherever possible be obtained. All quotations are to be secured using the Council's prescribed system and process of quotation gathering, the default position being a requirement to use the Council's e-procurement system.

#### PART D – BEST PRICE PROCEDURES

#### 6. Tender Procedure –

#### i) Works contracts over £100,000 Goods materials or Services Contracts over £60,000 (In-house bid contracts over £100,000)

Except for contracts described in Rule 3, no contracts which exceed  $\pounds 100,000$  in value or amount for the execution of any works, or  $\pounds 60,000$  ( $\pounds 100,000$  in the case of an In-house bid contract) in value or amount for the supply of goods, materials or services shall be made unless public notice has been given in accordance with the Public Notice provisions (see Rule 7).

#### 7 Public Notice provisions

- i) At least fourteenseven calendar days public notice shall be given
  - in one or more local newspapers circulating in the district, and/or
  - on the procurement pages of the Council's website, and/or
  - on the Council's chosen procurement portal and/or
  - wherever the value or amount of the contract exceeds £100,000 in the case of execution of any works or exceeds £60,000 in the

case of supply of goods, materials or services, and where deemed appropriate, in one or more newspapers or journals circulating among such persons as undertake such contracts,

expressing the nature and purpose of the contract, inviting tenders for its execution and stating the last date (not less than 2414 days after appearance of the public notice) when tenders will be received.

ii) After the date specified in the public notice, invitations to tender for the contract shall be sent to not less than four of the persons who applied for permission to tender, selected by the Chief Officer in the approved manner, either generally or in relation to a particular contract or category of contract or, if fewer than four persons have applied and are considered suitable, to all such persons.

#### 8. Selected tenderers provisions

i) This rule applies where it has been determined that the invitation to tender for a contract is to be limited to persons whose names appear on a Selected Tenderers list compiled under Rule 2. An invitation to tender for that contract shall be sent to at least four of those persons included in the list as being approved for a contract for that value or amount or of that category, or, if there are fewer than four such persons, to all such persons. If there are four or more such persons, the persons to whom invitations are sent shall be selected by the Chief Officer in the manner approved, either generally or in relation to a particular contract or to a category of contracts.

#### 9 Acceptance of tenders

- i) A tender
  - other than the lowest tender if payment is to be made by the Council or
  - other than the highest tender if payment is to be received by the Council,

shall have the reason for its acceptance recorded and notified to the Finance and Policy Committee on a quarterly basis.

### PART E - PRICE/QUALITY CONTRACTS

#### 10. Price/Quality Contracts Provisions

i) This rule applies when it has been determined by the Chief Officer, that the contractor shall be chosen on the basis of a combination of

Council – 3 April 2014\_

price and performance and for which a price/quality ratio has been determined.

- (a) Where there is a relevant Select List of Contractors or framework for the nature of work or service involved in the project, the Chief Officer shall invite the appropriate contractors from the list to indicate whether they are interested in undertaking the proposed works.
- (b) Where there is no Select List of Contractors or framework the rules defined in sections 3, 4 or 5 are to be applied.
- ii) An Agreed Marking Mechanism (see Rule 14) shall be applied to calculate the Price/quality Score of each tender.
- iii) The tender with the highest Price/Quality Score will usually be accepted.

#### **PART F – STRATEGIC PARTNERSHIPS**

#### 11. Strategic Partnership Contracting Provisions

- There are a wide range of possibilities with regard to the establishment of Strategic Partnerships however care must be taken to consider the possible impact of public procurement regulations when considering any such course of action.
- ii) Examples of public-public co-operation arrangements which may be exempt from the Public Procurement regulations are:
  - a) Public tasks performed by own resources

Under the procurement rules, a contracting authority remains free to perform the public tasks conferred on it by using its own administrative technical and other resources, without being obliged to call on outside entities not forming part of its own structure. The procurement rules do not apply where a contracting authority performs a public task by using its own resources in such a way that no contract for financial interest is concluded, because the situation is internal to one and the same legal person.

The possibility of performing public tasks using own resources may also be exercised in co-operation with other contracting authorities provided this does not involve remuneration or any exchange of reciprocal rights and obligations, there is no service provision within the meaning of EU public procurement law. However, where contracting authorities conclude contracts for financial interest with one another, the case law indicates that this may in certain circumstances (despite the general principle) fall outside the scope of the procurement rules. Where contracting Authorities co-operate with a view to jointly ensuring the execution of public interest tasks, then this may involve the award of contracts without triggering the obligation to apply EU public procurement law.

 Clearly the possibilities for establishing Strategic Partnerships without undertaking a competitive procurement exercise do exist, although, as stated earlier, this is a very complex area and any such proposals must initially be passed to the Council's Legal Division for consideration.

#### **G - GENERAL PROVISIONS**

#### 12. Opening of tenders

- i) Written tenders shall be opened at one time and only in the presence of: -
  - > The relevant Chief Officer or representative
  - > An Officer from Democratic Services
  - > An Officer from the Corporate Procurement Unit
- ii) Electronic tenders shall be opened at one time and only in the presence of: -
  - The relevant Chief Officer or representative
  - An Officer from Democratic Services
  - > An Officer from the Corporate Procurement Unit
- iii) Paragraph (i) and (ii) of this Provision shall not apply to tenders obtained for the In-house Provider for the purpose of compiling a bid as tender for submission by the In-house Provider, which tenders shall be opened by the relevant Chief Officer or their nominated Officers.
- iv) Paragraph (i) and (ii) of this Order shall not apply to tenders which are received through the execution of an e-auction. In such an event, the following will take place:
  - a) The relevant Chief Officer and Democratic Services representative will be advised of the e-auction event dates and times by the Corporate Procurement Unit and arrangements

made to accommodate relevant Officers at the live auction event should they wish to attend.

- v) The outcomes of all (written and electronic) tenders are to be recorded indicating:-
  - Contract Name and Reference number
  - Description of Goods / Services being procured
  - Department / Service area procuring the Goods / Services
  - Bidders
  - Prices (separate to Bidders details to preserve commercial confidentiality)
  - Identity of successful Bidder

This information will be reported to the Finance and Policy Committee on a quarterly basis.

- **13 Tenders to be returned in sealed envelopes** (except in the event of the Council's approved e-procurement system being used)
- Every notice of invitation to tender shall state that no tender will be received except in a plain sealed envelope which shall bear the word "Tender" - followed by the subject to which it relates - but shall not bear any name or mark indicating the identity of the sender. Envelopes shall be returned to the Chief Executive and once received shall remain in the custody of the Chief Executive or his/her nominee until the time appointed for their openings.
- ii) The Chief Executive or the Chief Officer of the In-house Provider (as the case may be) shall keep a record of all tenders received.

### 14. Agreed Marking Mechanism

i) No Price/Quality procedure shall be commenced unless there has been an Agreed Marking Mechanism developed.

Bidders shall be informed of the elements to be marked and of the comparative importance of each element as a percentage of the available marks.

#### 15. Contracts to be in writing

i) Every contract, other than those for goods / services which are classified as exempt, shall be the subject of a Council purchase order and shall specify:

- (a) the work, materials, matters or things to be furnished, had or done;
- (b) the price to be paid, with statement of discounts or other deductions; and
- (c) the time or times within which the contract is to be performed.
- ii) Where the value of the contract exceeds the financial limits which require a tender process to take place (see Rule 6) the contract must be the subject of a formal written contract signed in accordance with Rule 17.

#### 16. Liquidated Damages and Performance bonds

Every contract which exceeds £100,000 in total value or total amount over its lifetime and is either for the execution of works or for the supply of goods, materials or services, shall, unless the Chief Officer otherwise decides after consultation with the Chief Solicitor, provide for liquidated damages to be paid by the contractor in case the terms of the contract are not duly performed, and the Council shall also require and take sufficient security for the due performance of any such contract. In the case of any such contract for the execution of works such security shall be provided by requiring the retention of a proportion of the contract sums payable until the work has been satisfactorily completed and maintained and, unless the Chief Officer, after consultation with the Chief Solicitor considers it unnecessary in any particular case, additional provision of a bond for due performance.

#### 17. Vetting and Signature of contracts

#### i) Contract Vetting

- a) Contracts which are subject to the requirements of Part D TENDER PROCEDURES are to be referred to the Corporate Procurement Unit for vetting.
- b) The Corporate Procurement Unit must refer all contracts which are subject to the requirements of Part D – TENDER PROCEDURES and which incorporate additional terms and conditions to those contained in the Council's approved standard contractual documentation to the Council's Legal Services Department for vetting.

#### ii) Contract Signature

a) Except for contracts entered into by an Officer in exercise of delegated powers, the Chief Solicitor shall be the agent of the Council to sign on behalf of the Council all contracts agreed to be entered into by or on behalf of Policy Committees or the Council.

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b)	Contracts which are for a value of £100,000 or more shall be either-executed under the Council's seal by the Chief Solicitor (or in his/her absence by a person authorised by him/her).
	executed by the Chief Officer and the Chief Solicitor or the Chief Finance Officer or
	executed under the Council's seal (to be affixed in the presence of the Chief Solicitor (or in his/her absence, some other person authorised by him/her)).

#### 18. Tenderers withdrawal

i) In the event of any person or firm withdrawing a tender, or declining to sign a form of contract upon being called on to do so after his/her or their tender has been accepted (whether accepted subject to the Council's approval or not), no further tender from such a person or firm shall, unless the Finance and Policy Committee or the Council otherwise resolve, be considered for a period of three years.

#### 19 Post contract variations and negotiations

- i) Except for a variation
  - (a) which does not substantially affect the nature of the works services goods, materials or services to be supplied to the Council and does not increase the payment to be made by the Council, or
  - (b) is made in accordance with paragraph (ii)

a contract shall not without the authority of the relevant Policy Committee or the Council depart from the description of the works, goods, materials or services for which the quotation or tender was received.

- ii) This paragraph applies where all of the tenders received exceed the budget allocated for the project and the Chief Officer and the Head of Service relevant to the contract consider that amendments may be made to the specification or procurement process which would result in a price in accordance with the budget. All Tenderers shall each be provided with a schedule of variations / revised instructions and invited to submit a revised bid.
- Apart from discussions with contractors for the purpose of clarification of any element of a tender, or for the correction of arithmetic or other details, (but NOT the resolution of any qualified bids) negotiations following receipt of tenders shall only take place in the following circumstances: -

- (a) where a single tender has been received and the Chief Officer considers that negotiation may lead to more favourable terms to the Council, or
- (b) when tenders cannot readily be evaluated and compared without discussion with the tenderers or
- (c) with the approval of the Chief Finance Officer and the Chief Solicitor and the Monitoring Officer (if different) and any negotiations shall be conducted in accordance with paragraph (iv)
- iv) Discussion with tenderers for the purpose of negotiations under paragraph (iii) shall
  - be attended by not less than 2 Council Officers
  - be at a pre-determined time during normal office hours
  - be the subject of a comprehensive written record, signed by the Council Officers in attendance and submitted to the Council's Corporate Lead for Procurement for approval

#### 20 Extensions to contracts

 Extensions to contracts are limited to no more than 12 months following conclusion of the original contract period (such period to include all extensions already allowed for in the original contract). In the event that an extension in excess of 12 months is required, the decision to implement such an extension must be approved by the relevant Chief Officer and the Council's Corporate Lead for Procurement.

Regeusts for a contract extension, as described above, must be
documented using the template available on the Council's intranet.
On completion of the template, a copy must be sent to the Corporate
Procurement Team. The request will be checked for completeness
and passed for review to:
the Chief Solicitor or representative,
the Director of Regeneration and Neighbourhoods as Corporate Lead
for Procurement
the Chief Finance Officer or representative
and;
the Commissioning Officer requesting the exemption

ii) In the event that a contract extension, as described above, represents a value greater than the applicable EU procurement threshold, then the available extension period will be limited to a time period which represents a level of expenditure below the applicable EU procurement threshold.

#### PART H - GLOSSARY

#### 21. Interpretation

Unless the context otherwise indicates, the following terms used in these rules have the meanings stated: -

"Agreed Marking Mechanism" is the mechanism which (before the issue of any invitation to tender or attend interview) has been agreed between the Chief Officer and the Council's Chief Internal Auditor for the allocation of marks making up the Price/Quality Score (see also Rule 14).

"**Chief Officer**" is the Chief Officer of the Council who is responsible for letting and supervising the completion of a contract or of contracts of a particular nature. (Director or Assistant Director)

"Electronic Procurement (e-Procurement)" is a fully electronic procure-to pay process from initial requisition and ordering through to invoicing and payment, and can include e-Auctions, e-Purchasing, e-Tendering and Procurement Cards.

"e-Auctions" is the means of carrying out purchasing negotiations via the Internet. A real time event that occurs online allowing multiple suppliers in different geographic locations to place and modify bids simultaneously.

"e-Tendering" is systems or solutions to enable the tendering process to be conducted via the Internet. Including advertisement of requirement, documentation production, supplier registration, electronic exchange of documents between supplier and buyer, opening of tenders, evaluation of submissions, contract award and publication.

"**Policy Committee**" is a Committee of the Council acting together in accordance with the Council's Delegation Scheme currently applicable.

"Price/Quality Score Matrix" is a matrix showing in respect of all contractors each element of their Price/Performance Score and their total scores.

"**Price/Quality Contract**" is a contract for which the contractor is to be chosen on the basis of a combination of price and performance.

"**Price/Quality Ratio**" is the comparative importance of price and performance of the product or service expressed as a percentage ratio.

"**Procurement Cards**" are charge cards which work in a similar way to credit cards and can be used to purchase goods and services. Can be open to use by any suppliers or have controls placed upon them by the issuer to limit their use to certain suppliers and/or commodities. They are usually used to process low-value, high-volume transactions.

"Public Services (Social Value) Act 2012" is an Act which places a number of statutory obligations on the Council, in relation to certain elements of its procurement practices, specifically to consider:

- How, what is being proposed to be procured might improve the economic, social and environmental wellbeing of the relevant area (and this is the Authority's own area (or combined areas if it is a joint procurement) in which it 'primarily exercised its functions')
- How, in conducting the procurement process, it might act with a view to securing that improvement (although the Act makes it clear, in order to remain inline with EU law, that anything under this limb much be relevant and proportionate in respect of the proposed contract);
- Whether they need to undertake any consultation about the two limbs of the duty as set out above.

## Hartlepool Borough Council

Motions to call an Extraordinary Council

## 1. The Members who are submitting the Motion to request the Proper Officer to call a Council meeting in addition to the Ordinary Council Meetings?

This Notice must be signed by any five Members of the Council if they have signed a requisition presented to the Chair of the Council and s/he has refused to call a meeting or has failed to call a meeting within seven days of the representation of the requisition.

Councillor	Position and Party Group	Signature
1.		
2.		
3.		
4.		
5.		

## 2. What is/are the reason(s) for requesting an Extraordinary Council?

Lead	Cour	ncil	lor
Leau	COUI	IUII	יוטו

Signed:

Date:

#### For office use only

Date received:

Initials:

Extraordinary Council Agenda:

## 12 (1) Appendix 5

## Hartlepool Borough Council Council Referral



1.		<b>sion would you like to refer to Coun</b> s of the decision, when it was taken and by which	
2. excel	ptional circumstances Please indicate which where Members have the Principles of Decis	of the following applies and provide supporting i evidence to suggest that the key decision taken sion Making as set out in Article 13 of the Counci de the Budget and Policy Framework.	nformation. was not in accordance with
	Notice must be signed b ) of the Council must sig	y not less than half of the whole number of elect	ed Members (17 Members or
	Councillor	Position and Party Group	Signature
1.			
2.			
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24.			
25.			
3. Advice of the Chief Finance officer and/or the Monitoring Officer whether the matter is outside the Budget and Policy Framework ??			
NB. Any Member may initiate F Council.	Referrals providing t	hey have the support of at lea	ast 17 other Members of the
Lead Councillor:			
Signed:		Date:	
For office use only			
Date received:	Initials:	Council Agenda:	

# HARTLEPOOL BOROUGH COUNCIL PLANNING CODE OF PRACTICE

**Currently Under Review** 

Hartlepool Borough Council Civic Centre Victoria Road HARTLEPOOL TS24 8AY

12 (1) Appendix 6

### 12 (1) Appendix 6

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The main points of advice about the conduct expected of Members and Officers are emphasised in bold italics, like this sentence.

#### 12 (1) Appendix 6

#### 1. INTRODUCTION

1.1 The Local Government Act 2000 introduced a new ethical framework to local government, including a Model Code of Conduct for Councillors. Previously the Nolan Committee Report on Standards in Public Life (1997) issued advice to Local Planning Authorities to frame Local Codes of Conduct or Good Practice to cover the question of Probity in Planning. Thise Code of Practice complements therefore complements and expands on the Model Code of Conduct, adopted by the Borough Council in conformity with the Localism Act, 2011. and is an annex to it. The Model Code of Conduct is with essentially concerned the responsibilities of councillors when acting in the role as a Member of the Borough Council..conduct of individual councillor's duties, while Tthe Planning Code is concerned with the integrity of the Planning System and its procedures. It is therefore based on The Code of Practice is based on guidance from, ieeg The Committee on Standards in Public Life, Nolan Committee, the Local Government Association, the Royal Town Planning Institute, the Department for Communities and Local Government the Standards Board for England, the Audit Commission, the Council's External Auditors and others. The Code sets out practices and procedures designed to avoid allegations of malpractice in the operation of the planning system. The aim is to protect the integrity of the planning system as open and fair to all parties.

**1.2** The Code will be enforced through by the Council's Audit and Governance Standards Committee (or such committee that has 'standards' as part of its responsibilities and functions). The Code will be a consideration in any investigation of maladministration by Local the Government Ombudsman. The Code refers mainly to the actions of a Planning Committee as the main decision making body, but it applies especially to other forms of decision making, eg Council where planning issues may be discussed.

The Code applies to both Councillors and Officers.

**1.3** In terms of Article 6 of the Human Rights Act 1998, (right to a fair trial), the Code, together with the availability of an appeal procedure will meet the requirements of the Article. Ensuring that decisions are properly recorded and supported by adequate reasons. The fundamental basis of the Code is that the Planning System operates in the public interest and therefore decisions affecting private and public interests have to be made openly, impartially, with sound judgement and for justifiable reasons.

**1.4** In addition, the role of elected Councillors on a Planning Committee involves balancing/representing the needs and interests of individual constituents and the community with the need to maintain an ethic of impartial decision making on what can be highly controversial proposals which give rise to great tensions.

#### 2. THE NEED FOR A CODE

2.1 Decisions on planning applications rely on informed judgement within a firm policy context. The determination of planning applications can be highly contentious because the actual decisions affect the daily lives of everyone and the private interests of individuals, landowners and developers. This is heightened by the openness of the system (ie it actively invites public opinion before taking decisions) and the legal status of development plans, decision notices and enforcement action. It is important, therefore, that the planning process is characterised by open, fair, impartial, transparent and defensible decision making.

**2.2** One of the key purposes of the planning system is to control development in the public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. It is important, therefore, that planning authorities should make

planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons. The process should be able to show that decisions have been taken in an impartial, unbiased and well-founded way.

#### 3. SCOPE OF THE CODE

**3.1** This guidance note sets out the practices which Hartlepool Borough Council follows to ensure that its planning

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the conduct expected of Borough Council other guidance on planning which is Officers and Members on planning available from the Council. matters.

**3.2** It applies to both Councillors and planning applications, but also applies to Officers who are involved in operating the the ways in which the Council handles all planning system - it is not, therefore applications, restricted to professional town planners or matters and also how the Council to Members in Committee meetings. The prepares a Local Plan-and the successor successful operation of the planning system Local relies on mutual trust and an understanding References to applicants and objectors of each other's roles. It also relies on each should therefore generally also be taken to ensuring that they act in a way which is not refer to complainants and alleged only fair and impartial but is also clearly contraveners in enforcement cases, and to seen to be so.

3.3 Ceode of Ceonduct, supplemented by Council.

guidance from the Department for Communities and Local Government and others, Standards Board, provides 4. standards and guidance for Ceouncillors.

Employees <u>are will be</u> subject to a <u>separate</u> **4.1** Councillors and Officers statutory Employees' Code of Conduct different, but complementary, roles. Both Officers who are Chartered Town Planners serve the public. are guided by the Royal Town Planning responsible to the electorate, and are Institute's (RTPI) Code of Professional elected to represent all people of the Conduct. Breaches of the Code may be Borough. Officers are responsible to the subject to disciplinary action by the Institute. Council as a whole. They advise the However, not all Planning Officers are Council and its committees, and carry out members of the RTPI, and parts of the the Council's work. They are employed by of Professional Conduct are the Council, not by individual Councillors, Code incorporated into this Code. The Council and it follows that instructions may be also has a Code of Conduct for Employees, given to Officers only through a Council or by which all employees are required to Committee decision. Any other system abide. In addition to these Codes, the which develops is open to question. A Council's Rules of Procedure govern the successful conduct of Council business.

applies guidance in circumstances seek advice. Officers should seek advice from the Chief Solicitor, 4.2 Therefore: who also acts as the Council's Monitoring Officer under the Local Government and . Individual Councillors should not Housing Act 1989. Members can seek advice from the Planning Services Development Control Manager or from a Solicitor within the Legal Services • Officers' actions will follow Council Division as appropriate.

system is fair and impartial, and explains 3.5 Appendix 1 also contains a list of

3.6 This guidance is mainly about enforcement planning **Development** Frameworks. landowners, developers and objectors involved in plan proposals. The guidance

Both Councillors and Officers are applies to planning matters on which a quided by codes of conduct. The statutory decision will be taken by the Borough

#### **COUNCILLORS AND OFFICERS**

have Councillors are relationship between Councillors and Officers can only be

based upon mutual trust, respect and an 3.4 Whilst this Code, and the others understanding of each others roles and referred to above, attempt to be as clear as positions. This relationship, and the trust possible, if in doubt about how the which underpins it, must never be abused particular or compromised.

- give instructions to Officers on planning matters.
- policy and Committee decisions.

 Political group meetings should not be used to decide how Members

should vote on applications and enforcement cases and Councillors are not mandated on these matters by a political group.

**4.3** The Model Code of Conduct sets out the requirements on Ceouncillors in undertaking relation to their role as a Member of the Council.-conduct. It covers issues central to the preservation of an ethical approach to council business, including the need to register and declare interests (see next section), but also with appropriate relationships other members, staff and the public, which will impact on the way in which councillors participate in the planning process. Of particular relevance to councillors who become involved in making a planning member

"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"must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage." (Paragraph <del>-6(a)</del> 'Principles of Public Life'). "-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' (paragraph 1.2 of the Code of Conduct). Model Code of Conduct).

4.4 The basis of the planning system is the consideration of private proposals against wider public interests. Much is often at stake in this process, and opposing views are often strongly held by those involved. Whilst Councillors should take account of these views, they should not favour any person, company, group or locality, nor put themselves in a position where they appear to do so. Councillors who do not feel that they can act in this way should consider whether they are best suited to serve on a planning committee. \_\_\_\_Officers must always ac**⊧** 

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**4.5** Officers must always actrimpartially. The RTPI Code of Conduct says planners:

- shall not make or subscribe to any statements or reports which are contrary to their own bona fide professional opinions;
- shall act with competence, honesty and integrity;
- shall fearlessly and impartially exercise their independent professional judgement to the best of their skill and understanding;
- shall discharge their duty to their employers, clients, colleagues and others with due care and diligence; and
- shall not discriminate on grounds of race, sex, sexual orientation, creed, religion, disability or age, and shall seek to eliminate such discrimination by others and to promote equality of opportunity.

These guidelines should apply to all Planning Officers. More detailed guidance and requirements are in the Council's own Code of Conduct for Employees. Through the Local Government and Housing Act 1989<u>as amended</u>, restrictions are placed on the outside activities of senior staff<u>.</u>, such as membership of political parties and serving on another Council.

**4.6 4.6** Impartiality (particularly crucial in highly contentious matters) is re-enforced by requirements on members in the Model Code of Conduct. Members are placed under a requirement by the Model Code to:

treat others with respect; and
 act in accordance with the Authority's reasonable requirements, not to do anything which compromises

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• or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority.

4.7 <u>Under the Localism Act, 2011, a</u> <u>Code of Conduct , when viewed as a</u> <u>whole, must be consistent with the</u> <u>following principles; The principles from</u> the Relevant Authorities (General Principles) Order 2001 (as embodied within the preamble to the Council's Code of Conduct) should guide the conduct of all Councillors. These principles are as follows:

- Selflessness
- Honesty and Integrity
  - Objectivity
  - Accountability
  - Openness
  - Honesty
  - Leadership

In addition, the Council have incorporated in their Code the additional principles of;

> Respect for others Duty to uphold the law Personal Judgement

Personal Judgement Respect for Others Duty to Uphold the Law Stewardship --- Formatted: No bullets or numbering

#### Leadership

The actions and conduct of Councillors and Officers should be such as would seem appropriate and above suspicion to an impartial outside observer. Decisions should be taken in the interests of the Borough as a whole, and should not be improperly influenced by any person, company, group or Parish/Town Council. The key is to demonstrate that each Council and Councillor's decision was taken on the facts alone, without any undue outside pressure.

#### 5. WHAT PLANNING DECISIONS ARE BASED ON

**5.1** Planning decisions are based on planning considerations and cannot be based on immaterial considerations. The Town and Country Planning Act 1990, as amended, together with Government guidance through the National Planning Policy Framework and cases decided by the courts, define what matters are material to planning decisions.

5.2 It is the responsibility of Officers in preparing reports and recommendations to Members, and in advising Committees, to identify the material planning considerations and to ensure Members are aware of those matters which are not material to planning decisions.

**5.3** Section 70 of the Town and Country Planning Act 1990, provides that Members have a statutory duty when determining planning applications, to have regard to the provisions of the development plan where material to the application, and to any other material consideration.

Under Section 38 (6) of the Planning & Compulsory Purchase Act 2004 it is a requirement that 'If regard is to be had to the development plans for the purpose of anythe determination to be made under the planning Acts the determination must be made in accordance with the plans unless material considerations indicate otherwise'.

The National Planning Policy Framework constitutes guidance for local planning authorities in both drawing up plans and as a material consideration in determining applications. The Framework underlines that 'the purpose of the planning system is to contribute to the achievement of sustainable development' (paragraph 6 refers).

The development plan consists of: The North East of England Plan, Regional Spatial Strategy (Issued 2008)

 The saved policies of the Hartlepool Local Plan (including Minerals & Waste Policies) (April 2006) and the policies contained with the Minerals and Waste Development Plan Documents (September 2011) so far as the same they are consistent with the National Planning Policy Framework.

After April 2009 a limited number of Hartlepool Local Plan Policies not specifically saved by the Direction of the Secretary of State will cease to have statutory weight.

The emerging Hartlepool Local Plan will in due course, following public examination, be adopted by the Council as its development plan. Neighbourhood Plans subject to examination in public and and approval through referendum, must be in general conformity with an adopted Local Plan.

be superseded by the Hartlepool Local Development Framework.

**5.4** Other material planning considerations include:

- Government guidance contained, for example, in Planning Policy Guidance notes (PPGs), Planning Policy Statements (PPSs), Regional Planning Guidance, Regional Spatial Strategies (RSS), Circulars and Ministerial announcements;
- planning briefs and other 'supplementary planning guidance'

approved by the Council following public consultation;

- statutory duties in relation to conservation areas and listed buildings;
- representations made by statutory consultees and other people making comments, to the extent that they relate to planning matters;
- the environmental qualities of the surrounding area or the visual character of a street (this includes the scale, design and materials of buildings and the landscaping of a site);
- the amenity and privacy of dwellings;
- the character of an area in other senses (in terms of noise or other forms of pollution);
- road safety (both directly as in the case of a dangerous access or indirectly in terms of car parking and traffic generation);
- public services, such as drainage;

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public proposals for using the same land; and

 legitimate planning gain/community benefit.

**5.5** There is much case law on what are, and are not material planning matters. *Planning matters must relate* to the use and development of land. For example, the following are not normally planning matters and cannot be taken into account in planning decisions:

- personal and financial considerations;
- private property rights and boundary disputes;
- covenants;
- effects on property and land values;
- developers' motives;
- public support or opposition, unless it is founded on valid planning matters;
- the fact that development has already begun (people can carry out development at their own risk before getting permission and the Council has to judge development on its planning merits);
- the fact that an applicant has carried out unauthorised development in the past;
- "trade objections" from potential competitors;
- moral objections such as activities likely to become addictive, for instance betting shops, lottery kiosks or amusement arcades;
- the belief that an application is submitted by an owner with the intention of selling the property at an enhanced value;
- the loss of an attractive private view (for instance when development is proposed on the opposite side of the road to or at the rear of an objector's house);
- the fear that an objector's house or property might be devalued;
- the fact that the applicant does not own the land to which his application relates (this can be overcome by agreement with the owner and, if it is not, the development cannot happen);

- the fact that an objector is a tenant of land where development is proposed; any consequences between landlord and tenant are unrelated to the application;
- allegations that a proposal might affect private rights, ieg restrictive covenants; property maintenance; ownership and private rights of way disputes; boundary disputes; (such considerations are legal matters on which objectors should consult their own solicitor or advisor since it will not be possible for Officers of the Council to advise as to such rights);
- arguments of a personal kind in relation to the circumstances of the applicant. It is essential that Members are aware that planning permission goes with the land. The Government inquiry into planning in North Cornwall ('Inquiry into the Planning System in North Cornwall - DoE 1993') makes it plain that personal preferences are not reasons for granting planning permissions. Personal circumstances may, very exceptionally, have a place in the system. Therefore, information about the applicant should not be material to the consideration of a planning application in the vast majority of cases, and personal circumstances cannot therefore, in general, outweigh planning considerations.

#### 6. DUTIES AND ACTIONSSANCTIONS

6.1 The Council's Planning Committee exercises the Borough Council's statutory Local Planning Authority functions and is the decision maker for the purpose of determining applications other than those matters falling within the Council's Scheme of delegation (see Appendix 4). Decision makers have a very special responsibility and have a number of statutorv duties. There are also actionssanctions that can be taken

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against the Council and Members for a failure to properly discharge the Local Planning Authority function. These duties and <u>actionscanctions</u> are summarised in Appendix 2.

#### 7. THE DECISION MAKING PROCESS

**<u>7.1</u>** In reaching a decision on a planning application, Members need to:-

- (i) identify the development plan policies which are relevant to the particular development proposal;
- (ii) identify any other material considerations;
- (iii) if there are other material considerations, the development plan should be taken as a starting point and the other material considerations should be weighed in reaching а decision. Considerable weight should be attached to the relevant policies of an adopted development plan. Some weight can be attached to an emerging plan, dependent on the stage at which a draft plan has reached prior to its formal adoption. Exceptionally, paragraph 21 of The Planning General System : Principles, a document published alongside Planning Policy Statement 1. Delivering Sustainable Development advises that the personal circumstances of an occupier, personal hardship, or the difficulties of businesses which are of value to the welfare of a local community may be material. Such arguments will seldom outweigh the more general -planning considerations. That means such considerations generally have less weight.

At a fundamental level, Members should go through the following three stage process when making a decision:-

#### Stage 1

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- Identify the relevant development plan policies and other relevant material considerations (if any) in respect of the application which need to be taken into account in the decision making process.
- (ii) Identify irrelevant matters which should not be taken into account in the decision making process. These include the applicant's personal qualities such as having a long term family connection with the area, his or her popularity in the community, the fact he/she is a local farmer, the fact that a son or daughter is just about to marry.

#### Stage 2

Attach sufficient weight to the development plan policies and other material consideration for and against refusal or approval.

Paragraph 21 of The Planning-System: General Principles indicates that less weight is generally attached to personal circumstance. When they arise they fall to be considered not as a general rule, but as an exception to a general rule to be met in special cases.

Paragraph 13 of The Planning System: General Principles, indicates that Members must have proper regard to Government Statements of Planning Policy which indicates the weight to be given to relevant considerations. If Members elect not to follow relevant statements of the Government's Planning Policy, they Members must give clear and convincing reasons for any departure from adopted plan policies and other material considerations.- Formatted: Indent: Left: 0 cm, Hanging: 0.63 cm

Stage 3

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Weigh the material considerations in reaching a decision.

A failure to follow the proper decision making procedure can give rise to a proceedings for a Judicial Review and/or a finding of maladministration by the Local Government Ombudsman.

• In the decision making process, Members should not take into account irrelevant matters, allow them to outweigh important planning considerations and fail to take fully into account Government guidance on the weight to be attached to relevant considerations.

Members should determine applications in accordance with the advice given to them by their professional Officers good unless they have planning reasons. in the knowledge of all material considerations, to take a decision contrary to the officer's recommendation.

#### 8. LOBBYING OF AND BY COUNCILLORS

8.1 It is important to recognise that lobbying is a normal and perfectly proper part of the political process: those who may be affected by a planning decision will often seek to influence it through an approach to their elected Ward Member or to a Member of the Planning Committee. As the Nolan Committee's Third Report states: 'local democracy depends on Councillors being available to people who want to speak to them. It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is via the local elected representative, the Councillors themselves' (paragraphs 285, 288). However, such lobbying can, unless care and common sense are exercised by all the parties concerned, lead to the impartiality and integrity of a Councillor being called into question.

8.2 Councillors need to take account of the general public's (and the Ombudsman's) expectation that а planning application and other applications will be processed and determined in a transparently open and fair manner, in which Members taking the decision will take account of all the evidence presented before arriving at a decision, and that to commit themselves one way or the other before hearing all the arguments and evidence makes them vulnerable to an accusation of partiality. The determination of a planning application, or of a planning enforcement case, is a formal administrative process involving rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly, with the added possibility that an aggrieved party may seek Judicial Review of the way in which a decision has been arrived at, or complain to the Ombudsman on grounds of maladministration.; or to the Monitoring Officer to the Standards Committee that a member has breached the local C-code of Conduct.

8.3 A Councillor who represents a ward affected by an application is in a difficult position if it is a controversial application around which a lot of lobbying takes place. If the Member responds to lobbying by deciding publicly to support a particular outcome - even campaign actively for it - it will be very difficult for that Member to argue convincingly when the Committee comes to take its decision that he/she has carefully weighed the evidence and arguments presented (perhaps in some respects for the first time) at Committee. Whilst in most circumstances this may not amount to a prejudicial or any pecuniary -interest in terms of the Model Code of Conduct, the proper course of action for such a Member would be to make an open declaration and not to vote. This can be seen, however, as a severe restriction on the Member's wish - duty even - to represent the views of the electorate. In most cases it should be possible for a Member to listen to a particular body of opinion, without engaging in lobbying for a particular outcome, and wait until the Planning Committee, to hear all the evidence presented, before making a final decision.

**8.4** It is very difficult to find a form of words which covers every nuance of these situations and which gets the balance right between the duty to be an active ward representative and what the

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National Code of Local Government Conduct calls

the 'overriding duty as a Councillor ... to the whole local community'. However, the following guidance will be appropriate in most cases.

8.5 Councillors who are lobbied on a planning matter before the Planning Committee:

- may listen to what is being said;
- may give procedural advice ieg to write to the Director of Regeneration and Neighbourhoods, the name of the Case Officer, the deadline for comments, whether the application is to be determined by the Planning Committee or delegated to Officers how decisions are reached through Officer recommendation /Planning Committee;
  - should refer the person and any relevant correspondence to the Case Officer, so that their views can be recorded and, where appropriate, summarised in or attached to the report to the Committee:
  - should take great care about expressing an opinion which may be taken as indicating that they have already made up their mind on the issue before they have considered all the evidence and arguments;
  - should make it clear that Councillors will only be in a position to take a final decision after having heard all the relevant evidence and arguments at Committee;
  - should not openly declare which way they intend to vote in advance of the relevant Committee meeting, or otherwise state a commitment to oppose or support the application;
  - should not negotiate detailed planning matters with applicants, agents, objectors, etc;
  - should pass relevant correspondence to the Case Officer prior to any Committee meeting;
  - should report instances of significant, substantial or persistent lobbying to the <u>Planning Services</u> <u>Manager</u>Development <u>Control</u> <u>Manager</u> or the Director of Regeneration and Neighbourhoods.

8.6 Councillors who have openly declared their voting intention in advance of the relevant Committee meeting should make an open declaration and leave the meeting, taking no part in debate or voting.

8.7 To avoid impressions of improper influence which lobbying by Members can create:

- Councillors should in general avoid organising support for or opposition to a planning matter to be determined by the Borough Council, and should not lobby other Councillors - such actions can easily be misunderstood by parties to the application and by the general public;
- Councillors should not put pressure on Officers for a particular recommendation;
- political group meetings should not
- be used to decide how Members should vote on planning matters;
- Councillors should not act as agents or advocates for planning applications or anv other applications, enforcement cases or proposals to be determined by the Borough Council. Where Councillor is involved in a particular planning matter, she/he should take care not to appear to try to influence other Members, and should declare interest at the relevant an Committee meeting.
- Whenever a Member is approached lobbied on any particular or application Members should consider distributing the draft letter attached as Appendix 3 which makes clear the neutral stance which Members need to adopt to pending remain impartial consideration of all the material facts at the Committee meeting.
- If Members attend private site meetings in their ward at the request of the applicant they

should express no opinion on the merits of the application and should normally advise the applicant that the Member may also speak to other interested parties including objectors, again, without expressing any opinion on the merits of the

- application prior to determination before Planning Committee.
  Members should not normally
- \_wenders should not normally undertake private site inspections in another Member's ward without prior notice to the Ward Member. Again Members should express no opinion on the merits of the application.

#### 9. PRE-APPLICATION AND PRE-DECISION DISCUSSIONS

The Council encourages pre-9.1 application discussions between Planning Officers and potential applicants. These bring advantages to all parties: they can avoid applications being made which are clearly contrary to policy, and so avoid unnecessary worries for those who could be affected; they can avoid abortive work for the Council and applicants by giving information about applicable clear policies, etc before proposals are designed; and so they can improve the quality of applications and development.

