



Chief Executive's Department
Civic Centre
HARTLEPOOL

15 June, 2015

Councillors Ainslie, C Akers-Belcher, S Akers-Belcher, Atkinson, Barclay, Beck, Belcher, Brash, Clark, Cook, Cranney, Fleet, Gibbon, Griffin, Hall, Hind, Jackson, James, Lauderdale, Lawton, Lindridge, Loynes, Martin-Wells, Dr. Morris, Richardson, Riddle, Robinson, Simmons, Sirs, Springer, Tempest, Thomas and Thompson

Madam or Sir,

You are hereby summoned to attend the COUNCIL meeting to be held on THURSDAY, 25 JUNE, 2015 at 7.00 p.m. in the Civic Centre, Hartlepool to consider the subjects set out in the attached agenda.

Yours faithfully

G Alexander
Chief Executive

Enc

COUNCIL AGENDA



25 June 2015

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 meetings of the Council held on 18 May 2015, 26 May 2015 and the Annual meeting of Council held on 28 May 2015 as the correct record;
- (6) To answer questions from Members of the Council on the minutes of the last meetings of Council;
- (7) To answer questions of Members of the Council under Rule 12;
 - a) Questions to the Chairs about recent decisions of Council Committees and Forums without notice under Council Procedure Rule 12.1
 - b) Questions on notice to the Chair of any Committee or Forum under Council Procedure Rule 12.2
 - 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 held on 13 February 2015.
- (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;
- (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) Periodic Review of the Council's Constitution – Report of Monitoring Officer

- (2) Consultation on the Proposed Changes to Cleveland Fire Authority – Report of Finance and Policy Committee

- (13) To consider reports from the Policy Committees:
 - (a) proposals in relation to the Council's approved budget and policy framework; and
 - (b) proposals for departures from the approved budget and policy framework;

- (14) To consider motions in the order in which notice has been received:-

“The Policy Committee system, which this Council has developed, provides a role for all members. The public are encouraged to attend Policy Committee meetings and forums to voice their views. Our Policy Committee system has been recognised as a model of good practice and a number of other Councils are considering implementing this model of governance.

We propose that action is taken to ensure that Council business is conducted with dignity and in a way that supports open, transparent and effective democracy. We therefore resolve that the Chief Executive be instructed to compile a report, which incorporates proposals for the management and filming by the Council, of Full Council meetings and for the publication of the unedited video on the Council website. To this end, a report will be presented to an early meeting of the Finance and Policy Committee”.

Signed: Councillors C Akers-Belcher, Richardson, Cook, Simmons and James.

- (15) To receive the Chief Executive's report and to pass such resolutions thereon as may be deemed necessary.

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 item 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

- (16) Cleveland College of Art and Design (CCAD) – Phase 1 Development – Corporate Management Team (para 3)



EXTRAORDINARY COUNCIL

MINUTES OF PROCEEDINGS

18 May 2015

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

PRESENT:-

The Deputy Ceremonial Mayor (Councillor Fleet) presiding:

COUNCILLORS:

Ainslie	C Akers-Belcher	Atkinson
Barclay	Beck	Belcher
Brash	Clark	Cook
Griffin	Jackson	James
Lauderdale	Martin-Wells	Dr Morris
Richardson	Riddle	Robinson
Simmons	Sirs	Tempest
Thomas	Thompson	

Officers: Dave Stubbs, Chief Executive
Peter Devlin, Chief Solicitor
Alastair Rae, Public Relations Manager
Amanda Whitaker, Angela Armstrong, Democratic Services Team

184. APOLOGIES FOR ABSENT MEMBERS

The Ceremonial Mayor (Councillor S Akers-Belcher) and Councillors Cranney, Gibbon, Hall, Hind, Lawton Lindridge, Loynes and Springer.

185. DECLARATIONS OF INTEREST FROM MEMBERS

Councillor C Akers-Belcher and Councillor Belcher declared a personal interest in the Motion.

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

None.

187. MOTIONS ON NOTICE

The meeting has been convened in accordance with Schedule 12 of the Local Government Act 1972 and Council Procedure Rule 3 following the receipt of a requisition to call an Extraordinary Council meeting signed by Councillors Thompson, Brash, Dawkins, Lilley and Gibbon.

The following Motion had been submitted:-

“The latest revelations in the local, regional and national media allege very clearly that Councillor Stephen Akers-Belcher has lied publicly on numerous occasions. He has misled the press, fellow councillors and most damning of all the people of Hartlepool. Moreover he has lied about a partner North-East Council, forcing them to publicly defend themselves against these lies.

All of this leads to the, widely held, view that he *is* simply not fit for office, in any form. To that end the Council has a duty to take action, even if the only thing we are legally able to do is record a vote of no confidence. We therefore formally move a formal vote of no confidence in Cllr Stephen Akers Belcher as councillor of this borough and call on him to tender his resignation, as a councillor, immediately.”

Councillor Brash advised that his speech was not that which he had envisaged when the meeting had been requisitioned. He made reference to the implications of the results of the recent Parliamentary and Local Elections and advised that he considered it important that all Councillors worked together to address the issues which this town faced. He pledged to work with all Members on the new vision of a co-operative and progressive Council to develop the Local Health Plan and deal with the biggest challenges facing the town such as education, employment, investment and devolution to local communities.

The motion was withdrawn.

It was moved by Councillor Brash and seconded by Councillor Thompson:-

“That the scope of the Grand Committee, established to develop a local health and social care plan, be extended to examine strategic issues to enable all Members to be involved and participate in a full debate on the issues”.

The Leader of the Council responded to the issues raised and highlighted that the Council’s Constitution operated an inclusive decision making process through a Committee system which allowed all Members and the public to attend and participate in Committees.. It was highlighted also that the existing Council Working Group enabled Members to discuss and debate strategic issues outside the formality of a Full Council meeting.

Members debated issues arising from the withdrawal of the Motion and sought clarification on issues arising from the proposal.

Addressing the issues raised in response to amended Motion, Councillor Brash

amended the Motion that the Democratic Services Team be requested to schedule meetings of Council Working Groups, on evenings, to allow all Members the opportunity to contribute to the agenda.

The Leader of Council advised that there was not a problem scheduling meetings of the Council Working Group for the forthcoming municipal year.

The Chief Executive clarified that the Motion had been withdrawn and replaced by meetings of Council Working Group being scheduled to discuss specific strategic issues.

The Leader of Council suggested that consideration of the amended Motion be deferred and vote be put at the next Ordinary Council meeting.

Councillor Brash expressed the view that if all Members agreed with the amended Motion, the vote should be put.

The Chief Solicitor indicated that it was intended that a report would be submitted to Council on the operation of the "Grand Committee". It was also suggested that a report on the terms of reference and future operation of the Council Working Group could accompany that report.

It was confirmed, in the absence of dissent, that this was the unanimous decision of the Council

The view was expressed that a recorded vote should be taken. Following an exchange, the Chief Executive advised that the Motion had been put. However he advised that the minutes of this meeting would include those Councillors at the meeting as follows:-

Councillors Ainslie, C Akers-Belcher, Atkinson, Barclay, Beck, Belcher, Brash, Clark, Cook, Fleet, Griffin, Jackson, James, Lauderdale, Martin-Wells, Morris, Richardson, Riddle, Robinson, Simmons, Sirs, Tempest, Thomas and Thompson.

The meeting concluded at 7.45 p.m.

DEPUTY CEREMONIAL MAYOR

COUNCIL

MINUTES OF PROCEEDINGS

26 May 2015

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

PRESENT:-

The Ceremonial Mayor (Councillor S Akers-Belcher) presiding:

COUNCILLORS:

Ainslie	C Akers-Belcher	Atkinson
Barclay	Beck	Belcher
Cook	Cranney	Fleet
Gibbon	Griffin	Hall
Hind	Jackson	James
Lauderdale	Lawton	Lindridge
Dr Morris	Richardson	Riddle
Robinson	Simmons	Springer
Tempest	Thomas	Thompson

Officers: Dave Stubbs, Chief Executive
Peter Devlin, Chief Solicitor
Andrew Atkin, Assistant Chief Executive
Chris Little, Chief Finance Officer
Louise Wallace, Director of Public Health
Julian Heward, Public Relations Officer
Joan Stevens, Scrutiny Manager
Amanda Whitaker, Denise Wimpenny, Democratic Services Team

The Ceremonial Mayor welcomed newly elected Councillors Belcher, Lawton, Lindridge and Tempest,

188. APOLOGIES FOR ABSENT MEMBERS

Councillors Brash, Clark, Loynes, Martin-Wells and Sirs

189. DECLARATIONS OF INTEREST FROM MEMBERS

None

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

None

191. PUBLIC QUESTION

Question from Mr Robertson to Chair of Children's Services Committee

"Is there any plans for the schools in the north of the town (King Oswy, West View & Throston Grange, Clavering areas) to have their intake increased to be able to accommodate the amount of pupils requiring school places within the community they live in where they have attended nursery or is there any plans for new schools to be built in the north of the town.

Bishop Cuthbert estate has had plans approved for another 500 homes to be built however there is no school facilities within this estate and the schools that are situated within King Oswy, West View, Throston Grange & Clavering areas are all over subscribed meaning that children from within the communities that these schools serve are not able to get a place in a school in their community."

The Chair of Children's Services Committee advised that there were plans to increase capacity within the north of the town for the next academic year. Officers were currently liaising with schools to consider ways in which capacity could be added, which it was hoped would alleviate the situation. It was highlighted that parents were advised that attendance at a school nursery did not currently form part of the admissions criteria for any school in Hartlepool.

It was noted that a potential 25 additional places were being pursued with schools that currently did not have a 2 form of entry (a Published Admission Number of 60). Throston Primary was not being asked to consider taking additional pupils as they already had a Published Admission Number of 60.

The Chair advised that there were currently no plans for any new schools to be built in the north of the town. Bishop Cuthbert estate had had plans approved for another 500 homes to be built. However there is no school facilities within this estate and the schools that are situated within King Oswy, West View, Throston, Grange & Clavering areas are all over subscribed meaning that children from within the communities that these schools serve are not able to get a place in a school in their community.

Outline planning permission for 500 houses at the Upper Warren Development at Bishop Cuthbert had been approved. The Council had signed a Section 106 contribution with the developer which would mean that the developer would make financial contributions to the Council to fund education places where a need was identified in that area of the town. However, payments would only be received by the Council once trigger points in the housing development were reached e.g. for this development there would be 4 phased payments equating to a total of £850k prior to occupation of the 50th, 150th, 250th and 350th dwelling. Although the development had planning permission and the S106

was signed, the start of the development and build out rates of the housing would be at the discretion of the developer and would be primarily controlled by future sales rates; the Council could not force the developer to build the houses. This meant that to ensure that there were sufficient places to meet the demands of the additional housing development the Council would initially need to fund any education building work prior to receiving any monies from the developer. This would need to go through the Council's political process for agreement to utilise Council funds until the development was sufficiently progressed where a payment trigger point was reached. The Chair reiterated that Officers were currently working with schools in the north of the town to determine where capacity could be increased on a permanent basis.

Members of the Council made comment upon and discussed the issues raised by the question. During the debate, Members highlighted the importance of the issue and recognition was given to the work of Officers and the Chair of Children's Services Committee to address the situation. The Chair of Children's Services Committee advised that he had requested a report be submitted to the Committee following the conclusion of the school appeals process.

192. MINUTES OF PROCEEDINGS

The Minutes of Proceedings of the Council held on the 26 March 2015, having been laid before the Council.

RESOLVED - That the minutes be confirmed.

The minutes were thereupon signed by the Chairman.

The minutes of the Extraordinary Council meeting held on 18th May 2015 were not available and would be submitted to the next Ordinary meeting of Council.

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

None

194. QUESTIONS FROM MEMBERS OF THE COUNCIL

- a) Questions to the Chairs about recent decisions of Council Committees and Forums without notice under Council Procedure Rule 12.1

None

- b) Questions on notice to the Chair of any Committee or Forum under Council Procedure Rule 12.2

None

- c) Questions on notice to the Council representatives on the Police and Crime Panel and Cleveland Fire Authority

None

- d) Minutes of the meetings held by the Cleveland Fire Authority and the Police and Crime Panel

The minutes of the meeting of the Cleveland Fire Authority held on 13 February 2015 had been circulated.

195. BUSINESS REQUIRED BY STATUTE

None

196. ANNOUNCEMENTS

None

197. 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

198. TO RECEIVE REPORTS FROM THE COUNCIL'S COMMITTEES

None

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

1. PERIODIC REVIEW OF THE COUNCIL'S CONSTITUTION (1)

The Monitoring Officer presented a report which reminded Members that a comprehensive report had been submitted to Council on 3rd April, 2014, which considered those required amendments to the Councils Constitution following the introduction of a committee system of governance, together with matters to be determined by Council as set out within that report. The Monitoring Officer's report followed on from that report as part of a 'periodic review' of the Constitution and at Members request had been deferred on 26 March to this meeting. The following items were raised in this periodic review of the Council's Constitution;

- (i) Health and Wellbeing Board Membership

At a meeting of the Board held on the 2nd March, 2015 a request had been received from Cleveland Police for a senior officer to be a member of the Board to “enable stronger strategic joint working and the enhancement of preventative activity to support our communities.” The Board had been amenable to such a request.

Resolved

That the request for the appointment to the Health and Wellbeing Board of a representative from Cleveland Police be endorsed and the composition of the Board be amended to reflect this position.

(ii) Capital Transfers

The Chief Finance Officer had requested an amendment to the Council’s Financial Procedure Rules relating to “Capital Transfers” under sub paragraph 4.5.8 thereof. This particular provision stipulates;

“in relation to Capital Transfers of resources from one project to another subject to a maximum of:

- *Up to £10,000 for schemes up to £100,000 and for schemes over £100,000 up to 10% of £50,000 whichever is the lesser.*

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

It was requested that there is the additional notation to the above bullet point through the following amendment;

“ In relation to Capital, transfers of resources from one project to another project which are funded from a specific Government grant regime, will be approved by the relevant Policy Committee subject to the transfer not impacting on the delivery of the overall programme of works funded from the specific Government grant regime.”

Resolved:

That the amendment to the Financial Procedure Rules be approved subject to replacing ‘will be approved’ with ‘will require the approval of’.

(iii) Member Training and Proposed Revisions to the Scheme of Delegation - Planning Committee.

At its meeting on 17th December, 2014, Planning Committee had discussed proposed changes to incorporate mandatory and discretionary training for Committee Members and also revisions to the scheme of delegation. Following further consideration of these items at the Committee meeting on 18th February

2015, the Committee had commended recommendations, set out in the Monitoring Officer's report, for the consideration of Council.

Support of the recommendations was expressed and it was highlighted that discretionary training could be expanded at the request of Members.

Resolved

That the recommended changes to the Planning Code of Practice and related changes to the training of Committee Members and to the Scheme of Delegations for Planning Committee be adopted.

(iv) Appointment of School Governors

The Monitoring Officer advised that currently, Children's Services Committee has the function "To make appointments of Local Authority School Governors" (paragraph 3 refers). The Schools Governance (Constitution and Federations) (Amendment) Regulations 2014 would require all maintained school Governing Bodies to be constituted under The School Governance (Constitution) Regulations, 2012 by the 1st September, 2015. From this date all Local Authority appointments would be made by Governing Bodies with nomination only from the Local Authority. Further, the 2012 Regulations required all Governing Bodies to reduce the number of Local Authority appointed Governors to one and Governing Bodies were presently reviewing their Constitutions to comply with these amending Regulations. Reports had been presented to Children's Services Committee indicating these changes and a further report would be submitted in advance of these amendments taking effect. Primarily it would need to be determined whether the Committee 'nominates' such appointments for consideration by the respective Governing Body or whether this was a function delegated to the Director of Child and Adult Services, potentially after consultation with the Chair of the Committee.

It was accepted that this was a legislative change to note and schools had already begun to 're-constitute' themselves. It was suggested that the report intended to be submitted to Children Services Committee cover future government policy on schools under Local Education Authority control and that applications for school governors continue to be reported to consider suitability to Children's Services Policy Committee.

Resolved

- (i) That the change to be effective from 1st September, 2015 be noted and that a further report is pending to the Children's Services Committee and that changes be effected to the functions of the Committee in line with the applicable statutory provisions
- (ii) That the report intended to be submitted to Children Services Committee cover future government policy on schools under Local Education Authority control and that applications for school governors continue to be reported to Children's Services Committee to consider suitability of applications.

(v) The “Six Month” Rule

Following a question from a Member of the Public to the Chair of Finance and Policy Committee at the Council meeting on 30th October, 2014 it had been agreed;

“That the Monitoring Officer be requested to review “the six month” rule generally, as part of its annual review of the Constitution and submit a report back to this Council for consideration.”

Members were reminded that under Council Procedure Rule 11.5 which dealt with the scope of questions from the public, the Chief Executive in consultation with the Chair of Council could reject a question on various grounds but materially for the purpose of this report if: “it is substantially the same as a question which has been put at a meeting of the Council in the past six months and since when there has been no change of circumstances justifying the resubmission of the question,” This provision was further replicated for questions by Elected Members within Council Procedure Rule 12.3(iii). There was also the provision, which incorporated a prohibition upon a ‘Motion to rescind a previous decision’ under Council Procedure Rule 16.1 where that ‘*motion or an amendment to rescind, or having the effect of rescinding a decision made at a meeting of Council within the past six months cannot be moved.*’ In addition Procedure Rule 16.2 had a similar purpose in relation to a ‘Motion similar to one previously rejected’ ie., in the past six months.

