

# FINANCE AND POLICY COMMITTEE AGENDA



**Monday 21 September 2015**

**at 9.30 am**

**in the Council Chamber,  
Civic Centre, Hartlepool.**

MEMBERS: FINANCE AND POLICY COMMITTEE

Councillors C Akers-Belcher, Barclay, Cranney, James, Loynes, Richardson, Riddle, Simmons, Sirs, Springer and Thompson.

**1. APOLOGIES FOR ABSENCE**

**2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

**3. MINUTES**

- 3.1 To receive the minutes of the meeting of the Finance and Policy Committee held on 28 August 2015 (*previously published and circulated*).
- 3.2 To receive the minutes of the meeting of the Health and Wellbeing Board held on 22 June 2015.

**4. BUDGET AND POLICY FRAMEWORK ITEMS**

- 4.1 Council Plan 2016/17 – Outcome Framework – *Assistant Chief Executive*

**5. KEY DECISIONS**

- 5.1 Seaton Carew Masterplan – The Council of the Borough of Hartlepool (Longscar Building, The Front, Seaton Carew) Compulsory Purchase Order 2015 – *Director of Regeneration and Neighbourhoods*
- 5.2 Seaton Carew Masterplan Update – *Director of Regeneration and Neighbourhoods*
- 5.3 Empty Property Management – *Director of Regeneration and Neighbourhoods*



## **6. OTHER ITEMS REQUIRING DECISION**

- 6.1 Managing Unreasonable Customer Behaviour Policy – *Assistant Chief Executive / Chief Solicitor*
- 6.2 Quarter 1 – Council Overview of Performance and Risk 2015/16 – *Assistant Chief Executive*
- 6.3 Further Development of Advice and Guidance Services – *Director of Child and Adult Services*
- 6.4 Local Welfare Support / Discretionary Housing Payment Administration – Review of Frameworks – *Director of Child and Adult Services*
- 6.5 Ward Jackson Park Lodge – *Director of Regeneration and Neighbourhoods*
- 6.6 Health Protection – *Director of Public Health*
- 6.7 Durham Tees Valley Airport – *Chief Executive and Director of Regeneration and Neighbourhoods*
- 6.8 Northern Lights Academy – *Director of Regeneration and Neighbourhoods*

## **7. ITEMS FOR INFORMATION**

- 7.1 Employee Sickness Absence 1<sup>st</sup> Quarter 2015/16 – *Assistant Chief Executive*
- 7.2 Corporate Complaints / Annual Monitoring Report 2014/15 – *Assistant Chief Executive*

## **8. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

FOR INFORMATION: -

Date of next meeting – Members are requested to note that the meeting on Monday 19 October has been brought forward to Friday 16 October, 2015 at 2.00 pm in the Civic Centre.



## **FINANCE AND POLICY COMMITTEE MINUTES AND DECISION RECORD**

28 August 2015

The meeting commenced at 9.30 a.m in the Civic Centre, Hartlepool

**Present:**

Councillor Christopher Akers Belcher (In the Chair)

Councillors: Allan Barclay, Kevin Cranney, Brenda Loynes, Carl Richardson, Chris Simmons and George Springer.

Also Present: Councillor Alan Clark as substitute for Councillor Marjorie James  
Councillor Jim Lindridge as substitute for Councillor Sirs  
Councillor Jim Ainslie.

Officers: Gill Alexander, Chief Executive  
Chris Little, Chief Finance Officer  
Denise Ogden, Director of Regeneration and Neighbourhoods  
Louise Wallace, Director of Public Health  
Chris Catchpole, Head of Commissioning and Clinical Quality  
Carol Johnson, Head of Health Improvement  
Richard Maynes, Solicitor  
Joan Stevens, Scrutiny Manager  
Alastair Rae, Public Relations Manager  
Amanda Whitaker, Democratic Services Team

### **60. Apologies for Absence**

Councillors James, Riddle and Sirs

### **61. Declarations of Interest**

Councillors Clark and Lindridge declared a personal interest in agenda item 5.1 relating to Community Right to Bid (minute 65 refers).

### **62. Minutes**

- (i) The minutes of the meeting of the Finance and Policy Committee held on 27 July 2015 were received.
- (ii) The minutes of the meeting of the Health and Wellbeing Board held on 2 March 2015 were received.
- (iii) The minutes of the meeting of the Safer Hartlepool Partnership held on 15 May 2015 were received.

## 63. **Savings Programme 2016/17 – Chief Executive's Department** (*Chief Executive*)

### **Type of decision**

Budget and Policy Framework

### **Purpose of report**

To enable consideration of the initial 2016/17 savings proposals relating to the Committee's remit. Comments made by the Committee would be incorporated with those received from each of the Policy Committees in relation to their remits.

### **Issue(s) for consideration**

The report provided the background to the budget process agreed for 2016/17. The savings target established at the outset of the budget process for the Chief Executive's department was £211,000. The savings programme proposed totalled £235,000 which exceeded the initial target and reflected the overall approach adopted by the Corporate Management Team to protect front line services. Details were provided on the Divisional proposals which delivered the following proposed savings:-

<b>Service</b>	<b>Proposed Savings</b>
<b>Assistant Chief Executive</b>	<b>(£k)</b>
Changes in operations / Management Arrangements	42.5
Income and running costs	62.5
<b>Chief Finance Officer</b>	
Deletion of vacant post / Changes in Management Arrangements	80
Running costs	20
<b>Chief Solicitor</b>	
Changes in Management Arrangements	30
<b>Total Proposed Savings</b>	<b>235</b>

It was highlighted that a number of options had been considered in respect of the savings proposed. A summary of those options was set out in the report. The options which had been included in the report had been recommended to the Committee as they provided a balance between protecting front line services, maximising savings to be taken, the assessment of service delivery and receipt of voluntary redundancy requests was aligned and could be managed in the context of the continued delivery of services.

Members were advised that there were a number of risks implicit in the delivery of any package of savings. A summary of the risks which had been

considered as part of the proposals was set out in the report.

In response to clarification sought on the impact of the introduction of Individual Electoral Registration, the Chair requested that a response be provided to all Members in due course.

It was noted that a further report would be submitted to the Committee on 19 October 2015. It was requested that the report include an analysis of the level and impact of redundancies.

### **Decision**

The proposals were accepted for final consideration at the meeting of the Committee on 19 October 2015 and the report submitted to that Committee meeting include an analysis of the level and impact of any proposed redundancies.

## **64. Savings Programme 2015/16 and 16/17 – Public Health Department** *(Director of Public Health)*

### **Type of decision**

Budget and Policy Framework

### **Purpose of report**

To identify proposals for the delivery of savings in relation to public health grant funded services. The savings proposals were for consideration as part of the 2015/16 budget management process and budget setting process for 2016/17.

### **Issue(s) for consideration**

The ring fenced public health grant had been allocated for 3 years covering financial years 2013/14, 2014/15 and 2015/16. The Chancellor of the Exchequer had announced that the £2.8 billion ring fenced public health budget was to be reduced in year and on a recurring basis by £200 million although there were no details of how the £200 million nationally would be distributed. For Hartlepool this equated to approximately a £630,000 (excluding 0-5 services) budget cut in year in 2015/16 and on a recurring basis from 2016/17 and beyond. It was highlighted that the risk to the public health budget was not limited to the £200 million reduction. The report included the key issues impacting on the development of the budget for 2016/17 and future years.

The report set out recurring savings proposals for 2016/17 and beyond in each of the service areas in public health funded through the ring fenced public health grant. It was highlighted that the proposals would mean the loss of service provision and preventative activity in Hartlepool, but had been put forward as proposals as they were deemed 'discretionary' to be

funded from the ring fenced grant. The proposals delivered the following proposed savings:-

<b>Service</b>	<b>Proposed Savings (£)</b>
Drug and Alcohol Services	£100,000
Health Improvement	£195,500
Sport and Recreation	£125,000
Public Protection	£95,000
Commissioning and Clinical Quality	£125,000
<b>Total Savings</b>	<b>£640,500</b>

The Director of Public Health responded to issues raised by Members arising from the report. Referring to the proposals for a reduction in the contribution to Stay Safe Stay Warm Fire Service Programme and with reference to the proposed reduction in contract values relating to Smoking services prevention programme, the Director responded to concerns regarding the impact of proposals. The Chair requested that if the proposals involved changes to the models for delivery of the programmes, a report be submitted to the Committee on the impact and the alternative model prior to final consideration of the proposal.

In relation to the proposal to review the contribution to the taxi marshalling scheme, the Director advised that it was proposed that the issue be considered by the Safer Hartlepool Partnership in order to determine if Partner organisations could contribute to the scheme.

In response to clarification sought from a member of public in relation to dementia issues, the Chair suggested it would be appropriate to refer the issues to the Director of Child and Adult Services. A member of the Audit and Governance Committee referred to a recent scrutiny investigation which considered dementia related issues. The Chief Executive made reference also to the direction of travel being about working together with health colleagues and the Better Care Fund provided the opportunity to commission services to transform services.

Referring to the reduction in ring fenced public health budgets, the Chief Executive advised the Committee of the concerns which had been expressed by the Association of Chief Executives in terms of the protection the budget had received when under the remit of the National Health Service which no longer applied since the transfer of responsibilities to Local Authorities.

### **Decision**

(i) The Committee noted the content of the report and agreed that the proposals be accepted for final consideration at the meeting of the Committee on 19 October 2015 and the report submitted to that Committee meeting include an impact analysis for any new models of service delivery as requested by the Chair.

(ii) The Committee noted the £630,000 reduction in public health grant funding in 15/16 and on a recurring basis.

(iii) The Committee noted the possibility of a further reduction of an additional circa £800,000 in public health grant funding if pace of change is applied and Hartlepool is moved to target allocation of £6.9 million.