**9.2** However, discussions might be seen (especially by objectors) as part of a lobbying process. In order to avoid such problems, pre-application discussions should take place within clear guidelines. Although the term 'pre-application' has been used, the same considerations apply to any discussions which take place before a decision is taken:

• The Officer should always make it clear at the outset that the discussions will not bind a Council to making a particular decision, and that any views expressed are personal and provisional. By the very nature of such meetings, not all relevant information will be to hand, neither will formal consultations with interested parties have taken place.

- \_Advice should be consistent and based upon the development plan and material considerations.
- Where the Director of Regeneration and Neiahbourhoods is the decision-maker delegated (for matters - see later), he/she should normally not meet the applicant, agent or objectors to discuss a case without another Officer present. A written note should be made of all discussions. A follow up letter is advisable, at least when documentary material has been left with the Council. A note should also be taken of telephone discussions.
- Whilst Councillors will not normally be involved in pre-application or pre-decision discussions, if a Councillor is present he/she should be accompanied by an Officer. The Councillor should be seen to be advised by the Planning Officer on development plan and other material considerations, and the Officer should take a note of the meeting.

**9.3** Applicants and potential applicants sometimes ask for advice on whether planning permission will be granted in particular circumstances. Advice may also be sought on the lawful use of land. For clarity, and to avoid a future decision on a planning application being compromised:

• Officers should normally ask someone requesting advice to put the request in writing - so that it is clear on what proposal or circumstances advice is being given.

• Written replies to such requests will contain a caveat that advice cannot bind a future decision of the Council on any subsequent application.

• Persons seeking advice about the lawful use of land should be advised that Parliament has provided a procedure for a Local Planning Authority to certify what a lawful use of land is by means of an application for a Certificate of Lawfulness of Existing Use o<u>r</u>f Development. Advice from an Officer cannot legally circumvent this procedure.

• Officers will be unable to say what their recommendation is on a particular planning matter until all issues have been considered and the papers published for the relevant Committee.

The Planning Advisory Service 9.4 operated by the Planning Services Team encourages member involvement in preapplication discussions on major 'Pre Application applications. а Development Forum', has been agreed by the Planning Committee which would allow Councillors to be presented with development proposals at an early stage. A local protocol is set out in 9.5 regarding Councillor involvement. Without this, councillor involvement may unnecessarily open any Councillor on the planning committee, to avoidable risks of challenge on apparent predetermination.

<u>9.5. The local protocol for the 'Pre</u> The Localism <u>Government</u> Act 201100 Application Development Forum' is as <u>and the Model Code</u> places an obligation <u>follows:</u> on members toon the

Councillors are encouraged to promote any community aspirations involving sites, land or community benefits from development, or other planning issues through Local Development Framework & Sustainable Community Strategy preparation at the earliest <u>opportunity</u> <u>(To</u> embed community aspirations in corporate policy and minimise the risks of pre determination in any community championing role);

• Councillors & the public are invited to any pre application development forum, on significant proposals (To ensure transparency of process & minimise private briefings);

## The relevant officer explains the

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role of members present at any preapplication discussion and this is recorded in the note of the meeting;

 Planning committee members' role in pre-application discussions is to learn about the emerging proposal, identify issues to be dealt with in any further submissions, but not to express any initial view on the proposal as to pre-determine their view on any formal application;

• Officers will note those present, the issues identified at the pre-application discussion meeting or forum, and take appropriate follow up action recording the outcome of the meeting to the developer and on a public file;

• <u>Any planning committee Councillor</u> who elects to support a view for or against the development being discussed will predetermine their position to the extent they will be advised to declare a prejudicial interest, and be free to present their community views to the committee in the event of the committee considering a subsequent application, but not to participate in the discussion and\_vote on the application.

## 10. REGISTRATION OF INTERESTS

requirements on members toon -the registerration and declareation certain pecuniary interests and such other of their interests as set out within the Council's Code of Conduct. Further the Code outlines and the consequences for the member's participation in consideration of an issue, in the light of those interests. The attention of Members is also drawn to Council Procedure Rule 23 (which for the avoidance of doubt has application to Council Committees and Sub Committees) on interests of Members in contracts and other matters. These followed requirements must be and councillors should scrupulously review their situation regularly. Guidance on the registration and declaration of interests will be issued by the Standards

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Board and advice may be sought from the Council's Monitoring Officer. <u>However, u</u> Ultimate\_-responsibility for fulfilling these requirements rests individually with each Councillor.

A register of members' interests will be maintained by the Council's Monitoring Officer, which will be available for public inspection. A member must provide the Monitoring Officer with written details of relevant interests within 28 days of his election, or appointment to office. Any changes to those interests must similarly be notified within 28 days of the member becoming aware of such changes.

#### 11. DECLARATION OF INTERESTS BY MEMBERS AT COMMITTEE

**11.1** The <u>Model Code of Conduct defines</u> a pecuniary interest, which can have application to a Member, their partner (which includes spouse, civil partner and co-habitee) as that introduced under The Relevant Authorities (Disclosable Pecuniary Interests) Regulations, 2012, which forms a schedule to the Code adopted by the Council.— abandons the use in the old National Code of the terms

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'pecuniary' and 'non-pecuniary' interests. In addition, the Code has maintained references to theInstead, it uses the terms 'personal' and 'prejudicial' interests. The code defines a personal interest in any matter under discussion as:

(1) if the matter relates to an interest in respect of which the member has given notice in the statutory register of members' interests; and

(2) if a decision upon it might reasonably be regarded as affecting to a greater extent than other council tax payers, ratepayers or inhabitants of the authority's area, the well-being or financial position of themselves, a relative or a friend, or

- any employment or business carried on by such persons;
- any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- any body which the member is required to register in the statutory register of interests, in which such persons hold a position of general control or management.

**11.2** Where a member considers he has such a personal interest in a matter, he must always declare it, but it does not then necessarily follow that the personal interest debars the member from participation in the discussion.

**11.3** The member then needs to consider whether the personal interest is a **prejudicial** one. The code provides that a personal interest becomes a prejudicial one "...if 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 the member's judgement of the public interest". A member with a prejudicial interest shall declare it and

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leave the room, unless members of the

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public are allowed to make representations, give evidence or answer question about the matter by statutory right or otherwise. If that is the case, the member can also attend the meeting for that purpose. However, the member must immediately leave the room once they have finished or when the meeting declares that the member has finished (if that is earlier). For the avoidance of doubt, the member should not remain in the public gallery to observe the vote on the matter.

**11.4** The code will include <u>S</u>come exceptions <u>are provided, to this.</u> Ffor example, if the matter under discussion relates to:

• another authority of which the Councillor is a member;

• another public authority in which the councillor has a position of general management or control;

• a body to which the councillor has been appointed or nominated as a representative of the authority.

Then, in these circumstances, the interest **may not be regarded as prejudicial.** In practice, therefore, the member would need to declare the interest, but could participate.

**11.5** It can be seen that these provisions of the code are an attempt to separate out interests arising from the personal and private interests of the councillor and those arising from the councillor's wider public life. The emphasis is on a consideration of the status of the interest in each case by the councillor personally, and included in that judgement is a consideration of the perception of the public, acting reasonably and with knowledge of the facts. Whilst the Standards Board, is mandated to provide guidance on the Code of Conduct , Tthe decision in the end will be for the Ceouncillor alone to take.

**11.6** Subject to paragraph 11.3, translated to a councillor's involvement in

planning issues, the two stage test of personal and prejudicial interests will, as now, require a councillor to abstain from involvement in any issue the outcome of which might advantage, or disadvantage the personal interests of the councillor, his family, friends or employer. <u>This would</u> <u>also be applicable if the interest was</u> <u>pecuniary affecting the individual Member</u> <u>or their partner.</u>

11.7 The exceptions made to the definition of prejudicial interests relating to membership of outside bodies mentioned in paragraph 11.4 are attempts to clarify the nature of such interests and to encourage participation in such cases. It appears that too often in the past, members had been prevented from participation in discussions in such circumstances, on the basis that mere membership of another body constituted an interest that required such a prohibition, even in cases where the member was only on that body as a representative of the authority.

**11.8** When considered in the context of planning matters, this approach will require the exercise of particular judgment on the part of the councillor. The use of the term 'prejudicial' to describe the interest is helpful here. If a planning matter under consideration relates to another body upon which the councillor serves, the exemption in the Model Code would suggest that the member could participate in a decision on that matter – ie membership of that body could not be considered per se a prejudicial interest, which would bar the member.

**11.9** However, if a member, in advance of the decision-making meeting had taken a firm view on the planning matter (in essence they had 'pre-determined' the matter), either in meetings of the other body or otherwise, they would not be able to demonstrate that, in participating in a decision, all the relevant facts and arguments had been taken into account, they would have fettered their discretion. Were they to participate in a decision in those circumstances, they might place

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their authority in danger of Judicial Review.

11.10There will be occasions when

members will wish to press for a particular development which the member regards as beneficial to the development of the area. Should that member be able to vote on any planning application to that development? relating The appropriate action is not clear cut, and may depend on the particulars of the case. However, the general advice would be that a member in such circumstances may well be so committed to a particular development as the result of undertaking the responsibilities of furthering the development of the area, that he or she may well not be able to demonstrate that they are able to take account of counter arguments before a final decision is reached. Indeed, the member may be seen as an advocate on behalf of the authority for the development in question. In that sense, the member becomes almost the 'internal applicant'. In such circumstances, the appropriate approach is likely to be that the member advocating for the development should not vote on the relevant applications.

#### 12. PARISH OR TOWN COUNCIL MEMBERSHIP

**12.1** The Council consults the relevant Parish or Parish Meeting on every planning application. Planning Officers may, on request, attend a Parish meeting early in the life of an application to explain the facts of the application and any relevant Development Plan policies.

12.2 Difficulties can arise for Councillors who are members of a Parish Council as well as the Borough Council. By taking part in a Parish Council meeting when their comments on an application are agreed, a Borough Councillor will be seen to have made up her/his mind in advance of hearing all the issues at the decision making Borough Council Committee. The member could be considered to have fettered his or her discretion. In those circumstances the member should not participate at the Borough Council meeting. In such cases the member has been excluded not because of the code but because the member's previous actions had fettered his or her discretion

and possibly laid the council open to the objection that the planning process had been tainted. So, a member has to choose whether to form a view at an early stage of the process and campaign for or against the planning applications but be excluded from the final decision-making; or reserve judgment until all views have been considered and only then form a view.

'Dual' Members should therefore either:

- not take part in the discussion of an application at the Parish Council meeting at which comments are agreed; or
- not take part in the discussion/decision on the application at the Borough Council's Planning Committee;

Furthermore:

 although the consultation response from a Parish Council is a relevant consideration, Members should not automatically defer to the Parish Council view, because Parish Councils do not have the advice of professional Planning Officers in reaching their decision.

#### 13. UNAUTHORISED DEVELOPMENT OR BREACH OF LISTED BUILDING CONTROL

**13.1** Members or Officers who are aware of a breach of planning or listed building control on land under their ownership or control should promptly advise the <u>Planning Services Manager Development</u> <u>Control Manager</u> or the Director of Regeneration and Neighbourhoods of the breach in writing.

**13.2** Breaches of planning or listed building control involving a Member or an Officer should be promptly investigated by the <u>Planning Services</u> <u>ManagerDevelopment Control Manager</u> and the Director of Regeneration and

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Neighbourhoods and be the subject of an

#### 12 (1) Appendix 6

\_enforcement report to Planning Committee.

## 14. OFFICER REPORTS TO COMMITTEE

14.1 To ensure that Committees give due consideration to the development plan and other material considerations, all Committee decisions on planning applications, enforcement cases and other proposals will normally be taken only after the Committee has received a written Officer report. Written Officer reports will be agreed through the Planning Services ManagerDevelopment Control Manager and will reflect the collective view of the Department - not the view of the individual author.

**14.2** Reports should be accurate and should:

• cover, amongst other things, the substance of objections and the views of people who have been consulted;

• include reference to relevant material and applicable policies and their implications for the case; the site or related history (where relevant) and any other material considerations;

 have a written recommendation of action; oral reporting should be rare and be carefully minuted when it occurs;
 contain an appraisal of the planning considerations which clearly justifies the recommendation and broadly indicates the weight which can be given to any opposing considerations;

• if the recommendation is contrary to the provisions of the development plan, clearly state the material considerations which justify this;

• describe the purpose and content of any conditions, planning agreement or obligation proposed in association with the planning permission.

#### 15. COMMITTEE PROCEDURES

**15.1** Decisions relating to planning applications (other than those matters dealt with under the Council's Scheme of Delegation) are taken by the Council's

Planning Committee. The procedure for processing planning applications may be summarised as follows:

PLANNING OFFICERS prepare report on planning application with recommendation

PLANNING COMMITTEE discusses the report and determines applications (the Committee may choose to visit the site first)

**15.2** Reports are available to the public five working days before the Committee on request. Paragraph 14.2 describes the content of reports. The application files, containing all comments, are also available at that stage. Late letters and other information may be put to Committee and copies of these are normally available for inspection. The public (including applicants and objectors) can attend Committee meetings and may speak under the terms of the Council's public speaking policy.

15.3 A guidance leaflet on public speaking and the process to be followed is available from the Borough Council. In essence, the officer will explain what is proposed and highlight the key planning issues. An individual wishing to speak on an application can ask to address the Committee for a defined time, ordinarily four minutes, Members may then ask questions of that individual if they wish. If the applicant (or agent) wish to speak or respond to points raised, they can then do so. Again, Members will then debate the merits of the case and arrive at a decision. For the avoidance of doubt, Members should also be similarly limited to the time constraints mentioned above and should not speak more than once at the 'debate stage' unless the Chair otherwise determines.

**15.4** It is important that Members are present throughout all the debate on an

item. If any Member has to leave the Committee meeting for any reason, thereby missing any part of the proceedings, he/she should take no further part in the voting arrangements for the item(s) considered during their absence.

**15.5** The Planning Committee may agree or disagree with the report and recommendation (but see sections 18 and 19 below). Having considered all the relevant planning matters, the Committee may:

- grant planning permission (<u>uu</u>sually with appropriate planning conditions) with justified planning reasons;
  - refuse planning permission, with justified planning reason(s);
  - defer the application for further consideration.

**15.6** Planning enforcement decisions are normally taken by the Planning Committee. A written Officer report will normally be prepared in advance of the Committee. The report and the discussion at the Committee on some enforcement matters may not be available to the public, for example if the Council is considering a prosecution in the courts. Schedule 12A of the Local Government Act 1972 as amended sets out what can be considered in private.

**15.7** Decisions on\_Local Plan/Local Development Plan proposals are generally within the functions of the Regeneration Services Committee, subject to Council approval as part of the Budget and Policy Framework.-referred to the Portfolio Member, following consideration of a written Officer report.

**15.8** The procedures governing the conduct of meetings are set out in the Council's Constitution. However, the general public who attend these meetings will usually not be familiar with the Council's Constitution, or this Code. It is therefore important that decisions are made on relevant grounds and that this is the impression left with the public who

attend. Responsibility for this rests primarily with the Chairman of the meeting, assisted where appropriate by Officers. To facilitate this:

- a briefing for the Chairman and Vice-Chairman of the Planning Committee will be held after the Officer reports and recommendations have been published. The purposes of these briefings is to inform the Chairman and Vice-Chairman of the issues, to ensure that the rationale for the Officer recommendation is explained, and to identify anv potentially problematic or controversial items :
- one or more Chartered Town Planners will be present at all Planning Committee meetings at which planning matters are considered;
- a Legal Officer will normally also be present.

At a briefing and in order to ensure the proper conduct of the Committee meeting and to minimise any inconvenience, the Chair and Vice Chair may agree for an item(s) to be withdrawn if circumstances so require, the Committee being notified at the commencement of their meeting, of such withdrawal of the item(s) from the agenda.

#### 16. COMMITTEE SITE VISITS

16.1 The Planning Committee may sometimes decide to visit a site prior to determining an application. Site visits sometimes result from a request by a Ward Councillor. It is acknowledged that this is a proper part of the representational role and should normally be acceded to, so long as the Ward Councillor can justify his/her request in planning relation material to considerations. Site visits should not be employed merely to appease local interest in an application.

**16.2** However, site visits cause delay and add costs for the applicant and

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Council, and should only be used where there are substantial benefits. Therefore:

• A site visit is likely to be necessary only if the impact of the proposed development is difficult to understand from the plans and any supporting material, including photographs taken by Officers, or if the proposal is particularly contentious.

• The reasons for a site visit should be clearly stated and minuted.

• All Members of the Planning Committee will be invited and should make every effort to attend, so that they understand the issues when the matter is considered at the following Committee meeting.

**16.3** Site visit meetings will be conducted in a formal manner:

- The Chairman should start by explaining the purpose and conduct of the site inspection .
- The Officer will describe the proposal and highlight the issues relevant to the site inspection and other material planning considerations.
- The Officer will be asked to point out relevant features which can be observed. Members may also wish to point out features which can be observed, or to ask factual questions of the Officer.
- To avoid giving an impression of being lobbied, Members should not listen to or talk to any individuals whilst on site, unless being addressed as a group. Any comments should be made to the whole group through the Chair.
- The public, applicant or objector may attend the site inspection and will be invited by the Chair to draw Members' attention to any salient features or to any relevant factual information.
- Other than to draw Members' attention to any salient feature or to clarify a factual point, the public, applicant and objector will not be allowed to participate.
- To avoid Members being spoken to individually, the Chairman should

endeavour to keep the Committee together as a group.

- No discussion or decision-making will take place on site.
- No hospitality will be accepted before, on or after site visits.
- Members or Officers who have any declarable interest which means they should not participate at Committee on determining the application should not attend a site inspection.

#### 7. DECISIONS DELEGATED TO OFFICERS

17.1 The Council has generally agreed that decisions on certain types of application can be taken by the Director of Regeneration and Neighbourhoods through the Planning Services ManagerDevelopment Control Manager or the Assistant Director(-of Regeneration and Planning)-Neighbourhoods, some in consultation with the Chair of the Planning Committee. These are wide ranging but generally less contentious the discharging of planning conditions and breaches of planning conditions. The full list of decisions delegated to the Director of Regeneration and Neighbourhoods is set out in Appendix 4. The system allows quicker decisions to be taken on straightforward matters. The procedure delegated for processing planning applications may be summarised as follows:



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#### 18. DECISIONS CONTRARY TO THE DEVELOPMENT PLAN

**18.1** Planning decisions must normally be taken in accordance with the Development Plan (see paragraph 5.3).

18.2 If Officers are recommending granting planning permission contrary to the development plan:

- The decision will always be taken by Committee, and not as a delegated decision.
- The Officer's report to the Committee must clearly identify the material planning considerations and how they justify overriding the Development Plan.
- The application will have been advertised by a site notice and a local newspaper advertisement, in accordance with <u>Part 3 (18) of the</u> Town and Country Planning (General Development Procedure) Order 1995 <u>Article 8</u> The Town and Country Planning (Development Management Procedure) (England) Order 2010

**18.3** In some circumstances (as defined by Government Direction) the application will be referred - normally after the Planning Committee has agreed a recommendation - to the Secretary of State for Communities and Local Government to enable him/her to decide whether to 'call in' the application to be decided centrally. More details are set out in Appendix 2.(5).

#### 19. DECISIONS CONTRARY TO OFFICER ADVICE

**19.1** If the Planning Committee makes a decision contrary to the Officers' recommendation on a planning application or enforcement case, then:

• the proposer of the motion to go against the Officers' recommendation, or the Chairman, should state the planning reasons for the proposed decision before a vote is taken; the Ombudsman has said that the reasons should be clear and convincing, and be

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material planning considerations (see section 5 above);

- the Planning and/or Legal Officer present at the meeting should be given the opportunity to comment upon whether the proposed reasons for the decision are planning matters and—, if an approval is proposed, to recommend appropriate planning conditions;
- if the decision would be contrary to the Development Plan, then the Officer should comment on the extent to which the other planning considerations could be seen to override the Development Plan, and on whether the decision would require referral (see section 18)
- above); Planning where Committee indicates that it is not minded to accept the Officers recommendation approval, the planning for application mayshould be deferred to the next available meeting of Planning Committee where so requested by the Planning Services Manager Development Control Manager on behalf of the Director of Regeneration and Neighbourhoods. This deferral period enables Officers to prepare clear and convincing planning reasons for refusal:
- a detailed minute of the Committee's reasons for departing from the recommendation should be taken and a copy placed on the application file; if the decision is contrary to the Development Plan, the minute should state that and clearly set out those planning considerations which override the development plan.

**19.2** If a Committee wishes to amend or add conditions to an approval, Officers should be requested to draft the detailed wording of the conditions in line with the Committee's wishes. Both reasons for refusal and reasons for supporting conditions need to clearly refer to Formatted: Justified, Indent: Left: 0 cm, Hanging: 0.32 cm, Space Before: 0 pt, After: 0 pt

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applicable Development Plan policies, where relevant.

#### 20. APPROVING REPEAT APPLICATIONS FOR DEVELOPMENT PREVIOUSLY REFUSED

**20.1** One complaint that frequently arises, and has been investigated by the Local Government Ombudsman, is the approval of a planning application where an application for substantially the same development has previously been refused, where there has not been a significant change in circumstances.

**20.2** The principles which can be distilled from Ombudsman cases are as follows:-

- there is perversity and maladministration, if a Local Planning Authority approves a planning application, which has previously been refused, where there has not been a significant change in the planning circumstances;
- the fact that there has been a significant change in the membership of the Planning Committee does not justify inconsistency between current and previous decisions;
- the perversity of approving a planning application, which has been previously refused, where there has been no significant change in the planning circumstances, is maladministration if:
  - insufficient weight has been given to Officers' recommendations and Central Government guidance; and
    there is a failure to give and record reasons for the authority's change
- of mind.

**20.3** Members are advised that a serious risk of challenge is posed by a failure to give and record clear and convincing planning reasons for the approval of planning applications for which- there is a history of refusals by the Council and

Inspectors appointed by the Secretary of State where there has been no significant change in the planning circumstances.

20.4 Therefore:

- If a Committee is minded to approve an application for development previously refused, the proposer of the motion for approval or the Chairman should state what the significant change in the planning circumstances justifying approval are before a vote is taken.
- If there is a history of refusals by the Council and Inspectors appointed by the Secretary of State, the proposer of the motion for approval or the Chairman should also state why the Inspector's decision should no longer be followed before a vote is taken.

#### 21. DEVELOPMENT PROPOSALS SUBMITTED BY OR AFFECTING COUNCILLORS AND OFFICERS

**21.1** Proposals to their own authority by serving and former Councillors and Officers and their close friends and relatives can easily give rise to suspicions of impropriety. Proposals can take the form of either planning applications or Development Plan proposals, or may involve planning enforcement. It is perfectly legitimate for such proposals to be submitted. However, it is vital to ensure that they are handled in a way which gives no grounds for accusations of favouritism.

**21.2** For planning proposals from Officers and Councillors (which are otherwise deemed by the Director of Regeneration and Neighbourhoods, or histheir representative, to be contrary to the principles set out in the scheme of delegation) shall proceed to determination before Planning Committee, subject to the following principles:

- Serving Councillors and <u>Planning</u> Officers who submit their own proposal to the authority they serve should play no part in the decisionmaking process for that proposal.
- Such\_\_proposals <u>shouldwill</u> be reported to Committee and not dealt with by the Director of Regeneration and Neighbourhoods under delegated powers.
  - The Council's Monitoring Officer should be informed of such proposals by serving Councillors, and the Officers report to the Committee will show that the applicant is a Councillor.
  - Councillors and Officers should never act as agents for people pursuing a planning matter with<u>in</u> their own authority the Borough.

**21.3** For proposals submitted by close relatives and friends of Officers involved with the development control process:

- The Officer concerned will have no involvement with the application.
- The Officer concerned should alert the Director of Regeneration and Neighbourhoods and/or the <u>Development Control Planning</u> <u>Services</u> Manager to the proposal.

**21.4** Where a planning proposal directly affects the property or personal interests of a Councillor, she/he should play no part in the decision-making process. This would apply, for example if a Councillor submitted comments, as a neighbour, on a planning application.

**21.5** Similarly, an Officer should have no involvement in processing a planning proposal which directly affects her/his property or personal interests.

# 22. THE COUNCIL'S OWN DEVELOPMENTS

**22.1** Proposals for the Council's own development have to be treated in the same way as those by private developers.

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- All applications for the Council's own development will be reported to Committee where the application does not accord with the Scheme of Delegation.
- All applications for the Council's own development will be the subject of a written Officer report, as with other applications.

#### 23. THE MEDIA

**23.1** The principles of this Code also apply to press contact. Councillors and Officers when commenting to the media on planning matters should:

- have regard to the points made in the section on lobbying (Section 8);
   ensure that they do not give the impression that they have predetermined or pre-judged (as opposed to a pre-disposition) the planning application ; and:
- make clear that Councillors will retain an open mind until such time as the full facts are available and these are debated by the appropriate Committee;
- for delegated applications, make clear that the Director of Regeneration and Neighbourhoods or his appointed representative will retain an open mind until such time as the full facts are available and presented for decision.

**23.2** Any Officers can provide facts about a planning matter which are in the public domain and available to the media. However, the media should be referred to the Director of Regeneration and Neighbourhoods or his appointed representative for attributable comments.

# 24. RECORD KEEPING AND COMPLAINTS

**24.1** The Council has established its own Complaints Procedure. Complaints are

first investigated within the Department by an Officer more senior than the Case Officer. If the complaint cannot be resolved within the Department it will be referred to the relevant <u>Policy Committee</u> <u>ChairPortfolio Holder</u> for consideration in accordance with the Council's Complaints Procedure.

24.2 So that complaints may be fully investigated and, in any case, as a matter of general good practice, record keeping should be complete and accurate. Omissions and inaccuracies could, in themselves, cause a complaint or undermine the Council's case. It is not possible to keep a full note of every meeting and conversation. However, the guiding rule is that every case file should contain an account of the main events throughout its life. It should be possible for someone not involved with that application to understand what the decision was and how and why it was reached.

- The \_\_\_\_\_main source of this documentation will be the Officer report to Committee and, if the Committee does not agree the recommendation, the Committee minutes.
- For delegated applications, a formal note of the main planning considerations is written and kept on file.
- These principles apply equally to enforcement and Development Plan matters.
- All Committee reports and delegated decision reports will be checked and agreed by the <u>Development Control Planning</u> <u>Services</u> Manager.
- A written note should be kept of all potentially contentious meetings and telephone conversations: this may be in the form of a follow-up letter. Whilst it will be impossible to keep a full note of every meeting, conversation and site visit, a record should be kept of significant events and site visits which have taken

place. The extent of the note should

# be in proportion to the significance of the event.

**24.3** Section 14 gives more details on what reports contain.

**25.1** As section 5 above explains, the planning system is a complex mixture of statute and case law, and of local and national policy, balancing private and public interests. The declaration of interests is also an area which demands the exercise of well-informed judgement.

- A copy of this Code of Practice will be <u>accessiblegiven to to</u> each Councillor and Officer in the Regeneration and Neighbourhoods Department, including new Councillors and employees.
- The Council will provide periodic training events for Councillors on planning, which all Members should endeavour to attend as part of their personal development.
- Members newly elected to the Council and those serving upon the Planning Committee without prior training and those serving upon the Planning Committee who have not attended planning training within a two year period prior (including substitutes) should not vote upon any planning application or the consideration of enforcement and other action until they have attended a recognised training event on planning. The Council will employ a Chartered Town Planner as Development Control Planning Services Manager and will attempt seek to employ trained or Chartered Town Planners to operate its main planning functions.
- The Council will, as far as possible, assist Officers in carrying out training and development activities which enable them to meet the requirements of their post, and enable them to fulfil the 'continuous professional development' requirements placed on Chartered Town Planners.

#### 26. LEARNING FROM PAST DECISIONS

26.1 The lessons to be learnt from any complaint against the Planning Service should be considered, recorded, and any necessary changes to procedures implemented. There will be an annual review by Planning Officers of a selective number of planning decisions which will be appraised through training and other initiatives, including the visiting of affected sites and SO considering where appropriate any complaints to learn from experience.

**26.2** The Council is working towards a more systematic way of learning lessons from a sample of past planning decisions and outcomes.

#### 27. GIFTS AND HOSPITALITY

27.1 Councillors and Officers are advised to treat with extreme caution any offer or gift, favour or hospitality which is made to them personally.

**27.2** Councillors should also be very cautious about accepting gifts and hospitality. The Model Code of Conduct requires any members receiving any gift or hospitality, in their capacity as members, over the value of £25, to provide within 28 days of its receipt written notification of the details to the Monitoring Officer of the Council. Such details will go in a register of gifts and hospitality, which will be open to inspection by the public.

**27.3** Similarly, Officers, during the course of carrying out their duties, Officers may be offered hospitality from people with an interest in a planning proposal. Wherever possible, such offers should be declined politely. If the receipt of hospitality is unavoidable, Officers should ensure that it is of the minimal level and declare its receipt as soon as possible. Councils should provide a hospitality book to record such offers whether or not accepted. This book should Declarations

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of receipt of gifts and hospitality will be reviewed be reviewed regularly by the Council's Monitoring Officer.

The requirement to register any such hospitality is likely to be a feature of the statutory code of conduct for employees.

**27.4** The presumption should be that any gift is normally refused.

#### 28. RACIST COMMENTS

**28.1** The Council will follow the procedures in the RTPI note "Planning Authorities and Racist Representations". In particular:

- Letters containing racist comments will be returned to the writer;
- Racist comments will not be referred to in reports to Committees;
- Persistent racist comments will be referred to the Equality and Human Rights Commission for Racial Equality or the Police. This is to ensure that the Council abides by Sections 31 and 33 of the Race Relations Act 1976, as amended.

**28.2** Any applicants suggesting that they have been affected by racial abuse in whatever form, will have their application considered by Planning Committee and the Monitoring Officer will be advised of the circumstances and representations received.

#### APPENDIX 1; OTHER GUIDANCE

#### FROM HARTLEPOOL BOROUGH COUNCIL

Code of Conduct for Members Code of Conduct for Employees Council's Constitution Statement of Community Involvement (2006)

#### FROM OTHER ORGANISATIONS

'Code of Professional Conduct' The Royal Town Planning Institute (RTPI)., (January 2001).

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<u>'Openness and transparency on personal interests', Department for Communities and Local</u> <u>Government.</u> <del>Guidance for Good Practice on Members' Interests', the Commission for Local</del> Administration in England, April 1994.

'Probity in Planning', Local Government Association., 1997.

'The Role of Elected Members in Plan Making and Development Control'., RTPI, 1997.

'Planning Authorities and Racist Representations', RTPI., July 1996.

'Probity in Planning (Update)', Local Government Association (March 2002)

'Lobby groups', dual-hatted members and the Code of Conduct – Guidance for members, Standards Board for England. (September 2004).

'Positive Engagement' – A Guide for Planning Councillors. (2005 – updated)

'Model Members Planning Code of Good Practice - ACSeS (2003 - updated)

Planning Policy Guidance – DCLG (March 2014)

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APPENDIX 2; DUTIES AND ACTIONSSANCTIONS

#### 1. DUTIES OF MEMBERS

In determining applications, Planning Committee are not bound to follow the Officer's recommendation contained in a report. The Committee should form its own views as to whether permission should be granted. However, this should not be interpreted as meaning that there are no possible grounds for challenge in the Courts, by the Ombudsman or some other external agency whatever Members do for example in approving applications contrary to Officer's recommendations, National and Development Plan Policy.

Members of the Local Planning authority have the following duties:-

- (i) Members must at all times act within the law;
- The overriding duty of Members is to the whole community, not to individual applicants. For example, the avoidance of sporadic development in the open countryside is in the interests of the whole community;
- (iii) Members have a statutory duty when determining planning applications to have regard to the provisions of the development plan where material to the application and to any other material considerations (Section 70 of the Town & Country Planning Act 1990).
- (iv) Members have a statutory duty to determine planning applications in accordance with the development plan, unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004)
- (v) Members have a statutory duty when determining applications for listed building consent to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses: Section 16 of the Planning (Listed Building and Conservation Area) Act 1990.
- (vi) Members have a statutory duty when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest: Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- (vii) Members have a statutory duty when determining planning applications in respect of buildings or other land in a conservation area, to pay special attention to the desirability of preserving or enhancing the special character or appearance of the area: Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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#### 2. <u>ACTIONSSANCTIONS AGAINST LOCAL PLANNING AUTHORITIES AND</u> <u>MEMBERS</u>

<u>Actions</u> against Local Planning Authorities and Members are necessary because duties without <u>recoursesanctions</u> would be potentially unenforceable. This part of the code briefly examines the remedies available to aggrieved persons who consider that the Council has acted unreasonably or unlawfully in making a planning decision and the implications these actions may have for the Council and Members.

The consequences of an unlawful or unreasonable planning decision are that the Council and Members would become subject to the scrutiny of the following external agencies:-

#### (1) <u>THE AUDIT AND GOVERNANCESTANDARDS COMMITTEE, THE STANDARDS</u> BOARD FOR ENGLAND AND THE ADJUDICATION PANEL

Part III of the Local Government Act 2000 introduced the Ethical Framework for Local Government. This <u>wasis</u> a statutory framework within which members <u>should</u>must operate. These provisions have now been amended through the Localism Act, 2011, but which still provides for a duty upon local authorities to promote and maintain high standards of <u>conduct.Local</u> Authorities including District Councils, Parish and Town Councils have experienced a significant strengthening of the standards of conduct arrangements within which elected and co-opted members must operate, backed up by an external regulator to ensure compliance.

The Ethical Framework has the followingfour key elements:

(1) Code<u>s</u> of Conduct;

(2) <u>Register of Interests</u>

- a national regulatory and advisory organisation called the Standards Board for England;
- (3) Arrangements to deal with complaints received by the Council, with reports and possible hearings through the Audit and Governance Committee (see generally Article 8 and Part 3 of the Council's Constitution). the Adjudication Panel which may set up a tribunal to consider cases of misconduct by Members and;
- (4) <u>A criminal offence provision under Section 34 of the Localism Act, 2011. Local Authority Standards Committees.</u>

The framework is concerned with the proper behaviour of politicians in public life, namely:

- (1) the way in which politicians conduct themselves in decision making;
- (2) their relationships with constituents, officials and outside interests; and
- (3) how conflicts of interest are declared and handled in the decision making environment of a Council.

#### (a) STANDARDS COMMITTEE

Since 8 May 29008 the responsibility for considering complaints that a member may have breached the Code of Conduct rests with the Standards Committees of local authorities. The Local Government Act 2000, as amended by the Local Government and Public Involvement in Health Act 2007, provides that a Standards Committee can refer complaints that a member has breached the Code of Conduct to the Monitoring Officer for investigation or other action. The Standards Committee also has a discretion to refer a complaint to the Standards Board for England for investigation.

(b) STANDARDS BOARD FOR ENGLAND

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The Board, may instruct an Ethical Standards Officers to conduct an investigation. Ethical Standards Officers have considerable autonomy in deciding the approach they will take, with extensive statutory powers to require Councillors to: (a) attend before him or her in person; <del>(b)</del> furnish information and produce correspondence. If a Councillor fails to comply with a request of an Ethical Standards Officer this is an offence with a maximum fine on conviction of £1000. An Ethical Standards Officers will decide either that: there is no evidence of misconduct; <del>(a)</del> there is evidence but no action needs to be taken; <del>(b)</del> (c)that the matter should be referred back to the Standards Committee, or that it should be referred to the President of the Adjudication Panel for adjudication <del>(d)</del> by a Case Tribunal. In assessing these powers, it is important to remember that they are only concerned with misconduct - not with fraud or corruption.

#### (c) ADJUDICATION PANEL

The Adjudication Panel for England is constituted separately from the Standards Board. It will establish case tribunals to consider matters referred to it by the Ethical Standards Officers. The person subject to the adjudication may appear or be represented before the case tribunal. Where that tribunal finds misconduct, it may suspend a member (up to one year, although this must not extend beyond the person's term of office), disqualify from present or future membership (up to five years) or take no disciplinary action. There is a right of appeal to the High Court.

#### (2) EXTERNAL<del>DISTRICT</del> AUDITOR

Each year the Council publishes an Annual Governance Statement to comply with the Accounts and Audit Regulations. This document is part of the Council's corporate governance framework as is the Annual Statement of Accounts as audited through the Council's external auditors. Section 91 of the Local Government Act 2000 introduces a system of advisory notices. Advisory notices will apply to all bodies subject to audit under the Audit Commission Act 1998. The Annual Statement of Accounts therefore contains the opinion of the external auditor on the legality and prudence of the Council's financial affairs.

The advisory notice gives auditors time to seek the opinion of the Courts on the legality of an Authority's actions where they consider that the Authority or a committee is contemplating a decision or course of action that would result in unlawful expenditure or other financial loss. This section gives the auditor power to issue an 'advisory notice' in such circumstances, and specifies the form of the notice and how it should be served on the Authority concerned.

An Authority in receipt of a notice must first consider it. If it then decides that it wants to proceed with the action specified in the notice, this section requires the Authority to provide the auditor with written notice of their intentions. Furthermore, it prevents the Authority from proceeding with the activity for a period (of up to 21 days) specified by the auditor in the advisory notice. During this period, the auditor may then choose to seek an opinion from the Court on the legality of the proposed course of action. The Authority may then only proceed with the action if the Court decides that it is lawful or if the auditor does not seek a Court's opinion within the notice period.

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Four eExtraordinary headings of expenditure which could <u>be raised by the external</u> <u>auditorarise</u> from decisions of the Planning Committee are:

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- (a) an ombudsman finding of maladministration and injustice giving rise to recommendations for remedial action and financial recompense;
- (b) costs of litigation and award of costs following an application for Judicial Review; in the High Court;
- (c) costs of local public inquiries, including possible award of applicants' costs\_following use of Secretary of State's call in powers;
- (d) costs of local public inquiries together with landowner's costs and including the possibley substantial compensation payments following actions by the Secretary of State for the revocation, modification or discontinuance of a permission granted by the Council.