It was highlighted that the intention behind such provisions was to ensure certainty behind decision making and to ensure that any third party acting upon a Council resolution was not thereafter prejudiced by so acting upon that resolution. In order for Members to debate this issue a number of options were presented in the report.

Members were reminded that they should proceed from the premise of certainty behind their governance arrangements rather than what appears to be meritorious in principle but which from a practical point alone, might prove to be unworkable in application and which detracts from rather than enhancing effective governance.

Following presentation of the report, the importance of certainty over decision making, particularly so that third party interests were not affected, was reiterated.

It was moved by Councillor C Akers-Belcher and seconded by Councillor Cook:-

“That the six month rule be retained without amendment”

Amendment moved by Councillor Thompson and seconded by Councillor Atkinson:-

“That the current rule of six months be replaced by a period of three months”

Resolved-

That in accordance with Council Procedure Rule 24.2 the motion stand adjourned to the next ordinary meeting of the Council.

(vi) Apologies

The Monitoring Officer informed Council that a member of the Public had requested consideration of the procedure relating to Members providing apologies at meetings to include an explanation behind the absence of the relevant Member. The nature of the “public question” was set out in the report. It had been considered that this matter could be more appropriately dealt with in this report rather than as a public question.

Members were advised that it was open for a Member to submit a written apology with an explanation behind that non attendance or equally to communicate that absence through a fellow Member. Whilst it could be said that this assisted in the transparency behind Member’s attendances, it was not a legal requirement.). There was also the potential administrative burden of recording such non attendance on a meeting by meeting basis and the veracity behind the information provided.

Following presentation of the report, the view was reiterated that a Member could volunteer an explanation either in writing or through a fellow Councillor as to their non-attendance and the current noting of apologies was therefore sufficient.

It was moved by Councillor C Akers-Belcher:-

“That the Council Procedure rule remains unchanged”

It was moved by Councillor Thompson and seconded by Councillor Riddle:-

“That the Council Procedure Rule be amended to provide for apologies at meetings to include an explanation for the absence of a Member”

Resolved

That in accordance with Council Procedure Rule 24.2 the motion stand adjourned to the next ordinary meeting of the Council

(vii) The Anti-Social Behaviour, Crime and Policing Act, 2014 – Review of Delegations.

Members were informed that the Council’s Finance and Policy Committee had considered a report relating to the above legislation and its implications for the Council at the meeting held on 23 February, 2015. The detail from that earlier report was set out in the report, for the information of Members. The Act introduced and also consolidated powers to deal with anti-social behaviour. There was a consequent need to provide authorisation through delegation, primarily to the Director of Regeneration and Neighbourhoods who covered a

majority of the service areas, which could utilise these new powers. The Director held existing delegations in relation to those powers which originated under the Crime and Disorder Act, 1998, Anti Social Behaviour Act, 2003 and related legislation. In addition the Director of Public Health had some responsibility for services which could also rely upon these powers and accordingly, this should also be reflected within amendments to Part 3 of the Council's Constitution (Responsibility for Functions). The details of those delegations were further referenced in the appendix to the report.

Resolved:

That the revisions to the delegations as outlined be noted and authority be delegated to the Monitoring Officer to make all necessary and incidental changes to Part 3 of the Constitution.

(viii) Statutory Health Scrutiny – Further Review of Delegations

Since the operation of the Council's new Governance arrangements items of statutory scrutiny, namely that surrounding crime and disorder and health scrutiny had been within the remit of the Council's Audit and Governance Committee. Through a meeting of Council on 24th November, 2014, responsibilities surrounding statutory health scrutiny had thereafter retained by Council. It was highlighted that the Council's Statutory Scrutiny Procedure Rules entailed that in fulfilling its responsibilities under the Health and Social Care Act, 2012 (review and scrutiny relating to planning, provision and operation of health services) Council had reserved to itself, for example, "proposed substantial development or variation of provision of health services" and also any consideration of a referral to be made to the Secretary of State over "insufficient consultation on major changes to services". Accordingly, the 'whole scale' transfer of health scrutiny functions to Council was considered by the Monitoring Officer to be unnecessary and had seen a plethora of extraordinary meetings, when some matters could have been properly dealt within the setting of a Committee meeting.

An outline of the Health Scrutiny Programme 2014 – 2015 as previously reported to Council, incorporated items that could not necessarily be conducive to the proper despatch of business that should come before the formality of a Council meeting, details of which were set out in the report. It was recognised that there were matters most notably those involving the Local Foundation Trust which had attracted considerable public attention and which had required the direction of Council. The Monitoring Officer considered that this was not necessarily the case for the vast majority of items which should ordinarily be proceeding through the Audit and Governance Committee. It was therefore suggested that at the start of the next municipal year items involving health scrutiny through the work programme for 2015/16 should proceed before the Audit and Governance Committee and thereafter a view from Council so that there was a familiarity with those items and a proper determination of what should be reserved to Council and those that should be received by the Committee.

It was moved by Councillor Thompson and seconded by Councillor Atkinson:-

“That the recommendations of the Chief Solicitor be approved, subject to all quality accounts and the Local Health Plan continuing to be considered by Council.

It was moved by Councillor C Akers-Belcher and seconded by Councillor Richardson:-

“That the functions and responsibilities for Health Scrutiny be delegated to Audit and Governance Committee and that the work programme for the municipal year 2015-16 be agreed by Committee and reported annually to Council”

Resolved

That the review of Health Scrutiny delegations be deferred for consideration at the next Ordinary Council meeting.

2. PERIODIC REVIEW OF THE COUNCIL'S CONSTITUTION (2)

The Monitoring Officer presented a supplementary report to that initially submitted to Council on 26th March, 2015 which covered additional representations received by the Monitoring Officer since that date, as well as certain statutory amendments as follows:-

(i) The Local Authorities (Standing Orders) (England)(Amendment) Regulations 2015

On 25th March, 2015, the Department for Communities and Local Government had notified this Council's Chief Executive that the above regulations would come into force on 11th May, 2015. The regulations which had application to all principal Councils in England amended the disciplinary process applicable to statutory officers (Head of Paid Service, Chief Finance 'S.151' Officer and Monitoring Officer) and therefore impacted upon the Council's 'Officer Employment Procedure Rules'. Paragraph 11 of those Procedure Rules entail that Council may suspend its Head of Paid Service, Monitoring Officer and Chief Finance Officer whilst an investigation takes place into any alleged misconduct. It is further mentioned under paragraph 11.2 the following;

'No other disciplinary action may be taken in respect of any of those officers except in accordance with the recommendation in a report made by a designated independent person. Such a process will be in accordance with the relevant regulations and the appropriate conditions of service.'

It was noted that the new amending regulations removed the requirement for the 'designated independent person' to be appointed. In the place of that process, Council would now be required to consider; *'any advice, views or recommendations from an independent panel, the conclusions of any investigation into the proposed dismissal, and any representations from the*

relevant officer'. This 'independent panel' would comprise those 'independent persons' who are appointed for the purposes of advising on Member conduct under Section 28 (7) of the Localism Act, 2011. The Council's two independent persons had been approached and would be willing to act in such a capacity, on a request being made by Council. Council's were required to modify their existing standing orders (now termed procedure rules) no later than the first ordinary meeting of Council after the regulations have come into force on 11th May, 2015, which entails consideration and approval at this particular meeting of Council.

Resolved:

That the provisions of the Local Authorities (Standing Orders) (England)(Amendment) Regulations 2015 be incorporated within the Council's Constitution with particular emphasis on changes to the Officer Employment Procedure Rules.

(ii) Amendments to Part 3 – Responsibility for Functions

The Director of Regeneration and Neighbourhoods had requested the inclusion within Part 3 of the Council Constitution ('Responsibility for Functions') the following powers, which surrounded environmental and highways legislation and its enforcement. These matters were already listed within the 'power to act generally' within this particular part of the Councils Constitution, where additional emphasis and clarification upon these responsibilities is considered to be desirable. Accordingly, it was recommended that the following functions and responsibilities be assigned to the Director of Regeneration and Neighbourhood as follows;

To exercise the Councils functions and responsibilities in relation to the collection and disposal of waste, the prohibition on authorised or harmful depositing, treatment or disposal of waste and the collection, disposal or treatment of controlled waste under Part II of Environmental Protection Act, 1990. In addition, those responsibilities relating to litter etc under Part IV of the Act.

To exercise the powers for the protection of public rights through the lawful and unlawful interference with highways and streets under Part IX of the Highways Act, 1980.

To exercise the powers of the Highway Authority to declare streets and private streets as prospectively maintainable highways under the Highways Act, 1980 and to undertake all necessary legal procedures in conjunction with the Council's Chief Solicitor.

Maintaining temporary restrictions or prohibition under Section 14 of the Road Traffic Regulations Act, 1984 and under the Road Traffic Regulations (Special Events) Act, 1994.

To exercise the powers of the Council under Section 7 of the Transport Act, 1985, to request the Traffic Commissioner to make, vary or revoke

traffic regulations conditions affecting local services or to hold an inquiry prior to the determination of such conditions.

It had also been requested by the Director, that the Council's 'Climate Change Strategy' should be added to those 'other strategies and plans' as found within the remit of the Regeneration Services Committee. Further, that within the 'service areas' of that Committee, there be added reference to the 'Building Design and Construction'.

It was moved by Councillor C Akers-Belcher:-

“That consideration of the functions and responsibilities be deferred and a report outlining the implications of these delegations be presented to Neighbourhood Services Policy Committee”

It was moved by Councillor Thompson and seconded by Councillor Atkinson:-

“That consideration of the functions and responsibilities be deferred and a report outlining the implications of these delegations be presented to the Council Working Group to allow consideration by all Members of the Council”.

It was highlighted that all Members of the Council could attend meetings of the Policy Committees.

It was moved that the vote be now put.

The Chief Solicitor advised that a report could be submitted to Council following consideration by the Neighbourhood Services Committee.

In accordance with Council Procedure Rule 17.5 of the Constitution, a recorded vote was taken on the Motion

Those in favour:

Councillors Ainslie, C Akers-Belcher, S Akers-Belcher, Barclay, Beck, Belcher, Cook, Cranney, Fleet, Griffin, Hall, Jackson, James, Lawton, Lindridge, Morris, Richardson, Robinson, Simmons, Tempest and Thomas

Those against:

Councillors Atkinson, Gibbon, Hind,.Lauderdale, Riddle, Springer and Thompson

Those abstaining:

None

(iii) Discussion following a response on a question

Members were reminded that both Council Procedure Rules 11 (Questions from the Public) and 12 (Questions by Members) allowed for a debate to take place, at the Chair of Council's discretion. The Procedure Rules were governed by the convention of the Chair to effectively regulate and control the conduct of a Council meeting and the proper business to be transacted. Some questions had not required any form of discussion by Members and what discussion had taken place had often led to the matter being directed to a Council Committee and subsequently a report back to Council. The Monitoring Officer considered it could therefore be more expedient if a provision in terms set out below was adopted to replace these two present procedure rules, as follows;

Proposed amendment -

11.7 (iv) Once the Chair of the Committee has answered the question, unless the Ceremonial Mayor decides otherwise, no discussion will take place on the issue raised by the question under rule 11.1 but any Member may move that a matter raised by a question be referred to the appropriate Committee. Once seconded, such a motion will be voted on without discussion.

Proposed amendment -

12.1 (ii) Once the question has been answered by the Chair of the Committee, unless the Ceremonial Mayor decides otherwise, no discussion will take place on any question but any Member may move that a matter raised by a question be referred to the appropriate Committee. Once seconded, such a motion will be voted on without discussion.

In addition, Procedure Rule 12.2 (iv) as set out below would also need to be amended, for the sake of consistency, should Council approve these proposals, as follows;

12.2 (iv) Members of the Council may, at the discretion of the Chair of Council, make comment upon and discuss the issue raised by the questioner under (i) or (ii) above and / or move that the issue is referred to a Council Committee.

Proposed amendment;

(iv) Unless the Ceremonial Mayor decides otherwise, no discussion will take place on any question raised under (i) or (ii) above, but any Member may move that the matter raised by the question on notice be referred to the appropriate Committee. Once seconded, such a motion will be voted on without discussion.

It was moved by Councillor C Akers-Belcher and seconded by Councillor Richardson:-

“That no change be made to the Procedure Rules other than a revision of the Council agenda prioritising any business required by statute, reports of policy committees, motions and any Chief Executive business reports.”

Resolved

That in accordance with Council Procedure Rule 24.2 the motion stand adjourned to the next ordinary meeting of the Council

200. REPORT FROM THE POLICY COMMITTEES

(a) Proposal in relation to the Council’s budget and policy framework

None

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

None

201. MOTIONS ON NOTICE

None

202. APPONTMENTS TO COMMITTEES, FORUMS AND OTHER BODIES

The proposed membership of Committees, Forums and other bodies had been circulated. An invitation had been extended to leaders of the political groups and independent members of the Council to make nominations for the position of Chairs and Vice Chairs. These were indicated on the schedules which had been circulated.

Votes were taken on the contested positions. Members were advised that voting for contested appointments to Committees would be in accordance with Council Procedure Rule 17, by show of hands.

RESOLVED -

(i) That the following appointments are made:-

Chair Regeneration Services Committee – Councillor Cranney.

As a result of the appointment of Councillor Cranney as Chair of Regeneration Services Committee, the Chief Executive advised that Councillor Cranney was appointed also to the Finance and Policy Committee.

Councillor Thompson be appointed to Regeneration Services Committee and Finance and Policy Committee

Councillors Loynes and Lauderdale be appointed to the two vacant positions on Children's Services Committee.

Councillor Riddle acknowledged that he had not been successful in his nomination to the Committee but highlighted that he had considerable education experience. He sought clarification whether there was an option to be co-opted onto the Committee. It was highlighted that any Member could attend any Committee meeting. The Ceremonial Mayor suggested that the Democratic Services Team forward Children's Services Committee meeting notifications to Councillor Riddle.

As a result of Councillor Hind's withdrawal of his nomination, Councillor Lawton was appointed Vice Chair of Licensing Committee.

Councillor Hind had indicated, and confirmed at the meeting, that he did not wish to take seat on Licensing Committee. Councillor Cook was nominated and subsequently appointed to that vacancy.

Chair North and Coastal Neighbourhood Forum – Councillor Beck

- (ii) That the Members indicated to the remaining positions of Chair and Vice-Chair, detailed in the circulated proposed membership documentation, in each case be appointed to those offices.
- (iii) That the remaining positions on Committees, Forums and other bodies, details of which are included in the Council's Minute Book, be constituted with the membership as indicated.
- (iv) That any remaining vacancies to be reported to the next ordinary meeting of Council.

203. APPOINTMENTS TO JOINT COMMITTEES AND OTHER OUTSIDE BODIES

A list setting out suggested representatives on joint committees and other outside bodies had been circulated. Prior to the meeting the leaders of the political groups and independent Members had been invited to make nominations. The Council was requested to agree the suggestions as set out in the document, the format of which reflected the division of outside body list in Part 7 of the Constitution. At the meeting, votes were taken on the contested positions.

RESOLVED –

- (i) That the following appointments be approved:-

Hartlepool and District Sports Council – Councillor Beck
North Tees and Hartlepool NHS Foundation Trust – Councillor Hall

Hartlepool Credit Union – Councillor Springer (2 vacancies remaining)

- (ii) That appointments to Teesside Pension Board be deferred to a future Council meeting and feedback be conveyed to the Pension Board that the Council would be prepared to provide a nomination should all local authority members be represented on the Board.
- (iii) That the remainder of the nominations, as detailed in the Council's Minute Book, be appointed as the Council's representatives on joint committees and other outside bodies.
- (iv) That any remaining vacancies to be reported to the next ordinary meeting of Council.

RETIREMENT OF CHIEF EXECUTIVE

The Ceremonial Mayor reminded Members that this was the last Ordinary Council meeting which Dave Stubbs would attend as Chief Executive, prior to his retirement. Members expressed their thanks to the Chief Executive, spoke in tribute to his 44 years service to the authority and conveyed their best wishes to Mr Stubbs and his family for a very happy retirement.

The meeting concluded at 8.30 p.m.

CEREMONIAL MAYOR

ANNUAL COUNCIL

MINUTES OF PROCEEDINGS

28 May 2015

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

PRESENT:-

The Ceremonial Mayor (Councillor S Akers-Belcher) presiding:

COUNCILLORS:

Ainslie	C Akers-Belcher	Belcher
Cook	Cranney	Fleet
Griffin	Hall	Hind
Jackson	James	Lauderdale
Lindridge	Riddle	Robinson
Simmons	Springer	Tempest
Thomas	Thompson	

Officers: Dave Stubbs, Chief Executive
Alyson Carman, Legal Services Manager
Andrew Atkin, Assistant Chief Executive
John Morton, Assistant Chief Finance Officer
Denise Ogden, Director of Regeneration and Neighbourhoods
Alastair Rae, Public Relations Manager
Amanda Whitaker, Democratic Services Team

1. APOLOGIES FOR ABSENT MEMBERS

Councillors Atkinson, Barclay, Beck, Brash, Clark, Gibbon, Lawton, Loynes, Martin-Wells, Dr Morris, Richardson and Sirs

2. DECLARATIONS OF INTEREST

None

3. APPOINTMENT OF CEREMONIAL MAYOR

Nominations had been sought for the office of Ceremonial Mayor of the Borough of Hartlepool for the ensuing municipal year.