## **65. Community Right to Bid** (*Director of Regeneration and Neighbourhoods*)

### **Type of decision**

Key Decision (Test ii applies.) General Exception provisions applied.

### **Purpose of report**

To seek Committee approval to list Victoria Park as an Asset of Community Value subsequent to an application by Hartlepool United Football Club Supporters Association (HUFCSA).

### **Issue(s) for consideration**

The Director of Regeneration and Neighbourhoods reported that Assets of Community Value were rights derived from the Localism Act 2011 and reflected in accompanying regulations. Local people through community or voluntary organisations with a local connection or Parish Council's could identify local buildings and land which were of importance to them and nominate them to the Council. These could be in either public or private ownership.

Members were advised that the Council was under a duty to consider the nomination and assess within an eight week timescale whether the nominated land should be listed against the definition of an Asset of Community Value as defined in the Localism Act. This stated that the current use of the asset furthers the social wellbeing or social interests of the community. If the nomination met the definition then the asset should be listed. The Director proposed that having undertaken an assessment of the application by HUFCSA that the information provided accorded with the requirements for listing and therefore should be listed as an asset of Community Value and a land charge placed against the Title.

It was highlighted that Victoria Park belonged to the Council and let to Hartlepool United Football Club by way of a lease for 70 years with 52 years unexpired. The listing of these assets of community value Bid would affect either a freehold sale or a proposal from the Football Club to assign their lease as the leasehold interest was originally granted for a period in excess of 25 years. If the Council or HUFC wished to dispose of their interest in the football ground then there would be a potential delay of up to

6 months before being able to transfer the interest. As such there could be a delay in achieving a capital receipt.

Members spoke in support of the nomination and endorsed the proposal set out in the report.

### **Decision**

The Committee approved the nomination to agree to Victoria Park being listed as an Asset of Community Value and the applicants/owners and lessees be informed and a land charge registered against the freehold title.

## **66. NHS Health Check – Options for Future Delivery** (*Director of Public Health*)

### **Type of decision**

Key Decision (test (i) and (ii) apply). Forward Plan reference number PH12/15.

### **Purpose of report**

To advise the Committee on options for the future commissioning and delivery of, feasible and appropriate, NHS Health Checks, in the context of the Cardiovascular Disease (CVD) review and Council's provision of wider public health services to address ill health, inequalities and premature mortality caused by CVD.

### **Issue(s) for consideration**

The report set out the background to the NHS Health Check programme; a mandated responsibility of the Local Authorities under the Health and Social Care Act 2012. In exploring potential options for the delivery of NHS Health Checks in Hartlepool, in line with the wishes of the Committee, a review of the provision of the checks through GP and the Mobile Health Improvement Services had been undertaken between February 2015 and July 2015. The report set out the process for the review including associated timeline. The Committee was advised that in considering options for future delivery of the service, in the context of wider health improvement services, a number of challenges existed in terms of targeting provision as set out in the report. To assist the Committee a survey had been undertaken seeking views of those residents in Hartlepool who were eligible to receive the NHS Health Checks to assist in the future development of the service. The results of the survey were detailed in the report. Key messages from the survey were that there needed to be increased promotion of the availability of the NHS Health Checks.

It was noted that the review had indicated that GP's were uniquely placed to meet the universal offer for reasons stated in the report. The main focus of the report was therefore to consider how the universal GP offer could be



complimented by a preferred model of community provision. With the role of GP practices reinforced as a fundamental component of any model for the provision of the service, potential options for future community provision were summarised in the report in terms of the advantages and disadvantages of each of the four models presented to the Committee. The table presented as a confidential appendix outlined the financial implications of each of the models and contained exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely paragraph 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information)).

It was highlighted that if Members accepted that the provision of a universal GP offer was essential, then this could be secured through the direct award of a contract to all 15 GPs in Hartlepool and this would be effectively managed through the support of the TVPHSS. The existing contract for the Mobile Health Improvement Service was due to naturally expire on 30<sup>th</sup> Sep 2015, therefore if Members accepted that health improvement services should be maintained pending the implementation of a new model for the provision of community hubs, then any new provision in that regard would require a new quick quote procurement exercise for open market competition. Details of the contract value were outlined in the confidential appendix, with funding for healthy heart checks through the Mobile Health Improvement Service on a payment by activity basis, and a 6.4% reduction on the remaining mobile health improvement service budget.

Following presentation of the report, Members debated issues relating to the introduction of community hubs. Assurances were provided to Members in relation to the timescales for community hub provision which were central to a new efficient model of service delivery.

### **Decision**

(i) It was agreed that a universal provision for NHS Health Checks be provided by GP's and subsequent contract award by 1<sup>st</sup> April 2016 be approved;

(ii) Members supported Option 4 as the preferred option for the future provision of community based NHS Health Checks in Hartlepool, as this offered the necessary ability to meet required capacity and demand / need;

(iii) It was agreed that the mobile health improvement service is reviewed in light of the development of health improvement services as part of the community hub model; and

(iv) It was agreed that a competitive tendering process is undertaken in September 2015 to secure an appropriate provider to deliver against a specification for mobile health improvement services for 12 months.

## 67. Referral from Council (Council Motion from 25<sup>th</sup> June 2015) (Chief Executive)

### Type of decision

Non Key Decision

### Purpose of report

To consider the report and recommendations required by the Motion agreed by Council on 25<sup>th</sup> June 2015.

### Issue(s) for consideration

The report set out the terms of the Motion agreed at the Council meeting on 25<sup>th</sup> June 2015. It was highlighted that there were a number of potential considerations arising from the motion (both direct and indirect). A number of elements had been considered as part of the report. It was highlighted that any considerations or recommendations had been identified in the light of the Openness of Local Government Bodies Regulations 2014 which made provision for members of the public to 'report and commentate' on local authority meetings.

The report addressed the following issues:-

- Filming of Council Meetings including web based broadcasting of all public meetings which had been the subject of a petition.
- Quality of audio / Council microphone system
- Standards of Behaviour
- Rules of debate
- Sanctions for inappropriate behaviour
- Role of the Ceremonial Mayor
- Standing for the Mace
- Timings of Council meetings

A summary of the potential implications of each of the issues was presented as follows:

Item	Capital	Revenue (ongoing costs)
Single point of filming for Council Meetings	£2.5K	None
Web broadcasting of all council meetings	£50K	£30K
Placement audio system	£1K per set of speakers – total cost of £5K; or £30K for a replacement microphone system	None

It was highlighted that there was currently no budget provision for the options identified. The equipment for the single point of filming could be accommodated from within existing budgets as the equipment could be used for other Council based projects and activity. In relation to the web broadcasting of all council meetings and the replacement audio system there were both capital and ongoing revenue costs to these over and above current budget provision. There were significant costs and it was not recommended to pursue these. Should members determine to agree to such changes then for any ongoing revenue costs the implications of these would need to be factored into a greater deficit than that already considered by members and for any capital costs consideration would need to be given in respect of the projected outturn.

Members debated issues arising from the report and expressed support of issues which had been raised by the Chief Executive in her report. The view was expressed that the timing of Council meetings was an issue which should be considered by the Neighbourhood Forums.

### **Decision**

The Committee recommended the following to Council:-

- 2.1.1 Agree to officers of the Council filming and uploading the film of Council meetings
- 2.1.2 Not to pursue the streaming of all meetings.
- 2.1.3 Not to consider the replacement microphone system at this stage but for officers to consider the options of replacement speakers in the first instance and should this be unsuccessful to revisit this issue.
- 2.1.4 Note and endorse the proposed approach for the Chief Executive (as Head of Paid Service) and the Monitoring Officer in terms of Standards of Behaviour
- 2.1.5 Consider and agree the proposal for the development of locally agreed arrangements for sanctions for inappropriate behaviour by Elected Members
- 2.1.6 Note the considerations in respect of the role of the Ceremonial Mayor.
- 2.1.7 Agree to the reinforcement of the requirements in respect of the Mace.
- 2.1.8 Refer the options available for the timing of Council Meetings to the Neighbourhood Forums.

- 2.1.9 Agree to the Monitoring Officer making any required incidental changes to the Constitution following the resolutions of Council.

**68. Referral from Council (Council Motion from 26<sup>th</sup> February 2015) (Assistant Chief Executive)**

**Type of decision**

Non Key Decision

**Purpose of report**

To follow up on the Motion agreed at the Council meeting held on 26<sup>th</sup> February 2015

**Issue(s) for consideration**

The report set out the terms of a Motion agreed by Council on 26<sup>th</sup> February 2015 in relation to an appraisal scheme for Members. It had been agreed at the Council meeting that a report would be required based upon the principle of implementing a scheme. The report submitted to the Committee highlighted that there were a number of potential considerations arising from the motion (both direct and indirect).

The report addressed issues relating to the staff appraisal system which was undertaken as outlined in the response to the question raised at the Council meeting. Options had been investigated in relation to an appraisal scheme for Members. A number of Councils had been contacted together with colleagues at the Local Government Association for their thoughts on such an arrangement. It had not been possible to identify a Council that operated an appraisal system for Elected Members which offered a structured assessment of both actual performance and achievement of objectives, allied with an assessment against core role competencies and identified training needs. It was highlighted that this Council had a range of options for Member Development which were managed through Member Services. Such arrangements were available for all members and were made available to new and returning members after elections. The arrangements for member development varied significantly between councils and in all of the arrangements that had been identified, it had not been possible to identify an appraisal system for Members which included the key aspects of such a system. In addition to the nature of any potential system, it was highlighted that the operation of it would require significant development and there were no current resources available to do this.

