



Chief Executive's Department
Civic Centre
HARTLEPOOL

13 May, 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 a meeting of the COUNCIL to be held on TUESDAY 26th May, 2015 at 7.00 p.m. in the Civic Centre, Hartlepool to consider the subjects set out in the attached agenda.

Yours faithfully

A handwritten signature in black ink that reads "D Stubbs". The signature is written in a cursive, slightly slanted style.

D Stubbs
Chief Executive

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COUNCIL AGENDA



Tuesday 26 May 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 Ordinary meeting of the Council held on 26 March 2015 (*attached*) and the Extraordinary meeting of Council held on 18 May 2015 (*to follow*) 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 (1) – *Report of Monitoring Officer*
 - 2. Periodic Review of the Council's Constitution (2) – *Report of Monitoring Officer*
- 13) To consider reports from the Policy Committees:
 - (a) proposals in relation to the Council's approved budget and policy framework; 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; and
- (15) To receive the Chief Executive's report and to pass such resolutions thereon as may be deemed necessary:-
 - 1. To make appointments to Committees, Forums and Other Bodies as required by the Constitution (to follow)
 - 2. To make appointments to Joint Committees and Other Outside Bodies where appointment is reserved to Council (to follow)



COUNCIL
MINUTES OF PROCEEDINGS
26 MARCH 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	Brash
Clark	Cook	Cranney
Gibbon	Griffin	Hall
Hargreaves	Hind	Jackson
James	Lauderdale	Lilley
Loynes	Martin-Wells	Dr Morris
Payne	Richardson	Riddle
Robinson	Simmons	Sirs
Springer	Thomas	Thompson.

Officers: Dave Stubbs, Chief Executive
Peter Devlin, Chief Solicitor
Andrew Atkin, Assistant Chief Executive
John Morton, Assistant Chief Finance Officer
Denise Ogden, Director of Regeneration and Neighbourhoods
Louise Wallace, Director of Public Health
Alastair Smith, Assistant Director, Neighbourhoods
Joan Stevens, Scrutiny Manager
Steve Hilton, Public Relations Officer
Angela Armstrong, David Cosgrove, Democratic Services Team

166. APOLOGIES FOR ABSENT MEMBERS

Councillors Dawkins and Fleet.

167. DECLARATIONS OF INTEREST FROM MEMBERS

Councillor C Akers-Belcher declared a personal interest in Minute No. 180.

Councillor S Akers-Belcher declared a prejudicial interest in Minute No. 180 and indicated he would leave the meeting during its consideration.

During consideration of Minute No. 177 (v) Councillor Payne declared a personal interest.

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

None.

169. PUBLIC QUESTIONS

(i) Colin Dunn to Chair of Neighbourhood Services Committee –

“With the Rift House area of town been left without an evening and Sunday bus service for 4 years do the council have any plans to get a service back at them times? Also with several bus stops in the town displaying services which no longer exist and the wrong timetables do the council have any plans to improve public transport in the town?”

The Chair of Neighbourhood Services Committee stated that all bus services that run in the Borough are commercial operations and, as such, should passenger demand fall below levels that make them sustainable the bus companies will stop providing them. The Council made the decision not to continue financially subsidising the bus services that are not commercially sustainable to the operator in 2011. Council Officers continue to talk with bus operators and this has resulted in two “use it or lose it” initiatives being introduced in recent times. The Stagecoach Number 7 service was reintroduced on an evening and has proved to be a success whereas the evening service 6 from Clavering to the town centre was tried but withdrawn again through lack of usage. Bus timetables at active stops are updated regularly and any that are identified as out of date can be checked and appropriately altered.

(ii) J Lindridge to Chair of Regeneration Services Committee –

“It has been reported that the Queens Meadow Enterprise Zone is the most successful in Tees Valley and is being expanded. Can you please explain the difference this has made in respect of investment and employment?”

The Chair of Regeneration Services Committee stated that Hartlepool had achieved 33% of the Tees Valley Enterprise Zone, which comprises Queens Meadow, Port Estates and Oakesway.

Since its designation as one of the Tees Valley’s Enterprise Zone sites, Queens Meadow Business Park has attracted 10 projects totalling over £2Million in private sector investment and predicted to create at least 130 jobs.

Furthermore the Homes and Community Agency have just started a £3Million investment in 2,000sqm of new industrial units that will create at least a further 50 jobs.

There are also advanced plans for a new multi-million pound Headquarters for Cleveland Fire Brigade at Queens Meadow Business Park as well discussions with other private sector led projects that could lead to further investment and jobs for the town.

Port Estates is the site for TWI who provides mobilisation and servicing of the Redcar Offshore Wind Farm. TWI, based on Port Estates has created 20 jobs.

McDermotts, a US company has announced its intentions to develop a major pipe spooling operation at the Port, creating around 100 jobs.

In the ensuing debate a Member questioned the numbers of jobs created. The Chair of Regeneration Services Committee stated that since the Enterprise Zone had been implemented around 400 new jobs had been created.

A Member commented that while the new jobs were welcome, the Queens Meadow site had been slow to reach its potential. There had been an opportunity to protect the biodiversity of the land behind the site and the Member hoped that as Queens Meadow developed as part of the Enterprise Zone, the value of that land was not lost. The Chair of Regeneration Services Committee indicated that he would write to the owners of the land, HCA, and put the Councillors concerns forward.

(iii) J Lindridge to Chair of Finance and Policy Committee –

“Can the Council please give an update on the reported Compulsory Purchase Order (CPO) of Longscar Hall as part of the regeneration of Seaton?”

The Chair of Finance and Policy Committee stated that as part of the Seaton Regeneration programme, which is currently being delivered in partnership with the Esh Group, a report was presented to the Finance and Policy Committee on the 23 March 2015 to provide an update on negotiations to acquire the Longscar building. The report included details of the preparatory work undertaken to date.

The Council have been in negotiations with the owners of Longscar Hall with a view to securing the acquisition of the building by agreement.

The Esh Group were allowed a period of 6 months under the Terms of the Development agreement to negotiate a successful purchase on the Council's behalf. Unfortunately, all attempts to acquire the building by agreement have been unsuccessful to date.

On the 30 January 2015, the Finance and Policy Committee approved the preparatory work for the use of compulsory purchase powers under Section

226(1)(a) of the Town and Country Planning Act 1990 (as amended) to acquire the Longscar site if negotiations continue to be unsuccessful.

The Estates and Regeneration Team have been in negotiations with the owners of Longscar Hall with a view to securing the acquisition of the building by agreement.

Negotiations are still continuing but it is important to ensure the delivery of the regeneration initiatives and the option to pursue the preparation of a CPO in parallel with negotiations is deemed both necessary and prudent.

Where an acquiring authority acquires land or on a deemed compulsory purchase basis it is obliged to pay compensation in accordance with the body statute and case law usually referred to as “the Compensation Code”. This means that the Council are obliged to pay open market value for the property on the basis of its current condition and also value associated with potential redevelopment proposals that could be appropriate in planning terms and for which market demand exists.

In order to assess such potential market value we have considered all the potential redevelopment options and provided residual valuations. An offer reflecting the highest potential value that can be sustained and for which demand exists is considered to be the appropriate level that should be paid to compensate the owners for their loss.

The market assessment will be used in the negotiations and could form part of the evidence base at a potential future Public Inquiry. We have considered market demand for a number of scenarios comprising residential, commercial, leisure and retail schemes, together with a residual land value for each use based on densities that would be acceptable in Planning terms. We have made an offer which we consider reflects the maximum value that can reasonably be derived from the site considering the range of viable and deliverable development options that are available.

External advisers have been appointed to prepare a draft order which may be implemented should ongoing negotiations not result in a successful purchase.

In the ensuing debate a Member commented that it was disappointing that very little appeared to have happened in the last two years. The previous Elected Mayor had started the process on acquiring this building and the last update given to this Council stated that the CPO process had been started, yet we have heard exactly the same again today. The same question had been asked by a member of the public in the past. Regeneration Services Committee could have taken some action, Planning Committee has twice agreed that action needed to be taken. The responses this evening seemed to be nothing more than electioneering. Other Members spoke in support of the need for action on the Longscar Hall building.

(iv) Colin Dunn to Chair of Neighbourhood Services Committee –

“Will the council be making public what each councillors ward budget was spent on in the years 2013- 2014 and 2014-2015 and will all spending of the council including each councillors ward budget be made public from this financial year?”

The Chair of Neighbourhood Services Committee stated that since inception in 2013 procedural arrangements have been in place and implemented to ensure accountability and transparency in relation to Ward Member Budgets. All Ward Member Budget submissions are subject to an approval process under delegated authority of the Director of Regeneration and Neighbourhoods (in conjunction with Legal and Finance Departments). Expenditure in relation to Ward Member Budgets is reported on a quarterly basis to the Council’s Neighbourhood Forums and annually to the Councils Neighbourhood Services Committee. This information is available on-line via the Council’s website under Neighbourhood Forum and Neighbourhood Services Committee meetings.

With regard to publication of all spending by the Council details of all payments greater than £500 are already made available on the Councils website on a quarterly basis. The Council also publishes a Statement of Accounts on an annual basis, which is subject to review by independent external auditors.

A Member commented that there should be a review of what Members could spend their Ward Member Budget on. The Councillor indicated that during a visit to Burn Valley Gardens, he had noted that the play area was littered with broken glass and there was graffiti. He had reported that to Neighbourhood Services and the Councillor paid tribute to the staff that assured that the mess was cleaned up very quickly. The Councillor stated that he had wanted to see something more permanent done to ensure the play area was more regularly cleaned but had been told he could not allocate any of his Ward Member Budget to such a purpose. The Councillor considered that such a policy was not sensible and proposed that a review of the policy around Ward Member budgets be undertaken. The Chair suggested that the issue should be referred to the Neighbourhood Services Committee and the Member accepted the proposal.

170. MINUTES OF PROCEEDINGS

The Minutes of Proceedings of the Council held on the 26 February, 2015 and the Extraordinary meetings of 12 March and 16 March, 2015, having been laid before the Council.

RESOLVED - That the minutes be confirmed.

The minutes were thereupon signed by the Chairman.

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

Minutes of the meeting of 26 February, 2015

A member referred to the public question from Mr Measor (Minute 143 refers) in relation to the stopping of seacoalers access to the beach. It is stated in the minutes that an application had been made to the Crown Estates on 18 December 2014 for an amendment to the lease to allow seacoalers access. The Councillor stated that a seacoaler had given him a copy of an e-mail from the Crown Estates that indicated that no such communication had been received. The past scheme of allowing permit holders access to the beach in vehicles at specified times worked well and was an arrangement the seacoalers were happy with. If it was acceptable to have such a scheme previously under the Crown Estates Licence then it was so now and the Member proposed that the keys be returned to the seacoalers tomorrow to allow them to continue to earn a living.