Nomination moved by Councillor Griffin and seconded by Councillor Ainslie:-

“That Councillor Fleet be elected as Ceremonial Mayor of the Borough of Hartlepool for the ensuing municipal year”

The vote was put and agreed unanimously by Council.

The Chief Executive announced that Councillor Fleet had been elected as Ceremonial Mayor of the Borough for the ensuing Municipal Year.

The Ceremonial Mayor signed the Declaration of Acceptance of Office.

Councillor Fleet (Ceremonial Mayor) presiding.

The Ceremonial Mayor returned thanks for her appointment and addressed the Council. Council was informed by the Ceremonial Mayor of the charities she would be supporting during her forthcoming term of office.

3. VOTE OF THANKS

A vote of thanks was proposed by Councillor James and seconded by Councillor Cranney to the retired Ceremonial Mayor for the admirable way in which he had discharged his duties during his term of office.

Councillor Christopher Akers- Belcher addressed Council and referred to the honour of having been the retired Ceremonial Mayor’s Consort.

4. ADDRESS BY RETIRED CEREMONIAL MAYOR

The Ceremonial Mayor expressed his appreciation to the proposer and seconder for their kind words and paid tribute to those who had supported him in his role as Ceremonial Mayor.

With the approval of the Ceremonial Mayor, the Lord Lieutenant addressed Council and paid tribute to the retired Ceremonial Mayor and the retired Ceremonial Mayor’s Consort.

5. APPOINTMENT OF DEPUTY CEREMONIAL MAYOR

The Ceremonial Mayor requested nominations for the office of Deputy Ceremonial Mayor for the Borough of Hartlepool for the ensuing municipal year:-

Nomination made by Councillor Christopher Akers-Belcher and seconded by Councillor James:-

“That Councillor Cranney be elected as Deputy Ceremonial Mayor of the Borough of Hartlepool for the ensuing municipal year”.

The vote was put and agreed.

The Deputy Ceremonial Mayor signed the Declaration of Acceptance of Office.

6. ADDRESS BY DEPUTY CEREMONIAL MAYOR

The Deputy Ceremonial Mayor addressed the Council thanking his proposer and seconder for their kind words.

7. MINUTES OF PROCEEDINGS

The minutes of Proceedings of the Council meeting held on 26 May 2015 to be considered at the next Ordinary meeting of Council.

8. ANNOUNCEMENTS

None

9. ORDINARY MEETINGS OF THE COUNCIL

A schedule of Council meetings for the municipal year 2015/16 had been submitted for approval.

The meeting concluded at 7.50 p.m.

CEREMONIAL MAYOR

CLEVELAND FIRE AUTHORITY

MINUTES OF ORDINARY MEETING

13 FEBRUARY 2015



PRESENT:

CHAIRMAN:- Councillor Brian Briggs – Redcar and Cleveland BC
HARTLEPOOL BOROUGH COUNCIL
Cllrs Marjorie James, Geoff Lilley, Ray Martin-Wells
MIDDLESBROUGH COUNCIL
Cllrs Shamal Biswas, Jan Brunton, Garry Clark, Naweed Hussain, Tom Mawston, Peter Sanderson
REDCAR & CLEVELAND BOROUGH COUNCIL
Cllrs Norah Cooney, George Dunning, Ray Goddard, John P Hannon, Mary Ovens
STOCKTON ON TEES BOROUGH COUNCIL
Cllrs Paul Kirton, Jean O'Donnell, Mick Stoker, Steve Walmsley, William Woodhead
AUTHORISED OFFICERS
Chief Fire Officer, Director of Corporate Services, Treasurer, Legal Adviser and Monitoring Officer
BRIGADE OFFICERS
Head of Corporate Support

APOLOGIES FOR ABSENCE: Cllr Robbie Payne – Hartlepool Borough Council
Cllrs Gillian Corr, John Gardner – Stockton-on-Tees Borough Council

89. DECLARATIONS OF MEMBERS INTEREST

Councillors Goddard, Dunning and Woodhead declared a personal interest - minute no. 96 refers.

90. MINUTES

RESOLVED – that the Minutes of the Cleveland Fire Authority Meeting on 12 December 2014 be confirmed.

91. MINUTES OF COMMITTEES

RESOLVED – that the Minutes of the Tender Committee Meeting on 23 January 2015 and the Executive Committee meeting on 23 January 2015 be confirmed.

92. COMMUNICATIONS RECEIVED BY THE CHAIR

The Chairman reported that correspondence had been received from

- Letter from Penny Mordaunt MP re Firefighter Pensions
- Letters from DCLG re Pension Reform Dispute and Firefighter Fitness
- Letters from Clair Alcock, LGA re Firefighters Pension Scheme 2015
- Letter from DDFRS re an emergency motion approved at their meeting on 15 Jan 2015

RESOLVED:- that the communications be noted.

93. REPORT OF THE CHIEF FIRE OFFICER

93.1 Information Pack – February 2015

- 93.1.1 Fire & Rescue Service Monthly Bulletins
- 93.1.2 Employers Circulars
- 93.1.3 Fire Brigade Long Service and Good Conduct Medal

RESOLVED - That the Information Pack be noted.

94. JOINT REPORT OF THE CHIEF FIRE OFFICER AND TREASURER

94.1 Medium Term Financial Strategy 2015/16-2017/18 and Annual Budget 2015/16

The Treasurer presented an update to Members on the Authority’s overall financial position covering:

- 2014/15 Outturn, Review of Reserves and One-off costs which he reported are anticipated to be budget neutral
- 2015/16 to 2017/18 Budget which he highlighted included the recently announced 2015/16 grant cut of 10.4% which is a reduction of £1.762m and £100,000 less than the indicative allocation provided by the Government in January 2014. He explained that the Government had again used spending power reductions to compare the impact on individual authorities which were detailed at Appendix A of the report.

The Treasurer detailed the annual budget shortfall facing the Authority as a result of the confirmed 2015/16 grant reduction and forecast additional reductions in 2016/17 and 2017/18 as being:

2014/15	£1.627m
2015/16	£1.428m
2016/17	£1.667m
2017/18	£1.106m

The Treasurer reported that in line with previous decisions by Members, for planning purposes, an annual Council Tax increase of 1.9% had been built into the MTFs. A 1.9% increase in Council Tax would take Band D from £69.05 (£1.33 per week) to £70.36 (£1.35 per week) an increase of around 2.5 pence per week.

The Treasurer confirmed that the Capital Programme would be funded 71% from Government Capital Grants and earmarked Capital Investment Reserve and it was anticipated that 29% would be from borrowing.

Councillor Biswas congratulated the Treasurer for keeping the Council Tax increase below 2% thus avoiding triggering a referendum and acknowledged that while the Authority’s funding was shrinking the public expectations and the Authority’s statutory duties remained the same.

Councillor Dunning asked if there had been any indication of change to the grant formula post-election. The CFO confirmed that he had been assured there was no sign of a change to the funding formula.

The Legal Adviser and Monitoring Officer (LAMO) informed Members that in line with transparency regulations which came into force in 2014, local authorities had to take a vote on any budget decisions. Members unanimously agreed to the recommendations as detailed below:

94.1 Medium Term Financial Strategy 2015/16-2017/18 and Annual Budget 2015/16 (cont)

RESOLVED:-

- i) That the report be noted;
- ii) That the proposals to allocate available one-off resources to fund one-off costs as follows be approved:

	£m
Available One-off Resources	
2014/15 Managed Budget Underspend	1.328
Release of Un-earmarked General Fund Reserve	0.218
Release of Budget Support Fund Reserve	0.304
Council Tax Collection Fund Surplus	0.324
Business Rates Collection Fund Surplus	0.271
Less - One-off Costs	
Injury Pension Costs	(1.345)
Provision for Organisational implementation/transitional costs (Redundancy/Early Retirement Cost)	(0.750)
Contribution to Capital Phasing Reserves	(0.300)
Contribution to Insurance Reserve	(0.050)
Net uncommitted resources/costs	0

- iii) That the 2015/16 revenue budget as detailed at Appendix D, which includes the 2015/16 CIRMP savings approved on 17 October 2014 be approved.
- iv) That a 1.9% rise in Council Tax for 2015/16 be approved, which equates to a Band D Council Tax of £70.36 and supporting statutory calculations as detailed at Appendix F, which includes the following Council Tax levels for the different property bands:

Property Band	2015/16		Annual increase £
	Annual Council Tax £	Weekly Council Tax £	
A	46.91	0.90	0.88
B	54.72	1.05	1.01
C	62.54	1.20	1.16
D	70.36	1.35	1.31
E	86.00	1.65	1.61
F	101.63	1.95	1.89
G	117.27	2.26	2.19
H	140.72	2.71	2.62

- v) That indicative Council Tax increases of 2% for 2016/17 and 2017/18 be approved.
- vi) That the capital programme detailed in Appendix E be approved.

95. REPORT OF THE TREASURER

95.1 Treasury Management Strategy

The Treasurer presented the Treasury Management Strategy 2015/16 which had been scrutinised by the Audit & Governance Committee on 18 November 2014. The key areas covered included:

- Economic Background / Outlook for Interest Rates
- Outturn Position 2013/14
- Mid-Year Review
- Treasury Management Strategy 2015/16
- Borrowing Strategy 2015/16
- Investment Strategy 2015/16
- Minimum Revenue Provision and Interest Costs
- Banking Contract update

The Treasurer indicated that since the report was presented to the Audit and Governance Committee there is increasing evidence that long term interest are currently at a low point as they have reduced to around 3% (0.75% lower than they were six months ago). The position will be monitored closely and as detailed in the recommendations there is an increased probability that Option 2 will be implemented to pre-fund long term borrowing to lock into historically low interest rates, which will secure the lowest long term cost for the Authority.

Councillor James noted reports of 0.5% and negative lending rates and asked if this would give the Authority an opportunity to clear some of its smaller debts. The Treasurer indicated that the over the last few years the Treasury Management Strategy minimised interest costs by netting down investments and borrowings, which is the equivalent of an offset mortgage. The Treasury Management strategy for 2015/16 and future years aims to secure the lowest long term interest costs for the Authority.

RESOLVED:-

(i) That the Treasury Management Strategy 2015-16 be noted.

(ii) That Members approved the recommendations from the Audit & Governance Committee for the Treasury Management Strategy 2015-16, as detailed below:

i) Borrowing Strategy 2015/16

- a. The adoption of Option 3 to **delay long term borrowing linked to contract awards** – i.e. delay borrowing until there is a forecast increase in the amount to be funded or until there is a significant increase in long term interest rates;
- b. That in the event of a change in forecast interest rates, Members noted that the Treasurer may implement Option 2 to pre fund the borrowing requirement to fixed long term interest rates at an affordable level to protect the Authority's long term financial position;
- c. That the creation of a Capital Funding Reserve to manage the phasing of actual loan repayment costs over the period 2014/15 to 2028/29, be approved;

ii) Investment Strategy

- a. That the addition of three "AAA" rated Money Market Funds to the counterparty list, with a counterparty limit of £0.5m per fund, noting that funds will be liquid (i.e. instance access) therefore a time limit is not applicable, be approved.
- b. That the time limits for investments for existing counterparties be extended to a maximum of 1 year.

95.1 Treasury Management Strategy continued

iii) Minimum Revenue Provision (MRP) Statement

That the following MRP Statement be approved:

- a. For capital expenditure incurred before 1st April, 2008 the Authority's MRP policy is to calculate MRP in accordance with former CLG Regulations. This is 4% of the Capital Financing Requirement except where the Authority makes Voluntary Revenue Payments which is in excess of the amount required by these regulations, based on asset life;
- b. From 1st April, 2008 the Authority calculates MRP based on asset life for all assets or where prudential borrowing is financed by a specific annuity loan, MRP
- c. will be calculated according to the actual annuity loan repayments.

iv) Prudential Indicators 2015/16

That the prudential indicators detailed in Appendix 2 be approved.

96. REPORT OF THE LEGAL ADVISER AND MONITORING OFFICER

96.1 Pay Accountability – Pay Policy Statement 2015/16

The Legal Adviser and Monitoring Officer (LAMO) presented the Pay Policy Statement (PPS) 2015/16 and reported that it had been updated to reflect the changes which had taken place during the year, highlighted in yellow at Appendix 1. The LAMO reported that the CFO and Directors' pay was established under a locally negotiated pay formula and subject to independent evaluation by the North East Regional Employers Organisation (NEREO) on an annual basis. He reported that the roles of Treasurer and LAMO were provided by Hartlepool Borough Council under a service level agreement therefore no payments were made direct to the post holders and any annual increases were not determined by the Authority.

(2.36pm) Councillors Goddard, Dunning and Woodhead declared a personal interest as Members of NEREO.

The LAMO confirmed that remuneration of the Authority's lowest paid employees was:

- Firefighter (Development) £22,706
- Non-operational employee Grade B (Development) £15,523

He reported that the Pay Policy Statement had been recommended for approval by the Authority by the Executive Committee on 23 January 2015 and in line with the provisions set out in the Localism Act 2011 was to be published before 31 March 2015.

RESOLVED:-

- (i) **That the Pay Policy Statement 2015/16, as detailed at Appendix 1, be noted.**
- (ii) **That the Pay Policy Statement 2015/16 be approved, as recommended by the Executive Committee on 23 January 2015.**
- (iii) **Members approved that the Pay Policy Statement be published by 31 March 2015.**
- (iv) **Members approved the instigation of the pay review, as detailed in paragraph 4 of the Pay Policy.**

- 97. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION ORDER) 2006**
RESOLVED - “That under Section 100(A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 3 and 4 of Part 1 Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006”, namely information relating to any individual, namely information relating to the financial or business affairs of any particular person (including the authority) holding that information and namely information relating to any consultations or negotiations or contemplated consultations of negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders, under the authority.
- 98. CONFIDENTIAL MINUTES**
RESOLVED – that the Confidential Minutes of the Cleveland Fire Authority Meeting on 12 December 2014 be confirmed.
- 99. CONFIDENTIAL MINUTES OF COMMITTEES**
RESOLVED – that the Confidential Minutes of the Tender Committee on 23 January 2015, Executive (Appeals) Committee on 8 December 2014 and the Executive Committee on 23 January 2015 be confirmed.
- 100. CONFIDENTIAL REPORTS OF THE CHIEF FIRE OFFICER**
- 100.1 The Future of the Fire & Rescue Service in England**
Members were apprised with details relating to the Future of the Fire and Rescue Service in England.
- 100.2 Firefighter Pensions**
The CFO updated Members on the latest position regarding the industrial dispute over firefighter pensions.

**COUNCILLOR BRIAN BRIGGS
CHAIRMAN**



Report of: Monitoring Officer

Subject: PERIODIC REVIEW OF THE COUNCIL'S CONSTITUTION

1. INTRODUCTION AND BACKGROUND

1.1 This report relates to items that were either adjourned under Council Procedure Rule 24.2 from the Council meeting on 26 May, 2015, or which were otherwise deferred for further consideration. Members are aware that the above mentioned procedure rule entails that *'any motion to add to, vary or revoke'* a Council Procedure Rule *'will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council'*.

1.2 Although, it is prescribed that certain information must be contained within the Council's Constitution, there is some degree of flexibility involved. It is noticeable, for example, that Part 5 ('Codes and Protocols') has been expanded to accommodate a number of references which better assists an understanding as to the operation and governance of the Council. The points below briefly summaries, the position upon content;

- A copy of the Council's Standing Orders (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.

2. FUNCTIONS AND RESPONSIBILITIES

2.1 The Borough Council is largely guided by The Local Authorities (Committee Systems) (England) Regulations, 2012, which specifies those functions that are the preserve of Council and those matters that can be delegated to a Committee, Sub Committee or an officer under the principles established under section 101 of the Local Government Act, 1972. The Constitution should be considered very much as a "living document" which contains a variety of statutory references but also those matters which can assist and further the better governance of the Authority.

- 2.2 Article 15 of the Constitution specifies that the Monitoring Officer will monitor and review the operation of the Constitution and any necessary changes should follow the recommendations of the Monitoring Officer to Council. Within that Article there is a protocol wherein the Monitoring Officer in making recommendations can observe meetings, undertake an audit trail of sample decisions, record and analyse issues raised and compare examples of good practice within comparable Local Authorities and/ or of national import. The ‘items for consideration’ in this report have therefore been raised with the Monitoring Officer by elected Members or through members of the public, as previously reported. This report also captures a number of proposals made by members at the meeting on 26 May, upon which formal resolutions will be required.

3. ITEMS FOR CONSIDERATION

- 3.1 The following items are therefore again raised in this periodic review of the Council’s Constitution;

- The “Six Month” Rule
- Apologies
- Statutory Health Scrutiny – Further Review of Delegations
- ‘Discussion following a response to a question’

(i) THE “SIX MONTH” RULE

Following a question from a Member of the Public to the Chair of Finance and Policy Committee at the Council meeting on 30th October, 2014 it was agreed;

“That the Monitoring Officer be requested to review “the six month” rule generally, as part of its annual review of the Constitution and submit a report back to this Council for consideration.”