#### (3) LOCAL GOVERNMENT OMBUDSMAN

Aggrieved individuals who consider that they have been unfairly treated by the Council may refer their complaint to the Local Ombudsman for investigation to see if they have suffered injustice caused by maladministration.

Examples of maladministration would include:-

- (a) failure to follow a Council's agreed policies, rules or procedure;
- (b) failure to have proper procedures; bias or unfair discrimination;
- (c) failure to give due weight to Officer's recommendations and National Policy coupled with a failure to give and record clear and convincing planning reasons for approving a planning application where a planning application for substantially the same development has previously been refused;
- (d) taking into account irrelevant matters, allowing them to outweigh important planning considerations and failing to take fully into account Government guidance on personal circumstances.

If, after investigation, it is found that injustice has been caused by maladministration, the Ombudsman's report will contain recommendations as to what action the Council ought to take, which may include the payment of compensation.

The powers of the Local Government Ombudsman are contained in the Local Government Act 1974, as amended.

#### (4) JUDICIAL REVIEW

If an aggrieved individual or group of individuals believe that the Council's planning decision is wrong in law, they can make application to the High Court for Judicial Review of the decision, which might result in the planning decision being quashed.

In considering an application for Judicial Review the Court has regard to the following factors:-

(a) whether the Council determined the planning application in accordance with the Development Plan or other material considerations;

(b) whether the Council has taken into account an irrelevant consideration;

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- (c) whether the Council has failed to take into account a relevant consideration;
- (d) whether there is evidence to suggest that if the Council has taken into account all relevant considerations it could not reasonably have taken the decision it arrived at;
- (e) whether all required procedures had been followed or there had been any procedural unfairness.

If the claimant succeeds on an application for Judicial Review, the planning decision may be quashed. In such circumstances it would be normal for the costs of the claimant's action to be awarded against the Council.

#### (5) THE "CALL IN" POWERS TO THE SECRETARY OF STATE

The Secretary of State has call in powers which can be exercised where a Council appears to be making inconsistent decisions which are seriously in conflict with National and Development Plan Policy. Planning applications called in by the Secretary of State, usually require a local public inquiry to be held, a part of the costs of which may be incurred by the Local Planning Authority. This power is contained in Section 77 of the Town & Country Planning Act 1990, as amended. The Town and Country Planning (Consultation) (England) Direction 2009 and accompanying Circular 02/09 should now be read in conjunction with this power. There are now five broad categories of development a Local Planning Authority must refer if it does not propose to refuse the development. These are Green Belt development, large office retail and leisure developments outside town centres, world heritage development, playing field development and flood risk development.

#### (6) THE POWERS OF THE SECRETARY OF STATE TO REVOKE OR MODIFY A PLANNING PERMISSION

Where planning permission has already been granted by the Council, the Secretary of State has powers to revoke or modify planning permission, or to require a discontinuance of a land use. This power is used if the original decision is judged to be grossly wrong. Cases giving rise to intervention include those where some important wider planning objective is at stake, such as protection of fine countryside.

Cases involving revocation and modification almost invariably require a local public inquiry before the Secretary of State's decision is confirmed. In addition to costs falling on the Council for the inquiry, where a planning permission is revoked or modified, <u>there would be a liability for compensation to those with an interest in the land to be paid by the Local Authority</u>.

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#### APPENDIX 3;

#### DRAFT LETTER FOR LOBBYISTS

Dear Sir/Madam

#### The Role of a Councillor in a Planning Application

Thank you for seeking my advice as a Borough Councillor on a planning application. I will do all that I can to see that the matter is dealt with as fairly and as quickly as possible. My role as a Councillor is to listen and assist you and others through the planning process. The process is complex and involves consulting a number of different people. The views of various people will not always coincide.

The Council has adopted policies on <u>certainmost</u> planning matters and it is important that applications are dealt with firmly in accordance with those policies so that decisions are consistent throughout the Borough. In accordance with the National Planning Policy Framework, approving proposals for development, should accord with the development plan. In cases, where the development plan is absent, silent or relevant policies are out of date, there is a presumption in favour of granting sustainable development unless;

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies contained within the National Planning Policy Framework, or
- Specific policies in the Framework indicate development should be restricted.

A large number of applications are dealt with directly by Planning Officers under powers delegated to them. Other applications are dealt with by Planning Committee. If I am a member of the appropriate Committee I will have a vote on this application. If not, I may be able to attend the Committee if the application is within my Ward, but not vote. It is not possible for me to provide any commitment or support for an application or objection until I have heard all the facts presented at Committee. I may also be approached by others who will take a different point of view to you and I will therefore need to weigh up all the conflicting considerations.

Any views that you have on an application should be sent directly to the Council's Director of Regeneration and Neighbourhoods and any correspondence or information that I have received will also be passed on to the appropriate officer.

I am required by the Council's <u>Planning</u> Code of Practice to maintain my impartiality and integrity and not to lobby or not to -attempt or be seen as attempting to influence Planning Officers or fellow Councillors. I therefore cannot act as an advocate or agent on your behalf.

If I am a Member of the appropriate Planning Committee I may refer you to another Councillor who will help you make out your case.

If I am involved in making a decision on an application I cannot accept any gifts or hospitality from you or be seen to meet you or to meet you on or off site or otherwise give the impression of influence or bias.

I hope this clarifies my role as Councillor in the planning process.

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#### APPENDIX 4; SCHEME OF DELEGATION

## **Development Control Scheme of Delegation**

As of May 20<u>1302</u> Hartlepool Borough Council has operated <u>a 'committee system'</u>, which although had no direct <u>direct</u>-impact on the regulatory activities of its Planning Committee, has led to a review of the Council's Constitution and the way the Council is governed. The functions and responsibilities of Planning Committee are contained within Part 3 of the Constitution, which also contains those matters that can be delegated to officers (see below).revised arrangements for dealing with planning applications. In accordance with government guidelines and targets there is a requirement for the delegation of planning applications (unless otherwise stipulated) to officers.

The new arrangements have been introduced with a view to increasing the number of applications dealt with by Officers in accordance with Government guidelines and targets.

PI	anning Committee	CHECK
Me	mbership:	16
Quorum:		7
FUNCTIONS		DELEGATIONS
1.	All functions relating to town and country planning and development control (as set out	Director of Regeneration and Neighbourhoods
2.	in Part A of Schedule 1 to the Regulations). Powers relating to the	<ol> <li>Power to carry out all of the functions of the Committee in paragraphs 1-5 adjacent, subject to the following exceptions:</li> </ol>
	protection of important hedgerows (as set out in Part I of Schedule 1 to the Regulations).	<ul> <li>in the case of any relevant application which is submitted to the Council for determination, any matter which any member requests</li> </ul>
3.	Powers relating to the preservation of trees (as set out in Part I, Schedule 1 to the regulations).	should be referred to the Committee for decision, such request to be received within 21 days of publication of details of the application.
4.	The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.	<ul> <li>ii) any matter which falls significantly outside of established policy guidelines or which would otherwise be likely to be controversial,</li> </ul>
5.	The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	<ul> <li>iii) the determination of applications submitted by the Council in respect of its own land or proposed development, except those relating to operational development to which there is no lodged objection.</li> </ul>

Council – 3 April 2014

Planning Committee (continued)		
Functions		Delegations
6.	Powers, related to Commons Registration as set out in part B of Schedule 1 to the Regulations. [1B.37 & 38]	<ul> <li>iv) the refusal of an application except with the agreement of the Chair of the Committee.</li> <li>v) except in cases of urgency</li> </ul>
7.	Functions relating to public rights of way (as set out in Part 1 of Part I of Schedule 1 to the 2001 Regulations).	a) power to require the discontinuance of a use of land
8.	The licensing and registration functions set out in Part B of Schedule 1 to the regulations at points 41 and 47-55 relating to the New Roads and Street Works Act 1991 and the Highways Act 1980.	<ul><li>b) power to serve a stop notice</li><li>c) power to issue an enforcement notice</li></ul>
		d) power to apply for an injunction restraining a breach of planning control
9.	0	<ul> <li>e) power to serve a building preservation notice and related powers</li> </ul>
	2000 Regulations).	<ul> <li>f) power to issue enforcement notice in relation to demolition of unlisted building in conservation area</li> </ul>
		<ul> <li>g) powers to acquire a listed building in need of repair and to serve a repairs notice</li> </ul>
		<ul> <li>h) power to apply for an injunction in relation to a listed building,</li> </ul>
		exercise of such powers to be reported for information to the next available meeting of the Committee.
		2. Power to formulate decision notices following decisions made in principle by the Committee.

Planning Committee (continued)	
Functions	Delegations
	3. Power to negotiate and set charges for diversion or related matters and to take action regarding blockages or Rights of Way issues other than those related to countryside management.
	4. Power in cases of urgency to carry out all of the functions of the Planning Committee relating to public rights of way (other than those delegated to the Director of Adult and Community Services), following discussion of the issues with the Chair of the Committee.
	5. In relation to matters which are relevant to countryside management, power to negotiate and set charges for diversion or related matters and to take action regarding blockage on Rights of Way issues.
	6. Power in cases of urgency to carry out all of the functions of the Planning Committee relating to public rights of way which are relevant to countryside management.
	7. Power to carry out all of the functions of the Committee with the exception of any matter which falls significantly outside of established policy guidelines or which would otherwise be likely to be controversial.

Planning Committee (continued)	
Functions	Delegations
	8. Power to register without modification unopposed applications to register land as town or village green in respect of Town and Village Greens, following the statutory consultation period.
	Planning Services Manager
	Power to require proper maintenance of land.
	Chief Solicitor
	1. Power to confirm without modification unopposed creation, diversion or extinguishment Orders in respect of Public Rights of Way, following the statutory advertising period.
	2. Power to confirm, without modification, unopposed footpath and footway conversion orders following the statutory advertising period.
	3. Power to confirm, without modification, all future unopposed Definitive Map Modification Orders following the statutory advertising period.



# HARTLEPOOL BOROUGH COUNCIL CODE OF CORPORATE GOVERNANCE

## HARTLEPOOL BOROUGH COUNCIL'S

#### CODE OF GOVERNANCE

#### 1. INTRODUCTION

- 1.1 Hartlepool Borough Council recognises that good governance leads to good management, attainment of good performance and overall proper stewardship of public monies. Additionally, through public engagement and empowerment this should ultimately lead to beneficial outcomes for citizens and service users. Good governance enables Local Authorities to pursue their aims and outcomes in an effective and responsive manner, as well as underpinning their visions through appropriate mechanisms for control and effective management of risk.
- 1.2 All public Authorities should aim to meet the standards of the best possible governance arrangements which should not only be sound but also seen to be properly robust and effective. Governance is about how Local Government bodies ensure that they are doing things right for the community they serve, in a timely, inclusive, open, honest and accountable manner. It comprises the systems and processes as well as cultures and values by which Local Government is directed and controlled and through which it is publicly accountable. Of primary importance, is the way any public body engages with and where appropriate, provides leadership and direction to their communities.
- 1.3 Hartlepool Borough Council is committed to being at the forefront of those Local Authorities that are able to demonstrate that they have the necessary Corporate Governance to excel in the Public Sector. This Code is a public statement that sets out the way in which the Council will meet that commitment.

#### 2. CODE OF GOVERNANCE FRAMEWORK

2.1 Hartlepool Borough Council is committed to applying the core principles as set out in the SOLACE/-CIPFA Good Governance Framework which comprises the following key elements;

#### Focusing on the Council's Purpose and Community Needs

• focussing on the purpose of the Authority and on outcomes for the community and creating and implementing a vision for the local area;

#### Having Clear Responsibilities and Arrangements for Accountability

• Members and Officers working together to achieve a common purpose with clearly defined functions and roles;

## **Good Conduct and Behaviour**

 promoting values for the Authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour;

#### Informed, Transparent Decision Making and Managing Risk

 taking informed and transparent decisions which are subject to effective scrutiny and management of risk;

## **Developing Skills and Capacity**

 developing the capacity and capability of Members and Officers to be effective; and

## **Engaging Stakeholders**

- engaging with local people and other stakeholders to ensure robust public accountability.
- 2.2 Each of these Principles is an important part of Hartlepool Borough Council's Corporate Governance arrangements. This statement describes how the Council will meet and demonstrate its commitment to good Corporate Governance. Also described in this document is how and by whom the Council's Corporate Governance arrangements will be monitored and reviewed.

## 3. THE COUNCIL'S CORPORATE GOVERNANCE PRINCIPLES

#### 3.1 Focusing on the Council's Purpose and Community Needs

The Council will explain and report regularly on activities, performance and the Council's financial position. Timely, objective and understandable information about the Council's activities, achievements, performance and financial position will be provided.

The Council will do this by annually publishing:

- A Council Plan;
- Externally audited accounts;
- Independently verified Robust performance information-

The Council will aim to deliver high quality services that are value for money.

The Council will do this by:

- Delivering services to meet the needs of the local community, and put in place processes to ensure that they operate effectively in practice;
- Directing resources to those that need services most;
- Ensuring that timely, accurate and impartial financial advice and information is provided to assist in decision making and to ensure that the Authority meets its policy and service objectives and provides effective stewardship of public money and value for money in its use;
- Ensuring that the Authority maintains a prudential financial framework; keeps its commitments in balance with available resources; monitors income and expenditure levels to ensure that this balance is maintained and takes corrective action when necessary;
- Ensure compliance with CIPFA's Code on a Prudential Framework for Local Authority Capital Finance and CIPFA's Treasury Management Code;
- Developing effective relationships and partnerships with other public sector agencies and the private and voluntary sectors, and consider outsourcing where it is efficient and effective to do so;
- Responding positively to the findings and recommendations of external auditors and statutory inspectors and putting in place arrangements for the implementation of agreed actions;
- Comparing information about our services with services provided by similar organisations and assessing why levels of efficiency, effectiveness and quality are different elsewhere.

## 3.2 Having clear responsibilities and arrangements for accountability

The Council will ensure that the necessary roles and responsibilities for the Governance of the Council are identified and allocated so that it is clear who is accountable for decisions that are made.

The Council will:

- Appoint Committees to discharge the Council's Policy responsibilities;
- Appoint Committees to discharge the Council's Regulatory and statutory responsibilities;
- Appoint Committees to discharge joint responsibilities with other authorities;
- Have in place a scheme of delegated Council responsibilities to Officers;
- Have in place effective and comprehensive arrangements for the review and overseeing of services;
- Ensure that the Chief Finance Officer (as the designated Section 151 Officer) reports directly to the Chief Executive (designated as the Council's Head of Paid Service) and is a member of the Corporate Management Team;
- Ensure that the Authority's governance arrangements allow the Chief Finance Officer (hereinafter referred to as the CFO) and the Council's Monitoring Officer direct access to the Chief Executive and to other members of the Corporate Management Team;

- Ensure that the CFO leads the promotion and delivery by the whole organisation of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively;
- Ensure that the budget calculations are robust and reserves adequate, in line with <u>statutory requirementsCIPFA's guidance;</u>
- Ensure that appropriate management accounting systems, functions and controls are in place so that finances are kept under review on a regular basis. These systems, functions and controls will apply consistently to all activities including partnership arrangements, outsourcing or where the Authority is acting in an enabling role.

## 3.3 Good Conduct and Behaviour

The Council will foster a culture of behaviour based on shared values, ethical principles and good conduct. The Council will do this by establishing and keeping under review:

- The Council's values;
- A Member Code of Conduct;
- An Officer Code of Conduct;
- A Protocol governing Member/Officer relations;
- Defined Procedures detailing the roles of Members and Officers in decision-making (Part 3, Responsibility for Functions);
- Systems for reporting and dealing with any incidents of fraud and corruption, for example, through 'Whistle-blowing' procedures and antifraud policies and procedures including a policy relating to combating money laundering;
- Ensure that systems and processes for financial administration, financial control and protection of the Authority's resources and assets are designed in conformity with appropriate ethical standards and monitor their continuing effectiveness in practice.

## 3.4 Informed, Transparent Decision Making and Managing Risk

The Council will ensure that appropriate legal, financial and other professional advice is considered as part of the decision-making process.

The Council will be transparent about how decisions are taken and recorded.

The Council will do this by:

- Ensuring that all 'Key Decisions' are made in public and that information relating to those decisions is made available to the public1;
- Ensuring that all decisions of Policy and Regulatory Committees (including those discharging statutory responsibilities) of the Council are made in public and that information relating to those decisions is made available to the public;
- Recording all-decisions that are made by other Committees and Officers3 and making the details publicly available;

- Having rules and procedures which govern how decisions are made;
- Ensuring an effective internal audit function is resourced and maintained and that the Authority's governance arrangements allow the CFO direct access to the Audit and Governance Committee and external audit;
- Ensuring the Authority's arrangements for financial and internal control and for managing risk are addressed in annual governance reports and the Authority puts in place effective internal financial controls covering codified guidance, budgetary systems, supervision, management review and monitoring, physical safeguards, segregation of duties, accounting procedures, information systems and authorisation and approval processes;
- Ensuring the provision of clear, well presented, timely, complete and accurate information and reports to budget managers and senior Officers on the budgetary and financial performance of the Authority and the delivery of services.

<sup>1</sup> Except where that information is exempt under the provisions of the Freedom of Information Act or determined as being confidential by Government or otherwise exempt by the Council.

<sup>2</sup> Except where that information is exempt under the provisions of the Freedom of Information Act or determined as being confidential by Government or otherwise exempt by the Council.

<sup>3</sup> For Officers this relates to Key, Major and significant operational decisions only.

The Council will operate a risk management system that aids the achievement of its strategic objectives, protects the Council's reputation and other assets and is compliant with statutory and regulatory obligations. The Council will ensure that the risk management system:

- Formally identifies and manages risks;
- Involves Elected Members in the risk management process;
- Maps risks to financial and other key internal controls;
- Incorporates service continuity planning; and
- Reviews and, if necessary, updates its risk management processes at least annually.

#### 3.5 Developing Skills and Capacity

The Council will ensure that those charged with the governance of the Council have the skills, knowledge and experience they need to perform well. The Council will do this by:

- Implementing a Workforce Strategy including Member Development;
- Cascading regular information to Members and staff.

#### 3.6 Engaging Stakeholders

The Council will seek and respond to the views of stakeholders and the community. The Council will do this by:

- Forming and maintaining relationships with the leaders of other organisations, for example, the Strategic Partners Group;
- Publishing a Forward Plan of Key Decisions to be taken during the relevant Plan period;
- Having a policy on consultation and providing access to a range of consultation methods, particularly to those groups not yet reached;
- Encouraging and supporting the public in submitting requests for the review of services and recommendations for improvement;
- Providing and supporting ways for Citizens to present community concerns to the Full Council and through Neighbourhood Forums.

## 4. MONITORING AND REVIEW

The Council has Committees that are responsible for monitoring and reviewing the Council's Corporate Governance arrangements. These Committees and their functions are set out below. In addition, the Council has an Independent Remuneration Panel to advise and make recommendations to the Council on the scheme of allowances.

- 4.1 <u>The Audit and Governance Committee</u> is responsible for the Council's arrangements relating to:
  - Approving the Council's Accounts;
  - External audit;
  - Policies and practices that ensure compliance with statutory and other guidance;
  - Internal audit.

The Committee also has responsibility for the following roles and functions:

- promoting and maintaining high standards of conduct by Elected Members and co-opted members <u>of the Authority</u>and church and parent governor representatives;
- (ii) assisting the Elected Members and, co-opted members and church and parent governor representatives to observe the Members' Code of conduct;
- (iii) advising and offering guidance to the Council on the adoption or revision of the Members' Code of Conduct;
- (iv) monitoring the operation of the Members' Code of Conduct;
- (v) advising, training or arranging to train Elected Members and co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- (vi) granting dispensations (unless otherwise delegated to the Council's Chief Solicitor, acting as Monitoring Officer) to Elected Members and, co-opted members and church and parent governor representatives

from requirements relating to <u>prejudicial or pecuniary</u> interests set out in the Members' Code of Conduct;

- (vii) dealing with any reports from Monitoring Officer on any matter which is referred for investigation under 'arrangements' to deal with complaints under the Localism Act, 2011.
- (viii) the exercise of (i) to (vii) above in relation to the Parish Councils wholly or mainly in its area and the members of those parish councils.

Through this Committee, the Council will ensure that these arrangements are kept under continual review by:-

- The work of internal audit;
- Reports prepared by <u>OfficersManagers</u> with responsibility for aspects of this Code;
- External Audit opinion;
- Other review agencies and Inspectorates;
- Opinion from the Council's statutory Officers.

The Audit and Governance Committee will also have responsibility for the discharge of all statutory scrutiny functions relating to health and wellbeing under the Health and Social Care Act 2012 and Crime and Disorder for the purposes of the Police and Justices Act 2006.

The Monitoring Officer is responsible for the review and monitoring of the Council's Constitution, and able to make recommendations for changes, where reviewing the Constitution to Full Council (Article 15 of the Council's Constitution refers).

4.2 The Finance and Policy Committee has responsibility for the financial and other resources of the Authority including the formulation, development and implementation of the Authority's plans and strategies under the Budget and Policy Framework. The role and remit of this Committee is referenced within Article 7 (Policy Committees) and Part 3 (Responsibilities for Functions) of the Council's Constitution.

All Policy Committee Chairs will be represented on Finance and Policy Committee.

## 5. THE CORPORATE GOVERNANCE STATEMENT

- 5.1 Each year the Council will publish an Annual Governance Statement. This will provide an overall assessment of the Council's Corporate Governance arrangements and an appraisal of the key controls in place to manage the Council's principal governance risks. The Statement will also provide details of where improvements need to be made4.
- 5.2 The Annual Governance Statement will be published as part of the Council's Annual Statement of Accounts and will be audited by our External Auditors.

<sup>4</sup> Incorporating the Council's duties to publish an Annual Governance Statement in accordance with the Accounts and Audit Regulations 2011 (Amended).

#### 6. CONTACT

The underlying purpose of this "Code of Governance" is ostensibly to provide a statement of the Borough Council's commitment to proper and effective governance and to reference a variety of documents relating to governance within the Borough Council the same being documented below and available for public access at www.hartlepool.gov.uk.

For any further information on the Borough Council's good governance arrangements, contact should be initiated with the following Council Officers;

Chris Little , Chief Finance Officer, Hartlepool Borough Council, Civic Centre, Hartlepool TS24 8AY

Peter Devlin, Chief Solicitor and Monitoring Officer of Hartlepool Borough Council, Civic Centre, Hartlepool TS24 8AY

Dave Stubbs Chief Executive, Chief Executive's Department, Hartlepool Borough Council, Civic Centre, Hartlepool, TS24 8AY

Andrew Atkin Assistant Chief Executive, Chief Executive's Department, Hartlepool Borough Council, Civic Centre, Hartlepool TS24 8AY

## KEY DOCUMENTS

## A - The Constitution

- Part 1 Summary and Explanation
- Part 2 Articles of the Constitution
- Part 3 Responsibilities for Functions
- Part 4 Rules of Procedure
- Part 5 Codes and Protocols
- Part 6 Members' Allowances Scheme
- Part 7 Appointment to Outside Organisations and other bodies
- Part 8 Management Structure

## **B** - Essential Documents supporting the Council's Constitution

- <u>Budget and</u> Policy framework, plans and strategies *(including published minutes of meetings)* 

- Code of Conduct for Members
- Code of Conduct for Employees
- Whistleblowing Policy and Procedure Document
- Planning Code of Practice
- Anti Money Laundering Policy
- Code of Corporate Governance
- Forward Plan of Key Decisions

## **C** - Key Policy Documents

- Council Plan
- Sustainable Community Strategy
- Statement of Community Involvement

## **D** - Key Budget and Risk Management Documents

- Council's Annual Budget
- Medium Term Financial Strategy
- Annual Statement of Accounts
- External Auditor's Annual Statement and Accounts Report
- Council's Risk Management Framework Council's Anti-Fraud and Corruption Policy
- Annual Governance Statement

## E - Key Member, Officer Decision Making

- <u>Responsibility for Functions (Part 3 of the Council's Constitution)</u>Annual Report of Policy Committees

- Officer/Member Protocol
- Council Delegation Scheme

## **F** – Miscellaneous Documents

- Corporate Complaints Procedures
- Members Training and Development Programme
- Register of Members' Interests
- Members' Gifts and Hospitality Register
- Officers' Gifts and Hospitality Register
- Hartlepool Borough Council Year End Performance Reports
- Hartlepool Borough Council's Annual Report

## Hartlepool Borough Council

## Protocol for Filming, Recording and Photographing Council Meetings

## Introduction

The Council is committed to being open and transparent in the way it conducts its decision making.

Filming, recording and photography at Council meetings will therefore be allowed subject to certain restrictions and conditions.

## Background

Section 100A(7) of the Local Government Act, 1972 (as amended) allows the Council to 'permit the taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later), or the making of any oral report on any proceedings as they take place'. This provision to allow reasonable facilities for the reporting of Council proceedings is also noted in guidance issued through the Department for Communities and Local Government (June 2013). Further that 'Councils may reasonably ask for the filming to be undertaken in such a way that it is not disruptive or distracting to the good order and conduct of the meeting.'

#### Procedure

#### (i) Prior to a Meeting

If a member of the public or media representative wishes to film, record or photograph proceedings, they should inform a member of the Council's Democratic Services Team prior to the start of the meeting.

Any audio/visual recording/ photography must take place from a designated position in the meeting room approved by the Chair. No zooming or panning is permitted. Setting up must be done before the meeting starts to ensure the view of members of the public is not obstructed.

Those intending to bring large equipment, or wishing to discuss any special requirements are advised to contact the Council's Democratic Services Team in advance of the meeting. The use of flash photography or additional lighting will not be allowed unless this has been discussed in advance of the meeting and agreement reached on how it can be done without disrupting the proceedings.

The Council asks those recording proceedings not to edit the film/record/photographs in a way that could lead to any misinterpretation of Council proceedings.

## (ii) During the Meeting

The Chair will announce at the beginning of the meeting the request for the meeting to be recorded. The Chair will ask those members of the public present whether they agree to be filmed/recorded/photographed. If a member of the public is unwilling to be

## 12 (1) Appendix 8

filmed/recorded/photographed then the Chair will comply with this request. Objections can be raised with the Chair at any point in the meeting if this is conducive to the conduct of the meeting, where a member of the public is being filmed/recorded/photographed.

The Chair of the meeting will have absolute discretion to terminate or suspend any filming, recording and photography if any of these activities are, in their opinion, prejudicing or disrupting proceedings in any way.

The circumstances in which termination or suspension would occur could include:

- Public disturbance or suspension of the meeting. The Council's Procedure Rules provide that '*if a member of the public interrupts proceedings, the Chair will warn the person concerned. If that person continues to interrupt, the Chair will order his/her removal from the meeting room.*'
- Information of a confidential nature. Under Schedule 12A of the Local Government Act 1972, (as amended), the Council has the right to exclude the press and the public in considering items of a confidential nature and may be excluded from items that fall within a category of 'exempt' information, and
- Where it is considered that continued filming/recording/photography might infringe the rights of an individual

Any decision taken by the Chair on the interpretation of this protocol is final.

#### (iii) After the Meeting

Any member of the public who wishes to make comment on the filming and recording of a Council meeting should contact the Democratic Services Team on (01429) 523013 or e-mail democratic.services@hartlepool.gov.uk.

#### **Data Protection**

The Data Protection Act, 1998, does not prohibit the overt filming and recording of council meetings, where participants have given their consent to be so filmed or recorded. However, under no circumstances will filming, recording or photographs of children (under 18) be allowed without the expressed written consent of a parent or guardian.

If an individual films or in any way records or uses personal data from a Council meeting for a commercial purpose then they should be registered as the Data Controller for that information. It will be the responsibility of the individual concerned to ensure that they are appropriately registered and are fully compliant with applicable laws and procedures.

For further information/clarification, contact the Democratic Services Team on (01429) 523013 or e-mail <u>democratic.services@hartlepool.gov.uk</u>.

END January 2014

## **GUIDANCE NOTE – POLITICAL BALANCE**

## BACKGROUND

The Local Government and Housing Act, 1989, placed a duty on a relevant authority to review the representations of the different political groups on that body. Such a review should generally take place:

- at, or as soon as practicable after, the Annual Meeting of the relevant authority, or
- as soon as practicable, where notice is received of a change in the composition of political groups.

Further, there is a duty on that authority "as soon as practicable after the review, to determine the allocation of the different political groups into which the Members of the authority are divided of all the seats which fall to be filled by appointment made from time to time by that authority or committee". It is therefore incumbent upon the Council to "review" and "determine" the allocation of seats to political groups. There is no strict requirement on the Council to consult the political groups as to which Committee seats should be allocated to which group, as this only applies to the actual appointment of Members to particular seats once they are allocated to political groups. However, the Council over a number of years have held, what is termed as "Round Table" discussions amongst Councillors on the allocation of seats to committees, provided these allocations do not conflict with the Council's duty "to make only such determinations as give effect, as far as reasonably practicable" with the principles outlined in Section 15(5) of the 1989 Act.

#### THE "PRINCIPLES"

The legislation specifies certain principles in achieving political balance through the allocation as seats, as follows;

- (a) That not all the seats on the body are allocated to the same political group;
- (b) That the majority of the seats on the body is allocated to a particular group if the number of persons belonging to that group is the majority of the authority's membership;
- (c) Subject to paragraphs (a) and (b) above, the number of seats on the ordinary Committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary Committees of that authority, as is borne by the number of Members of that group to the membership of the authority; and
- (d) Subject to paragraph (a) to (c) above, that the number of the seats upon a body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of Members of that group to the membership of the authority.

As indicated the 1989 Act requires, **as far as reasonably practicable** that decisions are made which conform with the above principles. The First Schedule to the 1989 Act also stipulates that in relation to certain appointments to "prescribed bodies" where "at least three seats" have to be filled by the local authority, the allocation of seats should be in the same proportion as that in which the Council is itself divided as specified under principle (d) above. In addition, where a Member(s) has been appointment to an "outside body" for a fixed term by the Council previously, that appointment continues (unless the Member chooses to resign from that position) and is therefore unaffected by the proportionality requirements.

## POLITICAL GROUPS

Under the 1989 Act, a 'Political Group is treated as being properly constituted when there is delivered to the 'proper officer' (the Chief Solicitor under the Council's Constitution) a notice in writing which;

- is signed by two or more Members of the authority who wish to be treated as a political group; and
- the notice states that the Members of the authority who have signed it wish to be treated as a political group, the name of the group and the name of one Member of the group who has signed the notice and who is to act as Leader of the group.

A copy of the requisite notice is appended to this Guidance Note. A notice may also specify the name of one other Member of the group who has signed the notice and who is authorised to act in place of the leader when the Leader is unable to act (the Deputy Leader). The name of the group or the name of the Leader or Deputy Leader may also be changed by a further notice in writing duly signed and delivered to the proper officer;

- in the case of a change in the name of the group or the Deputy Leader, by the Leader of the group or a majority of the Members of the group;
- in the case of a change in the Leader of the group, by a majority of the Members of the Group.

For the avoidance of any doubt, a political group shall cease to be constituted if the number of persons who are to be treated as Members of that group is less than two. A Member of the authority will be treated as a Member of a political group if;

- he/she has signed a notice in the form appended herewith, or
- he/she has delivered to the proper officer a notice in writing to be signed by him/her and by the Leader and Deputy Leader of the group or by a majority of the Members of the group, that he/she wishes to join the group. Conversely, a person will be treated as having ceased to be a Member of that group when that Member(s) has notified the proper officer in writing that they no longer wish to be treated as a Member of the group. Further, this would be evidenced where the Member concerned has delivered to the proper officer a notice that the Member

has joined a new political group as constituted or joined another established political group or they have delivered to the proper officer a notice in writing signed by the majority of the Members of the group that they no longer wish the Member to be treated as a Member of that political group.

## **REVIEW AND ALLOCATION OF SEATS**

The duty under Section 15 of the 1989 Act is to 'review' the representation of the different political groups on the Council, at certain times as prescribed through legislation. However, where a request is made through a change in the composition of the political groups through formal notice being delivered to the proper officer, such notification should be at least one month after the last review carried out in accordance with the legislation.

Under the Local Government (Committees and Political Groups) Regulations, 1990, where a political group fails to express a wish in relation to an appointment to such a seat within a period of three weeks beginning with the date on which notice was given, the authority or Committee may make such appointment to that seat as they think fit.

# Exceptions to requirements for Committees to review arrangements for allocation of seats

There are certain exceptions which apply wherein the rules on proportionality do not apply. These cases are limited and are referred to below;

- Area Committees which consist of all Members living in the area which the Committee covers. If it does not, then allocations must be proportionate to the whole Council.
- Any Working Party, Advisory Panel etc where powers have been delegated to it by a Committee of the Council, not the Council itself.
- A Health and Wellbeing Board as established under the Health and Social Care Act, 2012 (the Board is a 'Committee' of the Council but the 2012 does not apply the 1989 Act provisions).
- Proportionality also does not apply to outside bodies where the Council simply appoints representatives such as to local voluntary organisations unless statutory criteria apply (see generally Part 7 of the Council's Constitution).

## CALCULATING PROPORTIONALITY

The "principles" covering proportionality should be satisfied as is reasonably practicable to do so. Consequently the "principles" are applied as follows;

- 1. There should be no Committees made up of a single political group, unless every Councillor on the Council is in the same political group.
- 2. Where one political group has a majority, that group should have a majority on all Committees.

- 3. The proportion of Members to Committees should be allocated in proportion to each political group operating within the Council.
- 4. Places on an individual Committee should be allocated in proportion to each political group on the full Council.

Allocations should therefore be proportionate to the number of seats that each political group has on the Council, for example if there are 15 members of a political group on the Council which has 33 elected representatives, then 15 seats should be allocated to that political group in every 33. ie., the number of Councillors in a political group divided by the number of Councillors on the Council. The Council have traditionally 'grouped' together those Members who are not aligned to a 'political group' in order to ensure that the representation upon Council Committees, is so far as is reasonably practicable, broadly representative and reflective of the composition of the Council as a whole.

No political group should be over represented across the Council under point 4 above. Once the principles have been applied, then as stated, each Committee then has to be as proportionate as possible, to ensure that as far as practicable, Committees are representative of the overall makeup of the Council.

However, the calculations are never in reality exact and so there will always be some negotiation amongst Councillors, particularly where a group is under represented on one Committee but is over represented on another. This allows the opportunity for agreement through the 'Round Table' discussions, or alternatively, through a formal decision to be made through Council.

Within the Council Procedure Rules (paragraph 1.1 refers) it has been previously agreed and adopted through the Council's Constitution that apart from the appointment of the Chair and Vice Chair positions (Ceremonial Mayor and Deputy Ceremonial Mayor respectively) which by legislation are appointments reserved to the Annual Meeting, an ordinary meeting of Council will be convened prior to the Annual Meeting to make appointments to Committees etc., Those appointments then at issue will be determined at that meeting applying the Council's voting procedures (Rule 17 applies) if necessary.

### HARTLEPOOL BOROUGH COUNCIL

### LOCAL GOVERNMENT AND HOUSING ACT 1989

### LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS) REGS <u> 1990</u> <u> { REGULATION 7 (i)</u>}

### NOTICE OF CONSTITUTION OF POLITICAL GROUP

- 1. The members of the Council whose signatures appear in the schedule wish to be treated as a political group for the purposes of sections 9, 15 and 16 of the above Act
- 2 The name of the group hereby constituted shall be { \*1}
- The member of the group who is to act as the leader of the group is {
   \*2}
- The member of the group who is to act as the deputy leader of the group is {
   <sup>\*</sup>3}

### Schedule \*4

		Name	Signature
1	Councillor		
2			
3			
4			
5			
6			
7			
8			
9			
10			

## 12 (1) Appendix 9

	Name		Signature	
11 Councillor				
12 Councillor				
13 Councillor				
14 Councillor				
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26 Councillor				
27 Councillor				
28 Councillor <u>Date</u> : Proper Officer)		(Da	ate of delivery	of
*1 Insert name of group *2 Insert name group each of wl	e of Leader of group		name of deputy lea ames of members	

# COUNCIL

3 April 2014



### **Report of:** Finance and Policy Committee

### Subject: REVIEWING THE SUSTAINABLE COMMUNITY STRATEGY FOR HARTLEPOOL

### 1. PURPOSE OF REPORT

1.1 To seek Council's approval of the reviewed Sustainable Community Strategy as attached as **appendix A.** 

### 2. BACKGROUND

- 2.1 The sustainable Community Strategy is part of the Council's Budget and Policy Framework and therefore requires approval by Council.
- 2.2 The Council has a statutory duty to prepare a Sustainable Community Strategy (SCS) for the Borough. The previous SCS was adopted 5 years ago in 2008 and therefore needs to be reviewed to ensure that it remains relevant, reflects local circumstances and responds to national changes.

### 3. DECISION MAKING ROUTE FOR THE PLAN

- 3.1 Three options for reviewing the SCS were presented to Finance and Policy Committee on the 31<sup>st</sup> May 2013. The Committee agreed with the recommendation for Option 3 '*A change in approach with a downsized Community Strategy focusing on other key strategies to provide the detail.*'
- 3.2 A first draft for consultation was agreed by Finance and Policy Committee on the 26<sup>th</sup> July 2013 with a subsequent consultation period which ran for 8 weeks in accordance with the agreed procedure set out in the Councils Constitution.
- 3.3 The second draft of the Strategy was agreed by Finance and Policy Committee on the 29<sup>th</sup> of November 2013 which took on board the comments made during the eight week consultation period.

<sup>13</sup> a 1 Council 03.04.14 Reviewing the sustainable community strategy for Hartlepool HARTLEPOOL BOROUGH COUNCIL

3.4 The Final draft of the Strategy was presented to Finance and Policy Committee on the 31<sup>st</sup> January 2014, the Committee agreed to endorse the Strategy and move to full Council for final approval.