Views were expressed at the meeting that elected members were 'appraised' by the electorate when they were due for re-election. It was considered, therefore, that an appraisal scheme for Members should not be pursued although the Chair expressed the view that a more robust system for publishing Member attendances was required.

**Decision**

The Committee considered the various arrangements identified in the report and determined that no additional arrangements be made for a member appraisal system.

**The meeting was adjourned for a brief comfort break.**

**The meeting was reconvened.**

**69. Proposal to close Hartlepool Magistrates and County Court** (*Director of Regeneration and Neighbourhoods*)

**Type of decision**

Non-Key Decision

**Purpose of report**

To consider Ministry of Justice proposals to close Hartlepool Magistrates' Court and County Court and to consider making recommendations to Council following the referral from the Council meeting held on 6 August 2015.

**Issue(s) for consideration**

On 16 July 2015, the Ministry of Justice had announced a proposal to close 91 Courts and Tribunals in England and Wales, including Hartlepool Magistrates' Court and County Court. The proposals also included the integration of a further 31 Courts and Tribunals. The current proposals would see the work from Hartlepool Magistrates' Court and County Court transferred to the Teesside Magistrates Court and County Court in Middlesbrough. The Ministry of Justice consultation on the proposals would close on 8 October. At the meeting on 6 August 2015, Council had been informed that through the Chief Executive, the Leader of the Council had written to a number of organisations involved in the criminal and civil justice system seeking their views on the proposed closure. The responses received to the consultation had been circulated and a summary of the responses was outlined in the report. At the Committee meeting, a letter from Peter Bowes JP, Bench Chairman, Hartlepool had been tabled which set out a number of issues in opposition to the proposed closure.

The report set out the Ministry of Justice case for change. It was highlighted in the Ministry of Justice consultation documentation, appended to the report, that the underlying rationale for the proposed closure /integration of a number of courts and tribunals nationally was that the current Courts and Tribunal Service estate did not meet the strategic requirements of the organisation, with the current size and associated cost of the estate being unsustainable in the current financial context.

The report included detailed information relating to the proposals to close Hartlepool Magistrates Court and County Court. In order to illustrate the impact of changes that would result should the court close, a travel model had been adopted and travel time data pre and post court closure was illustrated in the report.

It was noted that the Safer Hartlepool Partnership would also receive a report on this matter for their information.

Members expressed their opposition to the closure of the Hartlepool Magistrates Court. It was questioned whether data was available on the impact of the transfer of the Youth Justice Court which could be included in the case presented in support of the retention of Hartlepool Magistrates Court. The Chair requested that Cleveland Police also be contacted with a view to seeking evidence relating to impact of the the transfer of the Youth Justice Court.

### **Decision**

(i) The Committee noted the Ministry of Justice proposals to close Hartlepool Magistrates' Court and County Court.

(ii) The Committee referred the contents of this report and its recommendations to Council for consideration and debate at the meeting to be held on 17 September to allow for a response to be made to the Ministry of Justice before the stated deadline.

(iii) It was agreed that the Chief Executive Officer and Director of Regeneration & Neighbourhoods finalise that response to the Ministry of Justice in consultation with the Leader of the Council and that Members be made aware of that response.

## **70. Business Continuity** (*Director of Regeneration and Neighbourhoods*)

### **Type of decision**

Non-Key decision

### **Purpose of report**

The report informed the Committee on business continuity policy arrangements and sought approval for the adoption of the Business Continuity Policy.

### **Issue(s) for consideration**

The report set out details of a revised approach to continuity which would be based on ISO 22301:2012 – Business Continuity Management Systems, with the Council aligning itself to the good practice guidance and

recommendations. The Council had developed a Business Continuity Policy, appended to the report, which set out the approach the Council would take in developing, maintaining and implementing plans. The proposed approach would help to ensure that the Council could continue to operate, at pre-defined levels following disruptive events and have in place the information needed to recover from a disruptive event as soon as possible thereafter.

#### **Decision**

The Committee approved the approach the Council is taking toward Business Continuity as set out in the business continuity policy.

### **71. Equality in Employment Policy** *(Assistant Chief Executive)*

#### **Type of decision**

Non Key

#### **Purpose of report**

To request consideration and approval of the revised Equality in Employment Policy 2015.

#### **Issue(s) for consideration**

The report advised the Committee that the Equality and Diversity in Employment Policy had been reviewed to ensure the Policy remained up to date and enabled the Council to continue to meet its legislative obligations. The review of the Policy had resulted in a newly titled Equality in Employment Policy 2015 appended to the report. The Policy set out what the Council aims to achieve at each stage of the employee life cycle, ensuring employees are treated equally, fairly and with dignity and respect. Consultation on the revised Equality in Employment Policy had been undertaken with the Trade Unions and the Policy had been formally agreed with them at a recent Single Table Meeting. The Policy had been also reported to Local Joint Consultative Committee on 29 July 2015. All suggestions made through these forums had been incorporated into the attached policy.

#### **Decision**

The Committee agreed the Equality in Employment Policy 2015.

### **72. Strategic Financial Management Report – as at 30<sup>th</sup> June 2015** *(Corporate Management Team)*

#### **Type of decision**

Non Key Decision

**Purpose of report**

To inform Members of 2015/16 forecast general fund outturn, corporate income collection performance and 2015/16 capital programme monitoring.

**Issue(s) for consideration**

The report of the Corporate Management Team outlined the first quarter strategic financial management report for the authority. The Medium Term Financial Strategy (MTFS) report considered on 29 June 2015 had detailed the further cuts in funding to be implemented by the Government in 2016/17 and future years. The position had been reinforced in the Spending Review document published on 21 July 2015, details of which were set out in the report. The Government had stated that the Spending Review outcome would be published on 25<sup>th</sup> November 2015 resulting in the Local Government Funding announcement being unlikely to be made until late December 2015.

The report recommended that one-off resources achieved from the 2015/16 forecast outturn (which for planning purposes it was assumed would be achieved) and the reserves review were earmarked to manage the risks referred to in the report. This would enable a strategy for using these uncommitted one-off resources to be developed as part of the MTFS, which would ensure these resources were used to underpin the Council's financial position. The report set out details of future reporting arrangements and detailed reports relating to specific service areas to be submitted to each Policy Committee.

As detailed in the report an early assessment of the forecast 2015/16 outturn had been completed and this reflected action taken by the Corporate Management Team to achieve under spends to help address the significant financial challenges facing the Council over the next few years. Budget under spends were being achieved through a combination of robust management actions, detailed in the report. It was anticipated that there would be a forecast net under spend of between £669,000 and £889,000 as detailed in Appendix submitted to the report. The range reflected a small number of potential seasonal factors. As detailed in the report it was recommended that the forecast net under spend be earmarked to help manage the financial risks referred to in section 3 and a strategy for using these one-off resources developed as part of the 2016/17 MTFS.

The report set out potential commitments which Members could consider funding from the 2016/17 forecast outturn, which would need to be considered when the actual Government grant cut for 2016/17 and future years were known.

In addition to the Revenue Budget outturn detailed in the report, the Council also benefited from the receipt of income from Housing Hartlepool from the sale of former Council houses. This income would be dependent on



individual house sales and was therefore difficult to forecast as the amount varied from month to month. The total received in the first three months was £61,000. Updates would be provided in future reports and a strategy for using these one-off monies would need to be developed as part of the MTFS. Potential options for using these monies could include supplementing the General Fund Budget outturn, or using the resources for further housing investment which would be subject to a separate future report.

Previous reports had advised Members that significant changes had been implemented with effect from 1<sup>st</sup> April 2013 to re-localise Business Rates and implement Local Council Tax Support schemes. As a result of these changes approximately 58% (i.e. £50.8 million) of the net General Fund budget is funded from a combination of Business Rates and Council Tax collected locally. The report provided information on the impact of these changes and also progress in collecting Sundry debts.

The report provided an update on the capital programme for 2015/16 and a number of recommendations were approved as set out in the decision record.

### **Decision**

- i) The Committee noted that a strategy for using the forecast uncommitted General Fund outturn of between £0.669m and £0.889m will be developed as part of the 2016/17 MTFS to reflect the actual 2016/17 grant cut. This approach may include allocating this amount to offset a higher actual 2016/17 grant cut than forecast to provide a longer lead time to manage Government funding cuts.
- ii) The Committee approved the St Cuthbert's School - Outside Area modifications capital scheme as detailed in the report.
- iii) The Committee approved the Fen's School - Mains Water Supply replacement scheme as detailed in the report.
- iv) The Committee approved the transfer of £12,000 into the unallocated Council Capital Fund, as detailed in the report.
- v) The Committee approved returning the £11,000 favourable variance on the Hartlepool Enterprise Centre back to the Councils Capital Fund as set out in the report.

## **73. Local Government (Access to Information) (Variation Order) 2006**

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as

defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 74 – Update on the Potential merger of the Teesside and Hartlepool Coroner Areas – This item contained exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to the financial or business affairs of any particular person (including the authority holding that information) (paragraph 3).

#### **74. Update on the Potential Merger of the Teesside and Hartlepool Coroner Areas** *(Chief Executive and Chief Solicitor)*

##### **Type of Decision**

Non Key Decision

##### **Purpose of report**

To update the Committee on the present position as to the proposed amalgamation of the Teesside and Hartlepool Coroner areas.

##### **Issue(s) for consideration**

The issues considered by the Committee are set out in the exempt section of the minutes.

##### **Decision**

The decision is set out in the exempt section of the minutes.

The meeting concluded at 11.35 a.m.