Under Council Procedure Rule 11.5 which deals with the scope of questions from the public, the Chief Executive in consultation with the Chair of Council may reject a question on various grounds but materially for the purpose of this report if:-

iii) it is substantially the same as a question which has been put at a meeting of the Council in the past six months and since when there has been no change of circumstances justifying the resubmission of the question,

This provision is further replicated for questions by Elected Members within Council Procedure Rule 12.3 iii). There is also the provision, which incorporates a prohibition upon a ‘Motion to rescind a previous decision’ under Council Procedure Rule 16.1 where that ‘*motion or an amendment to rescind, or having the effect of rescinding a decision made at a meeting of Council within the past six months cannot be moved.*’ In addition Procedure Rule 16.2 has a similar purpose in relation to a ‘Motion similar to one previously rejected’ ie., in the past six months.

The intention behind such provisions is to ensure certainty behind decision making and more so to ensure that any third party acting upon a Council resolution is not thereafter prejudiced by so acting upon that resolution. In order for Members to debate this issue a number of options are presented. However, Members are reminded that they should proceed from the premise of certainty behind their governance arrangements rather than what appears to be meritorious in principle but which from a practical point alone, might prove to be unworkable in application and which detracts from rather than enhancing effective governance. The “options” raised within this report are therefore as follows;

Option 1 – Retention of the “six month” rule, without amendment

Option 2 – A lesser period (to be determined), but one which is still defined and maintains certainty behind these Procedure Rules.

Option 3 – Other potential changes, as follows;

i) Public/ Member questions

The Chief Executive in consultation with the Chair of Council may reject a question if;

- It is substantially the same as a question that has been put at a meeting of Council in the past six months but which the Chief Executive thinks should be put to a meeting of Council as it covers matters which may have significant effect or impact within the Borough.

Note – If such a question is accepted a similar question shall not be so accepted until the expiration of the period of 6 months from the date of the next ordinary Council meeting.

ii) Motion to rescind a previous decision (CPR 16.1)

A motion or amendment to rescind a decision made at a meeting of Council within the past 6 months cannot be moved unless the notice of motion is signed by at least [XX] Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for at least six months

iii) Motion similar to one previously rejected (CPR 16.2)

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past 6 months cannot be moved unless the notice in motion or amendment is signed by at least [XX] Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for at least six months.

At the Council meeting on the 26 May it was proposed and seconded (Councillors C Akers-Belcher and R Cook) that ‘the six month rule be retained without amendment’.

An amendment was moved and seconded (Councillors P Thompson and K Atkinson) ‘that the current rule of six months be replaced by a period of three months’.

Members are reminded that under Procedure Rule 15, if an amendment is carried it would take the place of the original motion and it would then become the substantive motion. Voting would ordinarily be on a show of hands (unless the Chair and Council determines otherwise) and the initial vote should be on the amendment. If the vote on the amendment succeeds, the position is that as stated above. If the amendment is ‘voted down’ members should then vote on the original motion, to affirm the resolution of Council.

RECOMMENDATION

For Council to consider and determine.

(ii) APOLOGIES

A Member of the Public has requested consideration of the procedure behind Members providing apologies at meetings to include an explanation behind the absence of the relevant Member. The nature of what was received by way of a “public question” is set out below;

‘Will the Council agree to rectify their currently undefined "apologies for absence" procedure by inserting the words "accept" within the formal agenda and thereby require those present to consider the reasons for their colleagues absence rather than their unspecified, and automatically accepted, apologies.’

As this matter can be more appropriately dealt with in this report rather than as a public question (it is the Monitoring Officer’s function under Article 15 as stated) this matter is raised herewith for the determination of Council.

The order of business of the Council’s Annual Meeting and ‘Ordinary’ meetings (Council Procedure Rules 1.2 and 2.1 refer) merely indicate;

“to receive apologies from absent Members”.

This is in common with most Local Authorities (practice varies in Town/Parish Councils) without any further explanation behind that absence. Nevertheless, it is open for a Member to submit a written apology with an explanation behind that non attendance or equally to communicate that absence through a fellow Member. Whilst one could say this assists in the transparency behind Member’s attendances, it is not a legal requirement. Members are however

reminded that should there be a failure to attend formal meetings of the Council for a period of 6 months (other than where there has been prior approval of an absence by Council) then a Member will cease to be a Councillor (Section 85 of the Local Government Act, 1972 applies). There is also the potential administrative burden of recording such non attendance on a 'meeting by meeting' basis and the veracity behind the information provided. However, as previously suggested this is a matter entirely for the determination of Council.

At the last Council meeting, it was proposed that this Procedure Rule 'remains unchanged'. It was however moved and seconded (Councillors P Thompson and D Riddle) the following;

'That the Council Procedure Rule be amended to provide for apologies at meetings to include an explanation for the absence of a Member.'

The procedure for dealing with motions (and amendments) is stated above.

RECOMMENDATION

For Council to consider and determine.

(iii) STATUTORY HEALTH SCRUTINY – FURTHER REVIEW OF DELEGATIONS

Since the introduction of the Council's 'new' governance arrangements, items of statutory scrutiny, namely that surrounding crime and disorder and health scrutiny have been within the remit of the Council's Audit and Governance Committee. Through a meeting of Council on 24th November, 2014, responsibilities surrounding statutory health scrutiny were thereafter retained by Council. It may well have been overlooked on 24th November, 2014, but the Council's Statutory Scrutiny Procedure Rules entail that in fulfilling its responsibilities under the Health and Social Care Act, 2012 (review and scrutiny relating to planning, provision and operation of health services) Council has reserved to itself, for example, "*proposed substantial development or variation of provision of health services*" and also any consideration of a referral to be made to the Secretary of State over "*insufficient consultation on major changes to services*".

Accordingly, the 'whole scale' transfer of health scrutiny functions to Council is unnecessary and has seen a plethora of extraordinary meetings, when some matters could have been properly dealt within the setting of a Committee meeting.

An outline of the Health Scrutiny Programme 2014 – 2015 as previously reported to Council, incorporates items that may not necessarily be conducive to the proper despatch of Council business.

i) **Health Scrutiny Work Programme 2014/15****Cardiovascular Diseases Investigation**

	Activity / Evidence	Date
Group 1:	Visit to Health Bus	TBC – early January 2015
Group 2:	Discussion with Dr Mike Stewart, cardiologist from South Tees Hospital	10 December 2014
Group 3:	Visit to Cardiac Rehabilitation Session	9 December 2014
Formal meeting	Feedback from group activities Discussion with Cardiologist from North Tees and Hartlepool NHS Foundation Trust Discussion with NEAS regarding defibrillators / use in ambulances	8 January 2015
Formal meeting	Finalise and Approve Final Report	19 March 2015

Dementia Investigation

	Activity / Evidence	Date
Meeting of working group	Discussion with Adult Social Care and the Hospital of God at Greatham	5 December 2014
Meeting of working group	Discussion with public health, NTHFT, Hartlepool and Stockton on Tees CCG, TEWV, VCS organisations and family / carers of people with dementia	TBC
Formal meeting	Feedback from the Dementia working group	19 February 2015
Formal meeting	Final Report	19 March 2015

ii) **Annual items**

	Activity / Evidence	Date	Format / timescale
Statutory Health Scrutiny: i) Annual Work Programme Setting; ii) Scoping of Investigations. iii) Conduct of investigations	Annual - Exploration of potential topics, selection, scoping and	i) Start of Municipal Year ii) Regular meetings during the course of the year.	Full meeting:- i) Detailed reports, including use of scoring matrix ii) Discussions in relation to potential topics
North Tees and Hartlepool FT Quality Accounts	Annual reflection on the 2013/14 Quality Account and contribution towards the 2014/15 Quality Account for North Tees and Hartlepool NHS Foundation Trust Quality Account Market Place Event	19 February 2015 (is also considered initially August time) 16 December at 2pm (Hartlepool Hospital)	Presentation / questions (approx 45 mins) This is the first time this has been held
Tees, Esk and Wear Valleys NHS Foundation Trust – Quality Account	Annual reflection of the 2013/14 Quality Account and contribution towards the 2014/15 Quality Account for Tees, Esk and Wear Valleys NHS Foundation Trust	19 February 2015 or 19 March 2015	Presentation / questions (approx 45 mins)
North East Ambulance Service Quality Account (NEAS) – Quality Account	Annual reflection of the 2013/14 Quality Account and contribution towards the 2014/15 Quality Account for NEAS	19 February 2015 or 19 March 2015	Presentation / questions (approx 45 mins)
Health Inequalities	Annual Update on health inequalities, focusing on women's life expectancy.	8 January 2015	Presentation / questions (approx 45 mins)
Director of Public Health Annual Report	Annual report produced by the Director of Public Health	Report already goes through Full Council	

HWBB Performance / HWB Strategy Performance		TBC	TBC
Six monthly monitoring of scrutiny recommendations		Beginning of new municipal year	Report – 10 mins
Closing the Loop reports in relation to Scrutiny Final Reports (submitted following consideration of rec's by appropriate Committee)		Beginning of new municipal year	Report – 10 – 20 mins

Issues arise on an ad-hoc basis

Recent examples:

- Evaluation of the reconfiguration of Emergency Medical and Critical Care Services
- Suspension of Service Notice – Assisted Conception Service
- Service Reconfigurations

Current example:

- Independent Reconfiguration Panel Review (to be discussed at Council on the 18 December 2014)

It was previously reported by the Monitoring Officer the view that were matters most notably those involving the Local Foundation Trust which has attracted considerable public attention and which have required the handle and direction of Council. This is not necessarily the case for the vast majority of items which should ordinarily be proceeding through the Audit and Governance Committee. It is therefore suggested that at the start of the next municipal year items involving health scrutiny through the work programme for 2015/16 should proceed before the Audit and Governance Committee and thereafter a view from Council so that there is a familiarity with those items and a proper determination of what should be reserved to Council and those that should be received by the Committee.

At the meeting on 26 May it was moved and seconded (Councillor P Thompson and K Atkinson) the following;

'That the recommendations of the Chief Solicitor be approved, subject to all quality accounts and the Local Health Plan continuing to be considered by Council.'

It was then moved and seconded (Councillors C Akers-Belcher and C Richardson) by way of an amendment, that;

‘The functions and responsibilities for Health Scrutiny be delegated to Audit and Governance Committee and that the work programme for the municipal year 2015/16 be agreed by the Committee and reported annually to Council.’

For the information of members, a separate report is envisaged on the ‘terms of reference’ for a ‘Local Health (and Social Care) Plan, at the meeting on 25 June and this should indicate that this issue is considered by Council as well as other reporting mechanisms.

RECOMMENDATION

1. The functions and responsibilities for Health Scrutiny be delegated to Audit and Governance Committee and that the work programme for the municipal year 2015-16 (and those years following) be submitted to the Committee and thereafter Council.
2. For Council to determine whether ‘all quality accounts’ (accepting that the ‘Local Health Plan’ is so reported) are referred to Council and whether an annual report should be received by Council on the work of the Audit and Governance Committee on health scrutiny during the municipal year to which the report relates.

(iv) DISCUSSION FOLLOWING A RESPONSE TO A QUESTION

Both Council Procedure Rules 11 (Questions from the Public) and 12 (Questions by Members) allows for a debate to take place, at the Chair of Council’s discretion. The relevant provisions are set out below:

11.7 (iv) Once the Chair of the Committee has answered the question, Members of the Council may, at the discretion of the Chair of the Council, make comment upon and discuss the issue raised by the question under Rule 11.1 or move that the issue raised by the question referred to the Council Committee.

12.1 (ii) Once the question has been answered by the Chair of the Committee, as the Chair of Councils discretion, discuss the issue or move that the issue be referred to a Council Committee’.

These particular procedure rules are governed by the convention of the Chair to effectively regulate and control the conduct of a Council meeting and the proper business to be transacted, expediently and effectively. Some questions have not required any form of discussion by Members and what discussion has taken place has often led to the matter being directed to a Council Committee and subsequently a report back to Council. It may therefore be more expedient if a provision in terms set out below was adopted to replace these two present procedure rules, as follows;

Proposed amendment -

11.7 (iv) Once the Chair of the Committee has answered the question, unless the Ceremonial Mayor decides otherwise, no discussion will take place on the issue raised by the question under rule 11.1 but any Member may move that a matter raised by a question be referred to the appropriate Committee. Once seconded, such a motion will be voted on without discussion.

Proposed amendment -

12.1 (ii) Once the question has been answered by the Chair of the Committee, unless the Ceremonial Mayor decides otherwise, no discussion will take place on any question but any Member may move that a matter raised by a question be referred to the appropriate Committee. Once seconded, such a motion will be voted on without discussion.

In addition, Procedure Rule 12.2 (iv) as set out below would also need to be amended, for the sake of consistency, should Council approve these proposals, as follows;

12.2 (iv) *Members of the Council may, at the discretion of the Chair of Council, make comment upon and discuss the issue raised by the questioner under (i) or (ii) above and / or move that the issue is referred to a Council Committee.*

Proposed amendment;

(iv) Unless the Ceremonial Mayor decides otherwise, no discussion will take place on any question raised under (i) or (ii) above, but any Member may move that the matter raised by the question on notice be referred to the appropriate Committee. Once seconded, such a motion will be voted on without discussion.

At the meeting on 26 May, it was moved and seconded (Councillors' C Akers-Belcher and C Richardson) the following;

'That no change be made to the Procedure Rules other than a revision of the Council agenda prioritising any business required by statute, reports of policy committees, motions and any Chief Executive business reports.'

This motion in accordance with Council Procedure Rule 24.2 was therefore adjourned for consideration at the next ordinary meeting of Council.

RECOMMENDATION

That Members consider the motion as stated above.

COUNCIL

25 June 2015



Report of: Finance and Policy Committee

Subject: CONSULTATION ON THE PROPOSED CHANGES
TO CLEVELAND FIRE AUTHORITY

1. PURPOSE OF REPORT

- 1.1 Finance and Policy Committee considered proposals for a change in the composition of Cleveland Fire Authority at their meeting 1st June, 2015. The report as presented to the Committee together with appendices (including amongst other matters, the Fire Authority's Governance Review 2014-2015) is attached to this report for the information of Council (**Appendix A**). It was the view of the Committee that the proposed reduction in the composition of the Cleveland Fire Authority from 23 Members to 12 was not in the best interests of the constituent Councils and their communities. Indeed, such a proposal would severely erode member oversight with particular impact on the representation of Hartlepool Borough Council upon the Fire Authority. Council is therefore requested to carefully consider the proposals associated with this consultation exercise and delegate authority to the Chief Executive Officer to provide a response by the stated deadline, of Friday 26th June, 2015.

2. BACKGROUND

- 2.1 Following the demise of Cleveland County Council, the Cleveland Fire Authority was formed through the Cleveland Fire Services (Combination Scheme) Order, 1995. In association with most other Scheme Orders it is stated that the Authority shall consist of "*not more than 25 members*". The Cleveland Fire Authority accords with that requirement with a composition of 23 members. Four representatives are appointed by Hartlepool Borough Council with Middlesbrough Borough Council and Redcar & Cleveland Borough Council each having six members and Stockton Borough Council appoints seven members. This representation is based proportionally on the number of local government electors in the area of each constituent authority.

- 2.2 At their meeting on the 7th March, 2014, the Fire Authority resolved “to review the governance of the Fire Authority to examine the number of Committees and Elected Members required to govern Cleveland Fire Authority”. The resulting consultation exercise which was approved by the Fire Authority on 27th March, 2015, seeks the views of the four constituent local authorities as well as other stakeholders as to the future composition and governance of the Fire Authority. Members will note reference within the appended documents to the Fire Authority’s “Community Integrated Risk Management Plan 2014 – 2018”, the various statutory responsibilities placed on the Authority and its Brigade as well as ongoing budget pressures, which have shaped the resulting consultation proposals, upon which the view of Council is sought.

3. CONSULTATION PROPOSALS

- 3.1 At their meeting on the 27th March, 2015 (following earlier consideration by the Executive Committee on the 6th March) the Fire Authority are consulting upon the following proposals:
- The number of Elected Members on Cleveland Fire Authority to be 12. Based on the proportionality of the number of local government electors in each constituent area this would entail 2 Members representing Hartlepool Borough Council, 3 each for Middlesbrough Borough Council and Redcar and Cleveland Borough Councils and 4 for Stockton Borough Council.
 - The Fire Authority would be underpinned by an Executive Committee (comprising 5 Members namely the Chair of the Fire Authority and a Member from each constituent authority) and an Audit and Governance Committee (comprising 7 Elected Members and 2 Independent Persons when exercising “standards” functions).
 - There would be an increase in the delegation/decision making in respect of the Executive and Audit and Governance Committees (see appended “Indicative Terms of Reference”).
 - The appointment of the Chair and Vice Chair (through current convention), will remain the same with a rotation across the constituent authorities on a two yearly basis.
 - It is also canvassed the potential for appointments to the Fire Authority to be on a “4 year term of office”, as presently operated by Stockton Borough Council.