The Chief Executive advised Council that correspondence from the Agents acting on behalf of the Crown Estates had been received acknowledging the approach of 18 December, 2014 and indicating that they were minded to agree the amendment to the licence. The Council was simply awaiting written confirmation that this was the case. The Chief Solicitor commented that the Council was beholden to the Crown Estates on this matter and had to await confirmation of the variation to the licence.

Members commented that representatives of the seacoalers had met with the Chair of the Neighbourhood Services Committee very recently on this matter. Members expressed support for the proposal to allow the seacoalers back on the beaches while the issue of the variation was concluded with Crown Estates.

The Chair of Neighbourhood Services Committee stated that she had met representatives of the seacoalers and indicated that she had been advised by officers that the Council and Environment Agency vehicles had an existing exemption. There was, however, no exemption for other vehicles but that did not prevent the collection of seacoal. The Chair of Neighbourhood Services Committee stated that she had no wish to deprive anyone of a livelihood but without the exemption, the seacoalers insurance would not apply as they would be technically trespassing. There was a willingness to deal with this issue as soon as possible and if necessary an additional meeting of the Neighbourhood Services Committee would be called to make that happen.

The Chief Executive stated that officers had been in touch with the Crown Estates agents by telephone and they had indicated that they were minded to approve the exemption but would look to having that confirmed by e-mail tomorrow so the matter could be moved forward.

A proposal was made that, based on the support within the meeting, should that confirmation be received from the Crown Estates agents tomorrow, then the seacoalers be allowed to return to work immediately. The Chief Solicitor

indicated that he had delegated powers to deal with a variation of lease and then subsequently report the matter to Neighbourhood Services Committee.

The proposal was put to the Council and seconded and agreed unanimously by Council.

Minutes of the meeting of 12 March 2015

A Member referred to the recorded vote detailed on page six of the minutes where at the meeting, the meeting was informed that the vote was equal and the Chair was invited to make a casting vote which was against the proposed motion. The Chief Solicitor explained that in the meeting the calculation of the votes cast was close, within two votes, and he was unsure of one particular vote which would have resulted in the vote being lost at 14:16 or equal at 15:15. The Chief Solicitor advised that he erred on the side of caution and sought a casting vote from the Chair to bring clarity to the matter. The Chief Solicitor apologised to Members and the Chair for any confusion that may have arisen. The Member thanked the Chief Solicitor for his explanation.

Minutes of the meeting of 16 March, 2015

A Member queried if any response had been received from the North East Ambulance Service (NEAS) to the questions raised in the meeting. The Member indicated that Councillors had received an e-mail from the Scrutiny Manager seeking endorsement of the response to the NEAS Quality Account and was not happy to give such an endorsement without the detailed responses from NEAS. The Chief Executive stated that a letter setting out the questions raised by Members had been sent to NEAS but the matter would be followed up by officers.

172. 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

- (i) Councillor Riddle to Chair of Audit and Governance Committee

“Please could you tell me how many of the 33 serving ward councillors are presently the subject of complaints from members of the public?”

The Chair of the Audit and Governance Committee stated there were three.

(ii) Councillor Riddle to Chair of Audit and Governance Committee

“Since the abolition of the standards board, how many elected councillors have been subject to formal censure?”

The Chair of the Audit and Governance Committee stated that there had been one.

(iii) Councillor Brash to Chair of Audit and Governance Committee

“Can the chair of audit and governance spell out specifically, with reference to the code of conduct, what he believes constitutes acceptable and unacceptable behaviour by an elected member towards members of the public, while acting in their public role?”

Councillor Brash withdrew his question indicating he would wish to make comment within the debate following the second Member question.

In the debate Councillor Brash expressed concern at the reported incident following the Council meeting on 12 March, 2015. Councillor Brash indicated that the situation whereby a Councillor could not be sanctioned was a ridiculous situation, though not one created by this Council. There was a report on the agenda proposing a change to the ‘six month rule’ as there was flexibility for a local arrangement. There should therefore be flexibility to have a local arrangement of sanctions that could be properly adjudicated upon by this council when a councillor’s behaviour was outside of the accepted norms. Councillor Brash formally moved that a review be undertaken to instigate such local sanctions.

The Chief Solicitor agreed that with only a criminal sanction in place for wilfully failing to declare a disclosable pecuniary interest, which would require the approval of the Director of Public Prosecutions to proceed, the system was deficient and he would bring a report back to Council via the Audit and Governance Committee on the issue. The Chief Solicitor commented that there was leading Counsel’s opinion that indicated that instigating a scheme of local sanctions might be difficult to invoke if challenged.

A Member called upon individual political parties to utilise their own internal disciplinary procedures in such cases. Another Member referred to past incidents of political groups having sanctioned Members for voting the wrong way. If a political group could sanction Members for voting the wrong way and then fail to sanction a Member for an incident where a sexual slur was made towards a member of the public, then that reflected upon that political party and showed a lack of leadership.

- (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 on 12 December, 2014 and the Police and Crime Panel held on 21 October, 2014

A Member reported that at a recent ward meeting a PCSO had shared the view that the Divisional Police Headquarters in Avenue Road was to close with the Police moving into the new Fire Brigade Headquarters to be built at Queens Meadow. The Member understood that there was already a full floor of the Avenue Road building empty. The area office on York Road was likely to close as well. The Member considered that it was totally unacceptable for the Police to close the station on Avenue Road and requested that, as a matter of urgency, this Council and its appointed representatives on the Police and Crime Panel demand that the Avenue Road Police Station is not closed under any circumstances.

The Leader of the Council stated that as one of the representatives to the Police and Crime Panel he was not aware of any move to close Avenue Road. There was a proposal to share training facilities with Cleveland Fire Authority in their new headquarters being constructed at Queens Meadow. The Leader stated he would write on behalf of the Council to the Police and Crime Commissioner seeking that assurance. Councillor Thompson as the other representative to the Police and Crime Panel indicated that he would also write seeking the same assurance.

173. BUSINESS REQUIRED BY STATUTE

None.

174. ANNOUNCEMENTS

None.

175. 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.

176. TO RECEIVE REPORTS FROM THE COUNCIL'S COMMITTEES

None.

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

(i) Periodic Review of the Council's Constitution – *Report of Monitoring Officer*

The Chief Solicitor and Monitoring Officer stated that he had received representations from a number of Members seeking deferment of the report on the constitution as it had only been circulated to Members earlier in the week. The Chief Solicitor also reported that notice had been received from the Department of Communities and Local Government yesterday of new regulations in relation to standing orders that all council's were required to adopt and which he was required to report to Council. The Chief Solicitor, therefore, proposed that the report be deferred to the meeting of Council on 26 May, 2015.

The proposal was accepted unanimously by Council.

RESOLVED – that the report be deferred to the meeting of Council on 26 May, 2015.

(ii) Pay Policy Statement 2015/16 – *Report of Monitoring Officer*

The Chief Solicitor reported that under Section 38 of the Localism Act 2011 full Council was required to approve a Pay Policy Statement on an annual basis. Council had also considered a Motion at its meeting on 5 February 2015 in relation to zero hour contracts, the terms of which were addressed within the report and the accompanying Pay Policy Statement 2015/16. The Chief Solicitor specifically highlighted the changes to the proposed pay policy that were required subsequent to the decision on zero hour contracts.

Members commented that while acknowledging that the Council could not encourage existing contractors not to use zero hour contracts, the Council could inform such contractors of its stance on such working practices as set out in the pay policy. Such a move may encourage them to move away from zero hour contracts as they may perceive that the Council may see them in a better light for future contracts. The Chief Solicitor indicated that all existing contractors would be informed of the new pay policy.

The proposed Pay Policy Statement 2015/16 was agreed by Members unanimously.

RESOLVED – That the Pay Policy Statement as submitted be approved and adopted.

(iii) Chief Executive and Head of Paid Service – Proposed Appointment – *Report of Appointment Panel*

The Leader of the Council reported that the Appointments Panel established by

Council on 18 December, 2014 had interviewed on 9 March 2015 and the Appointment Panel agreed unanimously to the appointment of Gill Alexander, who is currently the Council's Director of Child and Adult Services to the position of Chief Executive upon the retirement of the current Chief Executive at the end of May. The Leader commended the appointment to Council indicating he was personally delighted to have secured such an excellent appointment.

The recommendation of the Appointments Panel was agreed unanimously.

RESOLVED – That Gill Alexander be appointed Chief Executive and Head of Paid Service.

(iv) *A Combined Authority for the Tees Valley – Report of Finance and Policy Committee*

The Chair of the Finance and Policy Committee proposed the recommendations made through Finance and Policy Committee on 23rd March 2015 for Hartlepool Borough Council to form part of a combined authority for the Tees Valley. The specific functions of the Combined Authority would relate only to Economic Development; Strategic Transport and Infrastructure; Employment and Skills; Business Investment; Low Carbon; and to fulfil other duties and responsibilities including to determine the use of funding received for joint purposes; approving the commissioning of capital projects; and consider funding agreements and joint venture arrangements. The Chair of the Finance and Policy Committee stressed that the proposal was not to reform the previous Cleveland County Council but to give the Tees Valley the ability to compete with other regions for government and other funding.

A Member referred to the previous consideration by Council of a referendum on this issue which was not agreed. There had been government moves to support the creation of such joint arrangements but with the imposition of elected Mayors at the head of such arrangements. Those supporting the Tees Valley Combined Authority state that there would be no such political arrangement here, yet the current elected Mayor of Middlesbrough had spoken to the press today stating he would stand for election to such a position if it came forward. The Member acknowledged that Council could not reconsider the proposal for a referendum on the proposals under the current constitution arrangements so proposed, as a compromise and due to the delay that the general election would cause, that the Council call a public Caucus meeting at the Borough Hall involving all community and resident groups from the town and the general public on a first come basis to gain their views on the proposals now being recommended to Council. The Member proposed that consideration of the report be deferred to allow such a Public Caucus to take place. The proposal was seconded.

Members spoke in support of the proposal indicating that the public should have an opportunity to make their views known when presented with the facts of the combined authority proposals. A Member indicated that it appeared that the public could not be trusted to give the right answer. Another Member considered that the consultation undertaken had an extremely low response

rate to what they believed to be a heavily weighted question. The reasons for not holding a binding referendum was again questioned and the Chief Solicitor advised that following the changes at the debate stage of the then Localism Bill a Council did not have the power to hold binding referendums and that there was only a non-binding system in place.

The motion, moved by Councillor Brash and seconded by Councillor Thompson, for the holding of a Public Caucus meeting was put and in accordance with Council Procedure Rule 17.5 of the Constitution, a recorded vote was taken.