**P J DEVLIN**

**CHIEF SOLICITOR**

**PUBLICATION DATE: 5<sup>th</sup> September 2015**

# HEALTH AND WELLBEING BOARD

## MINUTES AND DECISION RECORD

22 June 2015

The meeting commenced at 10 am in the Civic Centre, Hartlepool

**Present:**

Councillor C Akers-Belcher, Leader of Council (In the Chair)

**Prescribed Members:**

Elected Members, Hartlepool Borough Council – Councillors Carl Richardson  
Paul Thompson and Councillor Ged Hall (as substitute for Councillor Simmons)  
Representatives of Hartlepool and Stockton-on-Tees Clinical Commissioning  
Group (2) – Dr Schock and Alison Wilson  
Director of Public Health, Hartlepool Borough Council - Louise Wallace  
Representatives of Healthwatch – Margaret Wrenn

**Other Members:**

Chief Executive, Hartlepool Borough Council – Gill Alexander  
Representative of the NHS England – Vacancy  
Representative of Hartlepool Voluntary and Community Sector – Tracy  
Woodhall  
Representative of Cleveland Police - Chief Superintendent Gordon Lang as  
substitute for Assistant Chief Constable Simon Nickless

Also in attendance:- Representatives of Healthwatch – S Thomas, J Gray  
Representative of Tees Valley Public Health Shared Service, James  
O'Donnell, Public Health Intelligence Specialist,  
Representative of Mental Health Forum, Zoe Sherry (also representative of  
Healthwatch)  
Elected Member, Hartlepool Borough Council – Councillor Springer

Hartlepool Borough Council Officers: Jill Harrison, Assistant Director (Adult  
Services)  
Neil Harrison, Head of Service  
Carol Johnson, Head of Health Improvement  
Joan Stevens, Scrutiny Manager  
Amanda Whitaker, Democratic Services Team

Prior to the commencement of business, the Chair highlighted that it was the  
first meeting of the Board to be attended by a representative of Cleveland  
Police and welcomed the representative to the meeting.

## **1. Apologies for Absence**

Elected Member – Councillor Chris Simmons

Director of Child and Adult Services, Hartlepool Borough Council – Sally Robinson

Director of Regeneration and Neighbourhoods, Hartlepool Borough Council – Denise Ogden

Representatives of Healthwatch – Ruby Marshall

Representative of Tees Esk and Wear Valley NHS Trust – Martin Barkley

Representative of North Tees and Hartlepool NHS Foundation Trust – Alan Foster

Representative of Cleveland Police – Simon Nickless

## **2. Declarations of interest by Members**

Councillor Christopher Akers-Belcher reiterated the declaration he had made at a previous meeting of the Board, held at the commencement of the previous municipal year, that in accordance with the Council's Code of Conduct, he declared a personal interest as Manager for the Local HealthWatch, as a body exercising functions of a public nature, including responsibility for engaging in consultation exercises that could come before the Health and Wellbeing Board. He advised that where such consultation takes place (or where there is any connection with his employer), as a matter of good corporate governance, he would ensure that he left the meeting for the consideration of such an item to ensure there was no assertion of any conflict of interest

## **3. Minutes**

The minutes of the meeting held on 2 March 2015 were confirmed.

Referring to minute 50, Minimum Unit Price for Alcohol – Referral from Council, the Director of Public Health confirmed that a letter had been sent to Sefton Council and that BALANCE was reporting to Leaders and Mayors meetings across the North East.

With reference to minute 57, Obesity Conference Feedback, the Director of Public Health assured the Board that the issues arising from the Obesity Conference were being considered and that a further report would be submitted to the September/October meeting of the Board.

Further to minute 54 – COPD Screenings – it was understood from feedback that problems continued to be experienced. The Chief Officer, NHS Hartlepool and Stockton-on-Tees Clinical Commissioning Group advised that she would address the issue.

#### **4. Joint Mental Health Implementation Plan and Mental Health Update** *(Director of Child and Adult Services)*

The approval of the Board was sought for the Joint Mental Health Implementation Plan 2015 -2108. The report also provided an update on a number of key reviews of mental health services.

The Board was advised that the Hartlepool Mental Health Forum had set up a task and finish group involving representatives from Hartlepool Borough Council and Hartlepool & Stockton on Tees Clinical Commissioning Group (CCG) to support the development of a local Mental Health implementation plan. The Chair of the Mental Health Forum was in attendance at the meeting and spoke in support of the Plan.

The Joint Mental Health Implementation Plan for 2015-18, appended to the report, had been co-produced with the CCG and incorporated the key national and local mental health outcomes. An action plan had also been developed which would be refreshed annually to demonstrate progress and reflect any changing national and local priorities. The report set out details of the methodology which had been adopted together with details of public engagement. It was highlighted that the Plan described the national drivers, key deliverables and demographic pressures on the local community and used the outcomes of the public engagement event as the basis to formulate an action plan.

The Board was informed also that as part of Sector Led Improvement within the North East ADASS Region all Councils had agreed to the Local Government Association (LGA) undertaking a Peer Challenge within adult social care over a three year period. Hartlepool Borough Council's Peer Challenge had taken place in November 2014 and was focused on mental health services. The review had focused on 3 key themes; service delivery, working together and vision, strategy and leadership and for each area the team had identified key strengths and areas for consideration as summarised in the report. Key recommendations were highlighted. It was noted that an action plan was being developed with TEWV to address the recommendations. Progress has already been made in a number of areas as detailed in the report.

Members of the Board were informed of details of a CQC Mental Health Act Monitoring Visit to Tees Esk and Wear Valley NHS Foundation Trust in December 2014. The report set out the key developments that were reviewed and the key areas for improvement for the Tees area together with actions to be taken in response to the recommendations.

The report set out details also of the Mental Health Crisis Care Concordat which sets out how organisations should work together better to make sure that people get the help they needed when they are having a mental health crisis. It focused on four main areas as detailed in the report. It was noted that the Mental Health Forum and key strategic partners had signed up to the

principles of the Crisis Care Concordat. An action plan was being monitored through the Tees Crisis Concordat Working Group.

The report informed Board Members also of a national consultation exercise which had taken place on a revised Code of Practice for Mental Health. The main changes were highlighted to the Board. It was acknowledged that work would be required to ensure professionals working under the revised Code of Practice for Mental Health were aware of the changes and remained confident practitioners. Senior managers would ensure that workforce plans were updated to reflect changes to key legislation and would monitor uptake through Continuous Professional Development.

Board Members debated issues arising from the report. It was highlighted that the report identified significant mental health issues in the town and an assurance was provided by the Chief Officer, NHS Hartlepool and Stockton-on-Tees Clinical Commissioning Group that there had been significant increases in investment in mental health services. The Chief Officer undertook to deal with issues highlighted at the meeting in relation to access to the 111 service and to report back to the board in relation to telephone access to the out of hours services by ethnic minority groups. Issues relating to access to services by those with hearing loss were discussed also and it was noted that the Council's Hearing Loss Strategy was currently being refreshed with consultation planned during July. It was requested that Healthwatch representatives be included in the consultation. The Chair of the Mental Health Forum raised a number of issues relating to crisis intervention including concerns regarding an increase in the number of people self presenting, transport issues in terms of accessing Roseberry Park and access to the Section 136 assessment suite. The Chair of the Forum agreed to take back to the Forum issues highlighted at the meeting relating to the number of people who appeared not to receive treatment for mental health issues.

The Assistant Director advised that a report was being considered at the next meeting of the Council's Adult Services Committee on Section 136 provision. The Chair of the Board requested the involvement of this Board.

### **Decision**

- (i) The Board approved the Joint Mental Health Implementation Plan and agreed to receive further reports to monitor progress against the action plan.
- (ii) The outcomes of recent reviews and the actions being taken to address the recommendations were noted.
- (iii) The revised Code of Practice for Mental Health was noted.

## 5. **Quality Premium 2015/16** (*Chief Officer, NHS Hartlepool and Stockton-on-Tees Clinical Commissioning Group*)

Further to consideration by the Board on 2 March 2015, the report provided an update in relation to the Clinical Commissioning Group (CCG) Quality Premium Guidance for 15/16. The report included an overview of the guidance and advised of the approach taken to select local indicators to enable final plans to be submitted to NHS England on the 14<sup>th</sup> May.

It was noted that the Quality Premium for 2015/16 had been published and was intended to reward CCGs for improvements in the quality of the services that they commission and for associated improvement in health outcomes. The premium would be paid to CCGs in 2016/17, and covered a number of national and local priorities which were addressed in the report. Based on population size, the Quality Premium provided an opportunity to earn £1,428,885 should all measures be achieved.

In terms of local indicators, there were choices and decisions that required formal agreement of Health and Wellbeing Boards set out in the guidance. However due to the late publication of the guidance and the requirement for CCG planning documents to be submitted to NHS England by 14 May 2015, there had been no opportunity to present the information to the Health and Wellbeing Boards due to meetings not taking place during the election period. The CCG in the absence of a Board meeting had therefore worked with both Local Authority Public Health teams to sight them on the requirement of the quality premium guidance and submission and had agreed relevant indicators to be selected as local measures from the CCG Outcome Indicator set and those that linked with the JSNA. The two local measures discussed and selected for submission for the plans were improving estimated diagnosis rate for people with dementia increasing the planning target from 69% to 72% and a reduction in maternal smoking at delivery from 14/15 to 15/16. It was agreed as both indicators had been selected by the Board and CCG in previous years that these should continue to be an area of focus. It was highlighted that the dementia indicator was a performance measure of BCF plans therefore increasing this target would help achieve not only BCF but the quality premium measure. The Director of Public Health expressed support of the indicators which had been selected.

In response to a question raised at the meeting by an elected member, the Chief Officer advised in relation to the collection of data. The Chair of the Board proposed that consideration be given to the appropriate timescales for submission of data to Board meetings.

### **Decision**

The update was noted and the local indicators as selected by the CCG and Public Health colleagues were ratified.