4. CONCLUSIONS

- 4.1 The Finance and Policy Committee were particularly concerned over the dramatic reduction, of almost half the present composition of the Fire Authority, should such a proposal be approved by the Fire Authority. It was considered that such a proposal would not be in the best interests of the Cleveland Fire Authority. It was the strong view of the Committee that this would erode Member oversight and have a significant impact upon the

representation from Hartlepool Borough Council. The composition of a Fire Authority based upon twelve elected representatives would only entail two members being appointed through this Council. For the avoidance of doubt, such a number would not need to be politically balanced. It was also ventured that with talk on the future delivery of a fire and rescue service that “*more accountability than less*” was required. Although, there is an indication of a potential budget saving circa £40,000, these seem to be “anticipated” savings and not necessarily robust in calculation. It was recognised the significant cuts to the budget of the Fire Authority (including cognisance to ‘projected savings’) and that the Cleveland Fire Brigade operated in an area with a high density of COMAH (Control of Major Accident Hazards) sites, which had not been properly recognised in the allocation of funding to the Fire Authority and its Brigade. Nevertheless, there was a continuing need to have a Fire Authority of sufficient number of elected representatives to properly and democratically discharge and account for the decisions of that organisation.

- 4.2 Although, the Governance Review 2014-2105 indicated an Executive Committee of 7 members this appears to have been revised when the same was considered before the Fire Authority at their meeting of 27th March, 2015. It was also felt that the Committee could not support an Executive having a majority of members as its composition which would outweigh and challenge the overall complement of the Fire Authority. Equally, the Audit and Governance Committee would need to have sufficient representation to be an effective “check and balance” in order to properly review and scrutinise the actions of the Executive and the delivery of fire fighting and rescue services undertaken by the Cleveland Fire Authority through the Fire Brigade. It was recognised the serious challenges facing the Fire Authority and again it was felt that this would be undermined by a substantial reduction in the number of members compromising the Fire Authority, which would be detrimental to the long term interests of the Authority and in turn the constituent authorities and their communities. Accordingly, it was the view of the Finance and Policy Committee that there should be no reduction in the composition of the Cleveland Fire Authority and that this forms the basis of the Council’s response to this particular consultation exercise.

5. RECOMMENDATION

- 5.1 The Committee recommends to Council that the composition of Cleveland Fire Authority remains unchanged and that the Chief Executive Officer in consultation with the Leader of Council responds to this consultation on that basis.

FINANCE AND POLICY COMMITTEE

1st June 2015



Report of: Chief Executive Officer

Subject: CONSULTATION ON THE PROPOSED CHANGES
TO CLEVELAND FIRE AUTHORITY

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Non key decision.

2. PURPOSE OF REPORT

2.1 Following their meeting on the 27th March, 2015, the Cleveland Fire Authority seeks the view of the four constituent Borough Councils on proposed changes as more specifically outlined within this report. The closing date for submission of representations is no later than Friday 26th June, 2015 and the Committee is requested to formulate recommendations for the consideration of Council at their scheduled meeting on the 25th June, so allowing a response to be made before the conclusion of this particular consultation exercise.

3. INTRODUCTION AND BACKGROUND

3.1 The Cleveland Fire Authority was formed through the Cleveland Fire Services (Combination Scheme) Order, 1995, comprising representation from the four Borough Councils. The Scheme Order prescribes that the Cleveland Fire Authority shall consist of '*not more than 25 members*' and that those representatives are appointed '*as is proportionate to the number of local government electors in its area in relation to the number of such electors in each of the other constituent authorities areas*'. Accordingly, the 23 members who currently comprise the Cleveland Fire Authority are based proportionately upon the local government electorate of the Cleveland area, entailing that Hartlepool Borough Council appoints four representatives to the Fire Authority. 'The Cleveland Fire Authority Governance Review 2014/15: Current Arrangements' is appended to this report (**Appendix 1**) which further details the allocation of representatives from the constituent authorities.

- 3.2 The Fire Authority's 'Community Integrated Risk Management Plan 2014 – 2018' outlines their 'vision, strategic goals, community risk management model and risk assessment outcomes'. It also outlines the Authority's medium term financial position with an assumed budget shortfall over the four years to 2017 – 2018 of £5.8m. Although this plan has a clear focus upon how the Cleveland Fire Authority through the Cleveland Fire Brigade will discharge its core statutory functions (ie., that of community safety services and the provision thereof), the Authority has also sought to address its governance arrangements, as contributing to the overall planned efficiency savings. Members of the Fire Authority at their meeting on 7th March, 2014, therefore resolved '*to review the governance of the Fire Authority to examine the number of Committees and Elected Members required to govern Cleveland Fire Authority*'.

4. PROPOSALS

- 4.1 At their meeting on 27th March, 2015, the Fire Authority considered some five options covering the potential composition of a future Fire Authority. Those proposals ranged from a Fire Authority of 12 members to options comprising up to 16 members. Consideration was also given to proposed changes in the committee structure of the Authority which essentially moves away from a standing committee dealing with 'overview and scrutiny', which is not a statutory requirement for an Authority established as a 'stand alone' Fire Service under a Combination Scheme Order. The Authority would be underpinned by two committees, namely the Executive Committee and an Audit and Governance Committee. For the avoidance of doubt, there would still be provision within the constitutional arrangements of the Fire Authority for an 'Appeals Committee' in association with applicable Brigade policies, and a 'Joint Consultative (informal) Committee' operating on an ad hoc basis and being advisory in nature. The Fire Authority's contract procedure rules also allow for the convening of a Tender Committee, as and when required in compliance with those particular procedure rules.
- 4.2 As part of the consideration of the options for the future delivery of services, it was recognised the statutory responsibilities placed upon the Fire Authority (as discharged through the Cleveland Fire Brigade) in respect of 'core functions' under the Fire and Rescue Services Act, 2004. Those functions relate to; fire safety, fire fighting, attendance at road traffic accidents and emergencies. It should be noted, that the Secretary of State has reserved by order, the ability to confer upon Fire and Rescue Authorities such additional functions relating to emergencies, other than fires and road traffic accidents, which he/she deems necessary. There are also additional obligations and powers placed upon Fire and Rescue Authorities, and it is a common feature in the operation of Fire and Rescue Authorities to act in cooperation with other Authorities to ensure necessary resilience, not least in relation to civil contingencies. The Authority also has statutory responsibilities for the investigation and enforcement of various measures under the Regulatory Reform (Fire Safety) order, 2005. The Fire Authority is also required to give consideration to the objectives as set out in the Government's 'Fire and Rescue National Framework for England'. This document sets out the

priorities and objectives for Fire and Rescue Authorities in England in connection with the discharge of their functions. There is emphasis in delivering national resilience, and how Authorities would work individually, collectively and with Government to ensure necessary capacity is in place to respond to major incidents.

5. CONSULTATION

5.1 The following proposals were approved by the Cleveland Fire Authority and upon which the present consultation exercise relates, namely;

- The number of elected members on Cleveland Fire Authority will be 12. Based on the proportionate number of Local Government electors this would entail 2 members representing Hartlepool Borough Council, 3 for Middlesbrough and Redcar and Cleveland Council and 4 appointments through Stockton Borough Council.
- The Fire Authority will be underpinned by 2 Committees: an Executive Committee and an Audit and Governance Committee.
- The number of Elected Members on the Executive Committee will be 5 comprising 1 Member from each of the constituent Authorities and also the Chair of the Fire Authority.
- The number of Elected members on the Audit and Governance Committee will be 7 (plus the 2 Independent Persons when dealing with standards functions),
- The level of delegation/ decision making in respect to the Executive and Audit and Governance Committees will be increased (see appended 'Indicative Terms of Reference'),
- The appointment of Chair and Vice Chair will remain the same with a rotation across the Constituent Authorities on a 2 yearly basis.

It should also be noted the reference surrounding the 'four year term of office' of members of the Fire Authority and whether representatives should be appointed by their respective Borough Councils' for a 4 year term in unison with the present governance arrangements operated by Stockton Borough Council. Although, the other Borough Councils' appoint annually, it was requested that *'explorations to be undertaken to establish the appetite of Hartlepool, Middlesbrough and Redcar and Cleveland Borough Councils to extend the term of office for Elected Members of their Authorities in line with that of Stockton Borough Council (i.e. 4 years) and that these explorations take place during the consultation phase of the review'*.

6. FINANCIAL CONSIDERATIONS

6.1 The anticipated savings arising from the implementation of the Fire Authority's preferred option to move to a composition of 12 members (set against the Authority's Community Integrated Risk Management Plan) are anticipated to be in the region of £40k. It was also noted *'that the savings would be small but Elected Members thought that the review was more about demonstrating leadership and acknowledging that all other areas of*

the Authority were to be cut significantly, than actually achieving significant savings’.

7. SUMMARY

- 7.1 The Cleveland Fire Authority request the views of Hartlepool Borough Council as a constituent body upon their proposals for their future composition and governance as set out herein. Comments upon this consultation are requested to be received no later than Friday 26th June, 2015. The Cleveland Fire Services (Combination Scheme) Order, 1995, prescribes that the Fire Authority shall consist of ‘not more than 25 members’ and that representation is based proportionally on the number of Local Government electors in each of the constituent authorities. It has been confirmed through the Department of Communities and Local Government that any proposals to alter the composition of the Fire Authority (provided the same does not exceed twenty-five), will not require Secretary of State approval and would be within the terms of the present Combination Scheme Order. Further, it will be for the Fire Authority to determine who should be consulted and representations received and decision(s) made will be a matter for the Fire Authority. Clearly, it is incumbent upon the Cleveland Fire Authority as established under a Combination Scheme Order to consult with the four Borough Councils’ who represent community interests upon the Fire Authority. Is it therefore requested that this Committee consider the proposals emanating from the Fire Authority, formulate recommendations for the consideration of Council at its meeting on 25th June 2015 and thereafter provide a response, before the stated deadline.
- 7.2 The Fire Authority will meet in late July to consider the responses from this constitution exercise and what changes should be implemented. In the covering correspondence sent to the Borough Council through the Chairman of Cleveland Fire Authority it was intimated that any ‘*new arrangements*’ could be implemented by the autumn of 2015.

8. RECOMMENDATIONS

That the Committee consider the proposals as to the future composition and governance of the Cleveland Fire Authority and make appropriate recommendations to Council at the meeting scheduled 25th June, 2015.

9. REASON FOR RECOMMENDATIONS

- 9.1 As a constituent authority, Hartlepool Borough Council has been consulted on proposed changes to the composition of Cleveland Fire Authority and consequent changes to its governance arrangements, should the composition of membership be altered. The Borough Council appoints four members to Cleveland Fire Authority (politically balanced appointments) as referenced in Part 7 of Council’s Constitution (‘Appointments to Outside Organisations and Other Bodies’) and these are appointments recognised in the context of the ‘Council in the Community’.

10. BACKGROUND PAPERS

10.1 The Cleveland Fire Services (Combination Scheme) Order 1995.

Letter dated 2nd April, 2015 from the Chairman of Cleveland Fire Authority enclosing 'Cleveland Fire Authority Governance Review 2014/2015: Current Arrangements'

11. CONTACT OFFICER

Gill Alexander
Chief Executive
Telephone: 01429 523001
Email: gill.alexander@hartlepool.gov.uk

Cleveland Fire Authority Governance Review 2014/15: Current Arrangements

1. Establishment of Cleveland Fire Authority

- 1.1 On 4 December, 1995, the Secretary of State for Home Affairs signed the Cleveland Fire Services (Combination Scheme) Order 1995. The Order, which came into force on 5th December 1995, established a Combined Fire Authority known as the Cleveland Fire Authority for the combined areas of Hartlepool, Middlesbrough, Langbaugh (Redcar and Cleveland, after 1st April, 1996) and Stockton-On-Tees. Detailed extracts from the Order are detailed at Appendix A.
- 1.2 On 1st April, 1996, with the demise of Cleveland County Council, the powers and duties of the County Council were transferred through the constituent authorities to the Combined Fire Authority under the then Fire Services Act, 1947, to provide fire services in the combined area with a membership of 23 elected members.
- 1.3 Cleveland Fire Authority, for many purposes, has the status, rights and duties of a local authority under the Local Government Act 1972, 2000 and other local government related legislation.

2. Cleveland Fire Authority's Statutory Function

- 2.1 Cleveland Fire Authority's statutory functions emanate from three main pieces of legislation:
 - **The Fire and Rescue Services Act 2004:** promotion of fire safety; preparation for fire-fighting; protecting people and property from fires, rescuing people from road traffic collisions.; and dealing with other emergencies such as flooding or terrorist attack.
 - **The Civil Contingencies Act (CCA):** working with others to develop and implement emergency and business continuity Plans.

- **The Regulatory Reform (Fire Safety) Order 2005:** places the responsibility for Fire Safety in commercial premises with the owner/occupier and makes it a duty for them to carry out a fire risk assessment. The Authority is responsible for enforcement of the Order via its risk based inspection programme.

2.2 Other key pieces of legislation influencing the Authority's work include:

- Local Government and Housing Act 1989
- Local Government Finance Act 2012
- Health and Safety at Work Act 1974
- Equality Act 2010
- Data Protection Act 1998
- Freedom of Information Act 2000
- Localism Act 2011

2.3 The Government's blueprint of priorities and objectives for fire and rescue services is set out in its document the '**Fire and rescue national framework for England**'. These are to:

- identify and assess the full range of foreseeable fire and rescue related risks their areas face, make provision for prevention and protection activities and respond to incidents appropriately
- work in partnership with their communities and a wide range of partners locally and nationally to deliver their service
- be accountable to communities for the service they provide

3 Cleveland Fire Authority's Current Constitution and Governance Arrangements

Membership

3.1 The Cleveland Fire Authority 23 seat membership allocation has remained unchanged since 1996.

3.2 Paragraph 12 of the Combination Order 1995 states that ‘each constituent authority shall, so far as is practicable, appoint such number of representatives to be members of the Authority as is proportionate to the number of local government electors in its area in relation to the number of such electors in each of the other constituent authorities’ areas’.

3.3 The number of electors in each authority and the associated representative seats is shown in Table 1 below. Also shown are the populations.

Table 1: Seat Allocation to Constituent Authorities							
Council	Pop*	As % of Overall Pop	Member to Pop Ratio	Electors *	As % of Overall Electors	Member to Elector Ratio	No of Seats
Hartlepool	92,665	16.6	1:23,166	72,478	16.5	1:18,119	4
Middlesbrough	138,939	24.8	1:23,156	107,219	24.5	1:17,869	6
Redcar & Cleveland	134,945	24.1	1:22,490	107,472	24.5	1:17,912	6
Stockton	193,196	34.5	1:27,599	150,920	34.5	1:21,560	7
Total	559,745	100	1:24.336	438,089	100	1:19,047	23

* Office for National Statistics - Population Estimates for UK, England & Wales - Mid 2013

3.4 Table 2 shows the elected member/population and elected member/elector ratios for Combined Fire and Rescue Authorities in England.

Table 2: Elected Member/Population and Elected Member/Elector Ratios for Combined Fire Authorities in England					
Combined Fire Authority	Population	No of Members	Member Population Ratio	No of Electors	Member Elector Ratio
Avon	1,092,831	25	1: 43,713	868,903	1:34,756
Bedfordshire	633,899	12	1: 52,824	485,455	1:40,454
Buckinghamshire	771,788	17	1: 45,399	589,729	1:34,689
Cambridgeshire	820,468	17	1: 48,262	644,613	1:37,918
Cheshire	1,034,812	23	1: 44,991	821,308	1:35,709
Cleveland	559,745	23	1: 24,336	438,089	1:19,047
Derbyshire	1,027,583	16	1: 64,223	814,949	1:50,934
Durham & Darlington	621,353	24	1: 25,889	498,377	1:20,765
Devon & Somerset	1,687,406	24	1: 70,308	1,360,921	1:56,705
Dorset	754,463	15	1: 50,297	614,178	1:40,945
East Sussex	534,402	18	1: 29,689	429,506	1:23,861
Essex	1,753,052	25	1: 70,122	1,377,530	1:55,101
Hampshire	1,787,331	25	1: 71,493	1,415,107	1:56,604
Hereford Worcester	758,255	25	1: 30,330	607,233	1:24,289
Humberside	922,183	22	1: 41,917	733,745	1:33,352
Kent	1,764,617	25	1: 70,584	1,376,740	1:55,069
Lancashire	1,468,845	25	1: 58,753	1,157,304	1:46,292
Leicestershire	1,032,993	17	1: 60,764	811,081	1:47,710
North Yorkshire	805,102	16	1: 50,318	650,534	1:40,658
Nottinghamshire	1,107,053	18	1: 61,502	880,559	1:48,919
Royal Berks	878,431	25	1: 35,137	671,688	1:26,867
Shropshire	477,019	25	1: 19,080	378,049	1:15,121
Staffordshire	1,107,234	27	1: 41,008	881,928	1:32,664
Wiltshire	693,671	13	1: 53,359	542,262	1:41,712
Average Combined FA	1,003,939	21	1: 47,997	793,741	1:37,948

Figure 1: Comparison of Elected Member/Population Ratios for Combined Fire Authorities in England