### 4 NEXT STEPS

4.1 Should Council approve the Strategy then the Strategy will be made available on the Councils Website

### 5. **RECOMMENDATIONS**

5.1 That Council approves the reviewed Sustainable Community Strategy for Hartlepool as attached as appendix A.

### 6. REASONS FOR RECOMMENDATIONS

6.1 Council approval is required for the Sustainable Community Strategy as set out in the Budget and Policy Framework.

### 7. BACKGROUND PAPERS

7.1 Reviewing the Sustainable Community Strategy, reported to Finance and Policy Committee on the 31<sup>st</sup> May 2013, 26<sup>th</sup> July 2013, 29<sup>th</sup> November 2013 and the 31<sup>st</sup> January 2014.

### 8. CONTACT OFFICER

Andrew Atkin Assistant Chief Executive Tel: (01429) 523040 E-mail: Andrew.Atkin@hartlepool.gov.uk





# Hartlepool's Ambition

# The Sustainable Community Strategy for Hartlepool 2014 – 2020



### Foreword

In 2008 the Hartlepool Partnership launched the Sustainable Community Strategy which set out the future vision for the Borough in 2020. Since then we have made a lot of progress to turn that vision into reality; crime has fallen, people are living longer, primary and secondary educational attainment is improving and there has been significant investment in the Borough's housing stock, business areas and environment. However, a number of challenges have presented themselves since 2008 globally, nationally and locally with huge financial, economic and demographic challenges now facing us. We know that areas such as unemployment, health inequalities and poverty remain serious issues and we want to ensure that we continue to focus on areas were we can have the biggest impact. We will endeavour to continue to improve the lives of people who live and work in Hartlepool and the physical infrastructure so that people want to live and work here and businesses want to invest.

In spite of the impact of national decisions locally this Sustainable Community Strategy reiterates our commitment to our long term ambition for Hartlepool. We have reshaped our partnership to meet the challenges ahead and focus our efforts on what really matters. This document sets out our priorities for the next five years and how we will continue to work together to meet our aspirations for the community of Hartlepool.

**Councillor Christopher Akers-Belcher** 

Leader of Hartlepool Borough Council and Chair of the Hartlepool Strategic Partners Group



## What do we want to achieve?

This Sustainable Community Strategy sets out our long-term ambition for the economic, social and environmental wellbeing of Hartlepool. It builds upon the ambition and aspirations set out in 2008 and sets out our priorities for the next 5 years.

Our long-term ambition, as agreed in 2008, remains relevant today:

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

We also remain committed to making improvements across the 8 themes of:

• Jobs and the Economy

Environment

Housing

- Lifelong Learning & Skills
- Health and Wellbeing
- Community Safety

- Culture & Leisure
- Strengthening Communities

We have agreed a number of key strategies and plans that set out the detail of how we will achieve our long-term ambition. These are reviewed more frequently than the Sustainable Community Strategy and provide an accurate and timely picture of how we aim to deliver against our long-term ambition:

- Child Poverty Strategy
- Children and Young People's Plan
- Community Safety Plan
- Council Plan
- Economic Regeneration Strategy
- Hartlepool Voluntary and Community Sector Strategy
- Health and Wellbeing Strategy
- Housing Strategy
- Local Transport Plan
- Tees Valley Joint Waste Management Strategy
- The plans and strategies which together comprise the Development Plan
- Vision for Adult Social Care in Hartlepool
- Youth Justice Strategic Plan

We regularly monitor the progress made against each of these plans and we use this to assess whether we are on track to achieve our long-term ambition.

### What are our priorities for the next 5 years?

We have identified a number of key priorities for Hartlepool which will be our main focus for improvement over the next 5 years. This does not mean that we will stop making progress against the other themes we have identified as that will continue through the strategies and plans that we already have in place. Our priorities for the next 5 years are:

#### Increased business and jobs

- Regenerate key sites and attract investment.
- Improve business infrastructure.
- Support business growth.
- Develop an enterprising culture.
- Develop a competitive workforce.

#### **Reduced poverty**

- Ensure that children that live in poverty are safe.
- Increase the parental employment rate.
- Improve skills levels in parents and children.
- Support families to maximise their entitlements.
- Prevent those at risk from falling into poverty.
- Where it is evident that a family is experiencing poverty take action to mitigate its effect.

#### **Better housing**

- Delivering new homes, contributing to sustainable communities.
- Improving existing homes, supporting sustainable communities.
- Meeting the specific housing needs, this includes homeless households, older people, people with disabilities, and the black and minority ethnic community.

### Safer, stronger neighbourhoods

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

### **Healthier people**

- People live longer healthier lives.
- Strengthen ill health prevention.
- Protect the health of the population.
- Improve early detection of illness.
- Adults with health and social care needs are supported to maintain maximum independence.
- Vulnerable adults are safeguarded and supported while having choice and control about how their outcomes are achieved.

### Giving every child the best start in life

- Deliver effective early intervention services for children, young people and families.
- Ensure all children can live safely.
- Provide effective support for looked after children.
- Deliver new approaches for children and young people with special educational needs and disabilities.
- Ensure schools provide the highest quality education for all children.

### How will we know if we are on track to achieve our ambition?

Alongside our priorities we have identified some key measures of success that we will monitor to see if we are on track to achieving our ambition. Through the various parts of the Hartlepool Partnership we will closely manage our performance to ensure success.

### Increased business and jobs

#### What we are going to do:

- Deliver the Economic Regeneration Strategy 2011-2021.
- Deliver the Seaton Carew Master Plan.
- Development of the Enterprise Zone initiative.
- Development of the Innovation and Skills Quarter.
- Attract economic investment to key employment sites such as the port area at Hartlepool Docks and Southern Business Zone.
- Secure investment in key development sites such as Jackson's Landing and Mill House area.
- Commission the Retail Revival Strategy.
- Deliver the Hartlepool Youth Investment Project.
- Boost the visitor economy
- Continue to support pre and new start up business.

- Number of new jobs created.
- Number of new businesses on Enterprise Zones.
- Level of investment in key regeneration sites.
- New business registrations.
- Number of new business start ups
- Level of self-employment.
- · Level of overall employment.
- Value of visitor economy

### Healthier people

### What we are going to do:

- Prevention and early detection of cancer.
- Promote the healthy heart check programme.
- Focus on prevention and effective treatment of respiratory disease.
- · Increase participation in sports and physical activity
- Reduce smoking prevalence.
- Reduce alcohol related harm.
- Promote healthy weight healthy lives.
- Focus on the prevention and effective treatment of sexual transmitted infections.
- Reduce the harm caused by drugs and alcohol.
- Support people to live independently in their own homes
- Support carers to maintain their caring role
- Continue to promote independence and facilitate recovery for people with mental health needs
- Implement the National Dementia Strategy in Hartlepool.
- Safeguard vulnerable adults.

- Male and female life expectancy.
- Under 75 mortality from cancer and Cardio Vascular Disease.
- Participation in moderate intensity sports
- Participation in moderate intensity active recreation
- Teenage pregnancy rate.
- Rate of sexually transmitted infections.
- Smoking prevalence.
- Childhood obesity rates and modelled adult obesity estimates.
- Breast feeding initiation rate and breastfeeding rate at 6-8 weeks.
- Proportion of substance misusers going into effective treatment and proportion who successfully complete treatment and represent back into treatment within 6 months.
- Rate of alcohol related harm admissions to hospital.
- Percentage of Social Care clients receiving Self Directed Support
- Carers receiving needs assessment or review and a specific carer's service, or advice and information
- People supported to live independently through social services (all adults, per 100,000 population)
- Delayed Transfers of Care
- Adults with learning disabilities in settled accommodation
- Adults in contact with secondary mental health services in employment
- Access to equipment and telecare: users with telecare equipment
- Percentage of people who received intermediate care or reablement package on discharge from hospital who remain at home 91 days after discharge

### Safer, stronger neighbourhoods

### What we are going to do:

- Tackle acquisitive crime domestic burglary and theft.
- Tackle domestic violence and abuse.
- Support victims and reduce the risk of victimisation.
- Address substance misuse through a combination of prevention, control and treatment services.
- Protect and support vulnerable victims and communities including victims of hate crime.
- Improve public reassurance and fear of crime by actively communicating, engaging and working with local communities.
- Continue to address anti-social behaviour at a neighbourhood level through effective multi-agency working.
- Tackle offending and re-offending behaviour through a combination of prevention, diversion and enforcement activity underpinned by a strong multiagency approach.

- Overall crime rate per 1,000 population.
- Number of repeat incidents of domestic violence/abuse.
- Perception of people using or dealing drugs in the community.
- Perceptions of anti-social behaviour.
- Perceptions of drunk or rowdy behaviour as a problem.
- Anti-social behaviour incident rate per 1,000 population.
- Deliberate fires per 1,000 population.
- Hate incidents/crimes per 1,000 population.
- Reoffending rate for young offenders.
- First time entrants into the youth justice system.
- Reoffending rate of Prolific and Priority Offenders.
- Number of troubled families engaged and results claimed.

### **Reduced poverty**

### What we are going to do:

- Encourage schools to use their pupil premium to target interventions with disadvantaged children that improve their attainment and increase their rates of progress in English and mathematics.
- First Contact and Support Hub to offer information, advice and guidance to support families to maximise their income.
- Implement universal pathway plus in disadvantages hotspots to ensure that families are supported at the earliest opportunity.
- Link Think Families/Think Communities customers onto employment initiatives such as the Work Programme.
- Develop the Family Wise project to engage and support long term unemployed parents to move closer to the labour market.
- Develop the Going Forward Together project to engage and support young people who are at risk of becoming 'Not in Education, Employment or Training' (NEET) in the long term.

- Number of children in poverty.
- Proportion of children living in workless households.
- Gap between the 20% lowest performing children and the rest at age 5.
- Number of families needing crisis support.
- Employment Rate.
- Youth Employment Rate.
- Number of Adults on Working Age Benefits.
- Level of participation of young people (16-18) in further learning.

### Giving every child the best start in life

### What we are going to do:

- Ensure effective and efficient safeguarding procedures are in place and are followed to protect all children and young people.
- Review and strengthen the Early Intervention Strategy.
- Ensure children and young people are supported at the earliest opportunity to help prevent them entering into care.
- Ensure all looked after children are supported effectively as they grow into adults through access to appropriate placements, high quality education and healthy lifestyles.
- Deliver the Special Educational Needs Pathfinder.
- Work with all schools to improve educational attainment through practical support and guidance.

- Number of common assessments completed.
- Number of Children in Need.
- Number of children subject to a Child Protection Plan.
- Number of children re-referred to social care.
- Number of Looked After Children and percentage of Looked After Children placed for adoption within 12 months of the decision that they should be placed for adoption.
- Number of accidental injuries to children.
- · School absences and school exclusions.
- Gap between the 20% lowest performing children and the rest aged 5 years old.
- Gap between children eligible for Free School Meals and the rest at Key Stage 2 and Key Stage 4.
- Number of children achieving 5 A\*-C GCSEs including English and Maths.
- All schools to have an Ofsted judgement of Good or Outstanding.

### **Better housing**

### What we are going to do:

- Provision of new build affordable accommodation across the town and the provision of new homes on regeneration sites.
- Improvement of housing conditions, reductions of empty homes and good management across tenures.
- Address the impact of welfare reform on tenancy sustainability across tenures and on demand for the rented sector.
- Meet the specific housing needs of vulnerable groups across communities.

- Affordable homes delivered (gross).
- Number of new homes built on regeneration schemes.
- Number of properties where identified Housing Health and Safety Rating System (HHSRS) Category 1 and actionable Category 2 hazards are dealt with through formal or informal enforcement action.
- Numbers of properties improved through the grants or loans schemes
- Number of long term (over 6 months) empty homes brought back into use.
- Number of households where homelessness has been prevented through local authority action.
- Average waiting time for a disabled facilities grant to be completed.
- Percentage of applicants on the Choice Based Letting (CBL) Housing register indicating they are from a minority ethnic origin.

### How will we work together to achieve our ambition?

Only through working together in partnership will we be able to achieve our ambition for Hartlepool. Our collective effort is needed to ensure that we can deliver against our priorities and make real change happen.

Through decisions taken nationally there is less public money available to help us achieve our ambition. This means that we will need to think differently about how we deliver and use new approaches to create lasting change within the Borough. We will need to work even closer as partners, sharing and pooling our resources, financial, physical and human, to make sure we use them to best effect. We will also need to build on our relationships with local voluntary and community groups and businesses as well as forging new relationships with those who can help us to achieve our ambition.

In Hartlepool we already have in place a number of formal partnership arrangements and these will continue to develop so that we are best placed to take advantage of opportunities as they arise. The Hartlepool Partnership is the banner under which all of the partnerships in Hartlepool come together: There are also a number of sub groups operating below the partnerships shown below. One of these is the Children's Strategic Partnership which feeds into the Health and Wellbeing Board.

Together these partnerships will be responsible for ensuring that we make progress on our priorities over the next 5 years and achieve our long-term ambition.



## How will we work together to achieve our ambition?

In delivering the Sustainable Community Strategy vision, we will strive to apply the following principles:

#### Effective decision making and communication

Communicating openly and honestly with the community in Hartlepool and being publicly accountable for our decisions. Decisionmaking will be rigorous and transparent and decisions will be based upon the best information available at the time.

### Effective partnership working

Working together as equals to deliver sustainable communities within Hartlepool, having a clear understanding of shared decisionmaking, risks, responsibilities and accountabilities.

#### Efficient partnership working

Increasing efficiency and achieving value for money through improved procurement, financial reporting and management. Delivering high quality local services and making the most of the resources available including people, money, property, data and information.

#### Acting with integrity

Acting with honesty, selflessness, objectivity and trust, declaring interests and dealing with truth and completeness.

#### Ensure widest possible involvement and inclusion

All parts of the community regardless of where they live, or their gender, race, ethnicity, disability, religion, sexual orientation, family and other circumstances, language, national or social origins, age or any other status, are encouraged to be involved at all stages in the development, delivery and monitoring of this strategy.

### Demonstrating leadership and influence

Leading by example with enthusiasm in delivering the strategy by applying these principles and using influence to encourage other partners and providers locally, regionally and nationally to do the same.

### Effective performance management

Actively managing the delivery of the strategy by providing clear, robust and reliable information for monitoring purposes, establishing clear lines of accountability, managing risk, reporting by exception, and, when performance is not on track, taking action to address this.

### Developing skills and knowledge

Developing our own capacity and skills to improve performance, whilst providing opportunities for the community to improve their skills, capacity and life chances.

### Contributing to sustainable development

Considering economic, social and environmental goals equally and in an integrated way ensuring the long term and global aspects of strategy and decision making are considered.





# COUNCIL

3 April 2014



**Report of:** Finance and Policy Committee

Subject: COUNCIL PLAN 2014/15

### 1. PURPOSE OF REPORT

1.1 To seek Council's approval of the 2013/14 Council Plan

### 2. BACKGROUND

2.1 The Council Plan is the Council's top level plan and sets out the priorities and how the Council will help achieve the vision set in Hartlepool's Community Strategy: -

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

- 2.2 As in previous years, the Council Plan sets out a series of outcomes arranged around the eight Community Strategy themes. There is also a section dedicated to organisational development activities.
- 2.3 The Actions, Performance Indicators and Targets set out in the Council Plan will be regularly reviewed through the Council's Performance Management Framework. Progress will be reported quarterly to Finance and Policy Committee.

### 3. DECISION MAKING ROUTE FOR THE PLAN

- 3.1 The Council Plan is part of the Council's Budget and Policy Framework and therefore requires approval by full Council.
- 3.2 The plan was considered by Finance and Policy on 18 October 2013 for consideration of the outcome framework. All draft proposals were considered by all of the Committees during January and February 2014 with feedback going to Finance and Policy Committee on 27 February where approval was given to take the Council Plan 2014/15 to Council for approval

### 4. HARTLEPOOL'S APPROACH TO THE COUNCIL PLAN

- 4.1 The Council Plan, attached at **Appendix A**, sets out how the Council propose to deliver the priority outcomes. The plan contains the key Performance Indicators and targets, where available, which will be used to monitor progress throughout 2014/15.
- 4.2 As in previous years the timetable for producing the Council Plan means that some target information for the Performance Indicators can not be included at this stage as the information is not yet available. However, a detailed year end performance report will be produced for Finance and Policy Committee later in the year which will include this information.

### 5. **RECOMMENDATIONS**

5.1 That Council approves the 2014/15 Council Plan.

### 6. REASONS FOR RECOMMENDATIONS

6.1 Council is required to approval the annual Council Plan as set out in the Budget and Policy Framework.

### 7. BACKGROUND PAPERS

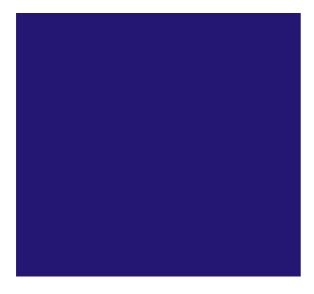
7.1 No background papers used in the preparation of this report.

### 8. CONTACT OFFICER

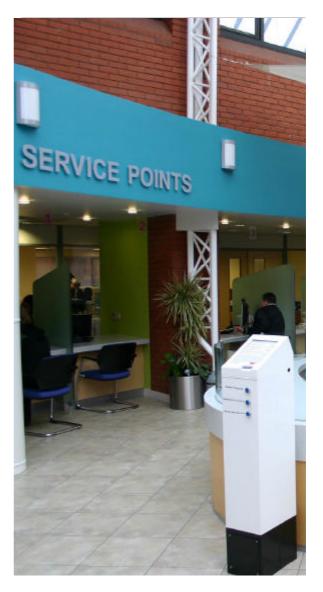
Andrew Atkin Assistant Chief Executive Tel: (01429) 523040 E-mail: <u>Andrew.Atkin@hartlepool.gov.uk</u>



# Hartlepool Borough Council Council Plan 2014/15







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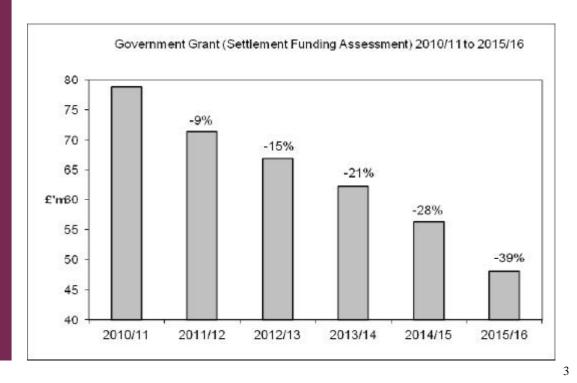
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Actions, Performance Indicators and Targets	13

### Introduction

This document is Hartlepool Borough Council's (HBC's) Council Plan for 2014/15. It sets out the Council's overall Service Planning arrangements. The Plan addresses the key priorities and issues facing the Council, and includes an action plan that covers all departments' key actions, performance indicators and identified risks.

The Plan has been prepared in parallel with development of the Council's 2014/15 budget. In 2010 the Government set out its initial plans for reducing public spending over the 4 years up to 2014/15. The Government indicated that funding for all councils would reduce over this period and originally said that the majority of this funding reduction would be made in the first two years. These plans have been revised by the Government and the cuts in Council funding have increased and will now continue until at least 2015/16. Individual councils found out on 18 December 2013 how much Government funding they will receive for the next two years.

The amount of 'settlement funding assessment' (the main Government grant paid to councils plus the retained share of Business Rates) that Hartlepool will receive next year (2014/15) will be 28% lower than it was in 2010/11. By 2015/16 this grant will be £30.6m less than it was in 2010/11 which is a reduction of 39%. It is also anticipated that there will be further Government grant reductions in 2016/17 and 2017/18. The table below shows how Hartlepool Borough Council's Government Grant is reducing:



Over the next two years (2014/15 and 2015/16) Government Spending Power cuts show a cut in Hartlepool of £287 per dwelling, which is more than twice the national average of £117. Next year (2014/15) Hartlepool's Spending Power cut is the fourth highest in the North East of England. Therefore in order to balance next year's budget the Council needed to find savings of almost £6.3m. This has been achieved by identifying permanent budget savings of £5.5m, which includes savings in excess of £0.7m form retendering the contract for IT Services, reductions in senior management costs of £0.3m and savings of £0.2m from rationalising office accommodation. Reserves built up from previous year's managed budget underspends of £0.8m have also been used in 2014/15 to support the budget. The use of reserves doesn't provide a permanent solution and is designed to provide a longer lead time to identify and implement permanent cuts before the start of 2015/16.

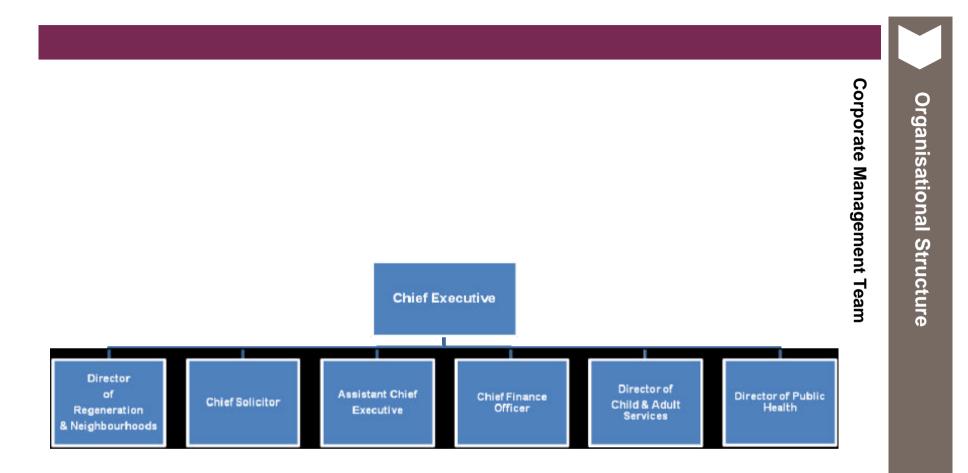
In the future the Council expects it will need to make significant permanent ongoing budget cuts before the start of 2016/17. The Authority now knows that by the start of 2015/16 cuts of £6m will need to be made. By the start of 2016/17 total cuts of between £14.8 will need to be made, which are in addition to the cuts made over the last four years (2011/12 to 2014/15). To put these figures into context this means the Council's current budget (2014/15) will need reducing by around 16%.

The details of the Council's budget decisions are available in the Council report on the Medium Term Financial Strategy (MTFS) from 6<sup>th</sup> February 2014:

http://www.hartlepool.gov.uk/meetings/meeting/2967/council

The Council's service planning framework is based on having **a clear set of outcomes** that the Council is working towards achieving within these budget constraints. For each outcome the department has identified: -

- a number of **actions**, which when completed, will help to achieve the outcome;
- **performance indicators** as the basis for making and measuring progress towards achieving the outcome;
- the significant **risks** that could affect progress towards its achievement.



# **Departmental Structures**

Chief Executives Department 2014/15				
Chief Finance Officer	Chief Solicitor	Assistant Chief Executive		
<ul> <li>Financial Management (Corporate)</li> <li>Audit and Governance</li> <li>Accountancy</li> <li>Financial Management</li> <li>Benefits (inc fraud and control) and means tested services</li> <li>Revenues Collection</li> <li>Payments/Payroll</li> <li>Insurances</li> <li>Social Fund</li> </ul>	<ul> <li>Legal</li> <li>Elections</li> <li>Land Charges</li> <li>Members Services</li> <li>Scrutiny</li> <li>Democratic Services</li> </ul>	<ul> <li>Public Relations</li> <li>ICT</li> <li>Policy/Performance/ Partnerships</li> <li>Complaints/ Consultation</li> <li>PA's</li> <li>Workforce Development</li> <li>Human Resource Business Partners and Human Resources Business Teams</li> <li>Organisational Development</li> <li>Customer Services/ Hartlepool Connect</li> <li>Registrars</li> <li>Equality/Diversity</li> <li>Departmental Administration Function</li> <li>Health, Safety and Wellbeing</li> </ul>		
Section 151 Officer	Monitoring Officer			

Director of Child & Adult Services				
Assistant Director Children's Services	Assistant Director Education	Assistant Director Adult Services		
<ul> <li>Children's Social Care</li> <li>Local Safeguarding Children Board</li> <li>Children's Strategic Commissioning</li> <li>Youth Support Services</li> <li>Early Intervention and Prevention Services</li> <li>Principal Social Worker (Child and Adults)</li> <li>Workforce Development</li> </ul>	<ul> <li>School Improvement Service</li> <li>Special Educational Needs and Inclusion</li> <li>Educational Psychology</li> <li>School Capital (in partnership with R&amp;N)</li> <li>School Admissions and School Place Planning</li> <li>Departmental Administration</li> <li>Post 16 Further Education</li> <li>Performance Management</li> </ul>	<ul> <li>Adults Social Care</li> <li>Adults Strategic Commissioning</li> <li>Safeguarding Vulnerable Adults Board</li> <li>Early Intervention and Reablement</li> <li>User Property and Finance Team</li> <li>Management Information</li> <li>Departmental Development and Complaints</li> </ul>		

## Child and Adults Department 2014/15

Director of Regeneration and Neighbourhoods	<ul> <li>Support Services</li> <li>Strategic Procurement and Reprographics</li> </ul>	
Assistant Director (Neighbourhoods)	Assistant Director (Regeneration)	
Building Design & Maintenance	Adult Education	
Emergency Planning	Building Control	
Facilities Management	Culture and Information	
<ul> <li>Neighbourhood Management / Community Safety</li> </ul>	Development Control	
Parks & Countryside	<ul><li>Economic Regeneration</li><li>Housing Services</li></ul>	
Street Care		
Technical Services	<ul> <li>Strategic Asset Management</li> </ul>	

### **Regeneration and Neighbourhoods Department 2014/15**

### Public Health Department 2014/15

### **Director of Public Health**

- Health Improvement
- Clinical commissioning and Quality
- Drugs and Alcohol service delivery
- Sports and Recreation
- Public Protection

### Performance and Risk Monitoring and Reporting

The action plan detailing how the Council will meet its main priorities for the forthcoming year will be monitored regularly, and reported to Senior Officers and Councillors quarterly to update them on progress and highlight any key areas of achievement and concern.

Throughout the year, in certain circumstances, it may become necessary to either remove or amend an outcome or specific action from the annual plan. This could be for a number of reasons, such as changing priorities or a delay in implementing a particular scheme through unforeseen circumstances. Any amendments to the plan will only be made with full agreement of the Corporate Management Team and Elected Members through the Finance and Policy Committee.

The Council has a responsibility to put in place proper arrangements to manage risks and maintain a sound system of internal control – the Council does this through its Risk Management Framework. The Council seeks to reduce the impact and likelihood of risks that will impact on the achievement of the outcomes being sought by the Council in this plan.

### Overall Aim/Vision

The Council's overall aim remains:

"To take direct action and work in partnership with others, to continue the revitalisation of Hartlepool life and secure a better future for Hartlepool people".

The Council's aim is based on the long term vision of the Community Strategy which was agreed by the Council and its partners in July 2008:

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

The Council has adopted the eight themes that the Partnership has agreed which form part of the Sustainable Community Strategy:

- Jobs and the Economy
- Lifelong Learning and Skills
- Health and Wellbeing
- Community Safety
- Environment
- Housing
- Culture and Leisure
- Strengthening Communities

The Council has a ninth theme, which covers what the Council is doing to sustain its capacity to deliver excellent, value for money services in the future:

• Organisational Development

### Council Priorities

The Council has identified a number of key outcomes that it will contribute towards in 2014/15. These outcomes work towards delivering the Council's overall aim through the nine themes. This group of outcomes also support the Councils ongoing work to tackle family poverty and the interrelationships between the various outcomes. The following chart demonstrates how the proposed outcomes contribute to the Council's overall aims:

#### Lifelong Learning & Skills

 To promote opportunities for all children and young people to reach their full potential by accessing good quality teaching and curriculum provision which fully meets their needs and enables them to participate in and enjoy their learning.
 Provision of high quality community learning and skills opportunities that widen participation and build social justice.

#### Jobs & the Economy

 Hartlepool has improved business growth and business infrastructure and an enhanced culture of entrepreneurship.
 Hartlepool has attached new investment and developed major programmes to regenerate the area and improve connectivity.
 Hartlepool has increased employment and skills levels with a competitive workforce that meets the demands of employers and the economy.
 Hartlepool has increased economic inclusion

of adults and is tackling financial exclusion. 5. Hartlepool has a boosted visitor economy. 6. Fewer Hartlepool children experience the effects of poverty.

#### Organisational Development

27. Improve the efficiency and effectiveness of the organisation.
28. Deliver effective customer focussed services, meeting the needs of diverse groups and maintaining customer satisfaction.
29. Maintain effective governance arrangements for core business and key partnerships.
30. Maintain effective Performance, Finance and Risk Management Arrangements.
31. Maintain the profile and reputation of the Counc I.
32. Deliver effective Member and Workforce arrangements, maximising the efficiency of the

Council's Democratic function. 33. Ensure the effective implementation of significant government polcy changes.

To take direct action and work in partnership with others, to continue the revitalisation of Hartlepool life and secure a better future for Hartlepool people

Reducing child poverty

Improving health & wellbeing /

#### **Strengthening Communities**

Improved quality of life

25. Local people have a greater voice and influence over local decision making and the delivery of services.
26. Make a positive contribution – people are involved with the community and society.

#### Culture & Leisure

24. People enjoy equal access to leisure, culture, sport, libraries which enrich their lives, improve the places where they live, and strengthen communities.

#### Health & Wellbeing

9. Improve health by reducing inequalities and improving access to services. 10. Give every child the best start in life. 11. Children & young people are safe. 12. Vulnerable adults are supported and safeguarded and people are able to maintain maximum independence while exercising choice and control about how their outcomes vare achieved.

An effective organisatior

### Community Safety

 Hartlepool has reduced crime and repeat victimisation.
 There is reduced harm caused by drugs and alcohol misuse.
 Communities have improved confidence and feel more cohesive and safe.
 Offending and re-offending has reduced.

Environment

 Hartlepool has an improved natural and built environment.
 Quality local environments where public and community open spaces are clean, green and safe.
 Provide a sustainable, safe, efficient, effective and accessible transport system.
 Hartlepool is prepared for the impacts of climate change and takes action to mitigate the effects.

#### Housing

21. Hartlepool has an improved and more balanced housing offer that meets the needs of residents anc is of high quality des gn.
22. Hartlepool has improved housing stock where all homes across tenures offer a decent living environment.
23. Housing Services and housing options respond to the specific needs of all communities within Hartlepool.

### Annual Action Plan

The annual action plan is attached below, providing details on how the Council will be working towards achieving the outcomes set out above, using the key actions and performance indicators identified across all departments of the Council.

	SECTION 1 OUTCOME DETAILS				
Outcome:	1. Hartlepool has improved business growth and business infrastructure and an enhanced culture of entrepreneurship	Theme:	Jobs and the Economy		

Lead Dept: Regeneration and Neighbourhoods Other Cont

	er	Contri	butors:	
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SECTION 2 ACTIONS					
Action	Due Date	Assignee	Dept		
Deliver Business Advice and Brokerage – programme of targeted account management with key businesses. Develop and maintain relationships with individual businesses	Mar 15	Mick Emerson	RND		
Increase the awareness of opportunities for businesses to become involved in providing products and services to HBC and the wider public sector	Mar 15	Mick Emerson	RND		
Continued provision of Incubation support service including mentoring, pre-start support (Enterprise Coaching), financial assistance, brokerage and other initiatives.	Mar 15	Mick Emerson	RND		
Engage with schools and colleges to increase awareness of self-employment and entrepreneurship by undertaking visits by businesses to schools and visa versa.	Mar 15	Mick Emerson	RND		
Engage with Department for Work and Pensions providers to offer unemployed individuals a wider package of support where appropriate to enter into self-employment.	Mar 15	Mick Emerson	RND		
Deliver improve ICT facilities for new and existing business tenants in the Hartlepool Enterprise Centre	Dec14	Antony Steinberg	RND		

	SECTION 3 PERFORMANCE INDICATORS & TARGETS								
Code	Indicator	Assignee	Targeted or Monitor	Collection Period (e.g. Financial/academic)	2013/14 Target	2014/15 Target	2015/16 Target	Dept	
NI 171	New business registration rate - the proportion of new business registration per 10,000 resident population (aged 16+)	Mick Emerson	Monitor	Financial	1	Not required	d	RND	
RND P060	Number of jobs created	Mick Emerson	Monitor	Financial	I	Not required	d	RND	
RND P056	Percentage occupancy levels of Hartlepool business premises	Mick Emerson	Monitor	Financial	I	Not required	d	RND	
RND P085	Business stock (businesses units in Hartlepool)	Mick Emerson	Monitor	Financial	1	Not required	d	RND	

SECTION 4 RISKS				
Code	Risk	Assignee	Dept	
RND R050	Continued economic uncertainty	Antony Steinberg	RND	

	SECTION 1 OUTCOME DETAILS			
Outcome:	2. Hartlepool has attracted new investment and developed major programmes to regenerate the area and improve connectivity	Theme:	Jobs and the Economy	

SECTION 2 ACTIONS			
Action	Due Date	Assignee	Dept
Research emerging funding opportunities and prepare bid submissions to secure financial resources.	Mar 15	Rob Smith	RND
Develop the Hartlepool regeneration master plan	Mar 15	Andrew Golightly	RND

SECTION 3 PERFORMANCE INDICATORS & TARGETS								
Code	Indicator	Assignee	Targeted or Monitor	Collection Period (e.g. Financial/academic)	2013/14 Target	2014/15 Target	2015/16 Target	Dept
NI 171	New business registration rate - the proportion of new business registration per 10,000 resident population (aged 16+)	Mick Emerson	Monitor	Financial	Not required		RND	
RND P089	Value of income from external funding sources	Mick Emerson	Monitor	Financial	Not required		RND	

	SECTION 4 RISKS						
Code	Risk	Assignee	Dept				
RND R029	Inability to achieve external funding to support the delivery of long term regeneration targets.	Antony Steinberg	RND				
RND R050	Continued economic uncertainty	Antony Steinberg	RND				
RND R060	Failure to deliver current regeneration programmes	Antony Steinberg	RND				
RND R071	Failure to deliver local economic objectives as a result of shifts in policies and priorities of external partners.	Antony Steinberg	RND				

	SECTION 1 OUTCOME DETAILS		
Outcome:	3. Hartlepool has increased employment and skills levels with a competitive workforce that meets the demands of employers and the economy	Theme:	Jobs and the Economy

Lead Dept: Regeneration and Neighbourhoods	Other Contributors:	Child and Adult Services Department
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SECTION 2 ACTIONS							
Action	Due Date	Assignee	Dept				
Develop Hartlepool youth investment programme	Mar 15	Patrick Wilson	RND				
Implement the Youth Engagement and Support (YES) project to target young people classified as the most 'high risk' of becoming NEET (Not in Employment, Education or Training).	Mar 15	Patrick Wilson	RND				
Ensure all new housing developments over 20 units are linked to job opportunities and training	Mar 15	Patrick Wilson	RND				
Increase the take up of traineeships and apprenticeships by liaising with local employers to increase opportunities	July 14	Julie McSween	RND				
Ensure access to high quality learning opportunities that increase the skills and qualifications of local residents via implementing the Adult Education Service Plan	July 14	Teresa Latcham	RND				

SECTION 3 PERFORMANCE INDICATORS & TARGETS								
Code	Indicator	Assignee	Targeted or Monitor	Collection Period (e.g. Financial/academic)	2012/13 Target	2013/14 Target	2014/15 Target	Dept
	None Identified					RND		

SECTION 4 RISKS					
Code	Risk	Assignee	Dept		
RND R071	Failure to deliver local economic objectives as a result of shifts in policies and priorities of external partners.	Antony Steinberg	RND		
CAD R027	Failure to meet statutory duties and functions in relation to the post 16 cohort and raising of the participation age	Mark Smith	CAD		

	SECTION 1 OUTCOME DETAILS		
Outcome:	tlepool has increased economic inclusion of adults and is tackling al exclusion	Theme:	Jobs and the Economy

 Lead Dept:
 Chief Executives
 Other Contributors:

SECTION 2 ACTIONS					
Action	Due Date	Assignee			
Respond to Welfare Reform changes by engaging and supporting households where Housing Benefit affected.	March 2015	Julie Pullman			
Implement a programme of Housing Benefits, Local Council Tax Support and Free School Meals take up initiatives.	March 2015	Julie Pullman			
Implement and Review Communication and Customer Handling Strategies linked to 14/15 Local Council Tax Support Scheme	September 2014	John Morton			

SECTION 3 PERFORMANCE INDICATORS & TARGETS							
Code	Indicator	Assignee	Targeted or Monitor	Collection Period	2013/14 Target	2014/15 Target	2015/16 target
New	Number of new credit union member accounts opened.	John Morton	Target	Financial Year	200	200	200

SECTION 4 RISKS	
No Risks identified	

SECTION 1 OUTCOME DETAILS			
Outcome:	5. Hartlepool has a boosted visitor economy	Theme:	Jobs and the Economy

SECTION 2 ACTIONS					
Action	Due Date	Assignee	Dept		
Develop and implement a 2 year marketing and communication plan to raise the profile as a place to invest and visit, utilising appropriate research date.	Mar 15	Harland Deer	RND		
Develop Destination Hartlepool / Invest in Hartlepool websites and social media activity.	Mar 15	Harland Deer	RND		
Develop and deliver bespoke training courses, including the 'Discover Hartlepool' and 'My Hartlepool' projects.	Mar 15	Harland Deer	RND		