## **6. Tees Wide Suicide Prevention Implementation Plan 2014-16** *(Director of Public Health)*

The Board was presented with the Tees Wide Suicide Prevention Implementation Plan, a copy of which was appended to the report. The attention of the Board was brought to the recommendations made by Middlesbrough Borough Council's Health Scrutiny Panel in relation to the Tees Wide Suicide Prevention Implementation Plan, also appended to the report. The Board was requested to consider the referral of the Tees Wide Suicide Prevention Implementation Plan to the Council's Planning Committee.

The Board was advised that the Tees Suicide Prevention Implementation Plan 2014-2016 mirrored the national Suicide Prevention Strategy and was monitored through each of the Health and Wellbeing Boards across the Tees Valley. In July 2014, Middlesbrough Borough Council's Health Scrutiny Panel had explored the link between deprivation across Middlesbrough and levels of suicide and in doing so had requested further information regarding the Tees Suicide Prevention Implementation Plan. This information had been considered on the 21 October 2014, and the Panel had agreed a number of recommendations as set out in the report. To assist the Board in gaining an understanding of the issues affecting Hartlepool, details of local suicide data gathered over a 17 year period (1997-2013), was provided in the report. Following consideration of the Plan, the recommendations of the Health Scrutiny and the position in Hartlepool as outlined in the report, the Board was requested to consider the appropriateness of recommending that the Tees Wide Suicide Prevention Implementation Plan be considered in the development of Council's Local Plan and any policy relating to the built environment. The Scrutiny Manager advised the Board that she had been advised by the Council's Planning Services Manager that it would be achievable for the recommendations to be considered in the context set out in the report.

### **Decision**

- i) The recommendations of Middlesbrough Borough Council's Health Scrutiny Panel were noted.
- ii) It was recommended that the Tees Wide Suicide Prevention Implementation Plan be considered in the development of Council's Local Plan and any policy relating to the built environment.



## **7. Scrutiny Investigation into Dementia: Early Diagnosis – Final Report and Action Plan** *(Director of Public Health and Director of Child and Adult Services)*

As a result of the Scrutiny investigation into Dementia, a series of recommendations had been made. To assist the Health and Wellbeing Board in its determination of either approving or rejecting the proposed recommendations an action plan had been produced which was appended to the report together with the Final Report and recommendations of the Working Group.

### **Decision**

- (i) The Board approved the proposed recommendations and the action plan in response to the recommendations of the Dementia Working Group's investigation into Dementia: Early Diagnosis.
- (ii) It was agreed that a further report be submitted to the Board in six months time.

## **8. Better Care Fund Performance Reporting** *(Director of Child and Adult Services, Hartlepool Borough Council and Chief Officer, NHS Hartlepool and Stockton-on-Tees CCG )*

The report provided an update regarding the performance reporting arrangements for the Better Care Fund (BCF) and the return submitted in relation to Quarter 4 of 2014/15.

The Board was advised that NHS England had issued 'Guidance for the Operationalisation of BCF in 2015/16' in March 2015 which was appended to the report. The guidance included a quarterly performance reporting template which was appended to the report also and had confirmed dates for submission of the templates. The dates for quarterly submissions had been set nationally and involved collation of performance information from a number of sources across health and social care. It was highlighted that the dates would create some challenges in terms of Health & Wellbeing Board sign off prior to submission. It was suggested that this could be addressed through delegating responsibility for sign off, with reports submitted to the Health & Wellbeing Board at the earliest opportunity. On 11 May 2015 a revised and simplified reporting template had been issued specifically for the first submission on 29 May 2015. The revised reporting template for 29 May 2015 had been completed by officers of the Council and CCG and was appended to the report. Although there was no requirement to report on the performance measures for this quarter, information had been collated and indicated that improvements had been seen in a number of areas as set out in the report.

It was highlighted that the one indicator where performance was not shown to have improved was admissions to care homes of people aged 65 and over.

Performance against this indicator had actually improved significantly in real terms in 2014/15 when compared to the previous year, with a reduction from 145 admissions to 125 admissions over the twelve month period. This was a 13.8% reduction, which was a significant achievement in the context of demographic pressures and increasing prevalence of dementia. However, the way that this indicator was measured had changed nationally and full cost paying residents were now included within the measure. This figure had not been included in the indicator in previous years, but the change to the national definition meant that the total number of admissions for 2014/15 now had to be reported as 187 for 2014/15.

Board Members were assured that performance against all of the BCF indicators would continue to be monitored throughout the year through the BCF officers group and North of Tees Partnership Board and the monthly data collected for this purpose would inform the quarterly reports.

### **Decision**

- (i) The performance reporting process was noted together with the report submitted on 29 May 2015;
- (ii) The issues raised in relation to timing of performance reports and Health & Wellbeing Board meetings were noted and authority was delegated to the Director of Child and Adult Services for Hartlepool Borough Council and Chief Officer of NHS Hartlepool and Stockton-on-Tees CCG to sign off returns, in conjunction with the Chair of the Health & wellbeing Board, if timescales do not allow for formal Health & Wellbeing Board sign off prior to submission deadlines, with reports submitted to the Board at the earliest possible opportunity following submission.

## **9. Community Based Urgent Care Update – June 2015**

*(Chief officer, Stockton-on-Tees Clinical Commissioning Group)*

The report provided an update following the information which had been presented to the Board in January 2015. The report set out the actions undertaken to date and associated timelines in relation to the integrated urgent care service. Following the previous report to the Board, the CCG had been working with the communications and engagement team within the commissioning support unit to develop a communications and engagement plan. Details of communication and engagement activities were set out in the report.

Board Members were advised that the outputs from the market engagement and public engagement exercises would be reviewed and intelligence gathered from these events would be used to develop the service specification. It was envisaged that the tender for the integrated urgent care service would be published in Mid-July 2015. Evaluation would be undertaken during August and September and a contract subsequently awarded to ensure service commencement for 01 April 2016.

The Board was updated, at the meeting, on issues arising from the feedback received by Healthwatch. The Chief Officer provided assurance that whilst undergoing the process, current services would continue to be monitored to meet needs in the most appropriate manner.

### **Decision**

The Board noted the report.

## **10. Annual Review Health Status Presentation** *(Director of Public Health)*

The Board received a presentation by the Director of Public Health which provided an opportunity for discussion on the current health status of the people of Hartlepool with a view to reaffirming priorities for action and service development.

The presentation included latest statistics, trend analysis, benchmarking and lower level geography. The key factors arising from the presentation were summarised as follows:-

- Hartlepool is more deprived than the national average
- The health of the people in Hartlepool is generally worse than the national average
- Many health indicators in Hartlepool are improving
- The health of people in Hartlepool is similar to Local Authorities with a comparable level of deprivation
- There are health inequalities within Hartlepool
- Life expectancy in Hartlepool is increasing

Following the presentation, the view was expressed that it would be useful for the Board to have a future 'wider conversation' on health determinants including preventative issues.

The Director of Public Health responded to clarification sought on the frequency of updates of ward profiles. It was agreed that the health profiles will be produced on an annual basis to accompany the statutory annual Director Public Health report.

### **Decision**

- (i) The content of the presentation, including the key messages regarding the health status of the people of Hartlepool, was noted.
- (ii) It was agreed that the health profiles be produced on an annual basis to accompany the statutory annual Director Public Health report.

Meeting concluded at 11.35 a.m.

CHAIR

# **FINANCE AND POLICY COMMITTEE**

**21<sup>st</sup> September 2015**



**Report of:** Assistant Chief Executive

**Subject:** COUNCIL PLAN 2016/17 – OUTCOME FRAMEWORK

## **1. TYPE OF DECISION/APPLICABLE CATEGORY**

Budget and Policy Framework

## **2. PURPOSE OF REPORT**

- 2.1 The purpose of this report is for Finance and Policy Committee to consider the proposed Outcome Framework for the 2016/17 Council Plan and agree the timetable for the service planning process.

## **3. BACKGROUND**

- 3.1 The Council Plan sets out the Council's overall service planning arrangements and is part of the Budget and Policy Framework. The Plan addresses the key priorities and issues facing the Council, and includes an action plan that covers all departments' key actions, performance indicators and identified risks.

## **4. PROPOSALS**

- 4.1 The first stage in developing the Council Plan for 2016/17 is to agree the Outcome Framework around which the Plan will be developed. Department's have considered the existing outcome framework and the current proposal for 2016/17 is set out in appendix 1.
- 4.2 As Finance and Policy Committee are aware work is ongoing to review the future priorities and direction of the Council. In time this will have an impact on the structure of the Council Plan therefore the Committee is requested to note that the outcome framework may change before the final Council Plan for 2016/17 comes for approval in March 2016. In the meantime work to develop

the Council Plan must continue alongside this review and therefore the appropriate proposed actions, PIs and risks will be fitted into the new outcome framework retrospectively as necessary.