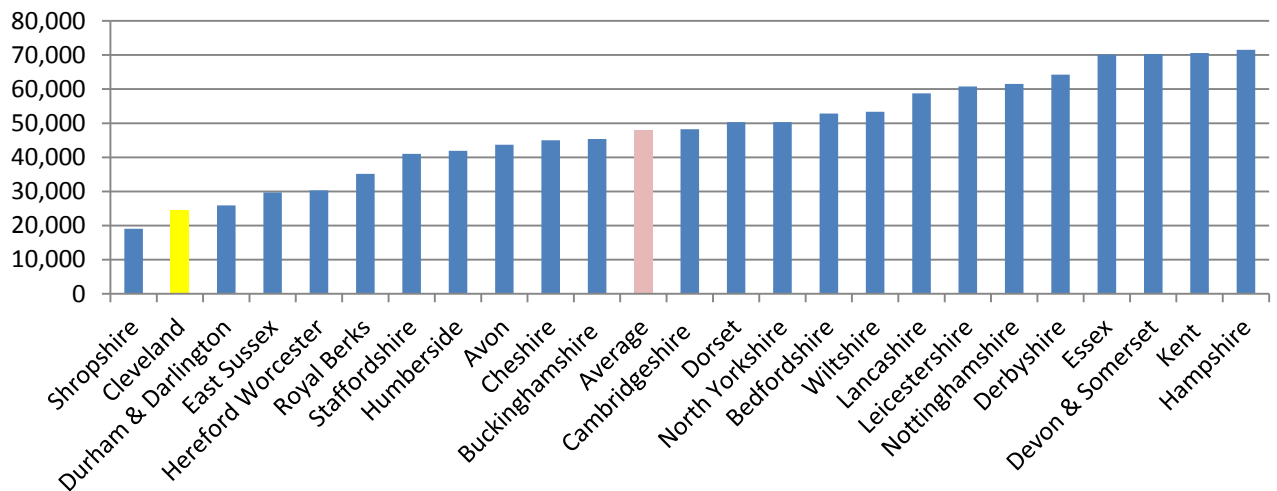
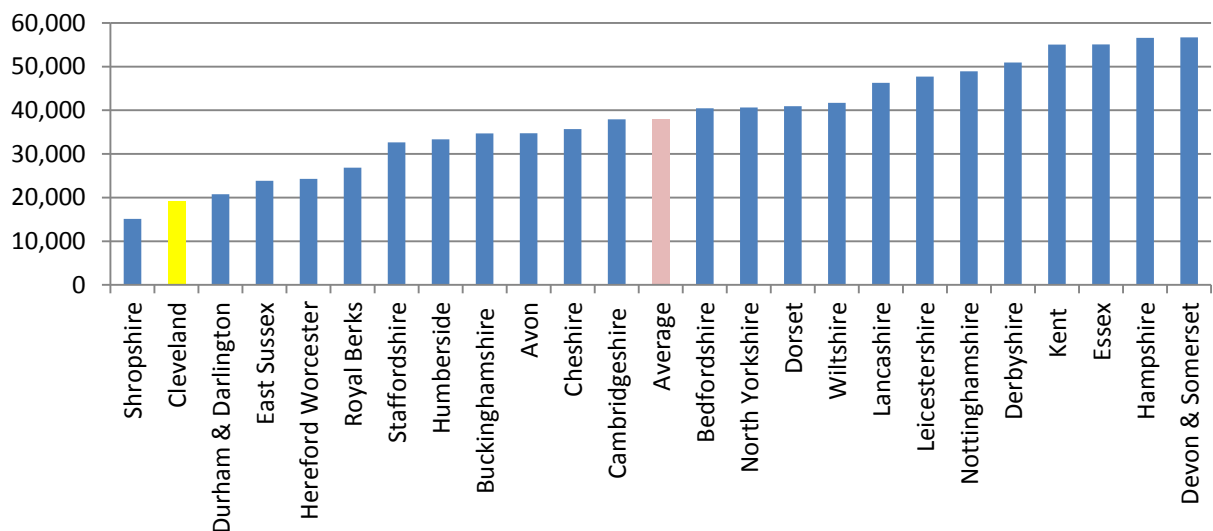


Figure 2: Comparison of Elected Member/Elector Ratios for Combined Fire Authorities in England



3.5 As can be seen from Table 2 and Figure 1 the ratio of elected members to population in Cleveland Fire Authority (1:24,336) is one of the lowest, with only Shropshire Fire and Rescue Authority being lower (1:19,080). The average member/population ratio is 1:47,997.

- 3.6 As can be seen from Table 2 and Figure 2 the ratio of elected members to electors in Cleveland Fire Authority (1:19,047) is one of the lowest, with only Shropshire Fire and Rescue Authority being lower (1:15,121). The average member/elector ratio is 1:37,948.
- 3.7 Comparisons of elected member/population and elected member/elector ratios with the Metropolitan Fire Authorities in England and London are shown in Table 3.

Table 3: Elected Member/Population and Elected Member/Elector Ratios for Metropolitan Fire Authorities in England and London					
Metropolitan Fire Authority	Population	No of Members	Member Population Ratio	No of Electors	Member Elector Ratio
Greater Manchester	2,714,944	30	1:90,498	2,103,545	1:70,118
Merseyside	1,386,589	18	1:77,033	1,107,517	1:61,529
South Yorkshire	1,358,153	12	1:113,179	1,072,962	1:89,414
Tyne & Wear	1,113,577	16	1:69,599	893,551	1:55.847
West Midlands	1,103,092	27	1:103,092	2,119,756	1:78,509
West Yorkshire	2,252,192	22	1:102,372	1,742,801	1:79,218
London	8,416,535	17	1:495,090	6,529,750	1:102,518
Cleveland	559,745	23	1: 24,336	438,089	1:19,047
Average Met (exc London and CFA)	1,654,758	21	1:79,428	1,506,689	1:72,321

- 3.8 As can be seen from Table 3 above the ratio of elected members to population in Cleveland Fire Authority (1:24,336) is very low compared to the Metropolitan Fire and Rescue Authorities; the average being 1:79,428.
- 3.9 As can also be seen from the table, the ratio of elected members to electors in Cleveland Fire Authority (1:19,047) is also very low compared to the Metropolitan Fire and Rescue Authorities; the average being 1:72,321.

Political Balance

- 3.10 Under Section 15 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990, the principle of political balance established by the 1989 Act applies only where the members of a local authority are divided into political groups. The allocation of seats is determined under the 1989 Act and requires adherence to the following principles:

- not all seats are allocated to a body forming the same political group
- a majority of seats on a body is reflective of the group holding the majority of seats
- the total number of seats (giving cognisance to the above) on the Ordinary Committee of a relevant authority as allocated, should reflect the group's proportion to the membership of the authority
- again giving cognisance to the above, that the number of seats upon a body as allocated to each group in the same proportion to the number of all seats on that body relative to the number of Members of a group to the membership of the authority

3.11 The 1989 Act, therefore requires 'as far as reasonably practicable' that decisions are made which conform to the above principles. Further, a sharing of seats, otherwise than in accordance with the relevant proportions, is lawful if agreed without any member voting against, thus enabling a different allocation to be established.

3.12 As determined within the Act, each constituent authority with three or more allocations must appoint by applying political balance, authorities with less than three allocations do not have to apply political balance.

3.13 The current political balance of the Authority is:

- 11 Labour
- 4 Conservative
- 1 Liberal Democrat
- 1 Independent (Middlesbrough)
- 1 The Independent Group (R & C)
- 1 New Independents (R & C)
- 1 Ingleby Barwick Independent Society (IBIS)
- 1 Thornaby Independent Association (TIA)
- 1 Marton Independent Group
- 1 Putting Hartlepool First

Appointments

3.14 Cleveland Fire Authority is recognised as a body corporate whose rights and duties are comparable to a local authority.

3.15 The composition of the membership of the Authority is through appointment by the constituent authorities from amongst their own membership.

- 3.16 Once appointed to the Fire Authority, elected members have separate and distinct responsibilities in the decision making to the Fire Authority, from their individual Borough Council.
- 3.17 Under Part III of the 1995 Combination Scheme Order there is to be found the “Constitution” of the Combined Fire Authority. Accordingly, the following points are pertinent to any consideration of the terms of appointment and political composition of the Cleveland Fire Authority:
- Each Member of the Authority shall be appointed by a Constituent Authority from its own Members.
 - Each Constituent Authority shall, so far as is practicable, appoint such number of representatives to be Members of the Authority as is proportionate to the number of local government electors in its area in relation to the number of such electors in each of the other Constituent Authority’s areas.
 - A Member of the Authority shall come into office on the date of his appointment and shall (subject to resignation, disqualification or ceasing to be a Member of a Constituent Council) hold office for such period or periods as shall be determined by the Constituent Authority which appoints him.
- 3.18 Section 15 of the Local Government and Housing Act, 1989 states that ‘it shall be the duty of the relevant authority having power from time to time to make appointments to a body to which this section applies to review the representation of different political groups on that body’. Reference here to a local authority is also a reference under Section 21(1) (f) to ‘a Fire Authority constituted by a combination scheme under the Fire Services Act, 1947’.
- 3.19 At the Fire Authority meeting on 28th March, 2008, it was agreed by Members that appointments to the Authority would now be made based on the Borough Councils own political composition rather than across the Cleveland area which had been the accepted practice since 1996 although this had not been statutory. It was also agreed that each Constituent Authority determines the ‘period or periods’ of office which an individual Member will hold on the Authority.
- 3.20 Stockton on Tees Borough Council currently elect Members for a four year term of office, with the other Councils appointing on an annual basis.

Appointment of Chair and Vice Chair

3.21 The appointment of the Chair and Vice Chair is a matter for Cleveland Fire Authority Members. The Cleveland Fire Service (Combination Scheme) Order 1995 paragraph 17 states that:

- the Authority shall elect a chairman, and may elect a vice-chairman, from among its members
- the chairman and, if a vice-chairman is elected, the vice-chairman, shall, subject to paragraphs 13 to 16, hold office for a period of one year from the date of their election
- sub-paragraph directly above shall not prevent a person who holds or has held office as chairman or vice-chairman, as the case may be, from being elected or re-elected to either of those offices.

3.22 At the CFA meeting on 18 March 2005, to assist strategic continuity, Members agreed that the rotation of the Chair and Vice Chair should be every two years but that this arrangement was not to be binding and must remain an informal arrangement which is subject to change.

Rotation of the Chair and Vice Chair

3.23 The 1995 Order does not include any direction or guidance on the rotation of the Chair and Vice Chair and it can only be assumed that Members agreed the following rotation by informal arrangement:

Chair: Hartlepool

Vice Chair: Redcar and Cleveland

Chair: Redcar and Cleveland

Vice Chair: Middlesbrough

Chair: Middlesbrough

Vice Chair: Stockton on Tees

Chair: Stockton on Tees

Vice Chair: Hartlepool

Members Allowances

3.24 Members are currently entitled to a basic allowance of £2,194 per annum with an annual cost to the Authority of £50,462. In addition to the basic allowance, Special Responsibility Allowances are also paid to the Chair (£8,776), Vice Chair (£4,388), Chair of Audit and Governance Committee (£2,742) and Chair of Overview and Scrutiny (£2,742) totalling £18,649.

3.25 Members are also entitled to claim for travelling and subsistence expenses in line with the Members Allowance Scheme. The total for Members Allowances in 2013/14 was £74,942.

- 3.26 When comparing the basic allowance per annum with other Fire and Rescue Authorities in the region, Cleveland Fire Authority is high at £2,194 with Tyne and Wear being £1,848 and County Durham and Darlington being £1,158.
- 3.27 Comparison of allowances paid to other Combined Fire and Rescue Authorities can be viewed at Appendix B. As can be seen from the appendix the average basic allowance for combined fire authorities is £2,678, putting Cleveland Fire Authority's basic allowance (£2,194) below average.
- 3.28 An Independent Remuneration Panel (IRP) comprising of one person from each of the four constituent IRPs is in place. Its role is to review and make recommendations to the Cleveland Fire Authority regarding future Members allowances and the responsibilities/duties of Members which could/should lead to the payment of a special responsibility allowance (SRA) and as to the amount of such an allowance.

Committee Structure

- 3.29 The current Committee Structure of Cleveland Fire Authority is detailed in the diagram below:

Fire Authority	• Strategic	23 Members
Executive	• Strategic	7 Members
Audit and Governance	• Scrutiny	7 Members
Overview and Scrutiny	• Scrutiny	7 Members
Appeals Committee	• Specialist	7 Members
Joint Consultative (Informal)	• Specialist	7 Members
Tenders	• Specialist	3 Members

Outside Bodies

- 3.30 On an annual basis the Authority appoints to the following outside bodies to which they have allocated representation:
- **Local Government Association Fire Commission**
 - **Safer Partnership Forums (or equivalent)**
 - Middlesbrough Responsible Authorities Group representative
 - Redcar and Cleveland Community Safety Partnership representative
 - Stockton Safer Partnership representative

Extracts from Part III of the Cleveland Fire Services (Combination Scheme) Order 1995

Constitution

11. (i) The Authority shall consist of not more than 25 members save that, where the minimum number of members of the Authority resulting from the operation of paragraph 12 would be greater than 25, the Authority shall consist of that number of members.
- (ii) Each member of the Authority shall be appointed by a constituent authority from its own members in accordance with this Part.
12. Each constituent authority shall, so far as is practicable, appoint such number of representatives to be members of the Authority as is proportionate to the number of local government electors in its area in relation to the number of such electors in each of the other constituent authorities' areas.
13. A member of the Authority shall come into office on the date of his appointment and shall, subject paragraph 14 to 16 hold office for such period or periods as shall be determined by the constituent Authority which appoints him.
14. A member of the Authority may resign his membership by giving notice in writing to that effect to the officer of the Authority whose function it is to receive such notice.
15. (i) A member of the Authority who ceases to be a member of the council which appointed him shall cease to be a member of the Authority.
- (ii) A person shall be disqualified from being a member of the Authority if he holds any paid office or employment (other than the office of chairman or vice-chairman), appointments to which are or may be made or confirmed by the Authority, by any committee or sub-committee of the Authority, or by a joint committee or board on which the Authority are represented.
16. (i) If a member of the Authority resigns, becomes disqualified or otherwise ceases to be a member of the Authority before the expiry of his period of office, the council which appointed him shall appoint a representative to replace him, who shall come into office on the date of his appointment and unless he resigns, becomes disqualified or otherwise ceases to be a member of the Authority, shall hold office for the remainder of the period for which his predecessor would have held office had he not resigned, become disqualified or otherwise ceased to be a member of the Authority.

- (ii) If a member of the Authority resigns, becomes disqualified or otherwise ceases to be a member of the Authority within six months before the end of his term of office, the council, which appointed him shall not be required to appoint a representative to replace him for the remainder of such term unless, on the occurrence of the vacancy (or in the case of a number of simultaneous vacancies, the occurrence of the vacancies) the total number of unfilled vacancies in the membership of the Authority exceeds one third of the number of members of the Authority referred to in paragraph 11.
- 17. (i) The Authority shall elect a chairman, and may elect a vice-chairman, from among its members.
- (ii) The chairman and, if a vice-chairman is elected, the vice-chairman, shall, subject to paragraphs 13 to 16, hold office for a period of one year from the date of their election.
 - (iii) Sub-paragraph (2) above shall not prevent a person who holds or has held office as chairman or vice-chairman, as the case may be, from being elected or re-elected to either of those offices.
 - (iv) On a casual vacancy occurring in the office of chairman or, if a vice-chairman has been elected, the vice-chairman, the Authority shall elect from its members a person to replace the chairman, and may so elect a person to replace the vice-chairman, as the case may be.
 - (v) The election to replace the chairman under sub-paragraph (4) above shall take place not later than the next following ordinary meeting of the Authority.
- 18. The first meeting of the Authority shall be held as soon as it is practicable to do so and shall be convened by the Secretary of Hartlepool Borough Council, and subsequent meetings shall be convened in such a manner as the Authority shall determine.
- 19. At a meeting of the Authority the quorum shall be one third of the total number of members of the Authority, or such greater number of members as the Authority may determine.
- 20.(i) The following provisions of the Local Government Act 1972(1), namely sections 82(1), 94 to 98, 101 to 106, 99 and Part VI of Schedule 12 shall, subject to sub-paragraph (2), apply to the Authority and its members as if references in those provisions to a principal council or to a local authority, other than references to a parish council, were references to the Authority.
- (ii) Section 101(6) of the Local Government Act 1972 shall have effect, by virtue of sub-paragraph (1), as if for the words "levying, or issuing a precept for, a rate" there were substituted the words "assessing or varying the contributions to be paid into the combined fire service fund by the constituent authorities".

Appendix B

Comparison of Combined Fire Authorities' Basic Allowances for Elected Members

Authority		Basic Allowance (£)
Avon	1	1435.00
Bedfordshire	1	3055.20
Buckinghamshire	1	1163.00
Cambridgeshire	1	2409.98
Cheshire	1	3951.00
Cleveland	1	2194.00
Durham & Darlington	1	1158.00
Devon & Somerset	1	2525.00
Derbyshire	1	2952.00
Dorset	1	3550.00
East Sussex	1	2400.00
Essex	1	4509.00
Hampshire	1	2943.00
Hereford and Worcester	1	1163.32
Humberside	1	4457.00
Kent & Medway	1	1388.64
Lancashire	1	2593.00
Leicestershire	1	2940.00
North Yorkshire	1	3762.42
Nottinghamshire	1	3467.33
Royal Berks	1	1818.00
Shropshire	1	2658.00
Staffordshire	1	3217.20
Wiltshire	1	2574.00
Total	24	64284.09
Average		2678.50

Cleveland Fire Authority Governance Review 2014/15: Strategic Direction

Strategic Direction for Cleveland Fire Authority's Governance Review

Cleveland Fire Authority's future governance framework must demonstrate being legally compliant, efficient and effective: corporate governance; leadership; decision making; accountability; scrutiny and specialist roles (tenders, appeals, standards and joint consultative).