Those in favour: -

Councillors Atkinson, Brash, Gibbon, Hargreaves, Hind, Lauderdale, Lilley, Riddle, Springer and Thompson.

Those against: -

Councillors Ainslie, C Akers-Belcher, S Akers-Belcher, Barclay, Beck, Clark, Cook, Cranney, Griffin, Hall, Jackson, James, Loynes, Martin-Wells, Morris, Payne, Richardson, Robinson, Simmons, Sirs and Thomas.

There were no abstentions.

The vote was lost.

A Member commented that the previous proposition for a referendum was specifically for a paper ballot on the day of the general election, so therefore proposed that a postal ballot be held. The Chief Solicitor stated that if a decision had been made to hold a referendum, then there would have been a subsequent decision as to whether that was a ballot box or postal ballot referendum. Therefore, the proposal was not substantially different and the Chief Solicitor ruled the proposal out of order.

The Member then proposed that a further internet survey be undertaken using Survey Monkey on one question "Do you want to be a member of the combined authority, yes or no" with a second criteria that in order to be a proper consultation, that it remain open until a number equivalent to at least 50% of the population of the town have responded and that it closes when 51% have responded and that 'we' abide by the results of that survey. The proposal was seconded. A number of Members spoke in support of the proposal.

The Chief Solicitor commented that the proposal, however meritorious, was no different to that previously considered. The Chief Solicitor ruled the proposal out of order and suggested that the meeting move to the consideration of the recommendations set out within the report.

A Member proposed that the consultation period on the proposed Combined Authority, undertaken by Tees Valley Unlimited be extended, as nothing was going to happen on the proposal for at least two months because of the general election, and that the questions asked be reviewed and the consultation be

promoted with a clear explanation of both the pros and cons of the Combined Authority in Hartbeat during that extended consultation period. This proposal was seconded with an amendment that the review of the questions asked be undertaken by a cross-party group of members. This amendment was accepted by the proposer.

The motion moved by Councillor Brash and seconded by Councillor Thompson, for the extending of the consultation period on the Combined Authority proposal for the Tees Valley was put and in accordance with Council Procedure Rule 17.5 of the Constitution, a recorded vote was taken.

Those in favour: -

Councillors Atkinson, Brash, Gibbon, Hargreaves, Hind, Lauderdale, Lilley, Loynes, Riddle, Springer and Thompson.

Those against: -

Councillors Ainslie, C Akers-Belcher, S Akers-Belcher, Barclay, Beck, Clark, Cook, Cranney, Griffin, Hall, Jackson, James, Martin-Wells, Morris, Payne, Richardson, Robinson, Simmons, Sirs and Thomas.

There were no abstentions.

The vote was lost.

The meeting moved to the consideration of the substantive recommendations set out in the report. It was proposed that any amendments to the scheme that were required be reported back to full Council for ratification. The membership of the standing scrutiny arrangement for the Combined Authority was also questioned and the Chief Solicitor confirmed that the political balance would be calculated on a Tees Valley wide basis, similar to the arrangement that existed for the Fire Authority. The Chair of the Finance and Policy Committee accepted the amendment in relation to the ratification of any amendments to the scheme.

The substantive recommendations set out in the report, as amended, were then put and in accordance with Council Procedure Rule 17.5 of the Constitution, a recorded vote was taken.

Those in favour: -

Councillors Ainslie, C Akers-Belcher, S Akers-Belcher, Barclay, Beck, Clark, Cook, Cranney, Griffin, Hall, Jackson, James, Loynes, Martin-Wells, Morris, Payne, Richardson, Robinson, Simmons, Sirs and Thomas.

Those against: -

Councillors Atkinson, Brash, Gibbon, Hargreaves, Hind, Lauderdale, Lilley, Riddle, Springer and Thompson.

There were no abstentions.

The vote was carried.

RESOLVED –

1. That the Draft Scheme be referred to the Secretary of State.
2. That any minor changes which may be required to the draft scheme through the negotiation process with the Department for Communities and Local Government (DCLG) be reported back to full Council for ratification.
3. That Council notes that further reports may be forthcoming as required following DCLG processes.

(v) Presentation by Armed Forces Champion.

The Council's Armed Forces Champion, Councillor Barclay, gave a presentation to Council outlining the progress made during the past year on the Council's Armed Forces Community Covenant and specifically the progress made against the top five policy changes identified by the Royal British Legion. Councillor Barclay commented that a considerable amount of work had been done but there was still further much to be done locally in identifying our armed forces personnel, their needs and how the local authority could work with partners to deliver services and maximise funding opportunities. Councillor Barclay thanked the officers from the Democratic Services and Economic Regeneration Teams that had supported him in his role and specifically thanked the Scrutiny Manager and Scrutiny Support Officer for their assistance. The Chair thanked Councillor Barclay for all his work in his role as Armed Forces Champion.

Members spoke in supportive terms in relation to the armed forces and particularly the recent event when the soldiers of 3rd Battalion 'The Rifles' had exercised their Freedom of the Borough in parading through the town. A Member commented that there had been criticisms of the hospitality offered to The Rifles. The Chief Executive stated that hospitality had been provided to all the soldiers of the 3rd Battalion present on the day in the Civic Centre.

At this point in the meeting Councillor Payne declared a personal interest as he had a family member in the armed forces.

A Member questioned the Armed Forces Champion in relation to the number of supported accommodations for ex-service personnel in the town. The Armed Forces Champion stated he did not know the number but would write to the Member following the Council meeting. The Member stated that he believed there were none, as an application to provide such a scheme had been refused by the Planning Committee earlier in the year and the Armed Forces Champion had been in attendance at that meeting.

In closing the debate the Chair indicated that he had written to the staff involved in organising The Rifles parade thanking them for all their work in organising the event.

RESOLVED – that the Armed Forces Champion’s report be noted.

178. REPORT FROM THE POLICY COMMITTEES

- (a) Proposal in relation to the Council’s budget and policy framework
- (i) Community Safety Plan 2014-2017 (Year 2) – *Report of Finance and Policy Committee*

The Chair of the Finance and Policy Committee presented the Community Safety Plan 2014-2017 (Year 2) and commended the plan to Council for adoption.

The recommendation was approved unanimously.

RESOLVED - that Council adopts the Safer Hartlepool Partnership Community Safety Plan 2014-17 (Year 2).

- (ii) Council Plan 2015/16 – *Report of Finance and Policy Committee*

The Chair of the Finance and Policy Committee presented the Council Plan 2015/16 and commended the plan to Council for adoption.

A Member referred to Outcome 17 ‘Communities have improved confidence and feel more cohesive and safe’ and the action to ‘implement the new community engagement and cohesion strategy’ and commented that community cohesion in the town was being damaged through the Council’s withdrawal of funding for HVDA (Hartlepool Voluntary Development Agency). Funding through the Community Pool had also been withdrawn in the 2015/16 budget. The Member considered that this was a sad state of affairs when Members were still receiving ward budgets and other local authorities were maintaining financial support for their local voluntary development agencies. Other Members spoke in support of the comments and HVDA in general.

The Chair made reference to Rule 10 of the Council Procedure Rules and sought the approval of Council to extend the duration of the meeting until 10.00 p.m. if required. The proposal was agreed.

It was proposed by Councillor Hargreaves and seconded by Councillor Brash that any favourable outturn from the 2014/15 budget be used to support HVDA. The Chief Solicitor considered that such a proposal when considering the Council Plan was not good governance and advised the Council against ‘making policy on the hoof’. The Chair of the Finance and Policy Committee stated that such a suggestion had already been made at Council on 18 December 2014 and it was recommended that Councillors could use their ward member budgets. The situation would be reviewed, however, should there be a favourable outturn at the end of the financial year though the Chair of the Finance and Policy Committee advised that there would be other council

service demands for any favourable outturn monies and the decision of the Committee could not be predetermined.

The financial position of HVDA was discussed and it was suggested that should a report be considered in the future by the Finance and Policy Committee, the Manager of HVDA should attend with an up-to-date statement of the body's financial position.

The Chair suggested an amendment to the motion that the matter be referred to the Finance and Policy Committee. Councillor Hargreaves rejected the amendment and sought that the vote be put.

The motion, moved by Councillor Hargreaves and seconded by Councillor Brash, that any favourable outturn from the 2014/15 budget be used to support HVDA was put and in accordance with Council Procedure Rule 17.5 of the Constitution, a recorded vote was taken.

Those in favour: -

Councillors Atkinson, Brash, Gibbon, Hargreaves, Hind, Lauderdale, Lilley, Riddle, Springer and Thompson.

Those against: -

Councillors Ainslie, C Akers-Belcher, S Akers-Belcher, Barclay, Beck, Clark, Cook, Cranney, Griffin, Hall, Jackson, James, Loynes, Martin-Wells, Morris, Payne, Richardson, Robinson, Simmons, Sirs and Thomas.

There were no abstentions.

The vote was lost.

Clarification was sought on the need for Members to declare interests relating to HVDA during the discussion and vote. The Chief Solicitor stated that the declaration of interests was incumbent on individual councillors as they saw appropriate. As the debate had moved quickly there may not have been the opportunity to make such declarations. The Chief Solicitor proposed that the meeting should move on to deal with business before it.

The amendment proposed by Councillor C Akers-Belcher and the Mayor that consideration of any support for HVDA from any favourable outturn from the 2014/15 budget be referred to the Finance and Policy Committee and that the Manager of HVDA be invited to the meeting to present the up-to-date financial position of the organisation was put and in accordance with Council Procedure Rule 17.5 of the Constitution, a recorded vote was taken.

Those in favour: -

Councillors Ainslie, C Akers-Belcher, S Akers-Belcher, Atkinson, Barclay, Beck, Brash, Clark, Cook, Cranney, Gibbon, Griffin, Hall, Hargreaves, Hind, Jackson, James, Lauderdale, Lilley, Loynes, Martin-Wells, Morris, Payne, Richardson,

Riddle, Robinson, Simmons, Sirs, Springer, Thomas and Thompson.

Those against: -

None.

There were no abstentions.

The vote was carried.

The recommendation to approve the Council Plan 2015/16 was approved unanimously.

RESOLVED –

1. That the Council Plan 2015/16 be approved and adopted.
2. That consideration of any support for HVDA (Hartlepool Voluntary Development Agency) from any favourable outturn from the 2014/15 budget be referred to the Finance and Policy Committee and that the Manager of HVDA be invited to the meeting to present the up-to-date financial position of the organisation

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

None.