	SECTION	B PERFORMAN		ORS & TARGETS				
Code	Indicator	Assignee	Targeted or Monitor	Collection Period (e.g. Financial/academic)	2013/14 Target	2014/15 Target	2015/16 Target	Dept
RND P092	Visitor numbers	Andrew Golightly	Monitor	Financial	Not required		RND	
RND P093	Value of visitor economy	Andrew Golightly	Monitor	Financial	Not required		RND	
RND P094	Number of unique visitors to destination Hartlepool website	Andrew Golightly	Targeted	Financial	30,000	TBC	TBC	RND
RND P095	Number of social media followers	Andrew Golightly	Targeted	Financial	1,500	TBC	TBC	RND
NI 151	Overall Employment rate (proportion of people of working age population who are in employment)	Antony Steinberg	Monitor	Financial	Not required		RND	

	SECTION 4 RISKS					
Code	Risk	Assignee	Dept			
RND R071	Failure to deliver local economic objectives as a result of shifts in policies and priorities of external partners.	Antony Steinberg	RND			
RND R050	Continued economic uncertainty	Antony Steinberg	RND			

SECTION 1 OUTCOME DETAILS							
Outcome:	6. Fewer Hartlepool children experience the effects of pover	ty	Ther	ne:	Jobs and the Economy		
	-						
Lead Dept:	Child and Adults Department	Uther Contributors:		Regen Depart	eration and Neighbourhood ment		

SECTION 2 ACTIONS				
Action	Due Date	Assignee		
Reduce the impact and extent of child poverty through targeted support to families and children and creating pathways into employment.	March 2015	Danielle Swainston		

	SECTION 3 PERFORMANCE INDICATORS & TARGETS							
Cada	Indicator	Assignee	Targeted or Monitor	Collection Period	Current	Future Targets		
Code					Target (2013/14)	14/15	15/16	
NI 116	Proportion of children in poverty	Danielle Swainston	Targeted	Financial Year	28%	TBC	TBC	
NI 117	Percentage of 16-18 year olds who are Not in Education, employment or Training (NEET)	Mark Smith	Targeted	Financial Year	6.6	0%	TBC	

	SECTION 4 RISKS						
Code	Risk	Assignee	Dept				
	No Risks Identified						

•	SECTION 1 OUTCOME DETAILS							
	Outcome:	7. To promote opportunities for all children and young people to reach their full potential by accessing good quality teaching and curriculum provision which fully meets their needs and enables them to participate in and enjoy their learning	Theme:	Lifelong Learning and Skills				

Lead Dept:	Child and Adult Department	Other Contributors:	

SECTION 2 ACTIONS						
Action	Due Date	Assignee				
Direct resources towards ensuring that every school in Hartlepool is good or outstanding by 2015/16 by strengthening leadership and governance across the town and improving the quality of teaching and learning.	Mar 2016	Mark Patton				
Provide an intensive challenge and support programme to secondary schools to ensure the percentage of pupils achieving 5 or more A*-C including English and mathematics is in the top 20% of the most improved authorities in the country by 2015	Mar 2016	Dean Jackson				
Work with schools and colleges to diversify the curriculum across Hartlepool to provide coherent pathways from primary to secondary school and ultimately into high quality post 16 provision and advanced apprenticeships and Higher Education places.	Mar 2015	Dean Jackson				
Review and re-commission behaviour, attendance and alternative education provision to re-engage children and young people with challenging behaviour in their education.	Mar 2015	Zoe Westley				
Optimise the schools capital programme and seek additional external capital investment to improve the quality and suitability of learning environments.	Mar 2015	Rachel Smith				
Provide access to a full time study programme for 16 – 18 year olds (NEET).	July 14	Teresa Latcham				

	SECTION 3 PERFORMANCE INDICATORS & TARGETS						
Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Current	Future Targets	
Code					Target (2013/14)	14/15	15/16
New	Percentage of primary schools judged as good or outstanding by OfSTED	Mark Patton	Monitor	Financial Year	Not required		
New	Percentage of secondary schools judged as good or outstanding by OfSTED	Mark Patton	Monitor	Financial Year	Not required		
NI 75	Percentage of pupils achieving 5 or more A*- C grades at	Dean Jackson	Targeted	Academic	59%	TBC	TBC

	GCSE or equivalent including English and Maths			Year			
NI 117	Percentage of 16 to 18 year olds who are Not in Education, Employment or Training (NEET)	Mark Smith	Targeted	Financial Year	0%	TBC	TBC
New	Alternative Provision in Hartlepool is judged to be Good or better by OfSTED	Zoe Westley	Monitor	Financial Year	Not required		
New	Proportion of reviews of learning environments carried out to ensure that they are fit for purpose for delivering a modern curriculum	Rachel Smith	Monitor	Financial Year	Not required		

	SECTION 4 RISKS	-	
Code	Risk	Assignee	Dept
CAD R001	Service issue as a result of insufficient budget allocation or changes in national funding/grants (Actively Managed)	Jill Harrison	CAD
CAD R004	An increase in the number of schools falling below Performance Achievement Standard (Actively Managed)	Dean Jackson	CAD
CAD R005	Failure to meet the statutory duties and requirements vested within the Child and Adult Services department (Actively Managed)	Dean Jackson	CAD
CAD R012	Failure to plan school provision appropriately	Dean Jackson	CAD
CAD R015	Failure to carry out specific duties and/or comply with regulatory codes of practice	Dean Jackson	CAD
CAD R031	Failure to recruit and retain staff in educational support services (Actively Managed)	Dean Jackson	CAD
CAD R032	Increase in the number of schools falling below national average for pupil attendance (Actively Managed)	Dean Jackson	CAD

	SECTION 1 OUTCOME DETAILS		
Outcome:	8. Provision of high quality community learning and skills opportunities that widen participation and build social justice	Theme:	Lifelong Learning and Skills

Ī	Lead Dept:	Child and Adult Services	Other Contributors:	Regeneration & Neighbourhoods

SECTION 2 ACTIONS					
Action		Assignee	Dept		
Ensure a wide range of learning opportunities are available which encourage participation in Lifelong Learning	July 14	Dianne Goodwin	RND		

	SECTION 3 PERFORMANCE INDICATORS & TARGETS							
Code	Indicator	Assignee	Targeted or Monitor	Collection Period (e.g. Financial/academic)	2012/13 Target	2013/14 Target	2014/15 Target	Dept
ACS P053	Number of learners participating in Adult Education Programmes	Maggie Heaps	Monitor	Academic Year	Not required		RND	

	SECTION 4 RISKS						
Code	Risk	Assignee	Dept				
CAD R047	Failure to fulfil the targets for recruitment set by the SFA leading to loss of income	Maggie Heaps	RND				
CAD R048	Failure to reach the minimum levels of performance for the SFA or Ofsted	Maggie Heaps	RND				

SECTION 1 OUTCOME DETAILS					
Outcome:	9. Health Improvement: people are helped to live healthy lifestyles, make healthy choices and reduce health inequalities.	Theme:	Health and Wellbeing		

Lead Dept: Public Health Department

SECTION 2 ACTIONS						
Action	Due Date	Assignee	Dept			
Explore the introduction of a healthier catering commitment scheme	31 Mar 2015	Sylvia Pinkney	PHD			
Implement and measure performance of the Substance Misuse treatment plan	31 Mar 2015	Karen Clark/Sharon Robson	PHD			
Be an active lead partner in the delivery of physical activity participation in the Borough	31 Mar 2015	Gemma Ptak, Zoe Rickelton, Ian Gray	PHD			
Ensure implementation of the NHS health check programme	31 Mar 2015	Carole Johnson	PHD			
Implement the early detection and awareness of cancer programme across Hartlepool	31 Mar 2015	Carole Johnson	PHD			
Influence the commissioning of effective evidence based stop smoking and work collaboratively through the Smoke Free Alliance to reduce illicit tobacco across the town	31 Mar 2015	Carole Johnson	PHD			
Review, update and implement the annual breastfeeding action plan	31 Mar 2015	Deborah Gibbin	PHD			
Implement the National Child Measurement Programme	31 Aug 2014	Deborah Gibbin	PHD			
Ensure a range of physical activity opportunities are available for children and young people (up) to the age of 25	31 Mar 2015	Gemma Ptak, Zoe Rickelton, Ian Gray	PHD			
Review, update and implement North of Tees Smoking in Pregnancy Action Plan	31 Mar 2015	Carole Johnson	PHD			
Implement the British Heart Foundation Younger and Wiser Programme	31 Mar 2015	Carole Johnson	PHD			

Commission services to ensure people maintain a healthy weight and a healthy life	31 Mar	Steven	PHD
Deliver a comprehensive programme to improve workplace health	2015 31 Mar	Carter Steven	PHD
Review the actions within the 2014 HBC Employee Wellbeing Strategy	2015 31 Mar 2015	Carter Steven Carter	PHD
Continue to meet the criteria of the North East Better Health at Work Award at Continuing Excellence level	01 Dec 2014	Steven Carter	PHD
Implement the Children and Young People's Obesity Pathway	31 Mar 2015	Deborah Gibbin	PHD
Monitor and increase engagement into effective treatment	31 Mar 2015	Karen Clark	PHD
Develop and evaluate new initiatives to increase our successful completions	31 Mar 2015	Karen Clark	PHD
Develop effective aftercare support to ensure clients who leave treatment in a successful way do not re-present	31 Mar 2015	Karen Clark	PHD
Work closely with key partners and groups to deliver programmes of activity to meet the sport and physical activity needs of the Hartlepool community, increasing participation opportunities.	31 Mar 2015	Gemma Ptak, Zoe Rickelton, Ian Gray	PHD
Undertake a strategic lead for the delivery of sport and physical activity through the Community Activities Network (CAN)	31 Mar 2015	Zoe Rickelton	PHD
Implement the revised Sport & Physical Activity strategy action plan	31 Mar 2015	Gemma Ptak	PHD
Continue delivery of the Olympic Legacy Action Plan	31 Mar 2015	Gemma Ptak	PHD
Conduct twice yearly review of the Playing Pitch Strategy action plan to ensure key actions are delivered.	31 Mar 2015	Zoe Rickelton	PHD
Deliver key outcomes as a result of the Borough's revised Indoor Sports Facility Strategy (Nov 2013)	31 Mar 2015	Pat Usher	PHD
Deliver Football Development Programme associated with the new 3G pitch development at Brierton	31 Mar 2015	Gemma Ptak, Ian Gray	PHD
Achieve service accreditation as required across the Sport & Recreation service	31 Mar 2015	Gemma Ptak, Zoe Rickelton, Ian Gray	PHD
Identify, determine and evaluate potential alternative future leisure facility management arrangements	31 Mar	Pat Usher	PHD

	2015		
Develop on-line booking services	31 Mar 2015	lan Gray	PHD
Ensure a good range of outdoor participation opportunities are available suitable for all ages and abilities to enjoy	31 Mar 2015	Gemma Ptak, Zoe Rickelton, Ian Gray	PHD
Implementation, development and monitoring of the Health and Wellbeing Board's Communications Strategy	March 2015	Alastair Rae	CED

SECTION 3 PERFORMANCE INDICATORS & TARGETS								
Code	Indicator	Assignee	Targeted or Monitor	Collection Period (e.g. Financial/academic)	2013/14 Target	2014/15 Target	2015/16 Target	Dept
2.1	Low birth weight of term babies (PHOF)	Deborah Gibbin	Monitor	Annual (Jan –Dec)		Not required		PHD
2.2	Prevalence of breastfeeding at 6-8 wks from birth – percentage of infants being breastfed at 6 -8 weeks	Deborah Gibbin	Monitor	Quarterly	Not required		PHD	
2.3	Smoking Status at time of delivery	Carole Johnson	Target	Quarterly	19%	18%	17%	PHD
2.4	Under 18 conceptions	Deborah Gibbin	Monitor	Quarterly, with a 12 month time lag	Not required		PHD	
2.5	Child development at 2 – 2 ½ years (PLACEHOLDER)	Deborah Gibbin	Monitor	Not agreed yet		Not required		PHD
2.6	Percentage of children in reception who are classified as very overweight	Deborah Gibbin	Monitor	Annual measurements during the academic year. Data published in ~ December each year	Not required		PHD	
	Percentage of children in Y6 who are classified as very overweight	Deborah Gibbin	Monitor	Annually		Not required		PHD
2.7	Hospital admissions caused by unintentional and deliberate injuries in under 18s	Deborah Gibbin	Monitor	Annual		Not required		PHD

2.8	Emotional well-being of looked after children	Deborah Gibbin	Monitor	Annual		Not required		PHD	
2.11	% of Adults Eating Healthily	Steven Carter	Monitor	6 monthly		Not required		PHD	
2.12	Excess weight in adults	Steven Carter	Monitor	Annually		Not required		PHD	
2.13	Proportion of physically active and inactive adults (PHOF)	Gemma Ptak	Monitor	6 month intervals		Not required		PHD	
2.14	Smoking Prevalence – adults (over 18s)	Carole Johnson	Monitor	Annually		Not required		PHD	
2.15	Successful completions of drug treatment	Karen Clark and/or Sharon Robson	Target	Quarterly	твс	TBC	твс	PHD	
2.16	People entering prison with substance dependence issues	Karen Clark	Target	Quarterly	TBC	TBC	TBC	PHD	
2.17	Recorded Diabetes	Carole Johnson	Monitor	Annually	Not required		Not required		PHD
2.18	Alcohol-related admissions to hospital (Rate per 100,000)	Sharon Robson	Target	Annually	2444	TBC	TBC	PHD	
2.21	Access to non-cancer screening programmes	Deborah Gibbin	Monitor	Rolling 12 month average published every quarter	Not required			PHD	
NI 123	Stopping smoking – rate of self-reported 4- week smoking quitters per 100,000 population aged 16 or over	Carole Johnson	Target	Quarterly	1816	TBC	TBC	PHD	
NI 123(a) NRA	Stopping smoking (Neighbourhood Renewal Area narrowing the gap indicator ) – number of 4 week quitters	Carole Johnson	Target	Quarterly	800	твс	TBC	PHD	
ACS PO35	GP Referrals – of those participants completing a 10 week programme of referred activity, the number going onto mainstream activity participation	Zoe Rickelton	Target	Financial Year	70	70	70	PHD	

ACS PO81	GP Referrals – The number of participants completing a 10 week programme of referred activity participation	Zoe Rickelton	Target	Financial Year	300	300	300	PHD
ACS P098	Numbers of substance misusers going into effective treatment	Karen Clark/Sharon Robson	Target	Quarterly	732	твс	твс	PHD
ACS P099	Proportion of substance misusers that successfully complete treatment - Opiates	Karen Clark/Sharon Robson	Target	Quarterly	12%	твс	твс	PHD
ACS P100	Proportion of substance misusers who successfully completed treatment and represented back into treatment within 6 months	Karen Clark/Sharon Robson	Target	Quarterly	10%	твс	твс	PHD

	SECTION 4 RISKS						
Code	Risk	Assignee	Dept				
CAD R054	Failure to ensure awareness and training of staff regarding safeguarding (Actively Managed)	Pat Usher	CAD R054				
CAD R013	Failure to achieve required customer / participation and income levels	Pat Usher	CAD R013				
CAD RO52	Failure to meet the licensing requirements of the Adventurous Activity Licensing Authority (Actively Managed)	Pat Usher	CAD RO52				
CAD R053	Failure to adhere to the recommended standards regarding pool safety management	Pat Usher	CAD R053				
CAD R055	Failure to establish new partnerships and meet funding conditions of external partners in relation to grant funding, MOU's or SLA's (Actively Managed)	Pat Usher	CAD R055				
CAD R056	Lack of adequate investment in public buildings affecting ability to increase participation and income generate (Actively Managed)	Pat Usher	CAD R056				
CAD RO57	Impact of recruitment freeze, gaps in staffing caused by length of time taken in process and use of redeployed staff lacking appropriate skills and experience (Actively Managed)	Pat Usher	CAD RO57				
CAD RO58	Failure to adhere to the recommendations of the Playing Pitch Strategy (Actively Managed)	Pat Usher	CAD RO58				

SECTION 1 OUTCOME DETAILS					
Outcome:	10. Health Protection: the populations health is protected from major incidents and other threats, whilst reducing health inequalities	Theme:	Health and Wellbeing		

Lead Dept:	Public Health Department	Other Contributors:	Regeneration and Neighbourhoods Department
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SECTION 2 ACTIONS						
Action	Due Date	Assignee	Dept			
Increase the uptake of childhood vaccinations	31 Mar 2015	Deborah Gibbin	PHD			
Ensure the delivery of comprehensive sexual health services	31 Mar 2015	Deborah Gibbin	PHD			
Work with colleagues to improve Public Health through the Health Protection and Improvement elements of the Core Public Health Strategy.	31 Mar 2015	Sylvia Pinkney	PHD			
Carry out air quality monitoring	31 Mar 2015	Adrian Hurst	PHD			
Initiate an Estates Excellence project with partners	31 Mar 2015	Jane Kett	PHD			
Consultations on planning & licensing to consider impact in relation to noise & air quality	31 Mar 2015	Adrian Hurst	PHD			
Working with partners to reduce alcohol related violence in the Night Time Economy	31 Mar 2015	lan Harrison	PHD			
Reducing crime and the fear of crime for the elderly and vulnerable by the introduction of No Cold Call Zones	31 Mar 2015	lan Harrison	PHD			

	SECTION 3 PERFORMANCE INDICATORS & TARGETS								
Code	Indicator	Assignee	Targeted or Monitor	Collection Period (e.g. Financial/academic)	2013/14 2014/15 2015/16 Target Target Target		Dept		
3.1	Air Pollution	Adrian Hurst	Monitor	Financial	Not required		PHD		
3.2	Chlamydia diagnoses(15-24 year olds)	Deborah Gibbin	Monitor	Quarterly	Not required		PHD		

3.3viii	Measles, mumps and rubella (MMR) immunisation rate – children aged 2 (1 <sup>st</sup> dose)	Deborah Gibbin	Monitor	Annual (for IC data release) COVER data collected quarterly by PHE or NHS England??	Not required		PHD	
3.3x	Measles, mumps and rubella (MMR) immunisation rate – children aged 5 (2 <sup>nd</sup> dose)	Deborah Gibbin	Monitor	Annual (for IC data release) COVER data collected quarterly by PHE or NHS England??	1	Not required		PHD
	Uptake of diphtheria, tetanus, polio. Pertussis, Hib immunisations (by age 2)	Deborah Gibbin	Monitor	Annual (for IC data release) COVER data collected quarterly by PHE or NHS England??	Not required		PHD	
	Uptake of childhood flu vaccine (2 -3 years, pilot)	Deborah Gibbin	Monitor	Annually	1	Not require	d	PHD
3.03xii	Uptake of HPV vaccine	Deborah Gibbin	Monitor	Annually	1	Not require	d	PHD
3.4	People presenting with HIV at a late stage of infection	Deborah Gibbin	Monitor	Annually	1	Not require	d	PHD
NI 184	Percentage of food establishments in the area which are broadly compliant with food hygiene law	Sylvia Pinkney	Target	Annually	TBC	ТВС	TBC	PHD
1.14	% of population affected by noise	Adrian Hurst	Monitor	Annually	Not required		PHD	

	SECTION 4 RISKS						
Code	Risk	Assignee	Dept				
	None identified						

	SECTION 1 OUTCOME DETAILS		
Outcome:	11. Healthcare public health and preventing premature mortality: reduce the number of people living with preventable ill health and people dying prematurely, whilst reducing the gap between communities	Theme:	Health and Wellbeing

Ī	Lead Dept:	Public Health	Other Contributors:	
	Leau Dept.		Other Contributors.	

SECTION 2 ACTIONS									
Action	Due Date	Assignee	Dept						
Develop a corporate approach to measuring excessive winter deaths	31 Mar 2015	Andy Graham	PHD						
Ensure all eligible people particularly in high risk groups) take up the opportunity to be vaccinated especially in relation to flu	31 Mar 2015	Andy Graham	PHD						
Ensure all eligible groups for respective screening programmes are aware and able to access screening	31 Mar 2015	Andy Graham	PHD						
Ensure implementation of the Health and Wellbeing Strategy	31 Mar 2015	Andy Graham	PHD						
Review Joint Strategic Needs Assessment through the Health and Wellbeing Board	31 Mar 2015	Andy Graham	PHD						
Ensure the delivery of a comprehensive plan to protect the health of the population	31 Mar 2015	Andy Graham	PHD						
Initiate Saving our skins activities with other partners	31 Mar 2015	Jane Kett	PHD						
Introduce a Tattoo Hygiene scheme	31 Mar 2015	Jane Kett	PHD						

SECTION 3 PERFORMANCE INDICATORS & TARGETS									
Code	Indicator	Assignee	Targeted or Monitor	Collection Period (e.g. Financial/academic)	2013/14 Target			Dept	
4.1	Infant mortality	Steven Carter	Monitor	Financial	Not required		PHD		
4.3	Mortality rate from causes considered preventable	Steven Carter	Monitor	Financial	Not required		PHD		

4.4	Under 75 mortality rate from all CV diseases	Steven Carter	Monitor	Financial	Not required	PHD
4.5	Under 75 mortality rate from cancer	Steven Carter	Monitor	Financial	Not required	PHD
4.6	Under 75 mortality rate from liver disease	Steven Carter	Monitor	Financial	Not required	PHD
4.7	Under 75 mortality rate from respiratory diseases	Steven Carter	Monitor	Financial	Not required	PHD
4.8	Mortality rate from infectious and parasitic diseases	Steven Carter	Monitor	Financial	Not required	PHD
4.8	Mortality from Communicable disease	Jane Kett	Monitor	Financial	Not required	PHD
4.9	Excess under 75 mortality rate in adults with serious mental illness	Steven Carter	Monitor	Financial	Not required	PHD
4.10	Suicide rate	Steven Carter	Monitor	Financial	Not required	PHD
4.11	Emergency readmissions within 30 days of discharge from hospital	Steven Carter	Monitor	Financial	Not required	PHD
4.14	Hip fractures in people aged 65 and over	Steven Carter	Monitor	Financial	Not required	PHD
4.15	Excess winter deaths	Steven Carter	Monitor	Financial	Not required	PHD

]		SECTION 4 RISKS					
	Code	Risk	Assignee	Dept			
	CAD RO14	Failure to make significant inroads in Health Impact	Andy Graham	CAD RO14			

SECTION 1 OUTCOME DETAILS				
Outcome:	12. Give every child the best start in life	Theme:	Health and Wellbeing	

Lead Dept: Child

Child and Adult Services

Other Contributors: Reg

Regeneration and Neighbourhoods

SECTION 2 ACTIONS							
Action	Due Date	Assignee	Dept				
Integrate early intervention across universal and targeted services for children to provide early help and support to families.	March 2015	Danielle Swainston/ Mark Smith	PHD				
Enable the children's workforce to develop effective working relationships with children and their families to ensure the voice of the child is heard, listened to and reflected at every level of assessment / planning / implementing and review.	March 2015	Sally Robinson	PHD				
Strengthen quality assurance arrangements in children's services through systematic scrutiny of practice and reflective supervision.	March 2015	Sally Robinson	PHD				
Secure an entitlement for children and young people to access out of school provision to support their personal and social development.	March 2015	Mark Smith	PHD				
Ensure all young people make a successful transition to post 16 learning and ensure progress is tracked and intervention takes place where required.	March 2015	Mark Smith	PHD				
Develop and improve the take up of school meals through the delivery of the agreed action plan.	Mar 15	Karen Oliver	RND				

	SECTION 3 PERFORMANCE INDICATORS & TARGETS									
Code	Indicator	Assignee	Targeted or Monitor	Collection Period (e.g. Financial/academic)	2013/14 2014/15 2015/16 Target Target Target		Dept			
	Percentage of children achieving a good level of development at age 5	Danielle Swainston	Monitor	Academic Year	Ν	Not required		PHD		
NI 111	Number of first time entrants to the Youth Justice System aged 10-17 per 100,000 population (aged 10-17)	Sally Robinson	Monitor	Financial Year	Not required		PHD			

NI 52a	Percentage uptake of school meals – Primary Schools	Lynne Bell	Targeted	Financial	63%	65%	TBC	RND
NI 52b	Percentage uptake of school meals – Secondary schools	Lynne Bell	Targeted	Financial	55%	56%	TBC	RND
NSD P064	Percentage uptake of free school meals - Primary schools	Lynne Bell	Monitored	Financial	Not required		I	RND
NSD P065	Percentage uptake of free school meals – Secondary schools	Lynne Bell	Monitored	Financial	Not required		RND	

	SECTION 4 RISKS						
Code	Risk	Assignee	Dept				
RND R088	Failure to achieve sufficient uptake of school meals, jeopardising the continued viability of the service.	Karen Oliver	RND				
CAD R025	Failure to meet statutory duties and functions in relation to childcare sufficiency	Danielle Swainston	CAD				
CAD R026	Failure to deliver Early Intervention Strategy	Sally Robinson	CAD				
RND R088	Failure to achieve sufficient uptake of school meals	Karen Oliver	RND				

## SECTION 1 OUTCOME DETAILS

Outcome: 13. Children & young people are safe

Theme:

Health and Wellbeing

Lead Dept: Child and A

Child and Adult Department

SECTION 2 ACTIONS					
Action	Due Date	Assignee			
Strengthen the role of the LSCB in securing effective multi agency working to safeguard children and young people from harm, neglect and exploitation.	March 2015	Elisa Arnold			
Establish a single point of access for providing advice, guidance and access to support.	March 2015	Danielle Swainston			
Integrate services to help families who are in need or at the point of crisis to take control of their lives.	March 2015	Wendy Rudd			
Secure permanence for children at the earliest opportunity and within an appropriate timescale for the child.	March 2015	Jane Young			
Equip the child and adults workforce with the knowledge and skills to assess risk to children particularly in relation to the impact of domestic violence, substance misuse and mental health and to 'think family' in planning and implementing support to protect the best interests of children.	March 2015	Sally Robinson			

	SECTION 3 PERFORMANCE INDICATORS & TARGETS								
Code	Indicator	Assignee	Targeted or	Collection	Current	Future	Targets		
Code		Monitor	Period	Target (2013/14)	14/15	15/16			
CSD P035	Children who became the subject of a Child Protection (CP) Plan, or were registered per 10,000 population under 18	Sally Robinson	Targeted	Financial Year	40	TBC	TBC		
New	Distribution of working days taken from referral to assessment completion	Wendy Rudd		Financial Year	TBC	TBC	TBC		
NI 62	Stability of placements of looked after children: number of moves	Jane Young	Targeted	Financial Year	10%	TBC	TBC		
NI 63	Stability of placements of looked after children: length of placement	Jane Young	Targeted	Financial Year	75%	TBC	TBC		

	SECTION 4 RISKS					
Code	Risk	Assignee	Dept			
CAD R017	Failure to recruit & retain suitable staff in childrens services (Actively Managed)	Sally Robinson	CAD			
CAD R019	Failure to plan for future need and ensure sufficient placement provision to meet demand (Actively Managed)	Sally Robinson	CAD			
CAD R020	Insufficient capacity in the independent sector to meet placement demand (Actively Managed)	Ian Merritt	CAD			
CAD R021	Increased demand on services due to socio-economic pressures (Actively Managed)	Sally Robinson	CAD			
CAD R022	Failure to provide statutory services to safeguard children and protect their well-being (Actively Managed)	Sally Robinson	CAD			
CAD R023	Impact of change to funding arrangements across Children's Services (Actively Managed)	Sally Robinson	CAD			
CAD R024	Failure to meet statutory duties and functions in relation to the Youth Offending Service (Actively Managed)	Mark Smith	CAD			
CAD R029	Failure to effectively manage risks exhibited by young people and families (Actively Managed)	Sally Robinson	CAD			
CAD R030	Failure to deal with sensitive, personal or confidential information in a secure way, resulting in loss of data with associated fines, loss of public confidence and/or damage to reputation.	Kay Forgie, Trevor Smith	CAD			
CAD R054a	Failure to ensure awareness and training of staff regarding safeguarding at leisure centres (Actively Managed)	Pat Usher	PHD			
CAD R054b	Failure to ensure awareness and training of staff regarding safeguarding at Museums (Actively Managed)	David Worthington	RND			

SECTION 1 OUTCOME DETAILS						
Outcome:	14. Vulnerable adults are supported and safeguarded and people are able to maintain maximum independence while exercising choice and control about how their outcomes are achieved.	Theme:	Health and Wellbeing			

Lead Dept:	Child and Adult Services	Other Contributors:	
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	SE	CTION 2 AC	TIONS						
	Action							Assignee	
	grated health and social care pathways / services that admissions to hospital and enable timely and safe hos			heir own homes,	avoid	March 2	March 2015		arrison
Deliver reable	ement services that enable people to maximise their al dence for as long as possible.			lls and capacity t	o retain	March 2	2015	John	Lovatt
Prepare for the implementation of the Care Bill.							2015	Geraldine Martin	
Strengthen lo	Strengthen local arrangements for Safeguarding Adults.						2015	John	Lovatt
	SECTION 3 PERFO		DICATORS 8	TARGETS					
	Performance Indicator	Assignee	Targeted	Collection Period (e.g. Fin/Acd)		Tar		rgets	
Code			or Monitor		Freq	13/14	14/	/15	15/16
ASCOF 1C- 1 (Was NI 130b)	Social care clients receiving Self Directed Support	Sarah Ward	Targeted	Financial Year	Qtr	80%	90	1%	N/A
ASCOF 2C- 2 (Was NI 131)	Delayed Transfers of Care (attributable to social care)	John Lovatt	Targeted	Financial Year	Qtr	0	(	)	N/A
NI 135	Carers receiving needs assessment or review and a specific carer's service, or advice and information	Jeanette Willis	Targeted	Financial Year	Qtr	30%	40	%	N/A
P051	Access to equipment and telecare: users with	Neil	Targeted	Financial	Qtr	1000	15	00	N/A

	telecare equipment	Harrison		Year				
ASCOF 2A- 2 (was P066)	Permanent Admissions to residential care – age 65+	John Lovatt	Targeted	Financial Year	Qtr	900	900	N/A
P072	Clients receiving a review	John Lovatt	Targeted	Financial Year	Qtr	75%	75%	N/A
P087	% of reablement goals (user perspective) met by the end of a reablement package/episode (in the period)	John Lovatt	Targeted	Financial Year	Qtr	N/A	70%	N/A

	SECTION 4 RISKS					
Code	Risk	Assignee	Dept			
CAD R011	Failure to work in effective partnerships with NHS, including risk of cost shunting. (Actively Managed)	Jill Harrison	CAD			
CAD R030	Failure to deal with sensitive, personal or confidential information in a secure way, resulting in loss of data with associated fines, loss of public confidence and/or damage to reputation.	Kay Forgie, Trevor Smith	CAD			
CAD R033	Failure to plan for future need and ensure sufficient placement provision to meet demand within adult social care. (Actively Managed)	Jill Harrison	CAD			
CAD R034	Insufficient capacity in the independent sector to meet placement demand within adult social care. (Actively Managed)	Geraldine Martin	CAD			
CAD R035	Increased demand on adult social care services due to demographic pressures. (Actively Managed)	Jill Harrison	CAD			
CAD R037	Failure to achieve targets in relation to assessments within 28 days and annual reviews, due to increased pressures on services. (Actively Managed)	John Lovatt	CAD			
CAD R038	Failure to provide statutory services to safeguard vulnerable adult. (Actively Managed)	Jill Harrison	CAD			
CAD R039	Impact of change to funding arrangements across adult social care services. (Actively Managed)	Jill Harrison	CAD			
CAD R040	Failure to deliver the Reablement Strategy. (Actively Managed)	Jill Harrison	CAD			
CAD R041	Failure to recruit & retain suitable staff in adult social care. (Actively Managed)	Jill Harrison	CAD			
CAD R043	Delayed transfers of care from hospital due to reduced capacity and changing working arrangements for hospital discharge. (Actively Managed)	John Lovatt	CAD			
CAD R054a	Failure to ensure awareness and training of staff regarding safeguarding – leisure centres (Actively Managed)	Pat Usher	PHD			
CAD	Failure to ensure awareness and training of staff regarding safeguarding – leisure centres (Actively Managed)	David Worthington	RND			

R054b						
	SECTION 1 OUTCOME DETAILS					
Outcome:	15. Hartlepool has reduced crime and repeat victimisation	Theme:	Community Safety			

SECTION 2 ACTIONS					
Action	Due Date	Assignee	Dept		
Deliver in conjunction with partners a strategic assessment which is monitored through the Safer Hartlepool Partnership executive.	Dec 2014	Lisa Oldroyd	RND		
Deliver the Domestic Violence strategy action plan.	Mar 2015	Clare Clark	RND		
Ensure a co-ordinated approach to meeting the needs of victims of crime & disorder taking a victim centred approach	Mar 2015	Clare Clark	RND		
Implement CCTV Action Plan	Mar 2015	Nicholas Stone	RND		

	SECTION 3 PERFORMANCE INDICATORS & TARGETS								
Code	Indicator	Assignee	Targeted or Monitor	Collection Period (e.g. Financial/academic)	2012/13 Target	2013/14 Target	2014/15 Target	Dept	
RPD P029a	Number of Domestic Burglaries	Lisa Oldroyd	Monitor	Financial Year	363	Not re	quired	RND	
RPD P028a	Number of reported crimes in Hartlepool	Lisa Oldroyd	Monitor	Financial Year	7,189	Not re	quired	RND	
RPD P031a	Number of incidents of local violence (assault with injury & assault without injury)	Lisa Oldroyd	Monitor	Financial Year	1,156	Not re	quired	RND	
NI 32	Number of repeat incidents of domestic violence	Lisa Oldroyd	Monitor	Financial Year	29%	Not re	quired	RND	

	SECTION 4 RISKS					
Code	Risk	Assignee	Dept			
RND R032	Failure of officers to fully embrace their responsibilities under the terms of Section 17, Crime and Disorder Act 1998	Clare Clark	RND			

SECTION 1 OUTCOME DETAILS					
Outcome: 1	16. There is reduced harm caused by drugs and alcohol misuse	Theme:	Community Safety		

Lead Dept:

Child and Adult Services

Other Contributors:

Regeneration and Neighbourhoods

SECTION 2 ACTIONS						
Action	Due Date	Assignee	Dept			
Monitor Substance Misuse Action Plan as a key element of the Community Safety Plan	Mar 14	Lisa Oldroyd	RND			
Implement and measure performance of the Substance Misuse treatment plan	31 Mar 2015	Karen Clark/Sharon Robson	PHD			
Monitor and increase engagement into effective treatment	31 Mar 2015	Karen Clark	PHD			
Develop and evaluate new initiatives to increase our successful completions	31 Mar 2015	Karen Clark	PHD			
Develop effective aftercare support to ensure clients who leave treatment in a successful way do not re-present	31 Mar 2015	Karen Clark	PHD			

	SECTION 3 PERFORMANCE INDICATORS & TARGETS									
Code	Indicator	Assignee	Targeted or Monitor	Collection Period (e.g. Financial/academic )	2012/13 Target	2013/14 Target	2014/15 Target	Dept		
RND P073	Incidents of drug dealing and supply	Rachel Parker	Monitor	Financial Year	Ν	lot Required		RND		
RND P074	Number of young people found in possession of alcohol	Rachel Parker	Monitor	Financial Year	N	lot Required		RND		
RND P105	Perceptions of people using or dealing drugs in the community	Rachel Parker	Monitor	Financial Year Not Required		l	RND			
2.18	Alcohol-related admissions to hospital (Rate per 100,000)	Sharon Robson	Target	Annually	2444	TBC	TBC	PHD		
ACS	Numbers of substance misusers going into	Karen	Target	Quarterly	732	TBC	TBC	PHD		

P098	effective treatment	Clark/ Sharon Robson						
ACS P099	Proportion of substance misusers that successfully complete treatment - Opiates	Karen Clark/Sharo n Robson	Target	Quarterly	12%	TBC	TBC	PHD
ACS P100	Proportion of substance misusers who successfully completed treatment and represented back into treatment within 6 months	Karen Clark/Sharo n Robson	Target	Quarterly	10%	твс	твс	PHD

SECTION 4 RISKS					
Code	Risk	Assignee	Dept		
	None Identified		RND		

	SECTION 1 OUTCOME DETAILS		
Outcome:	17. Communities have improved confidence and feel more cohesive and safe	Theme:	Community Safety

Other Contributors: Chief Executives

SECTION 2 ACTIONS					
Action	Due Date	Assignee	Dept		
Develop new Anti-Social Behaviour action plan in line with Government policy	Mar 2015	Clare Clark	RND		
Monitor the implementation of the community cohesion framework action plan	Mar 2015	Adele Wilson	RND		
In conjunction with partners improve reporting, recording, and responses/interventions to vulnerable victims and victims of hate crime.	Mar 2015	Nicholas Stone	RND		
Develop restorative practice across Safer Hartlepool partners to give victims a greater voice in the criminal justice system.	Mar 2015	Clare Clark	RND		
Assist the implementation of the Safer Hartlepool Partnership Communications Action Plan to improve public reassurance	March 2015	Alastair Rae	CED		

	SECTION 3 PERFORMANCE INDICATORS & TARGETS								
Code	Indicator	Assignee	Targeted or Monitor	Collection Period (e.g. Financial/academic)	2012/13 Target	2013/14 Target	2014/15 Target	Dept	
RPD P034	Number of deliberate fires in Hartlepool	Rachel Parker	Monitor	Financial Year	I	Not require	d	RND	
RND P107	Number of Anti-social Behaviour Incidents reported to the Police	Rachel Parker	Monitor	Financial year	Not required		d	RND	
RND P108	Perceptions of drunk or rowdy behaviour as a problem	Rachel Parker	Monitor	Financial year	Not required		RND		
RND P109	Number of reported Hate Incidents	Rachel Parker	Monitor	Financial Year	1	Not require	d	RND	

	SECTION 4 RISKS					
Code	Risk	Assignee	Dept			
RND R032	Failure of officers to fully embrace their responsibilities under the terms of Section 17, Crime and Disorder Act 1998	Clare Clark	RND			

SECTION 1 OUTCOME DETAILS				
Outcome:	18. Offending and re-offending has reduced	Theme:	Community Safety	

Other Contributors:

Lead Dept: Regeneration and Neighbourhoods

SECTION 2 ACTIONS					
Action	Due Date	Assignee	Dept		
Monitor delivery of the offending and re-offending strategy action plan	Mar 2015	Clare Clark	RND		
Continue to embed the Think Families, Think Communities (TF/TC) approach to reducing crime and anti-social behaviour, improving educational attendance and reducing worklessness, resulting in reduced costs to the public purse.	Mar 2015	Lisa Oldroyd	RND		

SECTION 3 PERFORMANCE INDICATORS & TARGETS								
Code	Indicator	Assignee	Targeted or Monitor	Collection Period (e.g. Financial/academic)	2012/13 Target			Dept
RND P067	Re-offending rates of High Crime Causers (HCCs) (adults)	Lisa Oldroyd	Monitor	Financial Year	Not required		RND	
RND P110	Number of Families Engaged through Think Families / Think Communities (TF/TC) Programme	Lisa Oldroyd	Monitor	Financial Year	Not required		RND	

	SECTION 4 RISKS		
Code	Risk	Assignee	Dept
	None Identified		RND

SECTION 1 OUTCOME DETAILS				
Outcome:	19. Hartlepool has an improved natural and built environment	Theme:	Environment	

Lead Dept: Rege

Regeneration and Neighbourhoods

SECTION 2 ACTIONS							
Action	Due Date	Assignee	Dept				
Develop a Hartlepool Local Plan which sets out the spatial vision, strategic objectives and core policies for the Borough for the next 15 years	Mar 15	Chris Pipe	RND				
Consult, develop and deliver year 2 projects of capital improvements to allotment sites.	Mar 15	Helen Beaman	RND				
Investigate and evaluate flooding sites throughout the Borough, with a view to implementing engineering schemes to relieve flooding issues.	Mar 15	Kieran Bostock	RND				
Prioritise flooding sites throughout the Borough ensuring that residential properties, key infrastructure and access routes are investigated as priority.	Mar 15	Kieran Bostock	RND				

	SECTION 3 PERFORMANCE INDICATORS & TARGETS								
Code	Indicator	Assignee	Targeted or Monitor	Collection Period (e.g. Financial/academic)	2012/13 Target	2013/14 Target	2014/15 Target	Dept	
NI 157a	Processing of planning applications: Major applications (BVPI 109a)	Chris Pipe	Targeted	Financial Year		TBC	ТВС	RND	
NI 157b	Processing of planning applications: Minor applications (BVPI 109b)	Chris Pipe	Targeted	Financial Year		ТВС	ТВС	RND	
NI 157c	Processing of planning applications: Other applications (BVPI 109c)	Chris Pipe	Targeted	Financial Year		ТВС	ТВС	RND	

	SECTION 4 RISKS					
Code	Risk	Assignee	Dept			
RND R059	Failure to provide a 'sound' Planning Policy Framework leading to a lack of clear planning guidance	Chris Pipe	RND			

TBC Failur	TBC Failure to determine planning applications with specified time periods.				re to determine planning applications with specified time periods.		Chris Pipe	RND
	SECTION 1 OUTCOME DETAILS							
Outcome:	20. Quality local environments where public and community open spaces are clean, green and safe	Theme:	Environment					

 Lead Dept:
 Regeneration and Neighbourhoods
 Other Contributors:

SECTION 2 ACTIONS						
Action	Due Date	Assignee	Dept			
Investigate funding opportunities for the development of green space areas across the town.	Mar 15	Deborah Jefferson	RND			
Monitor identified Contaminated Land sites, taking action as identified.	Mar 15	Stephen Telford	RND			
Work in conjunction with partners to develop local environmental work placement opportunities that add value to the existing service by improving the quality of the local environment	Mar 15	Jon Wright	RND			
Explore opportunities for future uses of camera vehicle.	Mar 15	Philip Hepburn	RND			
Deliver the actions of the illegally grazed horse strategy 2013.	Mar 15	Helen Beaman	RND			
Develop and implement a strategy to tackle the issue of waste escaping from commercial vehicles	Dec 14	Kate Ainger	RND			
Work in partnership with internal and external partners to deliver 'Neighbourhood Action Days' which tackle environmental crime.	Mar 15	Helen Beaman	RND			
Continue the promotion of responsible dog ownership through the delivery of microchipping sessions and campaigns to ensure the authority retains the RSPCA Community Award.	Mar 15	Kate Ainger	RND			

SECTION 3 PERFORMANCE INDICATORS & TARGETS								
Code	Indicator	Assignee	Targeted or Monitor	Collection Period (e.g. Financial/academic)	2013/14 2014/15 2015/16 Target Target Target		Dept	
RND P070	No. of Volunteer days spent working on local green space management initiatives	Deborah Jefferson	Monitor	Financial	Not required		RND	
RND P061	Achieve Quality Coast Award for Seaton Carew beach	Debbie Kershaw	Targeted	Financial	Yes	Yes	Yes	RND
RND	Percentage of streets that fall below an	Jon Wright	Targeted	Financial	12.5	TBC	TBC	RND

	SECTION 3 PERFORMANCE INDICATORS & TARGETS							
Code	Indicator	Assignee	Targeted or Monitor	Collection Period (e.g. Financial/academic)	2013/14         2014/15         2015/16           Target         Target         Target		Dept	
P050	acceptable level of cleanliness							
RND P112	Number of individuals gaining work experience and accredited qualifications	Jon Wright	Monitor	Financial	Not required			RND

	SECTION 4 RISKS					
Code	Risk	Assignee	Dept			
RND R075	Financial and environmental implications of addressing contaminated land issues	Stephen Telford	RND			

SECTION 1 OUTCOME DETAILS							
Outcome:	21. Provide a sustainable, safe, efficient, effective and accessible transport system	Theme:	Environment				

SECTION 2 ACTIONS							
Action	Due Date	Assignee	Dept				
Deliver year 4 schemes as identified in the Local Transport Plan 2011 -15	Mar 15	Peter Frost	RND				
Develop the Integrated Transport Unit through partnership, collaboration and income related strategies, sustaining core services	Mar 15	Mike Blair	RND				
Develop and implement a young driver training programme across the Tees Valley	Oct 14	Paul Watson	RND				
Deliver the LED lamp replacement programme	Mar 15	Mike Blair	RND				

SECTION 3 PERFORMANCE INDICATORS & TARGETS										
Code	Indicator	Assignee	Targeted or Monitor	Collection Period (e.g. Financial/academic)	2013/14 Target	2014/15 Target	2015/16 Target	Dept		
NI 167	Congestion – average journey time per mile during the morning peak	Peter Frost	Monitor	Financial	Not required		RND			
NI 47	The % change in the number of people killed or seriously injured in road traffic accidents during the calendar year compared to the average of the previous 3 years.	Peter Frost	Targeted	Calendar	31	твс	твс	RND		
NI 48	The % change in the number of Children killed or seriously injured in road traffic accidents during the calendar year compared to the average of the previous 3 years.	Peter Frost	Targeted	Calendar	6	твс	твс	RND		
NI 168	The percentage of principal roads where maintenance should be considered	Ralph Young	Targeted	Financial	12%	TBC	TBC	RND		
NI 169	The percentage of non-classified roads where maintenance should be considered	Ralph Young	Targeted	Financial	12%	TBC	TBC	RND		

	SECTION 4 RISKS		
Code	Risk	Assignee	Dept
RND R054	Failure to maintain infrastructure to acceptable standard resulting in additional cost implications through insurance claims	Mike Blair	RND

	SECTION 1 OUTCOME DETAILS		
Outcome:	22. Hartlepool is prepared for the impacts of climate change and takes action to mitigate the effects	Theme:	Environment

Lead Dept:Regeneration and NeighbourhoodsOther Contributors:

SECTION 2 ACTIONS			
Action	Due Date	Assignee	Dept
Carry out a household recycling participation survey and deliver targeted education & awareness campaign	Mar 15	Paul Hurwood	RND
Deliver the Carbon Action Now Departmental Officers group action plan	Mar 15	Paul Hurwood	RND

SECTION 3 PERFORMANCE INDICATORS & TARGETS								
Code	Indicator	Assignee	Targeted or Monitor	Collection Period (e.g. Financial/academic)	2012/13 Target	2013/14 Target	2014/15 Target	Dept
NI 185	Percentage CO2 reduction from local authority operations	Paul Hurwood	Monitor	Financial	Not required		RND	
NI 186	Percentage per capita reduction in CO2 emissions in the Local Authority area	Paul Hurwood	Monitor	Financial	Not required		RND	
NI 191	Number of kilograms of residual household waste collected per household	Helen Beaman	Targeted	Financial	710	705	700	RND
NI 192	Percentage of household waste sent for reuse, recycling or composting	Paul Hurwood	Targeted	Financial	45%	47%	49%	RND
NI 193	Percentage of municipal waste land filled	Fiona Srogi	Targeted	Financial	5%	5%	5%	RND

	SECTION 4 RISKS				
Code	Risk	Assignee	Dept		
RND R067	Failure to achieve recycling targets resulting in loss of income and additional costs.	Helen Beaman	RND		
RND R076	Consequences of climate change through the failure of the Council to tackle climate issues locally	Paul Hurwood	RND		
RND R087	Income fluctuations in the market for recyclable materials resulting in difficulties in budget planning and forecasting.	Paul Hurwood	RND		

	SECTION 1 OUTCOME DETAILS		
Outcome:	23. Hartlepool has an improved and more balanced housing offer that meets the needs of residents and is of high quality design	Theme:	Housing

Lead Dept:	Regeneration and Neighbourhoods	Other Contributors:
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SECTION 2 ACTIONS				
Action	Due Date	Assignee	Dept	
Collate information about the distribution of all registered provider tenure types across the town and use this to assess the impact of new products on tenure choice across the borough.	March 2015	Nigel Johnson	RND	
Continue to encourage improvements in the number of private sector homes constructed to lifetime home standards and relevant government energy efficiency levels. (Housing Strategy 1B1)	March 2015	Chris Pipe	RND	
Complete the acquisition programme of properties as part of the Carr / Hopps Street Regeneration Scheme	March 2015	Amy Waller	RND	
Develop a master plan for the redevelopment of the Carr / Hopps Street area	March 2015	Amy Waller	RND	

	SECTION 3 PERFORMANCE INDICATORS & TARGETS							
Code	Indicator	Assignee	Targeted or Monitor	Collection Period (e.g. Financial/academic)	2013/14 Target	2014/15 Target	2015/16 Target	Dept
NI 155	Number of affordable homes delivered (gross)	Nigel Johnson	Targeted	Financial	50	TBC	TBC	RND

	SECTION 4 RISKS				
Code	Risk	Assignee	Dept		
RND R057	Reduction in funding for housing investment	Nigel Johnson	RND		
RND R061	Inability to meet very high levels of local housing needs including affordable housing – (Reword to cover Welfare reform)	Nigel Johnson	RND		

	SECTION 1 OUTCOME DETAILS		
Outcome:	24. Hartlepool has improved housing stock where all homes across tenures offer a decent living environment	Theme:	Housing

 Lead Dept:
 Regeneration and Neighbourhoods
 Other Contributors:

SECTION 2 ACTIONS				
Action	Due Date	Assignee	Dept	
Work with landlords to prevent homes from becoming long-term empty through early intervention.	Mar 15	Amy Waller	RND	
Registered providers to improve their stock to 'decent homes plus' standard (Housing Strategy 2B2)	Mar 15	Nigel Johnson	RND	
Support landlords to carry out energy efficiency works to deal with excess cold hazards through education and promotion of the benefits (Housing Strategy 2E2)	Mar 15	Nigel Johnson	RND	
Increase the amount of social rented houses fitted with renewable such as Photo Voltaic panels and / or cells solar hot water and air source heat pumps.	Mar 15	Amy Waller	RND	

	SECTION 3 PERFORMANCE INDICATORS & TARGETS								
CodeIndicatorAssigneeTargeted or MonitorCollection Period (e.g. Financial/academic)2013/14 2013/142014/15 2015/16 Target2015/16 Target						Dept			
LAA H P001	Number of long term (over 6 months) empty homes brought back into use.	Nigel Johnson	Targeted	Financial	TBC	TBC	TBC	RND	

	SECTION 4 RISKS							
Code	Risk	Assignee	Dept					
RND R015	Failure to secure funding for delivery of empty homes strategy	Nigel Johnson	RND					
RND R061	Inability to meet very high levels of local housing needs including affordable housing	Nigel Johnson	RND					
RND R053	Failure to respond to and implement changes to selective licensing	Nigel Johnson	RND					

SECTION 1 OUTCOME DETAILS						
Outcome:	25. Housing Services and housing options respond to the specific needs of all communities within Hartlepool	Theme:	Housing			

 Lead Dept:
 Regeneration and Neighbourhoods
 Other Contributors:

SECTION 2 ACTIONS					
Action	Due Date	Assignee	Dept		
Review and monitor the impact of welfare and social housing reforms on tenancy sustainability, homelessness, tenancy satisfaction and vulnerable people on the housing waiting list.	Mar 15	Karen Kelly	RND		
Assist people to maintain independent living through the provision of minor adaptations.	Mar 15	Karen Kelly	RND		

	SECTION 3 PERFORMANCE INDICATORS & TARGETS								
Code	Indicator	Assignee	Targeted or Monitor	Collection Period (e.g. Financial/academic)	2013/14 Target	2014/15 Target	2015/16 Target	Dept	
RND P051	Number of households where homelessness has been prevented through Local Authority action	Lynda Igoe	Targeted	Financial	9	9	ТВС	RND	
RPD P107	Average waiting time for a Disabled Facility Grant to be completed	Karen Kelly	Targeted	Financial	95 days	TBC	TBC	RND	

	SECTION 4 RISKS						
Code	Risk	Assignee	Dept				
RND R070	Failure to provide correct housing advice to the public.	Lynda Igoe	RND				

SECTION 1 OUTCOME DETAILS						
Outcome:	26. People enjoy equal access to culture and libraries which enrich their lives, improve the places where they live, and strengthen communities.	Theme:	Culture and Leisure			

 Lead Dept:
 Regeneration & Neighbourhoods
 Other Contributors:

SECTION 2 ACTIONS						
Action	Due Date	Assignee	Dept			
Plan and deliver a number of events, in partnership with other Cultural organisations in the Tees Valley, in relation to the centenary of the beginning of World War I and the bombardment of the Hartlepools.	Mar 2015	David Worthington	RND			
Undertake a review of service provision within the Libraries	Mar 2015	Kay Tranter	RND			
Explore options for community centres including possible Community Asset Transfer	Mar 2015	Susan Rybak	RND			
Deliver programme of events at Town Hall Theatre	Mar 2015	Clare Irvine	RND			
Undertake Development Plan for Town Hall Theatre	Mar 2015	Clare Irvine	RND			
Contribute toward the Church Street redevelopment through the delivery of an exhibition programme at the Hartlepool Art Gallery	Mar 2015	Clare Irvine	RND			
Implement findings of the Hartlepool Maritime Experience review	Mar 2015	David Worthington	RND			
Deliver the reviewed archaeology delivery arrangements	Mar 2015	Robin Daniels	RND			

	SECTION 3 PERFORMANCE INDICATORS & TARGETS								
Code	Indicator	Assignee	Targeted or Monitor	Collection Period (e.g. Financial/academic)	2013/14 Target	2014/15 Target	2015/16 Target	Dept	
LAA CL P001(a)	Number of people from vulnerable groups engaged in culture and leisure activities	David Worthington	Targeted	Financial Year	1,115	1,115	TBC	RND	
P062	Number of housebound people receiving a home visit from the home library service once every 3 weeks, for as long as they require the service.	David Worthington	Targeted	Financial Year	567	580	ТВС	RND	
PO84	Maintain & enhance the Historic Environment Record (HER) via % reviewed, edited and	Robin Daniels	Monitor	Financial Year	1	Not require	d	RND	

	added.					
ACS 103	The number of engagements with children (0- 19) in library delivered literary and learning activities	Kay Tranter	Target	Financial Year	12,000	RND
ACS 104	Number of hours usage of the Libraries Peoples Network computers	Kay Tranter	Target	Financial Year	30,000	RND
ACS 105	Number of enquiries received by the Libraries Reference & Information Service	Kay Tranter	Target	Financial Year	23,500	RND
ACS 106	Number of visitors to the Museum of Hartlepool, Hartlepool Maritime Experience, and Hartlepool Art Gallery.	David Worthington	Target	Financial Year	202,000	RND
ACS 107	Number of schoolchildren visiting the Museum of Hartlepool, Hartlepool Maritime Experience, and Hartlepool Art Gallery.	David Worthington	Target	Financial Year	14,300	RND
ACS 108 (a)	Number of Visitors to the Town Hall	David Worthington	Target	Financial Year	90,000	RND
ACS 109	Community Centres attendance	Dave Miles	Target	Financial Year	22,197	RND

	SECTION 4 RISKS								
Code	Risk	Assignee	Dept						
CAD R013	Failure to achieve required customer and visitor income levels	David Worthington	RND						
CAD R045	Failure to deliver statutory elements of the Library Service	David Worthington	RND						
CAD R046	Failure to provide statutory service of archaeological planning advice and Historic Environment Record	Sarah Scarr	RND						
CAD R056	Lack of adequate investment in public buildings affecting ability to income generate	David Worthington	RND						

SECTION 1 OUTCOME DETAILS						
Outcome:	27. Local people have a greater voice and influence over local decision making and the delivery of services	Theme:	Strengthening Communities			

Lead Dept:	Regeneration and Neighbourhoods	Other Contributors:	Chief Executives
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SECTION 2 ACTIONS						
Action	Due Date	Assignee	Dept			
Support the delivery of the Voluntary & Community Sector (VCS) Strategy	Mar 2015	Fiona Stanforth	RND			
Deliver the Community Pool Funding Programme	Mar 2015	Fiona Stanforth	RND			
Deliver the Civic Lottery Funding Programme	Mar 2015	Adele Wilson	RND			
Deliver Neighbourhood Planning in Hartlepool under the Localism Act 2011.	Mar 2015	Adele Wilson	RND			
Refresh the Neighbourhood Management and Empowerment Strategy Action Plan.	Mar 2015	Adele Wilson	RND			
Monitor the progress of priorities outlined in the eleven Ward Profiles developed across the town.	Mar 2015	Adele Wilson	RND			
Support the delivery of Face the Public Events by Theme Partnerships	March 2015	Catherine Grimwood	CED			
Complete Viewpoint surveys 43 and 44	March 2015	Catherine Grimwood	CED			

	SECTION 3 PERFORMANCE INDICATORS & TARGETS							
Code	Indicator	Assignee	Targeted or Monitor	Collection Period (e.g. Financial/academic)	2012/13 Target	2013/14 Target	2014/15 Target	Dept
NEW	Percentage of residents feeling that they can influence decisions that affect their local area	Adele Wilson	Targeted	Financial	Not required	25%	TBC	RND

RND P052	Number of voluntary and community groups supported	Adele Wilson	Targeted	Financial	Not required	40	TBC	RND
NEW	Number of neighbourhood plans ratified	Adele Wilson	Targeted	Financial	Not required	2	TBC	RND

	SECTION 4 RISKS				
Co	de	Risk	Assignee	Dept	
RN R0		ailure of service providers to focus resources on neighbourhood renewal areas	Clare Clark	RND	

	SECTION 1 OUTCOME DETAILS		
Outcome:	28. Make a positive contribution – people are involved with the community and society	Theme:	Strengthening Communities

Lead Dept:	Child and Adult Services

SECTION 2 ACTIONS				
Action	Due Date	Assignee	Dept	
Ensure a wide range of learning opportunities are available which encourage community involvement.	Jul 14	Dianne Goodwin	RND	

	SECTION 3 PERFORMANCE INDICATORS & TARGETS							
Code	Indicator	Assignee	Targeted or Monitor	Collection Period (e.g. Financial/academic)	2012/13 Target	2013/14 Target	2014/15 Target	Dept
	None Identified							

	SECTION 4 RISKS				
Code	Risk	Assignee	Dept		
RND R056	Failure of service providers to focus resources on neighbourhood renewal areas	Clare Clark	RND		

SECTION 1 OUTCOME DETAILS			
Outcome:	29. Improve the efficiency and effectiveness of the organisation	Theme:	Organisational Development

Lead Dept: Chief Executive Department

SECTION 2 ACTIONS	SECTION 2 ACTIONS				
Action	Due Date	Assignee			
Review and update Medium Term Financial Strategy (MTFS)	March 2015	Chris Little			
Financially model business rate retention risks	September 2014	John Morton			
Determine and implement a revised programme to deliver the savings required in light of MTFS and budget settlement for 2015/16	March 2015	Andrew Atkin / Chris Little			
Review of Corporate ICT Strategy to ensure it continues to support corporate objectives including opportunities to use ICT to generate efficiency savings across the Authority.	March 15	Joan Chapman			
Roll out of new desktops/laptops	March 15	Joan Chapman			
Roll out of Virtual Desktop Infrastructure (VDI) solution	March 15	Joan Chapman			
Transition of server estate to refreshed Hyper V environment	March 15	Joan Chapman			
Roll out of new Managed Print Service	March 15	Joan Chapman			
Improve awareness of information security requirements and individual responsibilities through training and online communication	March 15	Paul Diaz			
Implement HR Insight corporate toolset to improve employee establishment and organisational data	December 2014	Kevin Shears / Rachel Clark			
Implement Resourcelink Leave Management module	March 2015	Kevin Shears / Rachel Clark			
Implement Resource link Employee Expenses module	December 2014	Kevin Shears / Rachel Clark			
Financially model 15/16 Local Council Tax Support Scheme costs and underlying assumptions	September 2014	John Morton			
Undertake corporate Insurance policy Renewal	July 2014	Kevin Shears			

Develop, support and implement the agreed plan to achieve the Councils corporate efficiency programme	March 2015	Rachel Clark / Gillian Laight / Alison Swann
Provide advice and support for case management of sickness absence / capability / disciplinary / grievance / probation including investigations, hearings, LADOs, appeals and tribunals	March 2015	Rachel Clark / Gillian Laight / Alison Swann
Support, evaluate and implement legislative requirements relating to safer recruitment including DBS, ISA referrals	March 2015	Rachel Clark / Gillian Laight / Alison Swann
Develop and implement a streamlined and effective e -recruitment vacancy approval process	March 2015	Gillian Laight / Wally Stagg
Review and implement HR Policies and Procedures in line with the agreed plan	March 2015	Rachel Clark / Gillian Laight / Alison Swann
Support throughout the year Corporate & School Reorganisations ensuring compliance with employment legislation and policy	March 2015	Rachel Clark / Gillian Laight / Alison Swann
Support any required Academy conversions	March 2015	Alison Swann
Evaluate the effectiveness of the HR service provided to Schools under the Service Level Agreement	March 2015	Alison Swann
Review the Council's Commissioning and Procurement Strategy	March 2015	David Hart
Deliver capital receipts in line with programme	March 2015	Dale Clarke

	SECTION 3 PERFORMANCE INDICATORS & TARGETS							
Code	Indicator	Assignee	Targeted or Monitor	Collection Period	2013/14 Target	2014/15 Target	2015/16 target	
CEDCS P042	Actual Savings from efficiency and savings Programme	Andrew Atkin / Chris Little	Targeted	Financial Year	£5.4m	£4.4m	To be determined	
ICT PI 4	Percentage of ICT incidents resolved within agreed service levels	John Bulman	Targeted	Financial Year	96%	96%	96%	
ICT SI 3	Unavailability of ICT services to users	John Bulman	Targeted	Financial Year	2.5%	2.5%	2.5%	

CEDCS P017	Number of website hits – unique visitors	Paul Diaz	Targeted	Financial Year	325,000	341,000	358,000
CEDFI P001	Percentage of Invoices paid in 30 days	Kevin Shears	Targeted	Financial Year	95%	95%	95%
TBC	Percentage of Local Supplier Invoices paid in 10 days	Kevin Shears	Targeted	Financial Year	85%	85%	85%
CEDFI P002	Percentage of Council Tax Collected in year	Roy Horseman	Targeted	Financial Year	96%	95%	95%
TBC	Percentage of Council Tax Collected after 5 years	Roy Horseman	Targeted	Financial Year	99%	99%	99%
TBC	Percentage of business rates collected	John Morton	Targeted	Financial Year	98%	98%	98%
HR PI 05A All	Average working days per employee (full time equivalent) per year lost through sickness absence - All Actual	Rachel Clark	Targeted	Financial Year	ТВС	TBC	TBC

	SECTION 4 RISKS				
Code	Risk	Assignee			
CED R073	Maintain skill and knowledge of appropriate employees across the Council in relation to PM, risk, consultation, complaints and data quality procedures through the Efficiency and Savings Programme	Catherine Grimwood			
CED R089	Experiencing failure or lack of access to Critical ICT systems (Actively Managed)	Andrew Atkin			
CED R091	Failure to have corporately adequate arrangements in place to manage and deliver the budget strategy and the savings programme	Andrew Atkin; Chris Little			
CED R042	The Council is targeted by individuals / organisations in order to launder money from criminal activity	Chris Little			
CED R043	Treasury management decisions on borrowing and investment fail to optimise benefit for council	Chris Little			
CED R053	Poor workforce planning and development may lead to poor service delivery / behaviour by employees	Wally Stagg			
CED R054	A major health and safety accident or incident may occur as a result of employees actions or inactions	Stuart Langston			
CED R056	Failure of external occupational health etc suppliers / providers to consistently provide services, leading to HR not delivering services to departments.	Stuart Langston			
CED R057	Failure to achieve external income leading to budget reductions resulting in a reduction of staff.	Wally Stagg			

CED R068	Failure to carry out a statutory process	Peter Devlin
CED R069	Failure to support the HR aspects of the savings programme leading to a detrimental impact on services	Rachel Clark, Gillian Laight, Wally Stagg, Alison Swann
CED R072	The Council becomes a target for fraudulent activities	Noel Adamson
CED R083	Failure to provide council services during emergency conditions	John Morton
CAD R008	Damage / Disruption due to violence to staff, health & safety incidents or poor working conditions (Actively Managed)	Peter McIntosh
CAD R016	Failure to safeguard physical assets and ensure contingencies in place	Peter McIntosh
RND R085	Failure to achieve the Council's Capital Receipts target because of the difficult economic climate and market conditions	Dale Clarke
RND R047	Failure to execute procurement activities within the guidelines leading to challenges to contract award decisions.	David Hart

	SECTION 1 OUTCOME DETAILS		
Outcome:	30. Deliver effective customer focused services, meeting the needs of diverse groups and maintaining customer satisfaction	Theme:	Organisational Development

Lead Dept: Chief Executive Department Ot

SECTION 2 ACTIONS					
Action	Due Date	Assignee			
Review DWP Funded Discretionary Housing Payment Policy Framework	September 2014	Danielle Swainson			
Develop initial engagement strategy for Housing Benefit element DWP Universal Credit Roll out	September 2014	Julie Pullman			
Coordinate corporate complaints process and responses to Local Government Ombudsman complaints.	March 2015	Catherine Grimwood			
Replace contact centre telephony solution	March 2015	Christine Armstrong			
Enhance booking system capabilities	March 2015	Christine Armstrong			
Improve on-line facilities for customers	March 2015	Christine Armstrong			
Deliver the roll in of additional services to the Customer Services Centre	March 2015	Christine Armstrong			
Ensure that the Council has procedures in place to meet the requirements of the Equality Act 2010 by co-ordinating activities across departments to meet the items included in the Equality & Diversity Action Plan	March 2015	Christine Armstrong			

	SECTION 3 PERFORMANCE INDICATORS & TARGETS						
Code	Indicator	Assignee	Targeted or Monitor	Collection Period	2013/14 Target	2014/15 Target	2015/16 target
CEDFIP004	Average time to process new Housing Benefit / Council Tax Support claims	Julie Pullman	Targeted	Financial Year	20 days	20 days	20 days
CEDFI P005	Average time to process Housing Benefit / Council Tax Support changes in circumstances	Julie Pullman	Targeted	Financial Year	9 days	9 days	9 days
CEDCS	Average wait in seconds for telephone calls to be	Julie Howard	Targeted	Financial	30 secs	30 secs	30 secs

P066	answered			Year			
CEDCS P067	Average wait in minutes for face to face customers without an appointment	Julie Howard	Targeted	Financial Year	15 mins	15 mins	15 mins
CEDCS P068	% of Contact Centre emails handled the same day	Julie Howard	Targeted	Financial Year	90%	90%	90%
CEDCS P069	% of Contact Centre enquires handled at the first point of contact	Julie Howard	Targeted	Financial Year	85%	85%	85%
CEDCS P070	% of customers satisfied with Contact Centre service delivery	Julie Howard	Targeted	Financial Year	90%	90%	90%
CEDCS P080	% births registered within 42 days	Elaine Cook	Monitored	Financial Year	98%	98%	98%
CEDCS P081	% still-births registered within 42 days	Elaine Cook	Monitored	Financial Year	98%	98%	98%
CEDCS P082	% deaths registered within 7 days, excluding registrations following post mortems and inquests	Elaine Cook	Monitored	Financial Year	95%	95%	95%
CEDCS P083	% deaths after post mortem registered within 7 days	Elaine Cook	Monitored	Financial Year	95%	95%	95%
CEDCS P084	% birth registration/declaration appointments offered within 7 days	Elaine Cook	Monitored	Financial Year	95%	95%	95%
CEDCS P085	% still-birth registration/declaration appointments offered within 2 working days	Elaine Cook	Monitored	Financial Year	95%	95%	95%
CEDCS P086	% death registration/declaration appointments offered within 2 working days	Elaine Cook	Monitored	Financial Year	95%	95%	95%
CEDCS P087	% notice of marriage/civil partnership appointments offered within 7 days	Elaine Cook	Monitored	Financial Year	95%	95%	95%
CEDCS P090	% of satisfied customers for registration service	Elaine Cook	Monitored	Financial Year	90%	90%	90%

	SECTION 4 RISKS				
Code	Risk	Assignee			
CED R059	Failure to integrate equality into all aspects of the Council's work leading to non compliance with legislation and Council aims (Actively Managed)	Andrew Atkin			
CED R052	Failure of Contact Centre to improve service delivery	Christine Armstrong			
CED R028	Failure to provide Statutory Registration duties (including IT system)	Christine Armstrong			

	SECTION 1 OUTCOME DETAILS		
Outcome:	31. Maintain effective governance arrangements for core business and key partnerships	Theme:	Organisational Development

Lead Dept: Chi

Chief Executive Department

SECTION 2 ACTIONS					
Action	Due Date	Assignee			
Ensure lawfulness and fairness of decisions	March 2015	Peter Devlin			
Revised whistle blowing policy to be reported to Finance and Policy Committee	May 2014	Peter Devlin			
Promote and maintain high standards of conduct by members and co-opted members	March 2015	Peter Devlin			
Undertake a review of the Council's Constitution, for implementation in the municipal year 2015/16.	March 2015	Peter Devlin			
Support the Councils Governance structure	March 2015	Amanda Whitaker			
Ensure effective governance in the delivery of the new ICT contract	March 15	Joan Chapman			
Provide a full opinion on Governance arrangements to the Audit and Governance Committee	May 2015	Noel Adamson			
Undertake a review of the operation of the Strategic Partners Group	January 2015	Catherine Grimwood			
Facilitate the necessary meetings of Strategic Partners Group	March 2015	Catherine Grimwood			

	SECTION 3 PERFORMANCE INDICATORS & TARGETS						
Code	Indicator	Assignee	Targeted or Monitor	Collection Period	2013/14 Target	2014/15 Target	2015/16 target
	No Performance Indicators identified						

	SECTION 4 RISKS				
Code	Risk	Assignee			
CED R037	Failure to embed risk management framework leads to service/governance failures resulting in reputation/financial loss	Catherine Grimwood			
CED R094	Failure to deliver a new ICT contract	Andrew Atkin			
CED R095	Failure to have in place effective governance arrangements	Andrew Atkin; Peter Devlin			
CED R007	Decision making meetings not taking place due to a loss of council facilities or serious problems preventing Councillors / staff attending	Amanda Whitaker			
CED R060	Failure to deliver an effective Corporate Legal Service	Alyson Carmen			
CED R079	Full opinion on governance arrangements not provided	Noel Adamson			

	SECTION 1 OUTCOME DETAILS		
Outcome:	32. Maintain effective Performance, Finance and Risk Management Arrangements	Theme:	Organisational Development

Lead Dept: Ch

Chief Executive Department

SECTION 2 ACTIONS					
Action	Due Date	Assignee			
Review position of accounting code of practice for adoption in 2016 / 16	December 2014	Chris Little			
Produce statement of accounts	June 2015	Chris Little			
Review 2014 / 15 service planning approach and make recommendations to improve service planning for 2015/16	June 2015	Catherine Grimwood			
Agree and implement service planning framework for 2015/16	September 2015	Catherine Grimwood			
Coordinate quarterly performance and risk reporting for 2014/15 to ensure well informed decision making and accountability of Members and senior managers.	March 2015	Catherine Grimwood			
Undertake performance indicator review to ensure adherence to data quality policy	March 2015	Catherine Grimwood			
Monitor the performance indicator set within the refreshed Sustainable Community Strategy	March 2015	Catherine Grimwood			

	SECTION 3 PERFORMANCE INDICATORS & TARGETS						
Code	Indicator	Assignee	Targeted or Monitor	Collection Period	2013/14 Target	2014/15 Target	2015/16 target
	No Performance Indicators identified						

	SECTION 4 RISKS				
Code	Risk	Assignee			
CED	Performance management arrangement fails to operate as intended resulting in unanticipated service/governance failure	Catherine			
R031	within the Council / Partnership	Grimwood			
CED	Lack of data quality for performance information results in poor decision making and worsening performance	Catherine			

R063		Grimwood
CED	Partnership structures no longer fit for purpose resulting in relationship breakdown between Hartlepool Borough Council	Catherine
R076	and key partners.	Grimwood
CED	Lack of data quality of consultation conducted results in poor decision making and worsening performance	Catherine
R096	Lack of data quality of consultation conducted results in poor decision making and worsening performance	Grimwood
CED	Statutory deadlines for the production of the Councils accounts may not be met	Chris Little
R080	Statutory deadlines for the production of the Councils accounts may not be met	Chins Little

	SECTION 1 OUTCOME DETAILS		
Outcome:	33. Maintain the profile and reputation of the Council	Theme:	Organisational Development

Other Contributors:

Lead Dept: Chief Executive Department

SECTION 2 ACTIONS				
Action	Due Date	Assignee		
Produce 4 editions of Hartbeat on a zero budget	March 2015	Alastair Rae		
Ensure that effective mechanisms are in place, both internally and externally, to explain the budget pressures facing the Council.	March 2015	Alastair Rae		
Undertake a review into how the Council utilises social networking.	March 2015	Alastair Rae		
Explore new media opportunities to promote the work and services of the Council.	March 2015	Alastair Rae		
Seize opportunities to promote Hartlepool Council and the town in general on a national and international platform.	March 2015	Alastair Rae		
Ensure that the public relations income generation target is met.	March 2015	Alastair Rae		

	SECTION 3 PERFORMANCE INDICATORS & TARGETS						
Code	Indicator	Assignee	Targeted or Monitor	Collection Period	2013/14 Target	2014/15 Target	2015/16 target
	The percentage of reader who read some or most of the content of Hartbeat	Alastair Rae	Monitor	Triennial	Not required Not required		
	Increase the number of followers and likes on Twitter and Facebook	Alastair Rae	Monitor	Financial Year			

]		SECTION 4 RISKS	
	Code	Risk	Assignee

CED R005	The failure to maintain a positive/excellent reputation.	Alastair Rae
CED R092	The risk of ineffective delivery of PR representation when the Council PR Team is representing more than one organisation	Alastair Rae
CED R051	Failure to comply with legislation leading to unlawful acts, loss of morale, poor industrial relations and / or accidents to employees resulting in industrial, criminal or civil action against the Council.	Wally Stagg
CED R055	Significant breach of confidentiality and / or personal data security creating poor industrial relations and morale leading to criminal and / or civil proceedings and adverse publicity	Rachel Clark
CED R062	The risk of a breach of conduct by elected members / co-opted members	Peter Devlin

	SECTION 1 OUTCOME DETAILS					
Outcome:	34. Deliver effective Member and Workforce arrangements, maximising the efficiency of the Council's Democratic function	Theme:	Organisational Development			

Lead Dept:         Chief Executive Department	Other Contributors:	
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SECTION 2 ACTIONS				
Action	Due Date	Assignee		
Support of School Admission and Exclusion Appeal Hearings	March 2015	Amanda Whitaker		
Maintain and develop the statutory Scrutiny function and work programme	March 2015	Joan Stevens		
Monitor recommendations made across Scrutiny investigations and report progress to Audit and Governance Committee July 2014 and January 2015	March 2015	Joan Stevens		
Implement and roll out individual electoral registration	March 2015	Lorraine Bennison		
Deliver the combined European and Local Elections in conjunction with regional partners	May 2014	Lorraine Bennison		
Deliver year 1 action plan for Workforce Strategy	March 2015	Wally Stagg		
Improve the control of significant health and safety risks to ensure that they are identified and that they are appropriately managed	March 2015	Stuart Langston		
Implement an audit regime to enhance the Council's monitoring systems to ensure the Councils Health and Safety management system is consistently applied.	March 2015	Stuart Langston		
Implement the Equal Pay audit action plan.	March 2015	Wally Stagg		
Respond to the JNC for Local Governments review of its Job Evaluation Scheme.	March 2015	Wally Stag		

	SECTION 3 PERFORMANCE INDICATORS & TARGETS						
Code	Indicator	Assignee	Targeted or Monitor	Collection Period	2013/14 Target	2014/15 Target	2015/16 target
CEDCS P012	Percentage of draft Minutes of Non Policy Committee meetings produced within 10 days of the meeting	Amanda Whitaker	Targeted	Financial Year	100%	100%	100%
CEDCS P013	Percentage of draft Minutes of Policy Committee meetings produced within 4 days of the meeting	Amanda Whitaker	Targeted	Financial Year	100%	100%	100%
CEDCS P014	Percentage of Minutes of Policy Committee meetings published within 5 days of the meeting	Amanda Whitaker	Monitored	Financial Year	Not required		

	SECTION 4 RISKS				
Code	Risk	Assignee			
CED R098	That a material safety breach of health and safety legislation is identified by the HSE resulting in a significant Fee for Intervention (FFI) being applied.	Stuart Langston			
CED R088	Future and current equal pay claims including settlement of, or adverse findings in ET of existing equal pay claims	Wally Stagg			
CED R061	Electoral problems / failures / legal challenges lead to Mayor / Councillors not being elected to Council	Peter Devlin			

	SECTION 1 OUTCOME DETAILS		
Outcome:	35. Ensure the effective implementation of significant government policy changes	Theme:	Organisational Development

SECTION 2 ACTIONS				
Action	Due Date	Assignee		
Implement and monitor Local Council Tax Support scheme	September 2014	John Morton		
Implementation of strategies for LGPS Pension Changes 2014	June 2014	Kevin Shears		
Review and monitor policy on Council Tax exemptions / discounts	July 2014	John Morton		
Maintain awareness of new Government Policy	March 2015	Catherine Grimwood		
Implement statutory requirements in compliance with new and also promoting awareness of emerging legislation.	March 2015	Peter Devlin		

	SECTION 3 PERFORMANCE INDICATORS & TARGETS						
Code	Indicator	Assignee	Targeted or Monitor	Collection Period	2013/14 Target	2014/15 Target	2015/16 target
No Performance Indicators identified							

	SECTION 4 RISKS		
Code	Risk	Assignee	
	No risks identified.		