4.3 The proposed timetable for service planning is set out below:

Who	What	When
Finance and Policy Committee	To consider and agree the Council Plan outcome framework for 2016/17 and agree the timetable for preparing the detail of the Plan.	21 <sup>st</sup> September 2015
Adult Services Committee	To present the relevant draft Council Plan sections to Policy Committees for consultation.	15 <sup>th</sup> February 2016
Children's Services Committee		9 <sup>th</sup> February 2016
Regeneration Services Committee		19 <sup>th</sup> February 2016
Neighbourhood Services Committee		29 <sup>th</sup> February 2016
Finance and Policy Committee (CED, RND and PHD)		22 <sup>nd</sup> February 2016
Finance and Policy Committee	To present the final draft of the Council Plan for consideration and approval. Where required this will include the responses from Departments to those queries raised by the Policy Committees in February.	14 <sup>th</sup> March 2016
Council	To present the final draft of the Council Plan 2016/17 for approval.	17 <sup>th</sup> March 2016

## 5. RISK IMPLICATIONS

5.1 No implications.

## 6. FINANCIAL CONSIDERATIONS

6.1 No implications.

## 7. LEGAL CONSIDERATIONS

7.1 No implications.

**8. CHILD AND FAMILY POVERTY**

8.1 No implications.

**9. EQUALITY AND DIVERSITY CONSIDERATIONS**

9.1 No implications.

**10. STAFF CONSIDERATIONS**

10.1 No implications.

**11. ASSET MANAGEMENT CONSIDERATIONS**

11.1 No implications.

**12. RECOMMENDATIONS**

- 12.1 Finance and Policy Committee is requested to:
- agree the proposed outcome framework for 2016/17;
  - note that this outcome framework for 2016/17 may change to reflect the parallel work currently underway to review the future priorities and direction of the Council;
  - agree the proposed timetable for the service planning process.

**13. REASONS FOR RECOMMENDATIONS**

13.1 Finance and Policy Committee have overall responsibility for Performance Management.

**14. BACKGROUND PAPERS**

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

**15. CONTACT OFFICER**

Andrew Atkin  
Assistant Chief Executive  
01429 523003  
[Andrew.atkin@hartlepool.gov.uk](mailto:Andrew.atkin@hartlepool.gov.uk)



**Proposed Outcome Framework 2016/17****Jobs and the Economy**

<b>Proposed Outcome</b>	<b>Change from 2015/16</b>
1. Hartlepool has improved business growth and business infrastructure and an enhanced culture of entrepreneurship	None
2. Hartlepool has attracted new investment and developed major programmes to regenerate the area and improve connectivity	None
3. Hartlepool has increased employment and skills levels with a competitive workforce that meets the demands of employers and the economy	None
4. Hartlepool has increased economic inclusion of adults and is tackling financial exclusion	None
5. Hartlepool has a boosted visitor economy	None
6. Reduction in the prevalence of family and child poverty	Proposal from Chief Executives Department to expand to include family poverty.

**Lifelong Learning and Skills**

<b>Proposed Outcome</b>	<b>Change from 2015/16</b>
7. To promote opportunities for all children and young people to reach their full potential by accessing good quality teaching and curriculum provision which fully meets their needs and enables them to participate in and enjoy their learning	None
8. Provision of high quality community learning and skills opportunities that widen participation	None

**Health and Wellbeing**

<b>Proposed Outcome</b>	<b>Change from 2015/16</b>
9. Health Improvement - people are helped to live healthy lifestyles, make healthy choices and reduce health inequalities	None
10. Health Protection - Health Protection: the populations health is protected from major incidents and other threats, whilst reducing health inequalities	None



11. Healthcare public health and preventing premature mortality - reduce the number of people living with preventable ill health and people dying prematurely, whilst reducing the gap between communities	None
12. Every child has the best start in life	None
13. Children and young people are safe and protected from harm	None
14. Vulnerable adults are supported and safeguarded and people are able to maintain maximum independence while exercising choice and control about how their outcomes are achieved	None

### **Community Safety**

<b>Proposed Outcome</b>	<b>Change from 2015/16</b>
15. Hartlepool has reduced crime and repeat victimisation	None
16. There is reduced harm caused by drugs and alcohol misuse	None
17. Communities have improved confidence and feel more cohesive and safe	None
18. Offending and re-offending has reduced	None

### **Environment**

<b>Proposed Outcome</b>	<b>Change from 2015/16</b>
19. Hartlepool has an improved natural and built environment	None
20. Quality local environments where public and community open spaces are clean, green and safe	None
21. Provide a sustainable, safe, efficient, effective and accessible transport system	None
22. Hartlepool is prepared for the impacts of climate change and takes action to mitigate the effects	None

### **Housing**

<b>Proposed Outcome</b>	<b>Change from 2015/16</b>
23. Hartlepool has an improved and more balanced housing offer that meets the needs of residents and is of high quality design	None

24. Hartlepool has improved housing stock where all homes across tenures offer a decent living environment	None
25. Housing Services and housing options respond to the specific needs of all communities within Hartlepool	None

### **Culture and Leisure**

<b>Proposed Outcome</b>	<b>Change from 2015/16</b>
26. Local people have access to Arts, Museums, Community Centres and Events which enrich people's lives.	None
27. Local people have access to library services which enrich people's lives	None

### **Strengthening Communities**

<b>Proposed Outcome</b>	<b>Change from 2015/16</b>
28. Local people have a greater voice and influence over local decision making and the delivery of services	None

### **Organisational Development**

<b>Proposed Outcome</b>	<b>Change from 2015/16</b>
29. Improve the efficiency and effectiveness of the organisation	None
30. Deliver effective customer focused services, meeting the needs of diverse groups and maintaining customer satisfaction	None
31. Maintain effective governance arrangements for core business and key partnerships	None
32. Maintain the profile and reputation of the Council	None
33. Deliver effective Member and Workforce arrangements, maximising the efficiency of the Council's Democratic function	None
34. Ensure the effective implementation of significant government policy changes	None

# FINANCE AND POLICY COMMITTEE

21<sup>st</sup> September 2015



**Report of:** Director of Regeneration and Neighbourhoods

**Subject:** SEATON CAREW MASTERPLAN - THE COUNCIL OF THE BOROUGH OF HARTLEPOOL (LONGSCAR BUILDING, THE FRONT, SEATON CAREW) COMPULSORY PURCHASE ORDER 2015

## 1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Key Decision tests (i) and (ii) RN14/13

## 2. PURPOSE OF REPORT

2.1 To seek authority from Finance and Policy Committee to make The Council of the Borough of Hartlepool (Longscar Building, The Front , Seaton Carew) Compulsory Purchase Order 2015 ("the CPO") (attached at **Appendix B**) for the purpose of facilitating the carrying out of development, redevelopment and/or improvement of land at Seaton Carew for the purposes of the regeneration and improvement of the seafront including public realm, landscaping, leisure and tourism related and associated works, and thereby achieving the promotion and/or improvement of the economic, social and environmental well-being of the area.

## 3. BACKGROUND

3.1 This report follows previous reports recently submitted to Committee in respect of the regeneration of the seafront at Seaton Carew and proposals for acquisition of the Longscar Building. To date purchase by agreement has not been possible and therefore grounds exist for proceeding through to Compulsory Purchase. This report incorporates and should be read in conjunction with the attached draft Statement of Reasons (as attached at **Appendix A**) that sets out details of the Council's case for compulsory acquisition.

3.2 The Longscar Building (also known as the Longscar Hall and Longscar Centre) occupies a prominent position on The Front at Seaton Carew. It has

been un-occupied and derelict for a number of years. The building's design, bulk, massing, form and materials together with its poor condition and under-use has a very negative impact on the centre of Seaton Carew's commercial and visitor area. The implementation of proposals in accordance with the Seaton Carew Masterplan ("the Masterplan") requires the clearance of the Longscar Building site. The inclusion of the site that the Longscar Building currently occupies in these proposals will be critical in the delivery and success of the regeneration scheme.

- 3.3 Finance and Policy Committee has previously approved the appointment of the Esh Group ("Esh") as the preferred developer to work in partnership with the Council to develop regeneration plans for Seaton Carew, which also includes the disposal of three sites in Council ownership for residential development. The Development Agreement with Esh was signed in June 2014 and the development of the first residential site on Elizabeth Way is currently underway. The capital receipt from the sale of this site has now released the funding required to deliver the first phase of the regeneration proposals at The Front to include the proposed acquisition of the Longscar Building.

#### **4. PROPOSALS**

- 4.1 Given the Longscar Building's adverse impact upon the sea front and commercial area of Seaton Carew, action is required to acquire the building in order that it is included within the regeneration proposals for The Front in accordance with the Masterplan. The Council's proposals comprise a viable, deliverable and attractive scheme that will help encourage more visitors to Seaton Carew and that in turn supports existing businesses in Seaton Carew. The inclusion of the Longscar Building is considered paramount to the success of any regeneration scheme on The Front and its clearance will represent a step change in the appearance, amenity and vitality of The Front.
- 4.2 Regeneration proposals for The Front, including the clearance of the Longscar Building, are set out in the Masterplan. The provision of public realm, landscaping, leisure and tourism related and associated works will be brought forward in accordance with the Masterplan. The improvements will include a new Market Square/Events Area and play facilities that complement the recently improved promenade and sea wall.
- 4.3 The Masterplan has been subject to two rounds of Public Consultation the responses of which have been reported to Committee. The Masterplan process has considered the public consultation responses and incorporates appropriate amendments. As such it is now intended that the Masterplan be adopted as a Supplementary Planning Document.
- 4.4 The development proposed to be carried out ("the Scheme") is comprised in a planning application.

- 4.5 The scheme comprising the regeneration proposals for the sea front will be brought forward in three phases (as identified in **Appendix D**). Phase One comprises the clearance of the Longscar Building and provision of improved public realm, landscaping and outdoor leisure and tourist related facilities at The Front. This will improve the attractiveness of Seaton Carew to both residents and visitors. Phase Two will comprise additional leisure development including beach chalets with decking, play structures, water play and enhanced landscaping. Phase 3 is a longer term project including public realm improvements on land to the rear of the bus station.
- 4.6 Details of the benefits that the Council's proposals will bring and the contribution that this will make to the well-being of the area are set out in detail in the attached draft Statement of Reasons.