179. APPOINTMENT OF CHAIR

As recorded at Minute No. 167, the Chair, Councillor S Akers-Belcher had declared a prejudicial interest in the following item and therefore left the meeting during its consideration. In the absence of the Deputy Mayor, a nomination was sought for Chair of the meeting.

RESOLVED – That Councillor Richardson be appointed Chair for the duration of the consideration of the following item of business only.

Councillor Richardson in the Chair.

180. MOTIONS ON NOTICE

“That a ‘Vote of no confidence’ is held, in regard to the performance of the Chairman of the Council, Stephen Akers-Belcher”.

The proposer of the motion, Councillor Riddle, commented that he considered the issues of concern for the Council and the public were not ones of politics but of morality. Councillor Riddle considered that many of the recent actions of the Mayor had been wrong and had led to his motion of no confidence in the Mayor.

Councillor Lilley in seconding the motion was also critical of the Mayor's recent actions and considered that honesty in public office was an essential characteristic and the foundation of the code of conduct that all councillors were expected to abide by. He considered that the Mayor's recent actions were adversely affecting the culture of the Council and it was time that the Council had a Mayor that Councillors and the town could have confidence in.

The Chair made reference to Rule 10 of the Council Procedure Rules and sought the approval of Council to extend the duration of the meeting until 10.30 p.m. if required. The proposal was agreed.

In debate there were comments made in regards to the actions of other Councillors that had resulted in complaints. The issues surrounding the adjournment of the meeting on 16 February 2015 were referred to on a number of occasions by Members citing it as an example of the Mayor's inability to fulfil the role as Chair of Council. A Member did consider that all Members had over recent months need to consider their own actions and words in the Chamber and should reflect upon them.

The motion, moved by Councillor Riddle and seconded by Councillor Lilley, that a "Vote of no confidence' is held, in regard to the performance of the Chairman of the Council, Stephen Akers-Belcher" was put and in accordance with Council Procedure Rule 17.5 of the Constitution, a recorded vote was taken.

Those in favour: -

Councillors Atkinson, Brash, Gibbon, Hind, Lilley, Riddle and Thompson.

Those against: -

Councillors Ainslie, C Akers-Belcher, Barclay, Beck, Clark, Cook, Cranney, Griffin, Hall, Jackson, James, Loynes, Martin-Wells, Morris, Payne, Richardson, Robinson, Simmons, Sirs and Thomas.

Those abstaining: -

Councillors Hargreaves, Lauderdale and Springer.

The motion was lost.

Councillor S Akers-Belcher in the Chair

181. TEESSIDE CORONER'S SERVICE ANNUAL REPORT 2014

The Chief Executive reported that he had received the first Annual Report produced by the Teesside Coroner's Service, a copy of which had been submitted for Councillors information. The report aimed to provide a clear picture of how the Coroner's Service is working, provided details of service improvements and the priorities of the Service for 2015.

RESOLVED – that the Coroner’s Service Annual Report 2014 be noted.

182. LOCAL DEVELOPMENT ORDERS FOR OAKESWAY, THE PORT AND QUEEN’S MEADOW ENTERPRISE ZONES – EXTENSION TO TIMESCALE

The Chief Executive reported that Finance and Policy Committee on 23 March 2015 considered the extension to the timescale of the Local Development Orders covering Oakesway, The Port, and Queen’s Meadow Business Park, with a revised expiry date of 31 March 2018, Council was requested to approve the extension.

RESOLVED – Council resolves to adopt the extension to the timescale of the Local Development Orders covering Oakesway, The Port, and Queen’s Meadow Business Park, with a revised expiry date of 31 March 2018.

183. RETIRING MEMBERS

As this was the last ordinary meeting of Council in the municipal year, the Chair made reference to those Councillors that were standing for election on 7 May and those that were retiring. The Chair paid tribute to those Councillors that were retiring and thanked them for their contribution to Council and the town.

Councillors paid tribute to Councillors Hargreaves and Lilley both of whom were retiring from the Council. Councillors Hargreaves and Lilley responded in appropriate terms.

The meeting concluded at 10.40 pm.

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)

1. INTRODUCTION AND BACKGROUND

- 1.1 A comprehensive report was submitted to Council on 3rd April, 2014, which considered those required amendments to the Council's Constitution following the introduction of a committee system of governance, together with matters to be determined by Council as set out within that report. This report follows on from that report as part of a 'periodic review' of the Constitution and at Members request was deferred on 26 March to the meeting on 26 May, 2015.
- 1.2 There is a legal requirement under the Localism Act, 2011, "to prepare, publicise and keep up to date" a Constitution. Further, Article 15 of the Council's Constitution indicates that any review and revision of that document is to "ensure the aims and principles of the Constitution are given full effect".

As previously indicated, the Constitution must contain;

- 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. It was also noted in the

guidance accompanying the “Modular Constitution for English Authorities” that;

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

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.

- 2.2 Necessarily, the items for consideration and recommendations made herein are those raised directly with the Monitoring Officer either by Elected Members, Officers or Members of the Public and other stakeholders. To assist each item has an accompanying recommendation to assist and facilitate debate, where the individual matter so requires. Members are also reminded that any changes to Council Procedure Rules, in the absence of compliance with any statutory provision, would on being proposed or seconded, stand adjourned without discussion to the next ordinary meeting of Council (Procedure Rule 24.2 refers).

3. ITEMS FOR CONSIDERATION

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

- Health and Wellbeing Board Membership
- Capital Transfers
- Member Training and Proposed Revisions to the Scheme of Delegation – Planning Committee
- Appointment of School Governors
- The “six month” Rule
- Apologies
- The Anti-Social Behaviour, Crime and Policing Act, 2014 – Review of Delegations.
- Statutory Health Scrutiny – Further Review of Delegations

(i) HEALTH AND WELLBEING BOARD MEMBERSHIP

The Health and Social Care Act 2012 established Health and Wellbeing Boards as a Council Committee where key individuals from the health and care system could work together to improve the health and wellbeing of the local population and reduce health inequalities. Primarily, this is through responsibility for the preparation and implementation of a ‘Health and Wellbeing Strategy’ based upon a ‘Joint Strategic Needs Assessment’ and

for ensuring consistency between the commissioning priorities of partners. The Act prescribes a minimum membership of the Board as follows;

- One local elected representative
- A representative of a Local Healthwatch organisation
- A representative of each local Clinical Commissioning Group
- The Local Authority Director for Adult Social Services
- The Local Authority Director for Children’s Social Services
- The Director of Public Health for the Local Authority

Other Members of the Board are as detailed within Part 3 of the Council’s Constitution.

At a meeting of the Board held on the 2nd March, 2015 a request was 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 were amenable to such a request.

The Department of Health consultation document “Liberating the NHS: Local Democratic Legitimacy in Health (2010) indicates;

“...requirements for such a board would be minimal, with Local Authorities enjoying freedom and flexibility as to how it would work in practice.

The primary aim of the Health and Wellbeing Boards would be to promote integration and partnership working between the NHS, Social Care, Public Health and other local services and improve democratic accountability.

The Local Authority would bring partners together to agree priorities for the benefit of patients and tax payers, informed by local people and neighbourhood needs.”

Clearly, there are expressions surrounding additional responsibility for Health and Wellbeing Boards, particularly with an emphasis on greater integration of health and social care. However, this element of this report is solely confined to recognising the agreement of the Health and Wellbeing Board to expand its membership to include a member of Cleveland Police. It is also recognised within applicable guidance accompanying this legislative framework that it should be the Board itself which determines its membership, beyond the minimum requirements as indicated within this report.

RECOMMENDATION

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

(ii) CAPITAL TRANSFERS

The Chief Finance Officer has 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 is 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."

RECOMMENDATION

That Council approves this amendment to the Financial Procedure Rules.

(iii) MEMBER TRAINING AND PROPOSED REVISIONS TO THE SCHEME OF DELEGATION - PLANNING COMMITTEE.

At its meeting on 17th December, 2014, Planning Committee 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 Committees meeting on 18th February 2015, the Committee commends to Council the following recommendations for its consideration as set out below and which replicates the report submitted to the Committee, as follows;

Member Training

'It is accepted that Members should undertake such mandatory training in the fulfilment of their duties as prescribed by the Borough Council. It is therefore recommended that the Planning Code of Practice be revised to incorporate this provision with the insertion of the following text;

"A Member shall not participate in decision making at meetings of the Planning Committee if they have not attended the mandatory training prescribed by the Council. Members of the Committee shall also endeavour to attend any other specialised training sessions provided, since these are

designed to extend the knowledge of the Member on planning law, regulations, procedures, Codes of Practice and Development Plans and generally assist the Member in carrying out their role properly and effectively.”

It is proposed that the mandatory training expectation is delivered once a year and purely relates to the following session:

No	Training Session Subject	Duration	Delivered By
1	Getting to Grips With Planning <ul style="list-style-type: none"> • The Development Plan • The Planning Process • Probity in Planning 	2 Hours	Planning Legal

It is proposed that the mandatory session is sufficient enough to only be refreshed every 2 years by Members unless a significant change occurs with regard to the national or local planning framework that would necessitate an update for Members.

It is proposed that the discretionary training sessions are delivered to Members of the Planning Committee on a rolling basis throughout the year via a 1 hour presentation prior to each Planning Committee Meeting. The specific dates of the training will be organised at a later date and will include the following indicative subjects (These may be subject to change):

No	Training Session Subject	Duration	Delivered By
1	Economic Viability in Planning	1 Hour	Planning
2	The Use of Conditions and Legal Agreements	1 Hour	Planning
3	The Hartlepool Vision	1 Hour	Planning
4	Role of Elected Members and Officers	1 Hour	Planning Legal
5	Sustainable Urban Drainage (SUDs)	1 Hour	Planning Engineers
6	Planning Appeals	1 Hour	Planning Legal
7	Conservation and Historic Environment	1 Hour	Planning English Heritage
8	Trees and High Hedges	1 Hour	Planning
9	Ecology and Planning	1 Hour	Planning Countryside
10	Flooding and Coastal Erosion	1 Hour	Planning
11	Rural Environment and Sustainable Development	1 Hour	Planning

No	Training Session Subject	Duration	Delivered By
12	Flooding Issues in a Rural Setting	1 Hour	Planning

Whilst the discretionary training sessions are not mandatory the subjects covered in the sessions will aid Members understanding of the planning system and their attendance is recommended.

Review of the Scheme of Delegation

Currently in excess of 90% of all planning decisions are determined by Officers under schemes of delegation operating across the Country, without reference to a Committee. Successive Governments have also encouraged the greater use of delegation in streamlining the planning application process. Furthermore, an officer's report through the exercise of delegated powers must include all information on relevant considerations relating to the application under the requirements of the Development Management Procedure Order and also the openness of Local Government Bodies Regulations, 2014.