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## COUNCIL

3<sup>rd</sup> April 2014



## **Report of:** Finance and Policy Committee

### Subject: COMMUNITY SAFETY PLAN 2014-2017

### 1. PURPOSE OF REPORT

1.1 To seek Council endorsement of the Community Safety Plan 2014-2017 that was approved by the Safer Hartlepool Partnership on 21<sup>st</sup> March 2014.

### 2. BACKGROUND

- 2.1 The Crime and Disorder Act 1998 established a statutory duty for Local Authorities, Police, Fire Brigades, Clinical Commissioning Groups and Probation Trusts to work together to address local crime and disorder, substance misuse and re-offending issues. Collectively these five bodies are known as Responsible Authorities and make up the Safer Hartlepool Partnership.
- 2.2 In accordance with the Crime and Disorder Act 1998 and the Crime and Disorder Regulations 2007, the Safer Hartlepool Partnership is required to produce a three year Community Safety Plan to set out how it intends to tackle crime and disorder, substance misuse and re-offending in Hartlepool.
- 2.3 The current Hartlepool Community Safety Plan which was developed during 2010/11 came to an end on 31<sup>st</sup> March 2014.

### 3. DEVELOPMENT OF THE COMMUNITY SAFETY PLAN 2014-17

3.1 The Community Safety Plan for 2014-17, attached at **Appendix 1**, has been developed based on the findings of the Safer Hartlepool Partnership Strategic Assessment and public consultation including the Councils Household Survey and Safer Hartlepool Partnership "Face the Public" event.

3.2 The plan sets out the Partnership's four strategic objectives 2014-17.

Strategic Objectives 2014 -17					
Reduce crime and repeat victimisation	Create confident, cohesive and safe communities				
Reduce the harm caused by drug and alcohol misuse	Reduce offending and re- offending				

3.3 During 2014-15 the Partnership will focus on Creating confident, cohesive, and safe communities and the following six priorities.

Annual Priorities 2014-15					
Domestic violence & abuse Anti-social behaviour					
Acquisitive crime	Hate crime				
Substance misuse	Re-offending				

- 3.4 Following agreement of the Safer Hartlepool Partnership strategic objectives and priorities in December 2013, the first draft of Community Safety Plan 2014-17 was published for a nine week consultation. The consultation process was carried out in accordance with the requirements of the existing Voluntary and Community Sector Strategy undertakings (this contains the former consultation codes of the Hartlepool Compact). It involved an on-line consultation through Survey Monkey, together with direct consultation with Cleveland Police Crime Commissioner (PCC) and a number Hartlepool Borough Council Committee's and Partnership Boards.
- 3.5 Although there was relatively low take-up in relation to the on-line survey, there was full support for the proposed Community Safety Plan and its key objectives and priorities from all respondents, together with Committees and Partnership Boards consulted. Feedback from the Office of Cleveland Police and Crime Commissioner also confirmed that the Community Safety Plan supports the objectives of the Cleveland Police and Crime Plan, fulfilling the obligation set out in the Police Reform and Social Responsibility Act 2011 for PCC's and Community Safety Partnership's to have due regard for the priorities established in the local Police and Crime Plan and Community Safety Plan.
- 3.6 In general the consultation results confirmed that the Partnership has a good understanding and grasp of the issues that matter to local communities. Some of the comments were broad statements for example a perception that drug dealing is on the increase, whilst others were related to specific actions that are ongoing or due to be developed over the next twelve months by the Partnership.

The only exception to this being the harsher punishment of offenders which is a criminal justice matter subject to national guidance issued by the Ministry of Justice.

3.7 Action plans to support the delivery of the Community Safety Plan are been developed by the Safer Hartlepool Partnership Task Groups, (displayed on page 17 of the Community Safety Plan) and will take into account comments and suggestions received through the consultation process.

## 4. DECISION MAKING ROUTE FOR THE COMMUNITY SAFETY PLAN 2014-2017

- 4.1 This strategy is part of the Budget & Policy framework for the Authority. The process has been fulfilled as follows:
  - The consultation mechanisms for the draft Community Safety Plan 2014-17 were presented and agreed by the Safer Hartlepool Partnership on the 5<sup>th</sup> July 2013.
  - The draft strategy was considered by the Neighbourhood Services Committee on 20<sup>th</sup> January 2014, Audit and Governance Committee on 23<sup>rd</sup> January 2014, Finance and Policy Committee on 31<sup>st</sup> January 2014 and the Health and Wellbeing Board on the 13<sup>th</sup> February 2014. The views and comments from Committee's were incorporated into an updated plan.
  - 3. The final draft plan was considered by the Safer Hartlepool Partnership on 21<sup>st</sup> March 2014 and recommended for endorsement by Council.
- 4.2 The Safer Hartlepool Partnership has overseen the development of the draft strategy.

### 5. **RECOMMENDATIONS**

5.1 The Council endorses the Safer Hartlepool Partnership Community Safety Plan 2014-17.

### 6. REASONS FOR RECCOMMENDATIONS

6.1 As a Responsible Authority, the Local Authority has a statutory duty to develop and implement a three year strategy aimed at reducing crime and disorder, substance misuse, and re-offending behaviour.

### 7. BACKGROUND PAPERS

7.1 Safer Hartlepool Partnership Plan 2011

http://www.saferhartlepool.co.uk/downloads/file/65/safer\_hartlepool\_partners hip\_plan-year\_3-2011-2014

Report to Safer Hartlepool Partnership 5th July 2013 – Community Safety Strategy 2014-17 <u>http://www.hartlepool.gov.uk/egov\_downloads/05.07.13 -</u> <u>Safer\_Hartlepool\_Partnership\_Agenda.pdf</u>

Report to Safer Hartlepool Partnership 13<sup>th</sup> December 2013 - Safer Hartlepool Partnership Strategic Assessment <u>http://www.hartlepool.gov.uk/egov\_downloads/13.12.13\_-</u> <u>Safer\_Hartlepool\_Partnership\_Agenda.pdf</u>

Report to the Safer Hartlepool Partnership 21<sup>st</sup> March 2014 – Community Safety Plan 2014-17 <u>http://www.hartlepool.gov.uk/egov\_downloads/14.03.21\_-</u> <u>Safer\_Hartlepool\_Partnership\_Agenda.pdf</u>

### 8. CONTACT OFFICER

Denise Ogden Director of Regeneration and Neighbourhoods Hartlepool Borough Council Regeneration and Neighbourhoods Civic Centre Level 3 Email: Denise.Ogden@Hartlepool.gov.uk Tel: 01429 523301

## 13 (a)(3) Appendix 1



# Safer Hartlepool Partnership Plan 2014 – 2017 Year 1



13 a 3 Council 03.04.14 Community Safety Plan App 1

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I am pleased to introduce the Safer Hartlepool Partnership Plan for 2014 - 2017. This new three year plan, based on the findings from the Partnership's Annual Strategic Assessment and consultation with the public at the annual "Face the Public" event, outlines the Partnership's strategic objectives and priorities and will be refreshed annually to incorporate new objectives and priorities as they emerge.

Since becoming Chair of the Safer Hartlepool Partnership in May 2013, I have been impressed by the strength of partnership working and the dedication and continued support of those organisations that are responsible for the Partnership; the Council, Police, Fire Authority, Clinical Commissioning Group, Probation and the Cleveland Police and Crime Commissioner.

Despite the ongoing cuts to public services and significant reductions in funding, the Safer Hartlepool Partnership has continued to make Hartlepool a safer place to live, work and socialise. Since the beginning of the previous Partnership Plan in April 2011, recorded crime and anti social behaviour has reduced year on year.



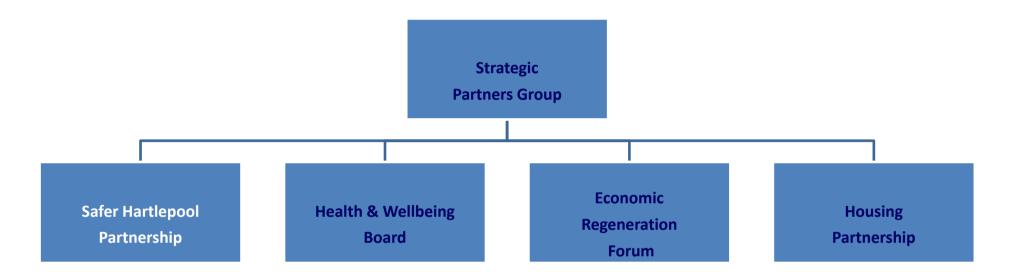
During the lifetime of this plan, there are a number of factors which will impact on the Safer Hartlepool Partnership; a challenging economic climate, including the impact of Welfare Reform, changes to commissioning arrangements following the transition of Public Health into Hartlepool Borough Council and the election of a Police and Crime Commissioner and widespread restructuring and change across local public sector agencies.

I am confident that this Partnership Plan will help us to make Hartlepool a safer place to live, work, and socialise.



## **The Safer Hartlepool Partnership**

The Safer Hartlepool Partnership is Hartlepool's statutory Community Safety Partnership and is one of the four<sup>1</sup> themed partnerships of the Hartlepool Strategic Partners Board. The aim of the Safer Hartlepool Partnership is to make Hartlepool a safer place to live, work and socialise by addressing crime and anti-social behaviour, substance misuse and to reduce re-offending.



The Partnership is responsible for delivering the following: *Community Safety Plan; annual Youth Justice Plan; Substance Misuse Plan (Drugs and Alcohol); CCTV Strategy; Domestic Violence Strategy; Social Behaviour Plan; Prevent Action Plan; Cohesion Strategy; Troubled Families Programme. The Partnership is also responsible for the delivery of the community safety outcomes within the Sustainable Communities Strategy and the Hartlepool Plan.* These local strategies and plans will have regard to the Cleveland Police and Crime Plan and appropriate national strategies and plans, to ensure that national policy is followed.

<sup>&</sup>lt;sup>1</sup> The themed Partnerships are: The Safer Hartlepool Partnership, The Health and Well Being Board, the Housing Partnership and the Economic Regeneration Forum

## **Local Context**

Hartlepool is the smallest unitary authority in the North East region and the third smallest in the country comprising of some of the most disadvantaged areas in England. Issues around community safety can be understood by a number of contextual factors:

#### **Population**

- Hartlepool has a stable population rate, maintained by low levels of migration.
- Hartlepool has become more diverse in recent years, although a very small proportion of the population are from the Black Minority Ethnic (BME) community.
- 46% of the population in Hartlepool live in five of the most deprived wards in the country, where crime and anti-social behaviour rates are high.

### Housing

- Strong links exists between the occurrence of anti-social behaviour and the location of private rented housing.
- The percentage of long term empty properties in Hartlepool is higher than the regional average.

### **Health & Wellbeing**

- The health of people in Hartlepool is generally worse than the England average.
- There is a higher prevalence of long term health problems, including mental health.
- The number of alcohol related hospital admissions and hospital stays for self-harm in Hartlepool are significantly worse than the England average.
- The number of Class A drug users in Hartlepool is more than double the national average.

### Geography

 Community safety problems are not evenly spread and tend to be concentrated in geographic hotspots, particularly in the most deprived wards in Hartlepool.

### Deprivation

- Hartlepool has pockets of high deprivation where communities experience multiple issues: higher unemployment, lower incomes, child poverty, ill health, low qualification, poorer housing conditions and higher crime rates.
- Residents living in more deprived and in densely populated areas have high perceptions of crime and anti-social behaviour and feel less safe.

#### Unemployment

- Unemployment rates in Hartlepool are above the regional average and more than double the national average.
- 14.5% of young people aged 18-24 years are unemployed.
- Hartlepool has high rates of people incapable of work due to disability and ill health.

# Partnership Activity 2011 – 2014

Over the last the 3 years, the Partnership has delivered a number of projects and initiatives against the strategic objectives in the Partnership Plan 2011 - 2014, and developed new services which have been designed to reduce crime, disorder, anti-social behaviour, substance misuse and re-offending. Examples are listed below:

## Strategic Objective: Reduce Crime & Repeat Victimisation

- Crime Prevention & Target Hardening We have continued to offer crime prevention advice and promote safety measures throughout the year, with seasonal campaigns addressing specific crime types and issues. Since 2011 we have targeted hardened more than 1,700 properties in Hartlepool, providing reassurance to victims and reducing their risk of repeat victimisation.
- **Dedicated Victim Service** We have enhanced our services for victims through the provision of a Victim Support Officer who has been trained to provide crime prevention advice, enabling them to provide a holistic response to victims needs. Over 85% of victims who have received this service report increased feelings of safety.
- **Specialist Domestic Violence Service** In April 2012 we jointly commissioned Harbour to provide support to victims and families suffering domestic violence and abuse. Over the last 18 months Harbour has received more than 1,000 requests for support.
- Joint Action Groups (JAG's) Using an intelligence led approach the JAG continues to tackle community safety issues at a neighbourhood level. Each multi-agency JAG has a localised action plan that has focused on areas of greatest vulnerability and need, but also keeping abreast of any emerging issues or trends. The JAG has supported the delivery of youth diversionary activities, domestic violence joint repeat visits initiative and neighbourhood CCTV provision.



victim support find the strength

working for safer communities

# Strategic Objective: Reduce the harm caused by drug & alcohol misuse

- Drug and Alcohol Treatment and Support The Partnership has commissioned a range of community based specialist services to support those who misuse substances. Operating across four sites in Hartlepool, these services have helped more than 1,000 people on their journey to recovery.
- Awareness Campaigns The Partnership is driving forward campaigns to promote responsible drinking and highlight the dangers of drug misuse campaigns include Dry January and Substance Misuse Week.
- Alcohol Arrest Referral Operating in Hartlepool custody suite, this scheme had delivered over 1,500 brief interventions to individuals arrested for an alcohol related crime in Hartlepool. Brief interventions include linking alcohol and the offence, with the aim of motivating a reduction in alcohol consumption and re-offending behaviour.
- **Community Alcohol Partnership** The Community Alcohol Partnership has secured funding to deliver a range of preventative, educational and enforcement activity to address the issue of alcohol misuse amongst young people in our most disadvantaged communities.





# Strategic Objective: Create confident, cohesive and safe communities

- Community Cohesion Action Plan A range of activities and initiatives to promote cohesion and inclusion have been supported by the Partnership during 2013 including the roll out of the 'Safe Places Scheme', and a Diversity Event held in November to promote cultural awareness. The event was attended by 150 local community members who received presentations from the Partnership on hate crime and how to report it, and how the Partnership monitors and supports our most vulnerable and at risk victims to ensure that appropriate multi-agency interventions can be deployed to reduce the risk of further victimisation
- Anti-social Behaviour Awareness Day (ASBAD) More than 1,500 secondary school pupils have taken part in the annual ASBAD event. Interactive sessions on topics such as alcohol awareness, making hoax calls, bullying and litter are led by a series of partner agencies, with successive event evaluations demonstrating that ASBAD continues to be successful in engaging young people in thinking about behaviour, its effects and consequences.
- **Restore Project** Supported by the Police and Crime Commissioner, the Safer Hartlepool Partnership launched their Restore Project in Hartlepool in November 2013. The project has recruited and trained a group of facilitators in restorative conferencing and is now available to provide an alternative way of dealing with the harm caused to victims of minor crimes and anti-social behaviour. Restorative Justice is proven to improve victim satisfaction rates, and reduce offending behaviour by bringing the offender face to face with the harm their behaviour has caused.

## Strategic Objective: Reduce offending and re-offending

Reducing offending and re-offending has been one of the main focuses of the Partnership during 2013/14. In response to high rates of reoffending in Hartlepool the Partnership is in the process of developing a new strategy which aims to break the cycle of re-offending behaviour and improve public safety. The strategy will strengthen the ability of the Partnership to work together to provide local solutions to reoffending set against the broader context of the national Transforming Rehabilitation Strategy. Current activities aimed at reducing offending and reoffending include:

- Triage Programme This scheme diverts young offenders into positive activities and support, instead of charging them and taking them to court. The initiative has significantly reduced the numbers of young Hartlepool people entering the criminal justice system in Hartlepool and the success of the scheme is now being replicated across the Cleveland area.
- Integrated Offender Management (IOM) This multi-agency team involving Council, Cleveland Police, Durham & Tees Valley Probation Trust, HMP Prison Service and Outreach Workers, is dedicated to working with the most prolific offenders responsible for committing a large number of crimes in Hartlepool, together with those offenders on substance misuse orders issued by the Courts. The team is currently working with over 100 offenders providing support to address the problems associated with their offending behaviour, and challenging and taking enforcement action where necessary.
- Troubled Families Programme Think Family / Think Community This government funded initiative is now in its second year. The
  programme aims to reduce youth offending, reduce anti-social behaviour, increase education attendance and get people into work. During
  the first year of the programme 56 pay-by-results claims have been made where 64% of young people had reduced their offending
  behaviour and 93% of families had reduced their anti-social behaviour.







Strategic Assessment 2012/13

The seventh Safer Hartlepool Strategic Assessment was completed in December 2013 and contains information to aid the Partnership's understanding of the priority community safety issues in Hartlepool. The Assessment forms part of an intelligence-led approach to community safety, which enables a more focused, resource-effective and partnership-orientated delivery of options to help:

- Better understand the patterns and trends relating to crime, disorder and substance misuse issues affecting the Borough;
- Set clear and robust strategic priorities for the Partnership;
- Develop interventions and activities that are driven by reliable intelligence-led evidence.

The Strategic Assessment covers the twelve month period October 2012 to September 2013 and contains analysis of data obtained from both statutory and non-statutory partner agencies including: the Hartlepool Borough Council, Cleveland Police, Durham Tees Valley Probation Service, Cleveland Fire Brigade, North Tees & Hartlepool NHS Foundation Trust, Housing Hartlepool, and Harbour Support Services. Additional information has also been obtained from community consultations and meetings.



Key findings from the Strategic Assessment period include:

# Strategic Objective: Reduce Crime & Repeat Victimisation

- We continue to make great progress in reducing crime in Hartlepool with year on year reductions in crime for the seventh consecutive year.
- Successful reductions have been achieved in most major crime categories, however acquisitive crime and violence continues to account for more than two thirds of total crime.
- The theft of pedal cycles has been an emerging issue throughout the assessment period.
- Repeat victimisation is evident in most crime categories; however it is even higher in violence offences, particularly domestic related violence.
- In the current economic climate there is potential that the numbers of repeat and vulnerable victims will increases.

# Strategic Objective: Create confident, cohesive and safe communities

- Anti social behaviour is following an increasing trend with certain communities and neighbourhoods suffering from disproportionate levels.
- Hotspot locations for anti social behaviour are located in areas that are densely populated by privately rented properties.
- Perceptions of anti social behaviour in Hartlepool are above the national average.

## **Public Consultation**

# Strategic Objective: Reduce the harm caused by drug & alcohol misuse

- The cost of alcohol misuse equates to £459 per head of population.
- Alcohol plays a significant factor in the occurrence of violent crime, including domestic violence and abuse.
- Alcohol specific hospital admissions for adults and under 18's in Hartlepool are significantly higher than the national average.
- The number of people dependant on drugs in Hartlepool is twice the national average.
- There is a clear link between Class A drug misuse and the occurrence of acquisitive crime.
- The number of individuals accessing drug treatment has increased since the previous assessment period.

### Strategic Objective: Reduce offending and reoffending

- Hartlepool has one of the highest proven re-offending rates in the country.
- Re-offenders have greater needs in respect of housing, education, training, employment and substance misuse.
- The number of young people entering the criminal justice system for the first time has reduced by almost 4% in comparison to the previous assessment period.

To ensure that the Partnership is focusing on the issues that residents consider to be a priority, findings from local community consultations have been taken into consideration when setting the strategic objectives and priorities.

Face the Public	Sustainable Community Strategy Consultation	
At the Safer Hartlepool Partnership 'Face the Public' event held in September 2013 we asked:	The Sustainable Community Strategy identifies 'Safer, Stronger Neighbourhoods' as one of its key priorities. During consultation on the strategy participants were asked:	
"What can the Safer Hartlepool Partnership do to make your neighbourhood a safer place to live?" Public responses included:	"Which one of the Safer Stronger Neighbourhoods improvements is most important to you?"	
<ul> <li>Maintain partnership working</li> <li>Improve Neighbourhood Policing</li> </ul>	From the four choices available, the majority of respondents identified creating confident, strong and safe communities as the area most in need of improvement, as below:	
<ul> <li>Tackle anti-social behaviour &amp; improve neighbourhood safety</li> <li>Reduce re-offending</li> <li>Break the cycle of domestic violence</li> <li>Address substance misuse</li> </ul>	<ul> <li>Create confident, strong and safe communities (37%)</li> <li>Reduce crime and victimisation (24%)</li> <li>Reduce the harm caused by drug and alcohol misuse (23%)</li> <li>Reduce offending and re-offending (17%)</li> </ul>	

### Hartlepool Household Survey

The Hartlepool Household Survey was undertaken during May – August 2013. Questionnaires were delivered to 18, 960 households with a 30.6% response rate and over 6,000 completed surveys being returned.

Results from the Household Survey indicate that there has been a general town-wide improvement in perceptions of crime and anti-social behaviour when compared to results from 2008. But when residents were presented with a list of anti-social behaviour issues, and asked to tell us which they felt were a very or fairly big problem in their local area the following three issues were identified:

Rubbish or litter lying around

Speed and volume of road traffic

People using or dealing drugs

Partnership Strategic Objectives 2014-2017

Based on the findings in the annual Strategic Assessment and consultation with the local community, the Partnership will retain the following four strategic objectives during the lifetime of the three year plan:

Strategic Objectives 2014 - 2017		
Reduce crime and repeat victimisation	Reduce the harm caused by drug and alcohol misuse	
Create confident, cohesive and safe communities	Reduce offending and re-offending	

## **Partnership Priorities 2014-2015**

To reflect community priorities evidenced in the community consultation process, during the first year of this plan our key focus will be to: "Create confident, cohesive and safe communities" by concentrating on the following areas of concern:

Annual Priorities 2014 - 2015		
<b>Re-offending</b> - reduce re-offending through a combination of prevention, diversion and enforcement activity	<b>Acquisitive Crime</b> – reduce acquisitive crime through raising awareness and encouraging preventative activity	
<b>Domestic violence and abuse</b> –reduce the risk of serious harm and provide the right response to safeguard individuals and their families from violence and abuse	<b>Anti-social behaviour</b> – ensure effective resolution of anti-social behaviour, divert perpetrators and identify and support vulnerable individuals and communities	
<b>Substance misuse</b> – reduce the harm caused to individuals, their family and the community, by illegal drug and alcohol misuse	<b>Hate crime</b> - work together to better understand the true impact of hate crime in our communities, improve our understanding of issues for vulnerable groups and increase reporting	

## Key activities over the next 12 months include:

**Restorative Justice -** We will embed and promote a partnership approach to Restorative Justice as a tool to reduce crime and anti-social behaviour in Hartlepool.

**Community Cohesion** - We will embed public reassurance; community engagement and confidence work at a neighbourhood level. In response to the public priorities raised at the Safer Hartlepool Partnership Face the Public event, we will work with the Cleveland Police & Crime Commissioner to further develop Neighbourhood Policing, improving communication with young people and the wider community.

**Support for Victims -** The Partnership will continue to support dedicated victim services in Hartlepool and improve pathways for victims of anti social behaviour.

**Substance Misuse** – In response to community concerns raised in relation to drug use and dealing, will we focus on providing education and awareness in relation to the danger of drugs to young people, work together to disrupt the availabliity of drugs, and promote recovery services.

**Environmental Crime Campaign** – As identified from the Hartlepool Household Survey, environmental issues continue to be a top priority for residents, as such the Partnership will drive forward an enforcement campaign to tackle environmental issues at the earliest opportunity.

**Hate Crime** – We will work with local communities to build confidence in reporting hate crime, ensuring victims can access third party reporting centres and rapidly receive the advice and support that they need.

**Crime Prevention** – The Partnership is committed to continue to offer crime prevention advice and promote safety measures throughout the year. This activity will be accompanied by a wide-scale improvement to Hartlepool street lighting and maximising the use of CCTV technologies.

Anti-social Behaviour – The Partnership will continue to effectively use anti-social behaviour tools and powers to curb the behaviour of serious and persistent offenders, this will also include the extension of Selective Licensing of private rented properties across the town.

**Troubled Families Programme** – We will continue to develop new ways of working with families to prevent them from offending, increase education attendance and get parents back into work.

**Re-offending Strategy** – We will develop a strategy to reduce reoffending in Hartlepool which will ensure that local services are coordinated in a manner that meets the needs of offenders, whilst at the same time ensuring local communities remain safe.

**Measaring Performance** of our continuing commitment to consulting with communities we will hold a Face the Public event in September 2014.

Partnership performance monitoring will be undertaken on a quarterly basis to assess progress against key priorities drawn from the strategic assessment and identify any emerging issues. Performance management reports will be provided to the Safer Hartlepool Partnership.

Strategic Objective	Performance Indicator
	Total recorded crime rate per 1,000 population
Reduce crime & repeat victimisation	Domestic burglary rate per 1,000 household
	Vehicle crime rate per 1,000 population
	Robbery rate per 1,000 population
	Shoplifting rate per 1,000 population
	Violent crime (including sexual violence) rate per 1,000 population*
	% of violent crime (including sexual violence) that is domestic related
	% of repeat cases of domestic violence (MARAC)
	Violent crime (including sexual violence) hospital admissions for violence per 100,000 population*
Reduce the harm caused by drug and alcohol misuse	Drug offences per 1,000 population
	% of people who think drug use or dealing is a problem
	% of opiate drug users that have successfully completed drug treatment*
	% of non-opiate drug users that have successfully completed drug treatment*
	% of alcohol users that have successfully completed alcohol treatment
	Alcohol related hospital admissions rate per 100,000 population*
	Number of young people known to substance misuse services

The following performance indicators will be monitored over the next 12 months:

\*Indicators link to the Public Health Outcome Framework

	Anti-social behaviour incidents per 1,000 population
	Public order offences per 1,000 population
	Criminal damage rate per 1,000 population
	Deliberate fires rate per 1,000 population
	Number of reported hate crimes & incidents
	% of the population affected by noise - number of complaints about noise
	% of people who feel safe during the day
Create confident, cohesive & safe communities	% of people who feel safe after dark
	% of people who think rubbish or litter lying around is a problem
	% of people who think groups hanging around the streets is a problem
	% of people who think people being drunk or rowdy in a public place is a problem
	% of people who think vandalism, graffiti and other deliberate damage to property is a problem
	% of people who think noisy neighbours or loud parties is a problem
	% of people who think abandoned or burnt out cars are a problem
	% of people who think that they belong to their local area
	% of people who feel that they can influence decisions that affect their local area
	% of people who believe that people from different back grounds get on well together
	% of people who think that people in the area pull together to improve the local area
Reduce offending & re- offending	Rate of first-time entrants to the Youth Justice System per 100,000 population*
	Re-offending levels - percentage of offenders who re-offend*
	Re-offending levels - average number of re-offences per offender*
	Re-offending rate of Prolific & Priority Offenders
	Re-offending rate of High Crime Causers
	% of Troubled Families who have reduced their offending behaviour

\*Indicators link to the Public Health Outcome Framework

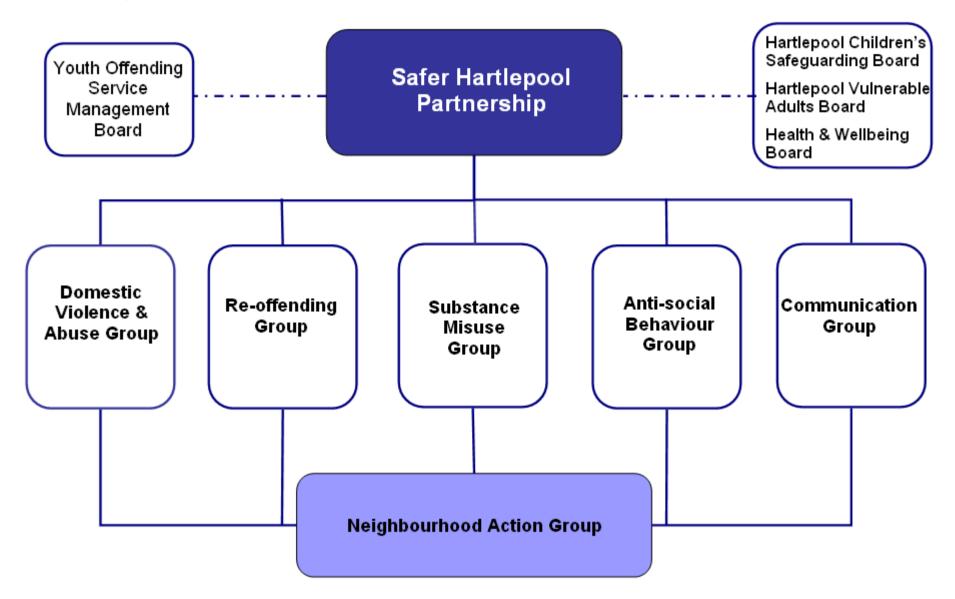
# Safer Hartlepool Partnership Performance 2013/14

# Appendix 1

To be published in April 2014

## **Delivering the 2014/15 Priorities – Delivery Structure**

The responsibility for delivery of each of the priorities has been allocated to a dedicated theme group of the Safer Hartlepool Executive Group.











**NHS** Hartlepool and Stockton-on-Tees Clinical Commissioning Group







# COUNCIL

3<sup>rd</sup> April 2014



#### Report of: **Finance and Policy Committee**

#### PROPOSED NEW CENTRE FOR INDEPENDENT Subject: LIVING BURBANK STREET

#### 1. PURPOSE OF REPORT

1.1 To enable Council to consider the Finance and Policy Committee's proposal to fund the proposed new Centre for Independent Living at Burbank Street.

#### 2. BACKGROUND

- 2.1 In accordance with the constitution the Finance and Policy Committee is responsible for proposing changes to the approved Budget and Policy Framework, which are then referred to Council for consideration.
- At the Council meeting on 6<sup>th</sup> February 2014 Members approved the following 2.2 proposal as part of the Medium Term Financial Strategy:
  - to build an Independent Living Centre at Burbank Street and note that a detailed business case on the recommended option for achieving this development will be reported to a future Finance and Policy Committee and Council for final approval.
- A further report will be considered by the Finance and Policy Committee on 2.3 28<sup>th</sup> March 2014 to consider the approach to procuring the proposed new Centre for Independent Living and the key issues are summarised in section 3 below.

#### 3. PROPOSALS

A copy of the report to be considered by Finance and Policy Committee on 3.1 28<sup>th</sup> March 2014 is attached at **Appendix A**, to provide background information of the proposal and financial implications. In the event that the Finance and Policy Committee amend the recommendations at their meeting an update report will be issued before the Council meeting on 3rd April 2014.

- 3.2 The Finance and Policy Committee report seeks approval of the tendering process and asks Members to note the project timescales. To enable the project timescale to be followed the report also recommends seeking full Council approval of a maximum revenue funding limit and Prudential Borrowing limit for this scheme. This arrangement will enable this scheme to progress after full tender submissions have been assessed, provided these figures are within the maximum limits approved by full Council. A further report will be submitted to the Finance and Policy Committee to inform Members of the outcome of the tender assessment. In the event that the tender submissions exceed the approved limits a further report will be submitted to seek full Council approval before the project can progress.
- 3.3 A detailed assessment of the costs of providing a new facility and the savings from locating facilities/services onto a single site has been undertaken. This indicates there will be a net ongoing additional revenue costs in the order of £60,000 to £90,000, which reflects the annual costs of acquiring a new facility. The figures may change when the detailed tenders are received.
- 3.4 In terms of funding the additional revenue cost it is envisaged these services will form part of the Council's Better Care Fund plan and can therefore be funded from this budget. The Better Care Fund has initially been included within CCG (Clinical Commission Group) two year allocations covering 2014/15 and 2015/16 but is referred to in a joint letter from the Department of Health and Department of Communities and Local Government (dated 20 December 2013) as a 'multi-year fund' which aims to ensure that 'integrated care becomes the norm by 2018', indicating that the funding will be available on a longer term basis.

#### 4. **RECOMMENDATIONS**

- 4.1 Council is requested to
  - Approve a maximum revenue funding limit of up to £90,000 and to note that it is anticipated the actual revenue cost is more likely to be in the order of £60,000;
  - ii) Note the funding arrangements detailed in paragraph 3.4;
  - iii) Approve a Prudential Borrowing Limit of £3.1m, which may not be used depending on the procurement option adopted

#### 5. REASONS FOR RECOMMENDATIONS

5.1 To seek approval of the departure from the approved Budget and Policy Framework to enable this project to progress.

#### 6. BACKGROUND PAPERS

None

#### 7. CONTACT OFFICER

Gill Alexander Director of Child and Adult Services, Tel: (01429) 523910. E-mail: <u>gill.alexander@hartlepool.gov.uk</u>

Chris Little Chief Finance Officer, E-mail: <u>chris.little@hartlepool.gov.uk</u> Tel No: 01429 523002

13 (b) (1)

APPENDIX A

# FINANCE AND POLICY COMMITTEE

28<sup>th</sup> March 2014

**Report of:** Director of Child and Adult Services

Subject: PROPOSED NEW CENTRE FOR INDEPENDENT LIVING BURRBANK STREET

### 1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Non-key decision.

#### 2. PURPOSE OF REPORT

2.1 To consider the approach to procuring the proposed new Centre for Independent Living project at Burbank Street.

#### 3. BACKGROUND

- 3.1 A report was presented to Finance and Policy Committee on 19<sup>th</sup> December 2013 outlining the potential to redevelop land at Burbank Street shown hatched on the plan at **APPENDIX 1** to provide 24 units of accommodation for adults with disabilities and complex needs, together with the option to develop a new purpose built Centre for Independent Living.
- 3.2 Committee approved the grant of options to a developer in relation to the existing CIL and the adjoining site (sites "B" and "C" on the plan at APPENDIX 1). Site "A" on the plan at APPENDIX 1 has now been sold to Mariner Care under delegated powers and construction has started.
- 3.3 Committee also approved the preparation of a detailed business case for a new CIL to determine the financial viability and preferred option for financing the development through the Council's budget setting process. The principal determinant of the viability of the scheme will mainly be determined by the cost of the new building and therefore preparations are being made to prepare a tender to seek competitive bids.



- 3.4 The stages of the tender process in this instance will comprise:
  - 1. Pre-qualification preparation and submissions of Pre Qualification Questionnaires by interested parties and evaluation by project team. This should be completed in May 2014.
  - 2. Preparation of the full design, specification and Bills of Quantities by the Council's Building Consultancy team and preparation of the final tender documents including a pre-tender estimate. This should be completed in early July.
  - 3. Statutory consents, including any necessary planning permission, and Building Regulation approval, will be sought and this work should be completed in August or September. Whilst planning permission for the development proposed by Mariner Care was granted on 23.12.13, the final design if different to this will require a new planning permission.
  - 4. Invitation to Tender preparation and submissions of full tenders by interested parties and evaluation by project team. This should be completed in August.
  - 5. In parallel with the tender process, the Council's Building Consultancy team will develop an 'in-house comparator', i.e. a fully costed proposal based upon an in-house development solution. This will not be submitted as a tender; however its existence will be made clear to bidding organisations. Bidders will be advised that the Council reserves the right not to award a contract as a result of the tender exercise and that it may opt to develop and fund the property using in-house resources.
  - 6. It is intended to award the tender in September 2014 with a view to the construction work beginning in September or October so that the new CIL can be completed in late 2015.
- 3.5 The tender will be on the basis of a final design and full specification of the building and external areas. In addition to a conventional construction contract, tenderers will be given the option to offer lease terms on the basis that they would acquire the freehold and lease the completed building back to the Council. However, it is proposed to ask for tenders on the basis that if the lease route is offered, the asset will return to the Council's ownership at the end of the lease term.
- 3.6 On the basis that a new CIL is approved, it will be built on Site B at Burbank St as a replacement of both the existing CIL and facilities at Warren Rd, Cromwell St and Handprints in Surtees St. This will allow centralisation and consolidation of services and staff in the new building. Consideration is being given to options for the future of the Warren Rd site. The other premises are held on short leases and would be vacated.