- the committee structure should comprise of the Fire Authority and two sub committees; an executive and an independent scrutiny committee. The number of committee meetings should be reduced where possible
- options relating to the number of Elected Members on the Fire Authority should be provided; these should range from 12 -16 and increase elected member/elector ratio
- explorations should be undertaken to establish the appetite of Hartlepool, Middlesbrough and Redcar and Cleveland Borough Councils to extend the terms of office for elected members of their authorities in line with that of Stockton Borough Council (i.e. 4 years)
- options relating to the arrangements for Chair and Vice Chair appointment and tenure should be provided for Members' consideration
- the level of delegation/decision making for operational, managerial and administrative responsibilities afforded to the Chief Fire Officer and Proper Officers should remain the same
- the level of delegation/decision making should be increased in respect of the Executive Committee.

Proposals and Options Considered for Proposed Changes to Cleveland Fire Authority

Legally Compliant

Cleveland Fire Authority is statutorily responsible for the functions set out in:

- The Fire and Rescue Services Act 2004
- The Civil Contingencies Act (CCA)
- The Regulatory Reform (Fire Safety) Order 2005

In addition it will take cognisance of all other legislation applying to its operations.

The Government's blueprint of priorities and objectives for fire and rescue services as set out in its document the 'Fire and rescue national framework for England' will influence the Authority's work.

Cleveland Fire Authority's terms of reference are set out at Appendix 3 (i). At this time the terms are indicative of the functions of the Fire Authority.

Membership

The options relating to numbers of Elected Members on the Cleveland Fire Authority are presented below. They are in line with the Executive Committee's steer that the options should range from 12 -16 and increase elected member/elector ratio.

There is no option presented to remain the same as at present given that the Authority's CIRMP 2014-18 and Service Plan 2014/15 sets out the Authority's commitment to review its governance arrangements with a view to being more 'fit for purpose' and realising savings of circa £0.040m. However the current situation has been re-presented below, at the beginning of the options section, for comparison purposes only.

Current Situation					
Council	Population*	% of Overall Population	Electors*	% of Overall Electors	No of Members
Hartlepool	92,665	16.6	72,478	16.5	4
Middlesbrough	138,939	24.8	107,219	24.5	6
Redcar & Cleveland	134,945	24.1	107,472	24.5	6
Stockton	193,196	34.5	150,920	34.5	7
Total	559,745	100	438,089	100	23
Member/Elector Ratio					
Cleveland Fire Authority			1:19,047		
Average Combined Fire Authority			1:37,948		
Average Metropolitan Fire Authority			1:72,321		
Member/Population Ratio					
Cleveland Fire Authority			1:24,336		
Average Combined Fire Authority			1:47,997		
Average Metropolitan Fire Authority			1:79,428		

Option 1 (12 Elected Members)

Council	Population*	% of Overall Population	Electors*	% of Overall Electors	No of Members
Hartlepool	92,665	16.6	72,478	16.5	2
Middlesbrough	138,939	24.8	107,219	24.5	3
Redcar & Cleveland	134,945	24.1	107,472	24.5	3
Stockton	193,196	34.5	150,920	34.5	4
Total	559,745	100	438,089	100	12
Member/Elector Ratio					
Cleveland Fire Authority			1:36,507		
Average Combined Fire Authority			1:37,948		
Average Metropolitan Fire Authority			1:72,321		
Member/Population Ratio					
Cleveland Fire Authority			1:46,645		
Average Combined Fire Authority			1:47,997		
Average Metropolitan Fire Authority			1:79,428		

Comments on Option 1(12 Elected Members)

- represents that which is most reflective of the average member/electors and average member/population ratios in other Fire and Rescue Authorities
- increases Cleveland Fire Authority's current member/electors ratio (1:19,047) by 92% to (1:36,507)
- increases Cleveland Fire Authority's current member/population ratio (1:24,336) by 92% to (1:46,645)

Option 2 (13 Elected Members):

Council	Population*	% of Overall Population	Electors*	% of Overall Electors	No of Members
Hartlepool	92,665	16.6	72,478	16.5	2
Middlesbrough	138,939	24.8	107,219	24.5	3
Redcar & Cleveland	134,945	24.1	107,472	24.5	3
Stockton	193,196	34.5	150,920	34.5	5
Total	559,745	100	438,089	100	13
Member/Elector Ratio					
Cleveland Fire Authority			1:33,699		
Average Combined Fire Authority			1:37,948		
Average Metropolitan Fire Authority			1:72,321		
Member/Population Ratio					
Cleveland Fire Authority			1:43,057		
Average Combined Fire Authority			1:47,997		
Average Metropolitan Fire Authority			1:79,428		

Comments on Option 2 (13 Elected Members):

- improves Cleveland Fire Authority's member/electors and member/population ratios compared to other Fire and Rescue Authorities
- increases Cleveland Fire Authority's current member/electors ratio (1:19,047) by 77% to (1:33,699)
- increases Cleveland Fire Authority's current member/population ratio (1:24,336) by 77% to (1:43,057)

Option 3 (14 Elected Members):

Council	Population*	% of Overall Population	Electors*	% of Overall Electors	No of Members
Hartlepool	92,665	16.6	72,478	16.5	2
Middlesbrough	138,939	24.8	107,219	24.5	4
Redcar & Cleveland	134,945	24.1	107,472	24.5	3
Stockton	193,196	34.5	150,920	34.5	5
Total	559,745	100	438,089	100	14
Member/Elector Ratio					
Cleveland Fire Authority			1:31,292		
Average Combined Fire Authority			1:37,948		
Average Metropolitan Fire Authority			1:72,321		
Member/Population Ratio					
Cleveland Fire Authority			1:39,981		
Average Combined Fire Authority			1:47,997		
Average Metropolitan Fire Authority			1:79,428		

Comments on Option 3 (14 Elected Members):

- improves Cleveland Fire Authority's member/electors and member/population ratios compared to other Fire and Rescue Authorities
- increases Cleveland Fire Authority's current member/electors ratio (1:19,047) by 64% to (1:31,292)
- increases Cleveland Fire Authority's current member/population ratio (1:24,336) by 64% to (1:39,981)

Option 4 (15 Elected Members):

Council	Population*	% of Overall Population	Electors*	% of Overall Electors	No of Members
Hartlepool	92,665	16.6	72,478	16.5	2
Middlesbrough	138,939	24.8	107,219	24.5	4
Redcar & Cleveland	134,945	24.1	107,472	24.5	4
Stockton	193,196	34.5	150,920	34.5	5
Total	559,745	100	438,089	100	15
Member/Elector Ratio					
Cleveland Fire Authority			1:29,205		
Average Combined Fire Authority			1:37,948		
Average Metropolitan Fire Authority			1:72,321		
Member/Population Ratio					
Cleveland Fire Authority			1:37,316		
Average Combined Fire Authority			1:47,997		
Average Metropolitan Fire Authority			1:79,428		

Comments on Option 4 (15 Elected Members):

- improves Cleveland Fire Authority's member/electors and member/population ratios compared to other Fire and Rescue Authorities
- increases Cleveland Fire Authority's current member/electors ratio (1:19,047) by 53% to (1:29,205)
- increases Cleveland Fire Authority's current member/population ratio (1:24,336) by 53% to (1:37,316)

Option 5 (16 Elected Members):

Council	Population*	% of Overall Population	Electors*	% of Overall Electors	No of Members
Hartlepool	92,665	16.6	72,478	16.5	3
Middlesbrough	138,939	24.8	107,219	24.5	4
Redcar & Cleveland	134,945	24.1	107,472	24.5	4
Stockton	193,196	34.5	150,920	34.5	5
Total	559,745	100	438,089	100	16
Member/Elector Ratio					
Cleveland Fire Authority			1:27,380		
Average Combined Fire Authority			1:37,948		
Average Metropolitan Fire Authority			1:72,321		
Member/Population Ratio					
Cleveland Fire Authority			1:34,984		
Average Combined Fire Authority			1:47,997		
Average Metropolitan Fire Authority			1:79,428		

Comments on Option 5 (16 Elected Members):

- improves member/elector and member/population ratios compared to other Fire and Rescue Authorities
- increases Cleveland Fire Authority's current member/electors ratio (1:19,047) by 43% to (1:27,380)
- increases Cleveland Fire Authority's current member/population ratio (1:24,336) by 43% to (1:34,984)

Committee Structure

There are no statutory requirements in relation to the nature and type of committee structure that a Combined Fire Authority should have in place.

Cleveland Fire Authority will be underpinned by two committees: an Executive Committee and an Audit and Governance Committee.



The number of elected members on each committee will be dependent on the number of elected members on the Fire Authority and the political balance. (see options above). Table 4 below illustrates the number of members on each committee against those options.

Option	Fire Authority	Executive	Audit and Governance	
			CFA Members	Independent Persons
1	12	7	5	2
2	13	7	6	2
3	14	7	7	2
4	15	7	8	2
5	16	7	9	2

The Authority has already recognised that it would be inefficient and ineffective to make all the decisions itself and therefore has a Scheme of Delegation in place that reflects best practice and the CIPFA/Solace ‘Delivering Good Governance in Local Government (Guidance note)’

Executive Committee

The role of the Executive Committee is intended to:

- quicken the decision making process
- reduce bureaucracy and wasteful duplication of resources
- strengthen Member understanding of issues and enhance their skills

The Executive Committee will make recommendations to the Authority on the major strategic issues set out in its terms of references and formulate and approve the Authority's Policies in line with its delegated decision making powers under the Authority's Scheme of Delegation. The Committee will also undertake the roles of joint consultative and tenders.

The terms of reference of the Executive Committee are set out at Appendix 3(ii). At this time the terms are indicative of the functions of the Executive Committee.

Audit and Governance Committee

The role of an Audit Committee is very important and whilst it is not a statutory requirement to have such a committee, it is well recommended and regarded as best practice by both Auditors and CIPFA.

CIPFA also regard it as best practice that the audit committee should be separate from the executive committee with the size of the audit committee not being unwieldy.

The purpose of the Audit and Governance Committee is to provide those charged with governance independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance process.

The Audit and Governance Committee will include two independent persons appointed to undertake the function of standards.

The terms of reference of the Audit and Governance Committee are set out at Appendix 3 (iii). At this time the terms are indicative of the functions of the Audit and Governance Committee.

Appointment of Chair and Vice Chair

There are two main options in relation to the appointment of the Chair and Vice Chair, one in relation to staying the same and the other in relation to voting:

- **Option 1:** Remain the same with the Chair and Vice Chair being rotated across the constituent authorities on a two yearly basis
- **Option 2a:** Vote for the Chair and Vice Chair and appoint for 1 year
- **Option 2b:** Vote for the Chair and Vice Chair and appoint for 2 years (must be re-affirmed at CFA's AGM each year as a statutory requirement)
- **Option 2c:** Vote for the Chair and Vice Chair and appoint for any other number of year (must be re-affirmed at CFA's AGM each year as a statutory requirement)

Cleveland Fire Authority Indicative Terms of Reference

Statutory

Cleveland Fire Authority is statutorily responsible for the functions set out in:

- The Fire and Rescue Services Act 2004
- The Civil Contingencies Act (CCA)
- The Regulatory Reform (Fire Safety) Order 2005

The Government's blueprint of priorities and objectives for fire and rescue services as set out in its document the 'Fire and rescue national framework for England' also influences the Authority's work.

Strategic

- setting the vision and strategic direction of the Authority
- ensuring the views of the community, partners and constituent councils are taken into account and that they are kept fully informed of the Authority's plans
- approving the Authority's Community Integrated Risk Management Plan
- approving the Authority's Service Plan
- approving proposals for major changes to delivery services
- reviewing the corporate identity of the Authority
- establishing an effective and efficient Corporate Governance Framework
- acting as the Subscriber to the Memorandum of Association of the Community Interest Company (CIC)

Financial

- setting the Authority's Medium Term Financial Strategy and revenue and capital budgets
- complying with the International Financial Reporting Standards (IFRS)
- approving the Treasury Management Policy and Strategy
- approving the Authority's Pay Policy Statement

Risk and Performance

- establishing the Authority's risk and performance management frameworks including risk analysis; and risk and performance management, monitoring and scrutiny arrangements

Appointments and Terms and Conditions of Employment

- appointing the Chief Fire Officer, Treasurer and Legal Adviser and Monitoring Officer in accordance with the Pay Policy Statement (recommendation from the Executive Committee)
- appointing the Independent Persons to serve on the Audit and Governance Committee (recommendation from the Executive Committee)

Governance

- ensuring Elected Member development
- receiving minutes of Executive and Audit and Governance Committees
- receiving reports from the External Auditor, Chief Fire Officer, Proper Officers and Chairs

Delegated Powers to the Executive Committee

Strategic

- approving the Authority's Policies
- approving the Authority's annual statement of assurance

Financial

- approving the Financial Report
- reviewing the Authority's discretions under the Local Government Pension Scheme (LGPS) and Firefighters Pension Scheme (FPS) 2015

Appointments and Terms and Conditions of Employment

- appointing Brigade Directors in accordance with the Pay Policy Statement
- approving the terms and conditions of employment of the Legal Adviser and Monitoring Officer and Treasurer
- approving the local pay and terms and conditions of Brigade Managers in accordance with the Pay Policy Statement

Hearings and Appeals

- hearing grievances and disciplines in respect of Brigade Managers, Treasurer and Legal Adviser and Monitoring Officer
- hearing an appeal against cases of dismissal relating to all Brigade staff
- hearing an appeal against the withholding of Members' allowances

Governance

- making urgent decisions where it is not practicable to call a meeting of the Authority, subject to a follow up report to the next Fire Authority meeting setting out the reason for the urgency and the decision reached
- approving overseas travel outside the European Union

- making decisions on any matters concerning an industrial dispute with Trade Unions

Consultation

- consulting/liaising with recognised Trade Unions on the formulation of the Authority's policies before final decisions are reached
- responding to consultation documents both nationally and regionally

Procurement

- compiling tender lists, opening tenders and accepting the most suitable in accordance with the Authority's Corporate Governance Framework and Contract Procedure Rules

Delegated Powers to the Audit and Governance Committee

Financial

- approving the Annual Governance Statement contained within the Financial Report

Hearings and Appeals

- hearing appeals from the Treasurer and Legal Adviser and Monitoring Officer against the Executive Committee's decision in relation to terms of conditions of employment, grievance and discipline
- hearing appeals from Brigade Managers against the Executive Committee's decision in relation to pay, terms of conditions of employment, grievance and discipline

Standards

- undertaking matters of complaint referred to them by the Legal Adviser and Monitoring Officer or through any regulatory body for their consideration and to delegate to a Hearing Sub-Committee, powers to consider the outcome of any investigation report, to publish report findings and make such recommendations as are appropriate
- granting dispensations to Members upon the requirements relating to disclosable pecuniary interests as set out within the Code of Conduct

Delegated Powers to the Clerk and Chair

Governance

- agreeing Member attendance at external events

Executive Committee Indicative Terms of Reference

Strategic

- making recommendations to the Fire Authority on:
 - its vision and strategic direction
 - the Community Integrated Risk Management Plan (CIRMP) proposals for inclusion in the Authority's CIRMP
 - its Service Plan
 - proposals for major changes to delivery services
- receiving core strategies in relation to the Authority's Strategic direction

Financial

- making recommendations to the Fire Authority on:
 - its Medium Term Financial Strategy and revenue and capital budgets
 - its Pay Policy Statement

Risk and Performance

- monitoring progress on the implementation of the Authority's CIRMP

Appointments and Terms and Conditions

- making recommendations to the Fire Authority on the appointment of:
 - the Chief Fire Officer, Treasurer and Legal Adviser and Monitoring Officer in accordance with the Pay Policy Statement
 - the Independent Persons to serve on the Audit and Governance Committee

Delegated Powers

Strategic

- approving the Authority's Policies
- approving the Authority's annual statement of assurance

Financial

- approving the Financial Report
- reviewing the Authority's discretions under the Local Government Pension Scheme (LGPS) and Firefighters Pension Scheme (FPS) 2015

Appointments and Terms and Conditions of Employment

- appointing Brigade Directors in accordance with the Pay Policy Statement
- approving the terms and conditions of employment of the Legal Adviser and Monitoring Officer and Treasurer
- approving the local pay and terms and conditions of Brigade Managers in accordance with the Pay Policy Statement

Hearings and Appeals

- hearing grievances and disciplines in respect of Brigade Managers, Treasurer and Legal Adviser and Monitoring Officer
- hearing an appeal against cases of dismissal relating to all Brigade staff
- hearing an appeal against the withholding of Members' allowances

Governance

- making urgent decisions where it is not practicable to call a meeting of the Authority, subject to a follow up report to the next Fire Authority meeting setting out the reason for the urgency and the decision reached
- approving overseas travel outside the European Union
- making decisions on any matters concerning an industrial dispute with Trade Unions

Consultation

- consulting/liasing with recognised Trade Unions on the formulation of the Authority's policies before final decisions are reached
- responding to consultation documents both nationally and regionally

Procurement

- compiling tender lists, opening tenders and accepting the most suitable in accordance with the Authority's Corporate Governance Framework and Contract Procedure Rules

Audit and Governance Committee Indicative Terms of Reference

Strategic

- scrutinising the Authority's annual statement of assurance

Financial

- monitoring the progress of the Authority's Medium Term Financial Strategy and revenue and capital budgets
- monitoring and scrutinising of the Treasury Management Strategy

Risk and Performance

- providing independent assurance of performance, risk management and data quality frameworks
- monitoring, scrutinising, regularly reporting and communicating on the Authority's performance, risk and efficiency outcomes
- monitoring the management of the Authority's Corporate Risks

Audit

- scrutinising of the Annual Audit letter and other External and Internal Audit reports and monitoring of achievements against any associated action plans and recommendations
- agreeing and adopting the Annual Internal Audit Plan and scrutiny of the Internal Audit Annual Report

Standards

- advising the Authority on, promoting and maintaining good ethical governance and standards
- advising the Authority upon the adoption of a Members' Code of Conduct and any revisions to that Code through monitoring its operation and overall effectiveness
- providing advice, guidance and training in relation to the duty to promote and maintain high standards of conduct in observing the Authority's Code of Conduct by elected and co-opted members
- ensuring that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies and that the value of the audit process is actively promoted
- reviewing the Anti-Fraud and Anti- Corruption Strategy
- making recommendations to the Authority in relation to the promotion and maintenance of high ethical standards within the Authority and to contribute to issues of governance at its discretion

Delegated Power

Financial

- approving the Annual Governance Statement contained within the Financial Report

Hearings and Appeals

- hearing appeals from the Treasurer and Legal Adviser and Monitoring Officer against the Executive Committee's decision in relation to terms of conditions of employment, grievance and discipline
- hearing appeals from Brigade Managers against the Executive Committee's decision in relation to pay, terms of conditions of employment, grievance and discipline

Standards

- undertaking matters of complaint referred to them by the Legal Adviser and Monitoring Officer or through any regulatory body for their consideration and to delegate to a Hearing Sub-Committee, powers to consider the outcome of any investigation report, to publish report findings and make such recommendations as are appropriate
- granting dispensations to Members upon the requirements relating to disclosable pecuniary interests as set out within the Code of Conduct

COUNCIL

25 June 2015



Report of: Chief Executive

Subject: BUSINESS REPORT

1. COUNCIL MEETING DATES 2015/2016

The following schedule of Council meetings for the municipal year 2015/16 was submitted to the Annual Council meeting, on 28th May 2015, for approval.