Although Local Planning Authorities still operate within a "plan led" system the National Planning Policy Framework also constitutes guidance in planning preparation and also is a material consideration in the determination of planning applications. It is felt desirable that the following changes be made to the Constitution Part 3 regarding the Scheme of Delegation under points (i) – (iv) as follows.

Delegation of power to carry out all of the functions of the Committee in paragraphs 1-5 adjacent; subject to the following exceptions:	
Existing Delegations	Proposed Delegations
(i) In the case of any relevant application which is submitted to the Council for determination, any matter which any Member requests should be referred to the Committee for decision, such request to be received within 21 days of publication of details of the application.	No change proposed.
(ii) Any matter which fall significantly outside of established policy guidelines or which would otherwise be likely to be controversial.	(ii) Any matter which has a significant adverse impact outside of established policy guidelines.

(iii) The determination of applications submitted by the Council in respect of its own land or proposed development, except those relating to operational development to which there is no lodged objection.	Suggest deletion, (but note exceptions under i) and ii) above and new iii) below).
(iv) The refusal of an application except with the agreement of the Chair of the Committee.	Suggest deletion and replace with; (iii) The refusal of an application or refusal of an application relating to a prior notification in consultation with the Chair of the Committee (or in the event that the Chair is not available the vice chair of the Committee).

These suggested amendments strike a balance through allowing for appropriate levels of delegation but also recognising that where an application might have a significant adverse impact or arouses significant levels of local objection (except where the applications relates to a prior notification an applications is to be refused) that these matters necessarily should be reported to Planning Committee.

As regards determinations of applications submitted in respect of land owned by the Council it is contended, that reference should be made to the Committee where there is that significant adverse and demonstrable impact or significant level of local objection so there can be a determination consistent with all applications as received by the Local Planning Authority.'

RECOMMENDATION

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

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 will 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 will

be made by Governing Bodies with nomination only from the Local Authority. Further, the 2012 Regulations require all Governing Bodies to reduce the number of Local Authority appointed Governors to one and Governing Bodies are presently reviewing their Constitutions to comply with these amending Regulations.

Reports have been presented to Children’s Services Committee indicating these changes and a further report will be submitted in advance of these amendments taking effect. Primarily it will need to be determined whether the Committee ‘nominates’ such appointments for consideration by the respective Governing Body or whether this is a function delegated to the Director of Child and Adult Services, potentially after consultation with the Chair of the Committee.

RECOMMENDATION

That Members note this change to be effective from 1st September, 2015, 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.

(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 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.

RECOMMENDATION

For Members to consider and to note the implications of Council Procedure Rule 24.2 (see above).

(vi) 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 suggested this is a matter for determination by Council.

RECOMMENDATION

For Members to consider and to note the implications of Council Procedure Rule 24.2 (see above).

(vii) THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT, 2014 – REVIEW OF DELEGATIONS.

The Council's Finance and Policy Committee considered a report relating to this legislation and its implications for the Council at the meeting held on 23 February, 2015. The detail from that earlier report is set out below, for the information of Members. The Act introduces (and also consolidates) powers to deal with anti-social behaviour. There is a consequent need to provide authorisation through delegation, primarily to the Director of Regeneration and Neighbourhoods who covers a majority of the service areas, which can utilise these new powers. The Director holds 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 has some responsibility for services which can 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 detail behind those delegations are further referenced in the appendix to this report.

'In May 2014 the Anti-social Behaviour Crime and Policing Act received Royal Assent with the principle ideas behind the new legislation being to:-

- *Focus the response to anti-social behaviour on the needs of victims*
- *Empower communities to get involved in tackling anti-social behaviour*
- *Ensure professionals can protect the public quickly through faster, more effective powers*

The Act replaces previous Anti-Social Behaviour legislation and places new duties on local authorities. Parts 1-7 of the Act have particular implications for Local Authorities which introduce the following new powers:

- *Criminal Anti-Social Behaviour Orders*
- *Injunction to Prevent Nuisance and Annoyance*
- *Community Protection Notices*
- *Public Space Protection Orders*
- *Closure Orders*
- *Dispersal Orders*
- *New 'Absolute' Ground of Possession*

To improve accountability, and give victims a greater voice in the way anti-social behaviour is dealt with by local agencies, Part 6 of the legislation also introduces the following two new measures:

- *Community Trigger*
- *Community Remedy*

*Attached as **Appendix 1** of this report is a table which provides a summary of previous powers, the powers they have been replaced with, which agencies they are available to.*

PARTS 1 AND 2: CIVIL INJUNCTIONS AND CRIMINAL BEHAVIOUR ORDERS:

There are two main powers under the Act that are aimed at dealing with problem individuals. The first of these powers which is found in Part 1 of the Act is the **Injunction to Prevent Nuisance & Annoyance (IPNA)**. This is a civil injunction available in the County Court for adults and the Youth Court for under 18's. The IPNA replaces the current ASBO and is intended as an early intervention. Applications for IPNAs can be made by local authorities, Social Landlords, Police (including British Transport Police), the Environment Agency; and NHS Protect.

Criminal Behaviour Orders (CBOs) will also be available to deal with the most seriously anti-social individuals on conviction for any criminal offence. This is virtually identical to the current Criminal Anti-social Behaviour Orders on conviction, or CRASBOs as they are known locally and will be available to the Police and the Council on application to the Crown Prosecution Service.

In addition to prohibitions, both the IPNA and CBO will include the ability to impose positive requirements that can address the underlying causes of the behaviour and prevent future recurrences (for instance, alcohol or drug treatment requirements, or attendance at anger management courses).

However, as is currently the case, enforcement will always be an avenue of last resort. This is particularly so in relation to young people where a process involving reparative and restorative interventions alongside anti-social behaviour agreements and contracts currently exist. Following the introduction of the Community Remedy (see 7.3 below) this practice will also be extended to adults.

Consultation with relevant partners prior to applying for an IPNA or CBO will also be the norm. As required under the legislation where young people are involved, consultation will take place with Children and Youth Services to agree an appropriate way forward by those with enforcement powers.

PART 3: DISPERSAL ORDERS

Part 3 of the Act contains powers for the Police to disperse people causing, or likely to cause, harassment, alarm or distress. Any person required to leave a specified area under this power will not be permitted to return within a 48 hour period. There is no longer a requirement on the Police to consult the local authority on the area to be covered by a Dispersal Order. However in practice this is likely to be reached through agreement with the local authority through ward priority and Joint Action Group meetings with the local authority research analysts providing the Police with the necessary documentary evidence to support the decision to implement a Dispersal Order.

PART 4: COMMUNITY PROTECTION NOTICES, PUBLIC SPACE PROTECTION ORDERS, AND CLOSURE NOTICES/ORDERS

The **Community Protection Notice (CPN)** is available to local authorities, the Police and Registered Social Landlords (RSLs) where delegated by the Local Authority Chief Executive. CPNS can be issued by a designated officer to deal with any particular problem negatively affecting the quality of life of the community where it is persistent and unreasonable.

CPNs can be issued for a wide range of environmental anti-social behaviour such as litter, graffiti, fly tipping, fly posting, and dog fouling but is not limited to environmental concerns – for example it could be used for street drinking, persistent drunkenness etc. A CPN could also be served in addition, and parallel to, any potential criminal action being taken by the Police.

The **Public Spaces Protection Order (PSPO)** provides local authorities with a flexible power to put in place local restrictions to address a range of ASB in public places. It replaces Dog Control Orders, Gating Orders and Designated Public Place Orders.

Designation of the new Public Space Protection Order is the Council's responsibility but prior to any designation the Council must consult with the Chief Constable; any community representatives that the Local Authority thinks are appropriate; and the owner/occupier of the land in question. Those orders currently in place, such as the Dog Control Orders, will remain so for the 3 years following the introduction of the Act whereupon they will automatically become Public Space Protection Orders which will then be subject to review after a further 3 year period.

PSPOs can be used to impose conditions on the use of public spaces and, therefore, it is appropriate that any proposal for the introduction of such an Order be scrutinised and agreed by Elected Members. The responsibility for ensuring that any Orders agreed by the Council are complied with will lie with designated Council Officers, Police Officers or Police Community Support Officers.

The Act enables the Council to issue Fixed Penalty Notices for offences involving a breach of a Community Protection Notice or a Public Space Protection Order in order to discharge a liability to conviction. The maximum penalty that can be imposed is £100 and this must be paid within 14 days of service of the FPN.

The **Closure Notice/Order** provides the Police or a local authority with new, simpler, quicker, closure powers, consolidating four of the powers already available to close premises ie the Crack House Closure, Closure to Prevent Anti-social behaviour, Noisy Premises Closure Orders, and section 161 Closure under the Licensing Act.

A closure notice prohibiting access can be served by a Police Inspector for up to 24 hours and a Superintendent for up to 48 hours. In addition, the Local

Authority Chief Executive, or a person designated by him or her can authorise an order for up to 48 hours. Anything beyond 48 hours will require an application to the magistrates court where premises can be closed for a further 3 months and may prohibit access by all persons specified save the occupier.

PART 5: ABSOLUTE GROUNDS FOR POSSESSION

Part 5 of the Act amends section 84A of the Housing Act 1985, to provide a new absolute ground for possession for the most serious cases of anti-social behaviour. The aim of the new absolute ground is to speed up the possession process where anti-social behaviour or criminality has already been proven by another court. Landlords will no longer have to prove that it is reasonable to be granted a possession order, but instead courts must grant possession if the landlord followed the correct procedure and can demonstrate at least one of the specified conditions below is met. These are:

- *A conviction for a serious criminal offence*
- *A court order finding a person in contempt of court for breaching an injunction made under the Act*
- *Breach of a Criminal Behaviour Order*
- *Obtaining a premises closure order*
- *A conviction for breach of an abatement notice*

PART 6: COMMUNITY TRIGGER AND COMMUNITY REMEDY

Part 6 of the Act introduces a “Community Trigger”. The Community Trigger allows victims of persistent ASB to request a multi agency case review where a locally agreed threshold is met. The Act requires the relevant bodies to share information, discuss previous action taken and decide on any further action required.