## **5. ACQUISITION BY AGREEMENT AND THE NEED FOR COMPULSORY PURCHASE**

- 5.1 The Longscar Building is jointly owned by Messrs Barry Thompson Wilkinson and Terence Wilkinson ("the Owners"). In addition it is understood that the Owners may have recently granted a 25 year lease to their sons Craig and Gary Wilkinson ("the Lessees"). Further details are set out in the draft Order attached to this report.
- 5.2 Previous reports to Committee have set out details of the efforts made both by Esh and also by the Council's Estates and Regeneration Team to acquire the Owners' interests in the land by agreement. In particular the report to Committee dated 23 March 2015 included a detailed update on negotiations with the Owners. Notwithstanding those efforts, (further details of which are set out in the attached draft Statement of Reasons), the Owners have failed meaningfully to engage with the Council in negotiations and therefore it has not proved possible to acquire their interests in the land.
- 5.3 It is therefore unlikely that the Order Land (as shown on the Order Map at **Appendix C**) will be acquired by agreement within a timescale that meets the development programme. It is envisaged that once the building has been acquired there will be a 12 month development period to undertake the demolition and construction of the Phase 1 works. Accordingly it is considered necessary to proceed with the compulsory purchase in order to assemble the site to enable the Scheme to be delivered. In any event, notwithstanding that, it is recommended that compulsory purchase of the Order Land proceed. The Council is cognisant of the advice in ODPM Circular 06/04 and negotiations to acquire by agreement wherever practicable will continue in parallel with the CPO process.
- 5.4 In recent months agents engaged by the Owners have contacted the Council with proposals for refurbishment and reuse of the Longscar Building.
- 5.5 It is understood that the Owners have instigated some work to remove kiosks attached to the exterior of the Longscar Building and to reinstate tiles

and valley gutters. It is also understood that some internal refurbishment works have been undertaken.

- 5.6 The Owners architects have indicated that the Owners' proposals include:
- The creation of five small retail units; and
  - Trampolining and soft play area; and
  - Fourteen one bed flats for rent.
- 5.7 Copies of drawings provided by the Owners architects accompany this report as an **Appendix E**.
- 5.8 The Owners' representative has indicated that revisions have been made to the proposed plans. Officers have therefore requested details from the Owners of the revised refurbishment drawings and programme. To date this has not been provided. In addition officers have requested sight of: a detailed viability statement and appraisal outlining the cost and income profile of the proposals, together with details of pre-lets and demand assessment; details of funding arrangements and evidence that funds are available to enable such proposed development to proceed; and any other information or documentation that the Owners consider that the Council should have regard to. To date no such details or information has been provided.
- 5.9 In parallel with contact from SJD Architects, the Council has also been contacted by Messrs Craig and Gary Wilkinson, sons of Terence and Barry Wilkinson respectively. They initially held themselves out as representing their father's interests. More recently, in the second half of July, they indicated that they had taken a 25 year lease from their fathers' and would themselves be promoting the proposed development previously put forward by SJD Architects.
- 5.10 Therefore notwithstanding that some internal works are understood to have been undertaken there is considerable uncertainty in relation to the Owners/Lessees proposals no planning permission has been obtained; and both viability and deliverability are unproven.
- 5.11 In any event the proposals submitted by SJD Architects would be contrary to and would not deliver the benefits of a scheme in accordance with the Masterplan.

## **6. LEGAL POWERS**

- 6.1 Section 226(1)(a) of the 1990 Act provides the power to acquire compulsorily land where an acquiring authority thinks the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the Order Land. 'Such power may only be used where the acquiring authority thinks the development, redevelopment or improvement is likely to contribute to the achievement of the promotion or improvement of the

economic, social or environmental well-being of the authority's administrative area (per Section 226(1A) of the 1990 Act)'.

- 6.2 National policy as set out in Appendix A of Circular 06/04 expressly recognises that the use of s226(1)(a) of the 1990 Act powers is relevant to the achieving of planning objectives and provides guidance to acquiring authorities on the use of compulsory purchase powers. The Council has taken account of that guidance in making the CPO.
- 6.3 The terms of the s226(1)(a) power allows land to be acquired in order to deliver a proposed scheme on the Longscar site and the use of "on, or in relation to, that land" means that the proposed scheme does not necessarily have to be delivered on the acquired land as long as the acquisition is proven to be essential to the implementation of the proposed scheme.
- 6.4 Part of the justification for the CPO is that the acquisition of the Longscar Building is not only required to deliver the redevelopment of the Order Land per se and the regeneration opportunities but also the wider public realm development and improvement programme proposed as part of the Masterplan in Seaton Carew. The purchase and clearance of the Longscar Building therefore will have wider environmental, social and economic benefits beyond the immediate site that will be felt by businesses, residents and visitors to Seaton Carew.
- 6.5 The guidance and legislation also states that the acquiring authority should be satisfied as far as possible that the scheme would not be frustrated by any impediments to implementation. This includes potential planning, financial, physical and legal factors which need to be taken into account.
- 6.6 Planning permission will be required for the proposed scheme. At the time of preparation of this report permission has not been granted, however . the Council's proposed scheme is considered to be in compliance with current planning policy and the Seaton Carew Masterplan that will be incorporated into the Local Development Framework as a Supplementary Planning Document.
- 6.7 Circular guidance recognises that it may not be necessary, sensible or feasible to wait until a planning application is in place before progressing a CPO, because of the timescales associated with the CPO process. Therefore both the proposed Scheme and further negotiations with the Owners will be progressed in parallel with the CPO process.
- 6.8 The guidance and legislation also advises that the financial viability of any development proposals for the CPO development site will need to be provided. The delivery of the proposed scheme for the seafront regeneration is assured through the delivery of the other development sites in Seaton Carew and the commitment by the Council to use this income to deliver the regeneration programme at The Front and other regeneration priorities in Seaton Carew. This and the appointment of Esh with a proven track record and sound financial standing, will provide further assurance, to the Secretary

of State that, if a CPO is confirmed, the scheme for which the CPO is required is itself deliverable.

## **7. RISK IMPLICATIONS**

- 7.1 In the event that a CPO is made and any objections to it are received and not withdrawn, then a Public Inquiry will invariably be convened by the Secretary of State. There will be costs to be borne by the Council in presenting their evidence at such Inquiry. In addition if the CPO were not to be confirmed then a successful objector may be entitled to recovery of his costs.
- 7.2 In the event that the CPO were confirmed by the Secretary of State such confirmation may only be challenged pursuant to the Acquisition of Land Act 1981 on the grounds of an error of law. Confirmation of the CPO would enable the Council to take possession of the Longscar Building. In such circumstances compensation would be payable to the landowners on the basis as set out in that body of statute and case law commonly referred to as the Compensation Code. If compensation cannot be agreed then the issue of compensation can be referred either by the Council or the landowner to the Upper Tribunal (Lands Chamber) for assessment and determination.

## **8. FINANCIAL CONSIDERATIONS**

- 8.1 In the event either that acquisition on a deemed CPO basis is agreed or if a CPO is required and is confirmed then compensation will be calculated in accordance with that body of statute and case law commonly referred to as the Compensation Code. This is based on the principle that the owner should be paid neither less nor more than their loss. It thus represents the value of the interest in land to the owner, which is regarded as consisting of:
- the amount which the interest in land might be expected to realise if sold on the open market by a willing seller (market value); and
  - compensation for severance and/or injurious affection where appropriate; and
  - compensation for disturbance and other losses not directly based on the value of the land
- 8.2 In addition to compensating the owners for their interest in the land (the market value) the likelihood of additional significant compensation payments are relatively small. There are no issues relating to severance as the proposal involves purchase of all the owners land. At the present time the property is not currently operating as a business and accordingly if that were to remain the position a case for compensation for disturbance will be difficult to sustain. It is anticipated that if a CPO were pursued then claims could be made for legal fees and surveyor costs that may be incurred by the owners. There may also be potential claims for moving equipment, furniture and fittings from the property. If a CPO is required and successful compensation claims are made then these costs will be met through the



regeneration fund created through the partnership arrangement with the Esh group funded via the package and development of the other Council owned sites in Seaton Carew.

- 8.3 All costs associated with the payment of compensation to the owners and all the legal and other professional costs incurred internally by the Council in pursuing and preparing the CPO, will all be funded from the capital receipts generated from the sale of sites within the development agreement. As such it is not anticipated that there will be any further demand on resources from existing Council budgets.

## **9. LEGAL CONSIDERATIONS**

- 9.1 The European Convention on Human Rights (“the Convention”) was incorporated into domestic law in England and Wales by the Human Rights Act 1998 (“the 1998 Act”). The 1998 Act prevents public authorities from acting in a way which is incompatible with rights protected by the Convention.
- 9.2 Of particular relevance to the compulsory purchase process are Articles 6 and 8 of the Convention regarding entitlement to a fair and public hearing by an independent and impartial tribunal and respect for privacy and family life respectively and Article 1 of the First Protocol which concerns the protection of property.
- 9.3 Circular 06/04 advises that “a compulsory purchase order should only be made where there is a compelling case in the public interest. An acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Regards should be had, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights, and in the case of a dwelling, Article 8 of the Convention”.
- 9.4 As regards Article 6 rights the Scheme has been publicised and consultation has taken place with parties potentially affected by the Order. All those parties whose interests are identified and included in the Order will be notified and have the right to make objections or other representations to the Secretary of State for Communities and Local Government and to be heard at a public inquiry. The statutory process and right for affected parties to pursue remedies in the High Court where appropriate, are compliant with Article 6.
- 9.5 Both Article 8 and Article 1 of the First Protocol rights are qualified rights and may therefore be overridden where it is considered that the interference with these rights are proportionate and that the interference is necessary in the interests of, amongst other things, national economic well-being.