Thursday 25 June 2015	7.00 pm
Thursday 6 August 2015	7.00 pm
Thursday 17 September 2015	7.00 pm
Thursday 29 October 2015	7.00 pm
Thursday 10 December 2015	7.00 pm
Thursday 21 January 2016	7.00 pm
Thursday 18 February 2016	7.00 pm
Thursday 25 February 2016	7.00 pm
Thursday 17 March 2016	7.00 pm
Tuesday 24 May 2016	7.00 pm
Thursday 26 May 2016	7.00 pm (Annual Council)

Members are requested to formally approve the above schedule of Ordinary Council meetings.

2. VACANCIES ON COMMITTEES

Following the appointments to Committees and Forums made at the Council meeting on 26 May 2015, the following vacancies on Committees remain. In each case, the group that would have been allocated the seat under proportionality rules is shown in brackets:-

Finance and Policy Committee – 1 seat (UKIP)
Audit and Governance Committee – 1 seat (IND)

Nominations are sought for the above vacancies are requested.

3. VACANCIES ON OUTSIDE BODIES

(i) Following the appointments to Outside Bodies made at the meeting on 26 May 2015, the following vacancies remain:-

Hartlepool Credit Union – 2 positions (from 4) remain;

Teesside Pension Board – 1 position – Following a request from Council on 26 May 2015 feedback was conveyed to the Pension Board that the Council would be prepared to provide a nomination should all Local Authority members be represented on the Board. The following response has been received:-

“The Pensions Board is being created to assist the scheme manager in the administration and governance of the Teesside Pension Fund. As such it is not a policy or decision making body.

Legislation covering the Local Pension Boards states that membership should be between four and twelve members, split evenly between employers and members of the Fund. This would mean a maximum of 6 employer representatives.

Due to the nature of the board it was felt that six members was a suitable number to undertake it’s functions. Initially the employer representatives will consist of one from the Administering Authority (Middlesbrough), one from the other Borough Councils, and one from the other employers of the fund. This will change to two from the Borough Councils and one from the other employers.

Employer representatives are not just representing their particular employer, but all employers in the fund.”

Members’ instructions as to the filling of Outside Body vacancies are requested.

(ii) Since the Council meeting on 26 May 2015 further information has been received from the Manager of the NDC Trust who has confirmed that the Articles of the Board have changed and the position of Council representative has been removed.

4. SPECIAL URGENCY DECISIONS

Council is informed that there were no special urgency decisions taken in the period February-April 2015.

5. HARTLEPOOL LOCAL HEALTH AND SOCIAL CARE PLAN WORKING GROUP

Council at its meeting on the 12 March 2015 (Minute 157) resolved that ‘the Council work with the NHS Hartlepool and Stockton-on-Tees Clinical Commissioning Group (HaST CCG) to develop a plan for submission to NHS England to see the delivery of integrated health and social care services from the hospital site and that the Council take responsibility for the associated consultation so it is meaningful and services are shaped according to the wished of Hartlepool residents.’

In taking forward the wishes of Council, it is proposed that a Hartlepool Local Health and Social Care Plan Working Group be established. The remit of the Working Group to identify health and social care planning priorities which can be considered by appropriate decision making bodies, including the Hartlepool Health and

Wellbeing Board, in the development of the local plan for the delivery of integrated health and social care services across Hartlepool, including the University of Hartlepool Hospital site.

A draft Terms of Reference for the Working Group is attached at **Appendix A** for Members consideration and further views sought as to the identification of an appropriate Independent Chair, as also requested by Council. In considering candidates for the position, attention is drawn to the potential role for a representative from the Northern Clinical Senate. Clinical Senates were established in 2013 as an independent source of strategic/clinical advice and leadership to Clinical Commissioning Groups (CCGs) and stakeholders to assist in making the best decisions about healthcare for the populations they represent. There are 12 Clinical Senates across the country, the membership of which includes health professions and representatives from patients, volunteers and other groups and further information in relation to the role and remit of the Senate's is attached at **Appendix B**.

It is suggested that an approach be made to the Northern Clinical Senate to nominate an appropriate individual to become the independent Chair of the Working Group.

Subject to the approval of Council, and the availability of the Independent Chair, it is proposed that the Key stages for the conduct of the Working Group's activities be as follows:-

Member Briefing – Introduction to Independent Chair and powers / role and remit of the Working Group.

Meeting One – Analysis of need in Hartlepool and identification of gaps and potential opportunities in service provision.

Meeting Two – Consideration of draft health and social care planning priorities.

Meeting Three – Consideration of recommended draft health and social care planning priorities prior to consultation.

Meeting Four – Consultation feedback and finalisation / approval of health and social care planning priorities for consideration by appropriate decision making bodies, including the Hartlepool Health and Wellbeing Board, in the development of the Plan.

Recommended: -

- i) That the Terms of Reference attached at Appendix A be approved.
- ii) That the proposed key stages and timescales for development and approval of the health and social care planning priorities be approved.

- iii) That the Northern Clinical Senate be asked to nomination an appropriate individual to take up the position of Independent Chair on the Hartlepool Local Health and Social Care Working Group.
- iv) That Members note that the Terms of Reference will be considered by the HaST CCG Governing Body at its next meeting to be held on 28 July 2015.

6. EXPENDITURE RELEVANT TO MEMBERS' INTERESTS

Further to requests by members this information has been compiled to provide the following:

- a) details of any contracts for works or services which were subject to the Council's tender process and awarded to a body/entity listed on the Member's Register of Interests during the 3 months – January to March 2015 (**Appendix C**) and;
- b) details of any payments made to a body/entity listed on the Member's Register of Interests during the 3 months – January to March 2015 (**Appendix D**).

It should be noted that the information presented in **Appendix D** has been vetted to comply with the following requirements:

The report includes the following categories of member interest:

- Employment, Office Trade, Profession or Vocation
- Sponsorship
- Contracts with the Authority
- Land in the area of the Authority
- Securities
- Other interests
- Interested parties

The following categories are excluded:

- Licence to occupy land
- Corporate tenancies

All payments relating to benefits are excluded.

Caveats:

The report does not include information on those bodies listed on members interests forms which either do not have a supplier number on Integra or which cannot be identified on Integra given the information provided.

Recommendation - Members are asked to note the contents of the report.

Terms of Reference

Hartlepool Local Health and Social Care Plan Working Group

1 Introduction

- 1.1 Hartlepool Borough Council on 12th March 2015 resolved that a Working Group be established with NHS Hartlepool and Stockton-on-Tees Clinical Commissioning Group (HaST CCG) to identify health and social care planning priorities to inform the development of the 'Hartlepool Local Health and Social Care Plan' for the delivery of integrated health and social care services across Hartlepool, including the University of Hartlepool Hospital site.
- 1.2 The Working Group is to be known as the Hartlepool Local Health and Social Care Plan Working Group and referred to as the 'Working Group' for the purposes of this document. The plan for the delivery of integrated health and social care services across Hartlepool, including the University of Hartlepool Hospital site, is to be known as the Hartlepool Local Health and Social Care Plan and referred to as the 'Plan' for the purposes of this document.
- 1.3 This protocol provides a framework for the scope, composition and conduct of the Working Group's activities in the formulation of the Plan.

2 Power and Functions of the Working Group

- 2.1 Section 116(A) of the Local Government and Public Involvement in Health Act 2007 requires the local authority and its partner clinical commissioning group to have a view on how arrangements for the provision of health-related services could be more closely integrated with arrangements for the provision of health services and social care services in the area. The Health and Social Care Act 2012 also places a duty on the Health and Wellbeing Board to encourage integrated working (Section 195), prepare / implement Health and Wellbeing Strategies and Plans and places responsibility for the commissioning of health services that improve the physical and mental health service, including prevention, diagnosis and treatment, with the HaST CCG (Section 14(139)).
- 2.2 The Health and Social Care Act 2012, placed health scrutiny functions with the local authority allowing retention of the functions within Full Council with Section 199 of the Act allowing the local authority to provide the Health and Wellbeing Board with information to enable / assist in the performance of its functions. In fulfilling its responsibility to review and scrutinise matters relating to the planning provision and operation of health services, Full Council established the Working Group to take forward the development of a plan for the delivery of integrated health and social care services across Hartlepool, including the University of Hartlepool Hospital site.

What is a Clinical Senate

Clinical leadership is at the heart of the new NHS commissioning system and is vital to fulfil the ambition for continuous improvement in the quality of services and outcomes for patients. Clinicians from across different professions, working together with patients and others to provide leadership and advice at both a local and wider geographical area, will be necessary if commissioners are going to be supported to make decisions which will transform health care.

Whilst Clinical Commissioning Groups (CCGs) and the NHS Commissioning Board (NHS CB) are able to seek clinical advice from a range of sources, Clinical Senates have been developed in such a way that their members are able to take a broader, strategic view on the totality of healthcare within a particular geographical area. This ensures that future clinical configuration of services is based on the considered views of local clinicians and in the best interests of patients.

The type of strategic advice and leadership Clinical Senates are able to provide includes:-

- i) Engaging with statutory commissioners, such as CCGs and the NHS CB to identify aspects of health care where there is potential to improve outcomes and value;
- ii) Providing advice about the areas for inquiry or collaboration, and the areas for further analysis of current evidence and practice;
- iii) Promoting and supporting the sharing of innovation and good ideas;
- iv) Mediating for their population about the implementation of best practice, what is acceptable variation and the potential for improvement with AHSNs for a specific part of the country. Based on evidence and clinical expertise, they will be able to assist in providing the public profile on service changes;
- v) Providing clinical leadership and credibility. Understanding the reasons why clinical services are achieving current clinical outcomes and advising when there is potential for improvement through significant reconfiguration of services;
- vi) Taking a proactive role in promoting and overseeing major service change, for example advising on the complex and challenging issues that may arise from service reconfiguration within their areas;
- vii) Linking clinical expertise with local knowledge such as advising on clinical pathways when there is lack of consensus in the local health system; and
- viii) Engaging with clinical networks within a geographical area.

Clinical Senates span professions and include representatives of patients, volunteers and other groups. They work with Strategic Clinical Networks, Academic Health Science Networks, Local Education and Training Boards and research networks to develop an alignment of these organisations to support improvements in quality.

There are a number of important features that distinguish Clinical Senates from other bodies in the new health system:-

- i) They cover a larger geographical area than many other bodies;
- ii) They will not focus on a specific condition and will take a broader, more strategic view on the totality of healthcare than clinical networks (of all types); and
- iii) They have a more clinical focus than Health and Wellbeing Boards or Health Overview and Scrutiny Committees.

APPENDIX C

Contracts awarded to a body/entity listed on the Member's Register of Interests.

Date of Contract Award	Contract Name and Reference Number	Description of Goods / Services being procured	Contract Value
17-2-15	604-2014 Mentoring Services for Children, Young People and Families	Mentoring Services	£62,000 p.a.
27-2-15	602-2014 Activities for 15-19 Year Olds in Hartlepool	Out of School Activities	£375,000 p.a.

Appendix D - Details of payments made to a body/entity listed on the Member's Register of Interests.

Supplier Ref	Supplier Name	2014/2015	
		Final Quarter Payments Jan 2015 - Mar 2015) £	Cumulative Payments (April 2014 to Mar 2015) £
700025200	Belle Vue Community Sports	18,859.20	96,855.25
750080500	Caparo Forging	0.00	2,500.00
701780500	Changing Futures North East	19,660.50	94,091.05
700395100	Hartlepool Access Group	2,500.00	10,205.00
702162500	Hartlepool Business Leaders Forum	0.00	700.00
701780000	Hartlepool Carers	79,941.09	253,449.40
701392200	Hartlepool Carnival Committee	2,681.95	2,681.95
700121300	Hartlepool Citizens Advice Bureau	0.00	900.00
705354500	Hartlepool Credit Union Limited	27,602.20	79,328.12
701981200	Hartlepool Families First	30,250.57	123,390.79
700122200	Hartlepool Voluntary Development Agency	34,139.81	334,605.28
705208300	Heugh Gun Battery Trust Ltd	700.00	775.00
705441700	Incontrol-able CIC	18,500.00	24,300.00

Member	Type of Interest (as at 1st May 2015)
Kevin Cranney	Other Interests
Alan Clark	Other Interests
Mary Fleet	Other Interests
Alan Clark	Other Interests / Employment, Office Trade, Profession or Vocation
Gerard Hall	Other Interests
Kevin Cranney	Other Interests
Pamela Hargreaves	Other Interests
Mary Fleet	Other Interests
Stephen Thomas	Other Interests
Stephen Thomas	Other Interests
Allan Barclay	Other Interests
Gerard Hall	Other Interests
Paul Thompson	Employment, Office Trade, Profession or Vocation / Contracts with the Authority / Interested Parties
Jonathan Brash	Other Interests
Pamela Hargreaves	Other Interests
Peter Jackson	Other Interests
Christopher Akers-Belcher	Employment, Office Trade, Profession or Vocation / Contracts with the Authority
Stephen Thomas	Employment, Office Trade, Profession or Vocation
James Ainslie	Other Interests
Stephen Thomas	Other Interests

Supplier Ref	Supplier Name	2014/2015	
		Final Quarter Payments Jan 2015 - Mar 2015) £	Cumulative Payments (April 2014 to Mar 2015) £
701117200	Owton Rossmere Community Enterprise Limited	4,600.00	10,500.00
701891900	Oxford Road Baptist Church	0.00	600.00
705144300	Rift House East Residents Association	0.00	1,865.00
705237500	St Matthew's Hall Committee	0.00	990.00
750157400	The Rifty Youth Project	2,750.00	3,350.00
700966600	The Wharton Trust	6,010.00	14,705.00
700300500	West View Advice & Resource Centre Ltd	32,987.00	134,801.00
700300600	West View Project	89,235.75	367,433.00
750054000	Xivvi Limited	0.00	4,250.00
		370,418.07	1,562,275.84

Member	Type of Interest (as at 1st May 2015)
Allan Barclay	Other Interests
John Lauderdale	Licence to Occupy Land
Christopher Akers-Belcher	Other Interests
Stephen Akers-Belcher	Other Interests
Gerard Hall	Other Interests
Allan Barclay	Other Interests
Stephen Akers-Belcher	Other Interests
Paul Beck	Other Interests
Stephen Thomas	Other Interests
Robin Cook	Other Interests
Sheila Griffin	Other Interests
Christopher Simmons	Other Interests / Employment, Office Trade, Profession or Vocation / Corporate Tenancies
Carl Richardson	Interested Parties
Rob Cook	Other Interests
Sheila Griffin	Other Interests
Christopher Simmons	Other Interests
Pamela Hargreaves	Securities / Employment, Office Trade, Profession or Vocation / Contracts with the Authority/ Interested Parties
Paul Thompson	Securities / Employment, Office Trade, Profession or Vocation / Contracts with the Authority/ Interested Parties
Jonathan Brash	Interested Parties