The Act does not dictate what the criteria for meeting the Trigger threshold should be, however guidance on the Act has been used by the Safer Hartlepool Partnership to agree the following threshold:

- *Three reports of anti-social behaviour about the same problem are made by an individual, business, or community group, to the Council, Police, or their Landlord (Housing Association) within a six month period, with the last incident being no longer than one month prior to the Trigger being requested.*
- *Five reports of anti-social behaviour about the same problem are made by more than one individual business or community group to the Council, Police or their Landlord (Housing Association) within a six month period, with the last incident being no longer than one month prior to the Trigger being requested.*

- *One reported incident or crime motivated by hate is made by an individual, business or a community group in the last three months to the Council, Police or their Landlord (Housing Association).*

*The second aspect of the new legislation which is aimed at empowering victims is the **Community Remedy** which is the responsibility of the Police and Crime Commissioner, and is intended to give victims a say in the punishment of the perpetrators of anti-social behaviour. The Community Remedy must include punitive, reparative, and restorative elements that will be presented to victims as a list of options which will be implemented at the discretion of the Police.*

The Community Safety and Engagement Team have been working with the Office of the Police and Crime Commissioner to map local interventions for possible inclusion in the remedy of options and develop restorative approaches locally. The Commissioner has also consulted with the communities across Cleveland on what should be included in the remedy and will publish his Community Remedy of options in the near future.'

RECOMMENDATION

That Council note the revisions to the delegations as outlined herein and provide authority 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 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 business that should come before the formality of a Council meeting.

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)

Clearly, there are 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.

RECOMMENDATION

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 for approval and to agree those items to be reserved to Council.

4. BACKGROUND PAPERS

- 4.1 1 – Localism Act, 2011
- 2 – Local Authorities (Committee System (England) Regulations 2012)
- 3 – New Council Constitutions: Modular Constitutions for English Local Authorities (December 2000)
- 4 – DETR New Council Constitutions: Guidance for English Authorities.

**Anti-social Behaviour Tools & Powers
Mapping Exercise
July 2014**



Summary of New Anti-social Behaviour Tools & Powers				
Current ASB Tool & Powers	New ASB Tools & Powers	Purpose	Powers Available To	Test
Anti-Social Behaviour Order (ASBO) ASBO on Conviction (CRASBO) Drinking Banning Order (DBO) DBO on Conviction	Injunction to Prevent Nuisance & Annoyance (INPA)	To stop or prevent individuals engaging in anti-social behaviour quickly, nipping problems in the bud before they escalate.	Council Police Social Landlords Environment Agency NHS Protect	On the balance of probabilities, the respondent engaged or is threatening to engage in conduct capable of causing nuisance or annoyance to any person; and The court considers it is just and convenient to grant the injunction to stop the anti-social behaviour.
Anti-Social Behaviour Injunction (ASBI) Individual Support Order Intervention Order	Criminal Behaviour Order (CBO)	Issued by any criminal court against a person who has been convicted of an offence to tackle the most persistently anti-social individuals who are also engaged in criminal activity.	The prosecution, in most cases the Crown Prosecution Service (CPS), either at its own initiative or following a request from the police or council.	If the court is satisfied beyond reasonable doubt that the offender has engaged in behaviour that has caused or is likely to cause harassment, alarm or distress to any person; and The court considers that making the order will help prevent the offender from engaging in such behaviour.
Section 30 Dispersal Order Section 27 Direction to Leave	Police Dispersal Power	Requires a person committing or likely to commit anti-social behaviour, crime or disorder to leave an area for up to 48 hours.	Police officers in uniform; and Police community support officers (if designated the power by their chief constable).	Contributing or likely to contribute to members of the public in the locality being harassed, alarmed or distressed (or the occurrence of crime and disorder); and Direction necessary to remove or reduce the likelihood of the anti-social behaviour, crime or disorder.

Summary of New Anti-social Behaviour Tools & Powers				
Current ASB Tool & Powers	New ASB Tools & Powers	Purpose	Powers Available To	Test
Litter Clearing Notice Street Litter Clearing Notice Graffiti/Defacement Removal Notice Designated Public Place Order	Community Protection Notice (CPN)	To stop a person, business or organisation committing anti-social behaviour which spoils the community's quality of life.	Council officers Police officers Police Community Support Officers (PCSOs); and Social landlords (if designated by the council).	Behaviour has to: <ul style="list-style-type: none"> • have a detrimental effect on the quality of life of those in the locality; • be of a persistent or continuing nature; and • be unreasonable.
Gating Order Dog Control Order ASB Premises Closure Order	Public Spaces Protection Order (PSPO)	Designed to stop individuals or groups committing anti-social behaviour in a public space	Councils issue a public spaces protection order (PSPO) after consultation with the Police, Police and Crime Commissioner and other relevant bodies.	Behaviour being restricted has to: <ul style="list-style-type: none"> • be having, or be likely to have, a detrimental effect on the quality of life of those in the locality; • be persistent or continuing nature; and • be unreasonable.
Crack House Closure Order Noisy Premises Closure Order Section 161 Closure Order	Closure power	To allow the police or council to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder.	Council Police	Following has occurred, or will occur, if the closure power is not used: Closure notice (up to 48 hours): <ul style="list-style-type: none"> • Nuisance to the public; or • Disorder near those premises. Closure order (up to six months): <ul style="list-style-type: none"> • Disorderly, offensive or criminal behaviour; • Serious nuisance to the public; or • Disorder near the premises.

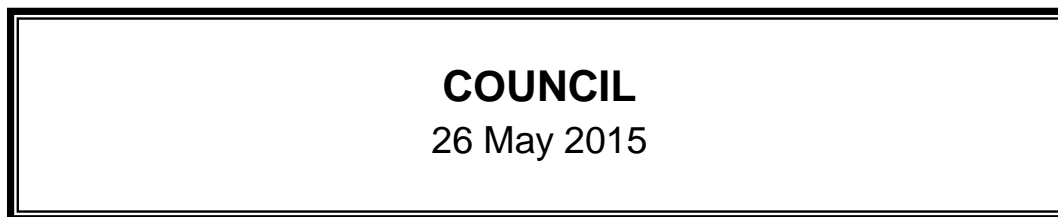
Summary of New Anti-social Behaviour Tools & Powers				
Current ASB Tool & Powers	New ASB Tools & Powers	Purpose	Powers Available To	Test
	New absolute ground for possession	To expedite the eviction of landlords' most anti-social tenants to bring faster relief to victims.	Social landlords (local authorities and housing associations) Private rented sector landlords.	The tenant, a member of the tenant's household, or a person visiting the property has met one of the following conditions: <ul style="list-style-type: none"> • convicted for a serious offence (specified in Schedule 3 of the Bill); • found by a court to have breached an injunction to prevent nuisance and annoyance (IPNA); • convicted for breaching a criminal behaviour order (CBO); • convicted for breaching a noise abatement notice; or • the tenant's property has been closed for more than 48 hours under a closure order for anti-social behaviour.

Sections / Agencies able to use existing Anti-social Behaviour Tools & Powers										
Current ASB Tool & Powers	HBC Community Safety	HBC Public Protection	HBC Housing	HBC Environmental Enforcement	HBC Highways	HBC Parking	Police	Social Landlords	Environmental Agency	NHS Protect
Anti-Social Behaviour Order (ASBO)	X	X	X	X	X	X	X	X	X	X
ASBO on Conviction (CRASBO)							X			
Drinking Banning Order (DBO)	X						X			
DBO on Conviction							X			
Anti-Social Behaviour Injunction (ASBI)			X					X		
Individual Support Order	X						X			
Intervention Order	X						X			
Section 30 Dispersal Order							X			
Section 27 Direction to Leave							X			
Litter Clearing Notice				X						
Street Litter Clearing Notice				X						
Graffiti/Defacement Removal Notice				X						
Designated Public Place Order	X									
Gating Order					X					
Dog Control Order				X						
ASB Premises Closure Order	X									
Crack House Closure Order							X			
Noisy Premises Closure Order		X								
Section 161 Closure Order (Licensing)							X			

Sections / Agencies able to use new Anti-social Behaviour Tools & Powers										
New ASB Tool & Powers	HBC Community Safety	HBC Public Protection	HBC Housing	HBC Environmental Enforcement	HBC Highways	HBC Parking	Police	Social Landlords	Environmental Agency	NHS Protect
Injunction to Prevent Nuisance & Annoyance (INPA)	X	X	X	X	X	X	X	X	X	X
Criminal Behaviour Order (CBO)	X (can request to CPS)	X (can request to CPS)					X (can request to CPS)			
Police Dispersal Power							X (PC and PCSO if designated power by Chief Constable)			
Community Protection Notice (CPN)	X	X	X	X	X	X	X	X*		
Public Spaces Protection Order (PSPO)	X	X	X	X	X	X	Must be consulted			
Closure Power	X	X	X	X	X	X	X			
Absolute Ground for Possession	X^		X					X		

* Subject to delegation by HBC Chief Executive. Note – The Council is required to prosecute for any breach of a CPN issued by a Social Landlord.

^Once HBC Social Lettings Agency Tenancy Enforcement role commences April 2015.



Report of: Monitoring Officer

Subject: PERIODIC REVIEW OF THE COUNCIL'S CONSTITUTION (2)

1. PURPOSE OF REPORT

- 1.1 This is a supplementary report to that initially submitted to Council on 26th March, 2015 and covers additional representations received by the Monitoring Officer since that date, as well as certain statutory amendments, as more fully detailed herein.

2. ITEMS FOR CONSIDERATION

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

On 25th March, 2015, the Department for Communities and Local Government notified this Council's Chief Executive that the above regulations would come into force on 11th May, 2015. The regulations which have application to all principal Councils in England amend the disciplinary process applicable to statutory officers (Head of Paid Service, Chief Finance 'S.151' Officer and Monitoring Officer) and therefore impact 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.'

These new amending regulations remove 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 have been approached and would be willing to act in such a capacity, on a request being made by Council. Council's are 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.

2.2 Overall the regulations require Council to approve the appointment of the officer designated as the Head of Paid Service, which is already something reflected within the Council's procedures. Further, any dismissal of an Officer designated as the Head of Paid Service, Chief Finance Officer or as the Authority's Monitoring Officer must be approved by Council before notice of dismissal is given to that person. The panel established to advise the Authority on matters relating to the dismissal of these relevant officers must comprise at least two independent persons. As indicated, the Council have already appointed two independent persons and where this is not the case, an Authority may appoint independent persons from another Authority as is considered appropriate. Further, a panel must be in place at least 20 working days before the relevant Council meeting. As indicated before taking a vote at that relevant meeting on whether to approve a dismissal of that relevant officer, the Authority must take into account;

- Any advice, views or recommendations of the panel;
- Conclusions of any investigations into the proposed dismissal;
- Any representations from the relevant officer

RECOMMENDATION

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.

2.3 **(ii) Amendments to Part 3 – Responsibility for Functions**

The Director of Regeneration and Neighbourhoods has requested the inclusion within Part 3 of the Council Constitution ('Responsibility for Functions') the following powers, which invariably surround environmental and highways legislation and its enforcement. These matters are 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 is recommended that the following functions and responsibilities are 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 has 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'.