#### 4. PROPOSALS

4.1 It is proposed to initiate the process of inviting tenders from interested parties.

#### 5. ASSET MANAGEMENT CONSIDERATIONS

- 5.1 It is important that the Council makes the most appropriate use of its assets to facilitate the delivery of regeneration objectives and service improvements. The Director of Child and Adults has identified that there is an under provision of suitable accommodation within the Borough for adults with complex needs and disabilities together with concerns that the existing CIL and associated premises are not fit for purpose.
- 5.2 The current operational facilities are expensive to run and have a limited life without significant future investment. Rationalisation of provision would enable existing leases from third party landlords at Surtees and Cromwell Streets to be terminated and the co-location of services would reduce overall operating costs. These factors have been incorporated in the viability appraisal. The whole life costs of a replacement modern building compared with the ongoing investment requirements for the existing stock are key considerations in the viability study.
- 5.3 If the lease route is chosen, it is proposed that tenders will be requested on the basis that the asset will return to the Council's ownership at the end of the lease term. It will therefore remain a long term asset to the Council.

#### 6. RISKS

6.1 The timescale given above is a best case scenario, and whilst every effort will be made to adhere to them there is a risk that the design, specification and planning / building regulation stages may take longer to complete. There is insufficient information about the project detail at this stage to provide a more certain timetable and in addition at the time of writing this report, the rights to the drawings of the building for which planning permission have been granted have not been formally received, and the ability to use these will have a relatively significant impact on the design stage.

#### 7. FINANCIAL CONSIDERATIONS

- 7.1 Any proposed scheme in relation to the development of a new Independent Living Centre involves a significant financial commitment.
- 7.2 An initial option appraisal has been undertaken to identify the costs over the next thirty five years of the following:

Retaining and maintaining the current buildings;

Using Prudential Borrowing to enable the development of a new Independent Living Centre

Sale of Site B to a developer to provide a new Independent Living Centre which the Council would then lease.

- 7.3 Condition surveys indicate that the existing facilities at Warren Road and Havelock will require significant investment over a number of years, which is not specifically provided for within the overall budget and will need to be considered against other priorities for funding from the overall Property Maintenance budget.
- 7.4 The condition survey has identified total investment requirements of £2m, within the next 5 years. These costs would increase to £5m over 35 years. Assuming these costs were spread over 35 years the annual cost would be £0.147m, which provides a benchmark for assessing the financial viability of a new Centre for Independent Living.
- 7.5 There will be an ongoing additional revenue costs of providing a new Centre for Independent Living which will reflect the capital costs of this facility, which will either by funded directly by the Council using Prudential Borrowing, or the payment of an annual lease charge to an external provider. The tendering exercise will determine which option provides best value for money.
- 7.6 The location of existing facilities/services onto a single site will enable savings in running costs to be achieved and an initial assessment of forecast savings has been completed.
- 7.7 A detailed assessment of the costs of providing a new facility and the savings from locating facilities/services onto a single site has been undertaken and this indicates there will be a net ongoing additional revenue costs in the order of £60,000 to £90,000. These figures may change when the detailed tenders are received. In terms of funding the additional revenue cost it is envisaged these services will form part of the Council's Better Care Fund plan and can therefore be funded from this budget. The Better Care Fund has initially been included within CCG two year allocations covering 2014/15 and 2015/16 but is referred to in a joint letter from the Department of Health and Department of Communities and Local Government (dated 20 December 2013) as a 'multi-year fund' which aims to ensure that 'integrated care becomes the norm by 2018', indicating that the funding will be available on a longer term basis.
- 7.8 To enable the timetable detailed in paragraph 3.4 to be followed it is recommended that a report is submitted to full Council to seek approval of a maximum revenue funding limit and Prudential Borrowing limit for this scheme. These figures will be based on the detailed assessment of costs

which has been completed. This arrangement will enable this scheme to progress after full tender submissions have been assessed, provided these figures are within the limits approved by full Council. A further report will be submitted to inform Members of the outcome of the tender assessment. In the unlikely event that the tender submissions exceed the approved limits the additional report will need recommend a strategy for funding any shortfall and the seeking full Council approval before the project can progress.

#### 8. EQUALITY AND DIVERSITY CONSIDERATIONS

- 8.1 There are no equality or diversity implications identified at this stage, but an impact assessment will be undertaken if the proposed development is approved.
- 8.2 The development of a new Independent Living Centre would improve both physical access and equality of access to services for people with protected characteristics.

#### 9. **RECOMMENDATIONS**

- 9.1 Committee is recommended to approve:
  - The initiation of the tendering process and to note the approach to be taken and the timescales outlined in section 3.4;
  - To seek Council approval of a maximum revenue funding limit and Prudential Borrowing limit for this scheme and to note the approach to be taken for reporting the outcome of the tendering process outlined in section 7.8.

#### 10. BACKGROUND PAPERS

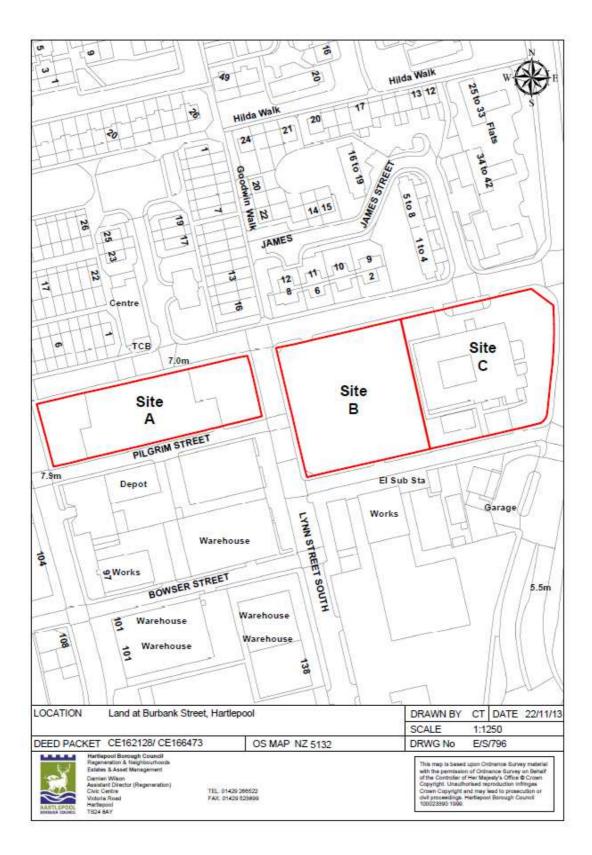
- 10.1 Report to Adult Services Committee 17 June 2013.
- 10.2 Report to Finance and Policy Committee on 28 June 2013.
- 10.3 Report to Planning Committee on 25 September 2013.
- 10.4 Report to Finance and Policy Committee on 19 September 2013.

#### 11. CONTACT OFFICERS

Gill Alexander Director of Child & Adult Services E-mail: <u>gill.alexander@hartlepool.gov.uk</u> Tel: 01429 523911

13 (b) (1)

**APPENDIX1** 



# COUNCIL

3<sup>rd</sup> April 2014



Report of: **Finance and Policy Committee** 

PRIORITY SCHOOLS BUILDING PROGRAMME -Subject: NURSERY PROVISION AT HOLY TRINITY CE **PRIMARY SCHOOL** 

#### 1. PURPOSE OF REPORT

1.1 To enable Council to consider the Finance and Policy Committee's proposal to fund part of the cost of the provision of a nursery unit at Holy Trinity CE Primary School from the forecast 2013/14 revenue outturn.

#### 2. BACKGROUND

- 2.1 In accordance with the constitution the Finance and Policy Committee is responsible for proposing changes to the approved Budget and Policy Framework, which are then referred to Council for consideration.
- At its meeting on 19<sup>th</sup> September 2013 the Finance and Policy Committee 2.2 considered the funding arrangements for nursery provision at Holy Trinity CE Primary School as part of the Priority Schools Building Programme. Following the completion of consultation on this issue this report provides details of the financial decision which Council is requested to consider.

#### 3. PROPOSALS

- A copy of the report considered by Finance and Policy Committee on 19<sup>th</sup> 3.1 September 2013 is attached at Appendix A, to provide background information to Members of the proposal and financial implications.
- 3.2 On 11<sup>th</sup> March 2014, Children's Services Committee agreed to close Seaton Carew Nursery School and extend the age-range of Holy Trinity CE Voluntary Aided primary school from 5-11 year olds to 4-11 year olds with effect from 1st September 2014. This was following public consultation and the publication of Statutory Notices.

3.3 The original application to the Education Funding Agency (EFA) for a new build of Holy Trinity CE Primary School did not include nursery provision and was therefore not included in the funding allocation, as it was not envisaged at that stage that the nursery provision would be relocated.

#### 4. FINANCIAL CONSIDERATIONS

- The report which was presented to Finance and Policy Committee on 19<sup>th</sup> 4.1 September indicated that the cost to fund the additional 26FTE place nursery as part of the Priority Schools Building Programme (PSBP) would be £211,000, with the Council funding £189,900 and with a 10% contribution from the Governing Body of Holy Trinity CE Primary School amounting to £21,100.
- 4.2 The EFA has adjusted the method of calculating third party costs to the PSBP projects. As a result, the cost of providing the new nursery provision in the Holy Trinity new schools building has been recalculated. The new figure is £176.990.
- 4.3 A 10% contribution from Holy Trinity CE Primary School Governing Body of £17,699 has been agreed.
- 4.4 On the basis of the total scheme costs this leaves a residual unfunded cost of £159,291. It is envisaged that an additional capital receipt can be achieved from the sale of the existing Nursery site (net of costs). If this additional net capital receipt is allocated towards the new nursery provision the Council would still need to provide further funding of between £40,000 and £60,000. It is recommended that this amount is funded from the forecast 2013/14 revenue outturn.

#### 5. PROPOSALS

- 5.1 Council is requested to:
  - i) Approve a funding contribution of £159,291 for a 26FTE nursery provision at Holy Trinity CE Primary School and that the cost of £159,291 will be funded from a combination of the net additional Capital Receipt generated from the sale of the existing nursery site and a contribution from the 2013/14 forecast revenue outturn of between £40,000 and £60,000;
  - Note that if recommendation (i) is approved the Capital Programme and ii) Prudential Indicators will be updated to include this scheme.

13 (b) (2)

#### 6. BACKGROUND PAPERS

None

#### 7. CONTACT OFFICER

Dean Jackson, Assistant Director (Education), Child and Adult Services, Level 4, Civic Centre, Hartlepool, TS24 8AY, Tel: (01429) 523736. E-mail: <u>dean.jackson@hartlepool.gov.uk</u>

Chris Little Chief Finance Officer E-mail: <u>chris.little@hartlepool.gov.uk</u> Tel No: 01429 523002

# FINANCE AND POLICY COMMITTEE

19<sup>th</sup> September 2013



# **Report of:** Director of Child and Adult Services and Chief Finance Officer

Subject: PRIORITY SCHOOLS BUILDING PROGRAMME – NURSERY PROVISION AT HOLY TRINITY CE PRIMARY SCHOOL

### 1. TYPE OF DECISION/APPLICABLE CATEGORY

Key Decision Test (1) and (ii) Applies: Forward Plan Reference No. CAS012/13.

#### 2. PURPOSE OF REPORT

2.1 To agree to the funding of potential future nursery provision at Holy Trinity CE Primary School.

#### 3. BACKGROUND

- 3.1 On 24 May 2012, the Secretary of State announced the names of the schools to be taken forward into the Priority School Building Programme (PSBP). The Council was informed that three out of four expressions of interest made by Hartlepool Borough Council had been successful. The three successful schools are:
  - Manor College of Technology
  - Barnard Grove Primary School
  - Holy Trinity Church of England Primary School
- 3.2 The Education Funding Agency (EFA) carried out feasibility studies on each of the three successful schools during Summer 2013, and has developed control options for each scheme. The EFA is planning to appoint the contractor on 9th October 2013.
  - 3.3 On 30<sup>th</sup> July 2013, Children's Services Committee agreed to a review of nursery provision in the Seaton Carew area. The proposal is to close Seaton

Carew Nursery School and extend the age-range of Holy Trinity CE Voluntary Aided primary school from 5-11 year olds to 4-11 year olds. Consultation on this proposal begins on 23<sup>rd</sup> September and ends on 1<sup>st</sup> November. The final decision on whether to publish statutory notices will be made by the Children's Services Committee in December 2013.

3.4 The original application to the EFA for a new build of Holy Trinity CE Primary School did not include nursery provision and was therefore not included in the funding allocation, as it was not envisaged at that stage that the nursery provision would be relocated.

#### 4. Education Funding Agency Requirements

- 4.1 The EFA has been informed of the decision to consult on the nursery provision in Seaton Carew and the impact that this may have on the future development of the Holy Trinity CE Primary School scheme.
- 4.2 It has been agreed that the control options developed by the EFA for Holy Trinity CE Primary School will include a 26 FTE place nursery and will be shared with the successful contractor in October 2013. Following the nursery consultation, if the decision is made to implement the closure of Seaton Carew Nursery and to extend the age-range of Holy Trinity CE Voluntary Aided Primary School, the selected contractor will manage the development of a nursery as part of the new build at Holy Trinity CE Primary School.
  - 4.3A requirement of the EFA to proceed with this project is a commitment from the Council to fund the additional 26FTE place nursery in the form of a Section 151 letter (See Appendix 1). If the decision is made by Children's Services Committee not to proceed with the publication of statutory notices following consultation, the EFA has requested that the Council agrees to reimburse any costs properly incurred by the EFA in relation to any abortive design and project management costs associated with the proposal. At this stage these potential costs are unknown, although they are not expected to be significant.
- 4.4 The EFA has carried out an exercise to establish an approximate cost for the additional 26 FTE nursery at Holy Trinity. This amounts to a maximum £211,000 and it is hoped the actual cost will be lower.

#### 5. FINANCIAL CONSIDERATIONS

- 5.1 The Governing Body of Holy Trinity CE Primary School has agreed to pay a 10% contribution (£21,100) of the overall cost of the 26 place nursery.
- 5.2 On the basis of the estimated total scheme costs this leave a residual cost unfunded costs of £189,900. It is envisaged that an additional capital receipt can be achieved from the sale of the existing Nursery site (net of

costs). If this additional net capital receipt is allocated towards the new nursery provision the Council would still need to provide further funding of between £70,000 and £90,000. It is recommended that this amount is funded from the forecast 2013/14 revenue outturn. Members should note that this will reduce the value of the 2013/14 revenue underspend available to temporarily offset the anticipated higher grant cuts in 2015/16 proposed by the Government in current 'Local Government Finance Settlement 2014/15 and 2015/16 Technical Consultation'.

- 5.3 As the recommended use of the additional forecast capital receipt and the provision of funding from the 2013/14 revenue outturn is outside the approved Budget and Policy this proposal will need to be referred to full Council for a decision.
- 5.4 In the meantime the Committee is requested to authorise the Chief Finance Officer to sign the Section 151 letter required by the EFA, as without this letter the potential to provide the nursery provision will be removed from the scheme at this stage. This letter does not commit the Council to provide funding for a nursery if it is determined after the consultation exercise not to provide a new nursery facility. However, the Council will be committed to reimburse any costs properly incurred by the EFA in relation to any abortive design and project management costs associated with the proposal, which would need to be funded from the 2013/14 in the event these costs arise.

#### 6. **RECOMMENDATIONS**

- 6.1 To agree to seek Council approval of funding of £189,900 for a 26FTE nursery provision at Holy Trinity CE Primary School if the decision is made to proceed with the closure of Seaton Carew Nursery School and extend the age-range of Holy Trinity CE Voluntary Aided Primary School.
- 6.2 Subject to the approval of 6.1 to also seek Council approval that if this scheme progresses the cost of £189,900 will be funded from a combination of the net additional Capital Receipt generated from the sale of the existing nursery site and a contribution from the 2013/14 forecast revenue outturn of between £70,000 and £90,000.
- 6.3 To note that in the event that a decision is made not to progress with this scheme the Council will be required to reimburse any costs incurred by the EFA in relation to any abortive design and project management costs associated with the proposal, and to note these costs will need to be funded from the 2013/14 forecast revenue outturn.
- 6.4 To authorise the signing and issuing of the Section 151 letter to the EFA.

#### 7. BACKGROUND PAPERS

Cabinet report – 24 October 2011 Children's and Community Services Portfolio report – 4 December 2012 Cabinet report – 4 February 2013 Children's Services Committee Report – 30<sup>th</sup> July 2013

#### 8. CONTACT OFFICER

Dean Jackson, Assistant Director (Education), Child and Adult Services, Level 4, Civic Centre, Hartlepool, TS24 8AY. Tel: (01429) 523736. E-mail: dean.jackson@hartlepool.gov.uk

## COUNCIL

3 April 2014

**Report of:** Chief Executive

Subject: BUSINESS REPORT

### 1. EMPTY PROPERTY REPORT

I have attached at **Appendix 1** the quarterly report which Council requested, at its meeting on the 19<sup>th</sup> October 2012, which outlines progress in implementing the Council's Empty Property Purchasing Scheme.

#### 2. SPECIAL URGENCY DECISION

Council is informed that there were no special urgency decisions taken in the last quarter, November 2013 to January 2014.



1

### EMPTY PROPERTY PURCHASING SCHEME QUARTERLY UPDATE

#### 1. PURPOSE OF REPORT

1.1 To outline progress in implementing the Council's Empty Property Purchasing Scheme.

#### 2. BACKGROUND

- 2.1 On the 22<sup>nd</sup> March 2012 Council approved the implementation of an Empty Property Purchasing Scheme to bring 48 properties back into use. Following this the Council secured £2.6million from the Department of Communities and Local Government (DCLG) 'Clusters of empty homes fund' and a further report was approved by the Council on 19<sup>th</sup> October 2012 which expanded the scheme to 100 properties, with additional match funding financed from future rental income, including an additional contingency of £150,000 to tackle some of the most challenging properties and empty homes in the poorest condition.
- 2.3 The objectives of the scheme were to purchase and refurbish 100 long term empty homes (defined as being empty for 6 months or more) by agreement by March 2014. These properties will be let at an affordable rent and managed by Housing Hartlepool.
- 2.4 The long term strategic objectives of the scheme is to bring long term empty properties back into use (in line with the Empty Homes Strategy) and to provide affordable accommodation which is well managed and in good condition for the residents of Hartlepool.
- 2.5 At the meeting of full Council on the 19<sup>th</sup> October 2012 it was requested that an update report be brought to Council every four months to highlight scheme progress and provide an update on the financial position. This report is the fourth of these updates.

#### 3. PROJECT UPDATE

- 3.1 <u>Property Acquisition</u>
- 3.2 The valuation and acquisition process began in July 2012. At the time of writing this report the Council has completed acquisition of 75 properties (77

units in total) and an additional 14 properties with an agreed sale awaiting legal completion. Officers are confident, even though the timescales for delivery are challenging that the target of acquiring 100 units will be achieved by March 2014 as the project has already delivered 91% of acquisitions at the time of writing.

3.3 To date 261 valuations and inspections have been conducted which has resulted in a 34% success rate of those leading to an acquisition. 57% of acquisitions to date are as a result of direct contact with owners by the Empty Homes Officer and the remaining properties acquired have been on the market for sale. Based on the success rate of other empty homes schemes this is extremely positive and if this trend continues then delivery of the scheme on programme is highly likely.

#### 3.4 Property Refurbishment

- 3.5 Since Members approved the scheme, detailed project planning and implementation has been underway involving a Project Team consisting of officers from Housing Services, Facilities Management, Building Consultancy, Finance and Housing Hartlepool. Officers have developed an agreed approach to ensure that properties are refurbished in accordance with expected standards and within budget. The target of 100 property refurbishments within 2 years is a challenging one, especially as there is an unavoidable delay between when properties are acquired when the refurbishment can commence.
- 3.6 To date 45 properties are complete and let or are ready to be let by Housing Hartlepool. An additional 27 properties have work currently underway. Eight new staff were appointed within the Facilities Management team to deliver this project and refurbishment work is progressing well to an exceptionally high standard.
- 3.7 The Council is successfully delivering its 'clusters of empty homes funding' programme and reporting on a guarterly basis to DCLG on progress of acquisitions and refurbishment. The Council is delivering on target and is a leader in terms of delivery across the Country. Across the national programme delivery is not as expected with many Local Authorities not achieving their targets. As a result the DCLG has offered all Local Authorities the opportunity to extend their clusters of Empty Homes funding into the new financial year. It is considered prudent to accept this offer of an extension of time for a number of reasons. Firstly, the pressure to secure the last remaining 9 properties will be reduced and therefore there is a greater likelihood that house prices would not be artificially inflated. Secondly it allows more time for the completion of refurbishment works and allows the effective distribution of resources to achieve the empty homes programme on budget. It is therefore proposed that the revised deadline for delivery (acquisition and refurbishment of 100 empty homes) is September 2014.

#### 3.8 <u>Lettings</u>

- 3.9 On 21<sup>st</sup> January 2013 Members approved the use of Local Authority Flexible Tenancies for all properties let through this scheme. This will provide flexibility to the Council to dispose of these properties in the future through either shared ownership/equity or rent to home buy products. To date 22 properties have been let through this form of tenancy. There are tenants currently lined up for a further 4 properties. Follow up visits have been conducted with positive feedback being reported by new tenants specifically in relation to the quality and standard of properties.
- 3.10 The management agreement between Housing Hartlepool and Hartlepool Borough Council has been agreed and remains in place until 31<sup>st</sup> March 2014. In a recent report to Finance and Policy Committee is was proposed that the management of Council owned stock is brought back in-house and delivered by the Housing Services Team when the contract with Housing Hartlepool ends in April 2014. This proposal includes the management of the properties purchased through this Empty Property Purchasing Scheme. It is proposed that there is a two year transition period to assist in the smooth transition of management responsibilities. A further report will be considered by Finance and Policy Committee on the 28<sup>th</sup> March 2014. Updates on this will be provided in the Housing Services Quarterly Report to Regeneration Services Committee.

#### 3.11 Funding Profile

3.12 The project is currently being delivered in line with the programme and within budget. The average cost for acquisition and refurbishment is currently £54,433 per property across the 91 units and to date some additional contingency has been used for various snagging issues uncovered once a tenant has moved in. Additional abortive costs (valuations not resulting in a purchase) total £17,000 which brings the property average to £54,621 per property. It was anticipated that costs would rise throughout the project as properties become more difficult to acquire or more expensive to refurbish however, work to review and keep refurbishment costs to a reasonable level and negotiation with owners at the acquisition stage has prevented this from happening to date. As properties have had refurbishment works completed a full assessment is being made of the budget to ensure each property is being delivered within the projected costs subject to variations, to date all properties are being delivered within budget.

### 4. RISKS

4.1 One key risk to the project is the speed at which refurbishment of properties can be completed once the acquisition has been undertaken, especially as the number of properties requiring completing on a monthly basis has increased. This issue will be monitored very closely in order to 'head off' any barriers to the overall project being completed on time and within budget. Since the last report the speed of refurbishment work has significantly improved due to the additional staffing resource, mitigating the risk of failing to deliver by the deadline. The extension of time to complete the project from DCLG also significantly reduces the risk of not delivering to the deadline. Acquisitions are on target and within budget and given the extension of time it is unlikely that property prices will be driven up by the Council's need to meet acquisition deadlines. To ensure a steady flow of potential acquisitions additional letters are currently being sent to empty property owners over the next 4 weeks.

### 5. **RECOMMENDATIONS**

5.1 That Council note the contents of the report.

### 6. **REASONS FOR RECOMMENDATIONS**

6.1 The report is for information only.

#### 7. BACKGROUND PAPERS

- Minutes from Council meeting of 18<sup>th</sup> October 2012 <u>http://www.hartlepool.gov.uk/meetings/meeting/2719/council</u>
- Minutes from the Cabinet meeting of 4<sup>th</sup> October 2012 <u>http://www.hartlepool.gov.uk/meetings/meeting/2670/cabinet</u>
- Minutes from the Council meeting of 14<sup>th</sup> February 2013 <u>http://www.hartlepool.gov.uk/egov\_downloads/14.02.13\_-</u> <u>Council\_Agenda.pdf</u>
- Minutes from the Council Meeting of 25<sup>th</sup> July 2013 http://www.hartlepool.gov.uk/meetings/meeting/2963/council
- Minutes from the Council Meeting of 5<sup>th</sup> December 2013 <u>http://www.hartlepool.gov.uk/meetings/meeting/2966/council</u>
- Report to Finance and Policy Committee of 28<sup>th</sup> March 2014 <u>http://www.hartlepool.gov.uk/meetings/meeting/2983/finance\_and\_policy\_committee</u>

### 8. CONTACT OFFICER

Denise Ogden Director of Regeneration and Neighbourhoods

## 15 Appendix 1

Civic Centre Victoria Road Hartlepool Email <u>Denise.ogden@hartlepool.gov.uk</u> Tel: 01429 523301

# COUNCIL

3 April 2014

## **Report of:** Chief Executive

Subject: BUSINESS REPORT (2)

# 3. CLAWBACK – THE DOMES, TEES ROAD SEATON CAREW HARTLEPOOL

- 3.1 At its meeting on 28<sup>th</sup> March 2014 the Finance and Policy Committee considered a special urgency report on a decision proposed to be taken pursuant to rule 21 of the Access to Information Procedure rules as it was impracticable to defer the decision until it has been included in the next forward plan by virtue of the date by which the decision must be taken.
- 3.2 The decision made by the Finance and Policy Committee on the recommended use of the clawback payment are changes to the approved Budget and Policy Framework and in accordance with the constitution must be referred to Council for consideration.

### PROPOSALS

- 3.3 A copy of the report considered by Finance and Policy Committee on 28<sup>th</sup> March 2014 is attached at Appendix 2, excluding the exempt information which is not included to avoid jeopardising the Council's financial position until the detailed negotiations have been concluded. However, this report provides sufficient information to enable Council to consider the proposed use of the clawback monies.
- 3.4 The Finance and Policy Committee report advised Members that the owner has successfully developed the site and constructed 2 domes. The current owner has secured a proposed purchaser of the site who has significant business interests in the leisure sector and proposes to invest in the site further to include an ice skating dome. To enable the sale to progress the Finance and Policy Committee has approved the disposal of the Council's financial interest in the Domes in return for the payment of a one off clawback payment.
- 3.5 The Finance and Policy Committee were advised the clawback deed provides for the payment a capital sum on the sale of the Domes in excess of that proposed. However, taking account of the risk factors associated with





achieving this figure and taking account of the current trading position, the offer received is considered attractive in the current climate.

- 3.6 In addition, the receipt of a one-off payment now would remove the risk associated with instalments over a 15 year period which would be contingent on the business trading profitability for this period.
- 3.7 Following the Finance and Policy Committees acceptance of the clawback payment Council approval is sort on the use of this money, which is outside the approved Budget and Policy Framework. This proposal is detailed in section 4.

### FINANCIAL CONSIDERATIONS

- 3.8 The report to Finance and Policy Committee detailed the advice of the Chief Finance Officer on the use of the one-off clawback payment which recommended that the majority of this funding is allocated to manage financial risk detailed in the Medium Term Financial Strategy report, including the achievement of capital receipts and the development of Jackson's Landing and/or the onward sale of this land for development. The Chief Finance Officer also advised Members that using an element of the one-off clawback payment for one off priorities would reduce the resources available to manage risk.
- 3.9 The Finance and Policy Committee determined to allocate part of the one-off clawback payment to fund one off priorities and to earmark the majority of these resources to manage risk, as set out over leaf.
- 3.10 The Chief Finance Officer advised the Finance and Policy Committee that he supported these proposals as they followed the advice provided and detailed in paragraph 4.1.
- 3.11 Proposed use of clawback monies
  - Amount<br/>allocated<br/>£'000Free Swims for Children<br/>This funding will provide free swims and transport during<br/>the summer 2014 holidays.34Enforcement Officers<br/>This funding will provide 2 Enforcement Officers for a<br/>fixed 2 year period, with any income generated being<br/>used to reduce the use of these one-off monies. These<br/>temporary posts may be extended if they become self<br/>financing.80
  - (i) <u>One-off priorities</u>

2

Highways Maintenance	131
The Government has provided additional one-off funding	
of £131,000 to help address maintenance issues arising	
over the winter months. It is proposed to match fund	
these resources with a contribution from the clawback	
payment.	

#### (ii) Allocated to Manage Risk

- 3.12 The Finance and Policy Committee has recommended that the majority of the clawback payment is allocated to manage the financial risks in relation to the Jackson's Landing development. This proposal will supplement the resources already earmarked as part of the approved 2014/15 MTFS, which allocated £0.895m to manage the financial impact of this site not being developed, or an onward sale completed before the Growing Places interest free loan needs to be repaid in August 2015.
- 3.13 The Finance and Policy Committee proposal to allocate the majority of the clawback payment towards this risk will allocate an additional six figure sum and fully cash back the value of the existing Growing Places interest free loan. This will completely remove the financial risk if the site is not developed, or an onward sale completed August 2015. Once this development or onward sale of this site is secured a strategy for using the one off resources which are no longer needed to manage this risk will need to be developed.
- 3.14 At this stage it is not possible to provide the final value of the amount to allocate from the clawback payment to manage risk until the detailed negotiations have been concluded as this would prejudice the Council's financial position. However, as soon as a final figure is agreed details will be provided to all Members and then reported to the next scheduled Council meeting. These details will also be included in the draft 2013/14 Statement of Accounts, which will be available in early July.

#### RECOMMENDATION

- 3.15 Council is requested to:
  - i) Approve the use of part of the clawback payment to fund one off priorities detailed in paragraph 4.3(i);
  - ii) Approve the proposal to earmark the majority of the clawback payment, which will be a significant six figure sum, to manage the financial risk detailed in paragraph 4.3 (ii); and
  - iii) To note that at this stage it is not possible to provide the final value of the amount to be earmarked under recommendation (ii) to manage risk until the detailed negotiations have been concluded as this would prejudice the Council's financial position. However, as soon as a final

figure is agreed details will be provided to all Members and then reported to the next scheduled Council meeting. These details will be included in the draft 2013/14 Statement of Accounts, which will be available in early July.

# FINANCE AND POLICY COMMITTEE 28<sup>th</sup> March 2014



# **Report of:** Director of Regeneration and Neighbourhoods and Chief Finance Officer

Subject: CLAWBACK – THE DOMES, TEES ROAD SEATON CAREW HARTLEPOOL

### 1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Key Decision tests (i) and (ii) apply however due to the time constraints it has not been placed in the Forward Plan and an exemption has been granted.

#### 2. PURPOSE OF REPORT

2.1 To seek approval to dispose of the Council's clawback interest in the Domes.

#### 3. BACKGROUND

- 3.1 The Council agreed to the release of a restrictive covenant on the land as shown edged in **Appendix A** in 2012 to enable the land to be disposed of for residential development with the proceeds of sale being invested by the owner to develop the Domes.
- 3.2 The release of the covenant was agreed subject to the payment of the agreed value. In order to facilitate the development and aid cash flow agreement was reached for either payment by the developer in instalments over a period of 15 years or if the development was sold the payment of a minimum agreed value or market value whichever was the highest. (Full details set out in Confidential Appendix 1 to the Finance & Policy Committee report.)
- 3.3 The owner has successfully developed the site with 2 domes which provide quality facilities in the form of indoor football pitches, a golf facility and a health and fitness studio. This development adds significantly to the leisure

visitor attraction of the town and has become a key regeneration initiative for Seaton Carew. An opportunity has arisen for the development to be sold and the owner has approached the Council seeking an agreement to purchase the Council's interest in the site.

3.4 The proposed purchaser of the site has significant business interests in the leisure retail sector and proposes to invest in developing the site further to include an ice skating dome as well as expressing a wider interest in contributing towards the implementation of the Hartlepool Vision. In contrast although the current owner has longer term ambitions for the site these would not be achievable in the medium term.

#### 4.0 FINANCIAL CONSIDERATIONS

- 4.1 The clawback deed provides for the payment of a capital sum on the sale of the Domes in excess of that proposed, however taking account of the risk factors associated with achieving this figure and taking account of the current trading position, the offer received is considered attractive in the current climate.
- 4.2 In addition, the receipt of a one-off payment now would remove the risk associated with instalment payments over a 15 year period which would be contingent on the business trading profitability for this period.
- 4.3 The potential for instalment payments had not been reflected in the current Medium Tem Financial Strategy (MTFS) as the timing of the first payments falls outside the period covered by the MTFS. In addition, the potential to now receive a one-off payment to purchase the Council's interest in the site is not included in the MTFS as this situation was not anticipated to arise when the MTFS was prepared.
- 4.4 On the basis of Members approving the request to dispose of the Council's interest in return for a one-off payment a strategy for using this money will need to be developed. This strategy will need to consider the financial risks facing the Council, which were detailed in the MTFS report and include the achievement of capital receipts, including the development of Jackson's Landing and/or the onward sale of this land for development. The availability of this one off funding will help the Council address these risks.
- 4.5 In the event that Members wish to consider using an element of these resources for one off priorities it needs to be recognised that this will reduce the resource available to manage risk. Therefore, it is recommended by the Chief Finance Officer that the majority of funding is allocated to manage financial risks.
- 4.6 Whilst, not directly related to the request to dispose of the Council's interest, the development of the Domes will provide an increase in Business Rates and the Council will retain 49% of this increase under the Business Retention changes implemented in April 2013. Similarly, the associated

housing developments at Seaton Carew will provide increased Council Tax income and New Homes Bonus payments in future years.

#### 5. **RISK CONSIDERATIONS**

5.1 As noted above in 3.2, the restrictive covenant was released in return for certain payments to be paid over a period. These comprised a profit share to be paid annually in perpetuity starting in the 3<sup>rd</sup> year of operation, subject to minimum payments applying in years 3 to 15. The Council is also entitled under the Clawback to a share of net sale proceeds on sale of the property subject to a total minimum payment.

#### 6. EQUALITY AND DIVERSITY CONSIDERATIONS

6.1 There are no equality or diversity considerations in relation to this matter.

#### 7. ASSET MANAGEMENT CONSIDERATIONS

- 7.1 The attention of the Committee is drawn to the Asset Management element of the Medium Term Financial Strategy. The decision by Members in January 2009 requires a commercial, proactive approach to be taken on Asset Management issues.
- 7.2 The decision to adopt a commercial approach to asset management requires the Council to realise the full value of any properties or property rights that it disposes of.

#### 8. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

8.1 There are no Section 17 considerations in relation to this matter.

#### 9. **RECOMMENDATIONS**

9.1 Committee are recommended

To approve the disposal of the Council's interest in the Domes for the sum as set out in confidential **Appendix B** to the Finance & Policy Committee report.

i) To note that this income was not anticipated when the MTFS was approved and a strategy for using these resources needs to be developed, which needs to reflect the financial risks the Council will need to manage over the period of the MTFS.

#### 10.0 REASONS FOR RECOMMENDATIONS

- 10.1 Full consideration has been given to the offer received together with supporting financial evidence to suggest that the current trading position is difficult and the long term investment proposals to maintain and further develop the site may be affected. Although provision exits in the clawback agreement that a higher capital sum should be paid to the Council on disposal, consideration has to be given to the achievability of this sum taking account of the current financial trading position and the potential consequences of rejecting the proposal.
- 10.2 It is essential that the Council maximises the return from its assets in financial terms, but consideration as to the wider economic benefits from the retention and longer term investment in the site to provide a wider tourism and leisure offer in the town is also fundamental to the wider prosperity of the town and a balance needs to achieved.

#### 11. BACKGROUND PAPERS

11.1 Cabinet Report – 5<sup>th</sup> March 2012

#### 12. CONTACT OFFICER

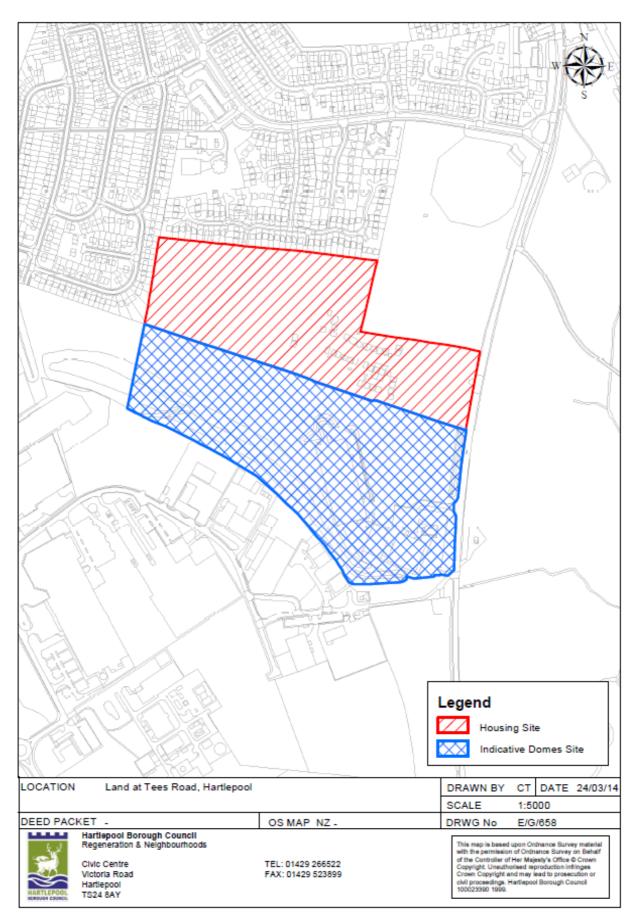
Damien Wilson Assistant Director (Regeneration) Civic Centre Victoria Rd Hartlepool TS24 8AY

Tel 01429 523400 E-mail <u>Damien.wilson@hartlepool.gov.uk</u>

Dale Clarke Estates & Regeneration Manager Level 3 Civic Centre Hartlepool TS24 8AY

Tel 01429 523226 E-mail: <u>Dale.clarke@hartlepool.gov.uk</u>

## **APPENDIX A**



0328 RN Clawback - The Domes Tees Road Seaton Carew Hartlepool - Appendix A