RECOMMENDATION

That the above responsibilities be added to those delegated powers to the Director of Regeneration and Neighbourhoods as outlined within Part 3 of the Council's Constitution and there be additional amendments to the remit of the Regeneration Services Committee as outlined.

2.4 (iii) Discussion following a response on 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.

RECOMMENDATION

1. That Members consider the suggested amendments to Council Procedure Rules 11.7(iv), 12.1(ii) and 12.2(iv).
2. Members are reminded that under Council Procedure Rule 24.2 that any amendment 'to add to, vary or revoke' the Council's Procedure Rules will when proposed and seconded stand adjourned without discussion to the next ordinary meeting of Council.

D APPOINTMENTS TO COUNCIL COMMITTEES AND FORUMS

COMMITTEES AND FORUMS FULFILLING REGULATORY AND OTHER FUNCTIONS

Finance and Policy Committee* – 11 Members

Labour	Conservative	Putting Hartlepool First	UKIP	Independent
7	1	1	0	1

1	Cllr Akers-Belcher <i>Chair (Leader)</i> (Lab)	7	Cllr Sirs (Lab)	
2	Cllr Richardson <i>Vice-Chair (Deputy Leader)/Chair Adult Services</i> (Lab)	8	Cllr Loynes (Con)	
3	Cllr Simmons <i>Chair Children's Services</i> (Lab)	9	Cllr Riddle (PHF)	
4	Cllr James <i>Chair Neighbourhood Services</i> (Lab)	10	Cllr Thompson/Vacancy(IND/Lab)	
5	Cllr Cranney/Thompson <i>Chair Regeneration Services</i> (Lab/IND)	11	Vacancy	
6	Cllr Barclay (Lab)			

(*Membership NOT to include any Audit and Governance Committee members – page 3)

Adult Services Committee – 7 Members

Labour	Conservative	Putting Hartlepool First	UKIP	Independent
5	1	1	0	0

1	Cllr Richardson <i>Chair</i> (Lab)	5	Cllr Tempest (Lab)	
2	Cllr Beck <i>Vice Chair</i> (Lab)	6	Cllr Loynes (Con)	
3	Cllr Belcher (Lab)	7	Cllr Atkinson (PHF)	
4	Cllr Thomas (Lab)			

Neighbourhoods Services Committee – 7 Members

Labour	Conservative	Putting Hartlepool First	UKIP	Independent
5	1	1	0	0

1	Cllr James <i>Chair</i> (Lab)	5	Cllr Robinson (Lab)	
2	Cllr Barclay <i>Vice Chair</i> (Lab)	6	Cllr Loynes (Con)	
3	Cllr Ainslie (Lab)	7	Cllr Gibbon (PHF)	
4	Cllr Jackson (Lab)			

Regeneration Services Committee –7 Members

Labour	Conservative	Putting Hartlepool First	UKIP	Independent
5	1	0	0	1

1	Cllr Cranney/Cllr Thompson <i>Chair</i> (Lab/(IND))	5	Cllr Lindridge (Lab)
2	Cllr S Akers-Belcher <i>Vice Chair</i> (Lab)	6	Cllr Morris (Con)
3	Cllr Clark(Lab)	7	Cllr Cranney/Cllr Thompson (Lab/(IND))
4	Cllr Cook (Lab)		

Children's Services Committee –7 Members

Labour	Conservative	Putting Hartlepool First	UKIP	Independent
5	1	1	0	1

1	Cllr Simmons <i>Chair</i> (Lab)	5	Cllr Lawton (Lab)
2	Cllr Hall <i>Vice Chair</i> (Lab)	6	Cllr Loynes/Cllr Riddle/Cllr Lauderdale (Con)/(PHF)/(IND)
3	Cllr Griffin (Lab)	7	Cllr Loynes/Cllr Riddle/Cllr Lauderdale (Con)/(PHF)/(IND)
4	Cllr Fleet (Lab)		

Plus Independent Co-opted Members, including C. of E. and R.C. Representatives (with voting rights) parent governor representatives and potential other co-optees.

Corporate Parent Forum –7 Members

Labour	Conservative	Putting Hartlepool First	UKIP	Independent
5	1	1	0	1

Membership same as the Children's Services Committee

Health and Wellbeing Board –4 Members (including Leader of Council)

Labour	Conservative	Putting Hartlepool First	UKIP	Independent
3	0	0	0	1

1	Cllr C Akers-Belcher <i>Chair (Leader)</i> (Lab)	3	Cllr Simmons (Lab)
2	Cllr Richardson (Lab)	4	Cllr Thompson (IND)

Licensing Committee –12 Members

Labour	Conservative	Putting Hartlepool First	UKIP	Independent
8	2	1	1	0

1	Cllr Morris <i>Chair</i> (Con)	7	Cllr Griffin (Lab)
2	Cllr Hind/Cllr Lawton <i>Vice Chair</i> (UKIP/Lab)	8	Cllr Jackson(Lab)
3	Cllr Ainslie (Lab)	9	Cllr Hall (Lab)
4	Cllr Barclay (Lab)	10	Cllr Martin-Wells(Con)
5	Cllr Beck (Lab)	11	Vacancy*/Cllr Lawton (Lab)
6	Cllr Fleet (Lab)	12	Cllr Gibbon (PHF)

*If Cllr Hind unsuccessful as Vice Chair, he will not seek position on Committee

Planning Committee –11 Members

Labour	Conservative	Putting Hartlepool First	UKIP	Independent
7	3	0	1	0

1	Cllr Cook <i>Chair</i> (Lab)	7	Cllr James (Lab)
2	Cllr Morris <i>Vice Chair</i> (Con)	8	Cllr Richardson (Lab)
3	Cllr Ainslie (Lab)	9	Cllr Loynes(Con)
4	Cllr S Akers-Belcher (Lab)	10	Cllr Martin-Wells (Con)
5	Cllr Barclay (Lab)	11	Cllr Springer (UKIP)
6	Cllr Belcher (Lab)		

Audit and Governance Committee* – 7 Members

Labour	Conservative	Putting Hartlepool First	UKIP	Independent
5	1	0	0	0

1	Cllr Martin-Wells <i>Chair</i> (Con)	5	Cllr Lawton (Lab)
2	Cllr S Akers-Belcher <i>Vice Chair</i> (Lab)	6	Cllr Belcher (Lab)
3	Cllr Ainslie (Lab)	7	Vacancy
4	Cllr Cook (Lab)		

(*Membership NOT to include any Finance and Policy Committee members.)

Plus Independent Member(s) and Parish Council representatives when dealing with standards functions and one fully co-opted representative from a responsible local policing body during consideration of Crime and Disorder Committee matters.

Civic Honours Committee** – 5 Members

Labour	Conservative	Putting Hartlepool First	UKIP	Independent
3	0	0	0	1

1	Cllr Fleet <i>Chair of Council**</i>	4	Cllr Barclay (Lab)
2	Cllr C Akers-Belcher (Lab)	5	Cllr Thompson (IND)
3	Cllr S Akers-Belcher (Lab)		

** Outside of political balance calculations

Appointments Panel – 8 Members

Labour	Conservative	Putting Hartlepool First	UKIP	Independent
5	1	1	0	1

1	Cllr Fleet <i>Chair of Council</i> (Lab)	5	Cllr Simmons (Lab)
2	Cllr C Akers-Belcher <i>Leader of Council</i> (Lab)	6	Cllr Martin-Wells (Con)
3	Cllr Cook (Lab)	7	Cllr Atkinson (PHF)
4	Cllr James (Lab)	8	Cllr Thompson (IND)

FORUMS -**North and Coastal Neighbourhood Forum**

Comprising the following wards:

De Bruce, Hart, Headland and Harbour, Jesmond and Seaton

- | | |
|---|------------------------------------|
| 1. Jim Ainslie | 9. Peter Jackson |
| 2. Kelly Atkinson | 10. David Riddle |
| 3. Paul Beck/Paul Thompson (Chair) | 11. Jean Robinson |
| 4. Sandra Belcher | 12. George Springer |
| 5. Rob Cook (<i>Vice Chair</i>) | 13. Sylvia Tempest |
| 6. Mary Fleet | 14. Steve Thomas |
| 7. Sheila Griffin | 15. Paul Thompson/Paul Beck |
| 8. Tom Hind | |

South and Central Neighbourhood Forum

Comprising the following wards:

Burn Valley, Foggy Furze, Fens and Rossmere, Manor House, Rural West and Victoria.

- | | |
|--------------------------------|---|
| 1. Christopher Akers-Belcher | 10. John Lauderdale |
| 2. Stephen Akers-Belcher | 11. Trisha Lawton (<i>Vice Chair</i>) |
| 3. Allan Barclay | 12. Jim Lindridge |
| 4. Jonathan Brash | 13. Brenda Loynes |
| 5. Alan Clark (<i>Chair</i>) | 14. Ray Martin-Wells |
| 6. Kevin Cranney | 15. George Morris |
| 7. Steve Gibbon | 16. Carl Richardson |
| 8. Ged Hall | 17. Chris Simmons |
| 9. Marjorie James | 18. Kaylee Sirs |

Part 7

Appointments to outside organisations and other bodies

APPOINTMENTS TO OUTSIDE ORGANISATIONS AND OTHER BODIES

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Hartlepool War Memorial and Crosby Homes	9
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Northern Consortium of Housing Authorities	7
Northumbria Regional Flood and Coastal Committee	5
NuLeaf – The Nuclear Legacy Advisory Forum	9
Older Persons Champion (Chair of Adult Services Committee)	10
Preston Simpson and Sterndale Scholarship in Music	9
River Tees Port Health Authority	9
Regional Health Joint Scrutiny Committee	5
Safer Hartlepool Partnership	7
Schools Admission Forum	8
SITA Board	8
Standing Advisory Council for Religious Education	7
Strategic Partners Group	7
Tees Esk and Wear Valley NHS Trust	7
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Tees Valley Environmental Protection Group	9
Tees Valley Joint Health Scrutiny Committee	5
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Tees Valley Leaders and Executive Mayor’s Group	7
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APPOINTMENTS TO OUTSIDE ORGANISATIONS AND OTHER BODIES

Introduction and explanation

The attached schedules show the categorisation of the currently recognised outside organisations and other bodies. There are five main categories as follows:

- (i) Joint Committees
- (ii) Leadership Bodies and Partnerships
- (iii) Advisory
- (iv) Council in the Community
- (v) Other Decision Making Bodies

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

These sub categories have been determined as follows:

(i) Joint Committees

Part IV of the Local Government Act 1972 and other specific legislation provides that the arrangements for the discharge of functions may be through a joint Committee of two or more Local Authorities.

(ii) Leadership Bodies and Partnerships

Involvement in such bodies and partnerships will cover the following roles:

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

(iii) Advisory

Bodies which relate to the Council's functions in an advisory or influencing capacity.

(iv) Council in the community

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

(v) Other decision making bodies

These are decision making bodies other than Joint Committees.

(i) **JOINT COMMITTEES**

	<u>Organisation</u>	<u>2015/16 Nominations</u>
2	Archives Joint Committee	(1) Cllr Loynes (Con) Designated Sub:
4	Cleveland Emergency Planning Joint Committee	(1) Cllr James (Lab) Designated Sub:
6	Cleveland Police and Crime Panel (Statutory Guidance applies) (Politically balanced across Cleveland area)	(1) Cllr Lindridge (Lab) Designated Sub: (2) Cllr Brash (IND) Designated Sub:
30	North Eastern Inshore Fisheries and Conservation Authority	(1) Cllr Springer (UKIP)
33	Northumbria Regional Flood and Coastal Committee	(1) Cllr James (Lab)
45	Tees Valley Joint Health Scrutiny Committee (Redcar and Cleveland Chair 2015/16)	(1) Chair of Audit & Governance C'ttee (2) Cllr S Akers-Belcher (Lab) (3) Cllr Cook (Lab)
55	Regional Health Joint Scrutiny Committee (Hartlepool Chair 2015/16 appointed by Council 5.2.15)	(1) Councillor R Martin-Wells

(ii) LEADERSHIP BODIES & PARTNERSHIPS

	<u>Organisation</u>	<u>2015/16 Nominations</u>
3	<p>Association of North East Councils Sub-groups of ANEC as noted below:</p> <p>Leaders and Executive Mayor's Group</p> <p>Health and Wellbeing Board Chair's Network</p> <p>Collaborative Procurement Sub-Group (replaces NEPO appointment)</p> <p>North East Culture Partnership Board</p>	<p>(1) Leader: Cllr C Akers-Belcher (2) Cllr James (Lab) (3) Cllr Simmons (Lab)</p> <p>(1) Leader: Cllr C Akers-Belcher</p> <p>(1) Cllr C Akers-Belcher (Chair of Health and Wellbeing Board)</p> <p>(1) Cllr C Akers-Belcher (Chair of Finance and Policy Committee)</p> <p>(1) Chair of Regeneration Services Committee</p>
7	Durham Heritage Coast Partnership Steering Group	(1) Cllr Thomas (Lab)
10	Economic Regeneration Forum	<p>(1) Director or Regeneration and Neighbourhoods (2) Cllr C Akers-Belcher (Chair of Finance and Policy Committee) (3) Chair of Regeneration Services Committee</p>
18	HMS Trincomalee Trust (3 year term expires 2017)	<p>(1) Cllr S Akers-Belcher (Lab) (2) Cllr Hall (Lab)</p>
13	Hartlepool and District Sports Council	<p>(1) Cllr Barclay (Lab) (2) Cllr Lindridge (Lab) (3) Cllr Hind/Beck (UKIP/Labour)</p>
15	<p>Hartlepool Power Station</p> <p>(i) Community Liaison Committee</p> <p>(ii) Emergency Planning Committee</p>	<p>(1) (Chair of Regeneration Services Committee) (2) Cllr Cook (Chair of Planning Cttee) (3) Asst Director, Regeneration</p> <p>(1) Chief Emergency Planning Officer</p>
19	Housing Hartlepool (3 yr term – 2013-2016)	<p>(1) Cllr Beck (Lab) (2) Cllr Cook (Lab)</p>
20	Housing Partnership (suggested Member with Housing responsibility)	(1) Chair of Regeneration Services Committee

	<u>Organisation</u>	<u>2015/16 Nominations</u>
58	Industrial Communities Alliance	(1) Leader – Cllr C Akers-Belcher Designated sub: Chair of Regeneration Services Cttee (2) Director of Regeneration and Neighbourhoods
21	Tees Valley Leaders and Executive Mayor's Group	(1) Leader – Cllr C Akers-Belcher (substitute Deputy Leader – Cllr Richardson) (2) Chief Executive
22	Limestones Landscapes Board (Suggested from one of northern wards)	(1) Cllr Thomas (Lab)
23	Local Government Association	(1) Cllr C Akers-Belcher (Lab) (2) Cllr S Akers-Belcher (Lab)
31	North Tees and Hartlepool NHS Foundation Trust	(1) Cllr Hall (Lab)/Cllr Hind(UKIP)
32	Northern Consortium of Housing Authorities	(1) Chair of Regeneration Services Committee) (2) Cllr S Akers-Belcher Vice- Chair of Regeneration Services Committee
37	Safer Hartlepool Partnership	(1) Cllr C Akers-Belcher Leader (2) Cllr James (Lab)
40	Standing Advisory Council for Religious Education (Term of office 2012-2016)	(1) Cllr Griffin (2) Cllr Simmons
41	Strategic Partners Group	(1) Leader (2) Chief Executive/Assistant Chief Executive (3) Chair of Health & Wellbeing Board (4) Chair of Safer Hartlepool Partnership
59	Tees Esk and Wear Valley NHS Trust	Cllr Sirs (Member Champion for Mental Health)
42	Tees Valley Arts – Board of Directors	(1) Cllr Ainslie (Lab)
46	Tees Valley Leaders & Chief Executives Meeting	(1) Leader – Cllr C Akers-Belcher (Sub Deputy Leader – Cllr Richardson) (2) Chief Executive
48	Tees Valley Unlimited (i) Leadership Board	(1) Leader – Cllr C Akers-Belcher (Sub Deputy Leader – Cllr Richardson) (1) Leader – Cllr C Akers-Belcher (Sub Deputy Leader – Cllr Richardson)

(iii) ADVISORY

	<u>Organisation</u>	<u>2015/16 Nominations</u>
24	Local Joint Consultative Committee (Politically balanced) LAB – 6.0 PHF – 0.82 CON – 0.82 UKIP – 0.55 IND – 0.82	(1) Cllr Cook (Lab) (2) Cllr James (Lab) (3) Cllr Richardson (Lab) (4) Cllr Simmons (Lab) (5) Cllr Clark (Lab) (6) Cllr Sirs (Lab) (7) Cllr Hind (UKIP) (8) Cllr Kelly Atkinson (PHF) (9) Cllr Thompson (IND)
38	Schools Admission Forum	(1) Cllr Simmons - Chair of Children's Services Committee (2) Cllr Fleet* (3) Cllr Griffin* (*Member of Children's Services Cttee)
39	SITA Board	(1) Cllr James Chair of Neighbourhood Services Committee Delegated substitute Cllr Jackson
47	Tees Valley Local Access Forum (new 3 year term of office – ends 2017)	(1) Cllr Clark

(iv) COUNCIL IN THE COMMUNITY

	<u>Organisation</u>	<u>2015/16 Nominations</u>
1	Age UK Teesside	(1) Cllr Hind (UKIP)
5	Cleveland Fire Authority (Politically balanced): LAB – 2.67 PHF – 0.36 CON – 0.36 IND – 0.36 UKIP – 0.24	(1) Cllr S Akers-Belcher (Lab) (2) Cllr James (Lab) (3) Cllr Cook (Lab) (4) Cllr Martin-Wells (Con)
8	Durham Tees Valley Airport Board	(1) Chair of Regeneration Services C'ttee
9	Durham Tees Valley Airport Consultative Committee	(1) Cllr Cranney (Lab)
57	Family Placement Panel (3 year term 2014-2017)	(1) Cllr Lindridge (Lab)
11	Fairtrade Town Steering Group	(1) Cllr Richardson
14	Hartlepool Credit Union (Nominations subject to FCA Approval)	(1) Vacancy (2) Vacancy (3) Vacancy (4) Cllr Thompson
16	Hartlepool War Memorial and Crosby Homes (4 year term of office – until 2018)	(1) Cllr Fleet (Ex-officio Chairman of Council) (2) Cllr Belcher (Lab)
17	Henry Smith Educational and Non-Educational Charities (i) Nominated trustees – Term of office 1 year (ii) Non-educational charity - Term of office 2012-2016. (Must be different to Educational Charity)	(1) Cllr Fleet (Lab) (2) Cllr Griffin (Lab) (3) Cllr Tempest (Lab) (1) Cllr C Akers-Belcher
34	NuLeaf – The Nuclear Legacy Advisory Forum	(1) Chair of Regeneration Services Committee
35	Preston Simpson and Sterndale Scholarship in Music (Term of Office 2013 – 2017)	(1) Cllr Simmons (2) Cllr Griffin (3) Cllr Fleet
36	River Tees Port Health Authority	(1) Cllr Tempest (Lab) (2) Cllr Thomas (Lab)
49	Teesmouth Field Centre	(1) Cllr Lawton (Lab) (2) Appropriate Officer
44	Tees Valley Environmental Protection Group	(1) Cllr Tempest (Lab) (2) Cllr Sirs (Lab) (3) Cllr Belcher (Lab)

53	Victoria and Jubilee Homes (Term of Office 2014-2018)	(1) Cllr Lauderdale (2) Cllr Beck (3) Cllr Barclay (4) Cllr Hall
	<u>Member Champions</u>	
	Armed Forces Champion	(1) Cllr Barclay (Lab)
	Heritage Champion (Member of Planning Committee)	(1) Cllr Ainslie (Lab)
	Mental Health Champion	(1) Cllr Sirs (Lab)
	Older Persons Champion (Chair of Adult Services Committee)	(1) Cllr Richardson (Lab)

(v) OTHER DECISION MAKING BODIES

	<u>Organisation</u>	<u>2015/16 Nominations</u>
25	National Association of Councillors: English Region General Management Committee	(1) Cllr C Akers-Belcher (Lab) (Voting) (2) Cllr S Akers-Belcher (Lab) (Voting) (3) Cllr James (Lab) Only 2 voting Members. (1) Cllr C Akers-Belcher (Lab) (Voting) (2) Cllr S Akers-Belcher (Lab) (Voting) (3) Cllr James (Lab) Only 2 voting Members
28	North East Regional Employers Organisation Executive	(1) Cllr James (Lab) (2) Cllr Hall (Lab) (3) Cllr Thomas (Lab) (1) Cllr James (Lab)
51	Teesside Pension Fund Teesside Pension Board	(1) Cllr Lindridge (Lab) (1) Vacancy (pending further information)
12	Furness Seaman's Pension Fund (4 year Term of office until 2017)	(1) Cllr Fleet (2) Cllr Griffin
50	Teesside Environmental Trust	(1) Cllr Thomas (Lab)
26	New Deal for Communities Trust Board	(1) Cllr Ged Hall (Lab)

(vi) APPROVED CONFERENCES:

Local Government Association

Centre for Public Scrutiny

National Association of Councillors (3 delegates to attend)