- 9.6 The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole”, and both public and private interests have been taken into account in the exercise of the authority’s powers and duties as a local authority. The Council considers that the Order constitutes a fair balance between the public benefits accruing from the acquisition and implementation of the Scheme and the private rights affected by the Order.
- 9.7 It is acknowledged that the Order if confirmed will result in the taking of property. However, this will be in accordance with a statutory process which was held to be compliant with Article 6 of the Convention which provides that “everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”. The CPO process undertaken by the Council has taken into account the economic well-being of the locality in terms of regeneration, housing need, sustainable communities and environmental improvements. The process already allows for the payment of compensation to those where properties and other private rights are affected by the acquisition of land under the CPO process. Compensation will be payable in accordance with the Compulsory Purchase Code (comprised in statute and case law) and including the market value of the property interest compulsorily acquired, together with (where appropriate) disturbance, statutory loss payment and home loss payments.
- 9.8 In pursuing this Order, the Council has carefully considered the balance to be struck between individual rights and the wider public interest. In this instance it is considered that the Order is required in the public interest and is consistent with the ECHR and 1998 Act in that the public purpose of securing the site for the redevelopment described herein and concomitant economic, social and environmental benefits are of sufficient weight to override the interference with human rights that the Order necessarily involves; and that compulsory acquisition is necessary to achieve that purpose.
- 9.9 It is also considered that the Order is proportionate having regard to the alternative means of securing the redevelopment of the Order Land and the associated regeneration of the area.

## **10. CHILD AND FAMILY POVERTY**

- 10.1 There are no child and family poverty implications attached to this report

## **11. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 11.1 There are no equality and diversity considerations attached to this report.

**12. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

- 12.1 The acquisition of the Longscar Building and subsequent demolition and redevelopment of the site will combat the continued vandalism to the hall and general anti-social behaviour

**13. STAFF CONSIDERATIONS**

- 13.1 There are no staff considerations attached to this report.

**14. ASSET MANAGEMENT CONSIDERATIONS**

- 14.1 The confirmation of the CPO would enable the Council to secure the compulsory acquisition of the Longscar Building. In such circumstances compensation would be payable to the landowners on the basis as set out in that body of statute and case law commonly referred to as the Compensation Code. If compensation cannot be agreed then the issue of compensation can be referred either by the Council or the landowner to the Upper Tribunal (Lands Chamber) for assessment and determination.

**15. RECOMMENDATIONS**

- 15.1 It is recommended that Committee authorises the Director of Regeneration Neighbourhoods in conjunction with the Chief Solicitor to :
- a) Make a Compulsory Purchase Order (“CPO”) pursuant to S226(1)(a) of the Town and Country Planning Act 1990 to purchase compulsorily the land shown on the Order Map accompanying this report for the purpose of facilitating the carrying out of development, redevelopment or improvement of land at Seaton Carew for the purposes of the regeneration and improvement of the seafront including public realm, landscaping, leisure and tourism related and associated works and thereby achieving the promotion and/or improvement of the economic, social and environmental well-being of the area; and
  - b) Make such amendments, modifications or deletions to the CPO (including for the avoidance of doubt to the Order Map) and to the Statement of Reasons as may be required to finalise and make the CPO; and
  - c) Publish and serve all necessary notices consequent on the making of the CPO; and to submit the CPO to the Secretary of State for Communities and Local Government; and otherwise to take all necessary steps, whether expressly required by statute or otherwise, to secure confirmation of the CPO by the Secretary of State for Communities and Local Government; and
  - d) Subject to the confirmation of the CPO by the Secretary of State for Communities and Local Government acquire title and/or possession of the CPO land (or any part thereof) whether by means of General

Vesting Declaration or Notices to Treat and/or Notices of Entry, including publishing and serving any notices and/or executing any documentation required in connection with such acquisition or possession; and

- e) Confirm the CPO in the event that the Council is authorised to act as confirming authority; and
- f) Take all necessary steps to secure all necessary orders to stop up, extinguish or divert existing public highways and rights of way necessary in the event that such steps are necessary to achieve the delivery of the scheme for which purpose the CPO is to be made; and
- g) Exercise powers of entry onto land in connection with the CPO and to delegate such powers as appropriate to officers of the Council and/or to otherwise authorise external consultants to act on the Council's behalf in that regard.

## **16. REASONS FOR RECOMMENDATIONS**

- 16.1 For the reasons set out in more detail in the attached Statement of Reasons it is considered that there is a compelling case in the public interest for the compulsory acquisition of the Order Land. In order to progress the regeneration of the Seaton Carew seafront and notwithstanding the submissions made by the owners it is necessary to progress the acquisition of the Longscar Building and more particularly to authorise the making of a Compulsory Purchase Order to acquire the land identified in this report and thereby assemble the site required for the delivery of seafront regeneration at Seaton Carew thereby promoting and/or improving the economic, social and environmental well-being of the area.

## **17. BACKGROUND PAPERS**

- 17.1 The following previous Committee reports are relevant as background papers considered as part of this report: Finance and Policy Committee reports 30 January 2015 and 23 March 2015.

Appendix A; Draft Statement of Reasons  
 Appendix B; Draft Compulsory Purchase Order  
 Appendix C; Draft Order Map  
 Appendix D; Regeneration proposals for the sea front at Seaton Carew  
 Appendix E; Proposals submitted on behalf of Messrs B and T Wilkinson.

## **18. CONTACT OFFICER**

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The Council of the Borough of Hartlepool  
(Longscar Building, The Front, Seaton Carew)  
Compulsory Purchase Order 2015

The Town and Country Planning Act 1990  
and  
The Acquisition of Land Act 1981

Statement of Reasons

DRAFT 5/8/15

**THE COUNCIL OF THE BOROUGH OF HARTLEPOOL  
(LONGSCAR BUILDING, THE FRONT, SEATON CAREW)  
COMPULSORY PURCHASE ORDER 2015**

**STATEMENT OF REASONS**

**1. INTRODUCTION**

- 1.1 This document is the Statement of Case for the above Compulsory Purchase Order namely the Council of the Borough of Hartlepool (Longscar Building, The Front, Seaton Carew) Compulsory Purchase Order 2015 (herein referred to as “the Order”). The land and interests in the land included within the Order are referred to as “the Order Land”.
- 1.2 Hartlepool Borough Council (“the Council”) is the local planning authority and acquiring authority for the administrative area that includes the Order Land. The Council has made the above Order which it has submitted to the Secretary of State for Communities and Local Government for confirmation. The Order was made under Section 226(1)(a) of the Town and Country Planning Act 1990 as amended (hereinafter referred to as the “1990 Act”). The Council considers that acquiring the Order Land will facilitate the carrying out of development, redevelopment or improvement on the Order Land. In considering whether to exercise such power the Council has also had regard to Section 226(1A) of the 1990 Act and considers that the proposed redevelopment will promote and/or improve the economic, social and environmental well-being of the Council’s administrative area.
- 1.3 The Order has been made to enable the bringing forward of the redevelopment and improvement of The Front at Seaton Carew in line with the Council’s objectives including the Seaton Carew Masterplan (“the Masterplan”) which has been adopted as a Supplementary Planning Document (“SPD”). The regeneration and continued development of Seaton Carew as a visitor destination is a Council priority and a planned and phased regeneration approach is being promoted by the Council to deliver those priorities.
- 1.4 A scheme for redevelopment and improvement of The Front (“the Scheme”) comprising public realm, landscaping, leisure and tourism related facilities and associated works in line with the Masterplan will be brought forward. A partnership agreement is in place with the Esh Group (“Esh”) to deliver the Scheme in order to bring about environmental improvements, provide enhanced public amenities and facilities and contribute to the local and tourist economy. A planning application for the Scheme has been submitted.
- 1.5 The Scheme will be delivered in three phases. Implementation of Phase 1 of the Scheme in accordance with the Masterplan requires the acquisition of the interests in the Longscar Building.



- 1.6 The Council has consequently made the Order to secure all outstanding interests necessary to ensure site assembly to facilitate redevelopment.
- 1.7 This Statement has been prepared in accordance with the advice set out in Appendix R of ODPM Circular 06/04. The Statement sets out the Council's reasons for making the Order. The Statement provides a description of the Order Land, outlines the Council's purpose in seeking to acquire it and the case for compulsory purchase in the context of national and local policy.

**2. THE ORDER LAND**

- 2.1 The Order Land comprises the Longscar Building (also known as the Longscar Hall and the Longscar Centre) which is situated at The Front, Seaton Carew and is shown edged red and coloured pink on the attached copy of the Order Map.
- 2.2 The Order Land has since 1987 been in the freehold ownership of brothers Messrs Barry Thompson Wilkinson and Terence Wilkinson ("the Owners"). Official Copy Entries of the register of title indicate that they hold title absolute under title number CE96745. It is understood that the Owners may have recently granted a 25 year lease to Mr Craig Wilkinson (son of Mr Terence Wilkinson) and Gary Wilkinson (son of Barry Wilkinson) ("the Lessees") although at the time of preparation of this statement no such lease has been registered. In any event in recent months the Lessees have been holding themselves out as also representing the interests of the Owners.
- 2.3 Seaton Carew is a small seaside town within the Borough of Hartlepool. It has a population of around 6,000 and is situated on the North Sea coast between the town of Hartlepool and the mouth of the River Tees. It is a popular tourist destination, and its principal assets are its access to the sea and beach and its promenade which are valued by residents and visitors alike.
- 2.4 A settlement at Seaton Carew has existed since at least the 12<sup>th</sup> century. In the late 18<sup>th</sup> and early 19<sup>th</sup> centuries it developed as a popular holiday destination. The development of railway lines in the mid-19<sup>th</sup> century further increased the attraction of Seaton Carew given its accessibility to day trippers from across the North East. As with many seaside resorts tourism has decreased in recent decades and Seaton Carew has taken on some characteristics of a commuter settlement. Notwithstanding such changes the seafront at Seaton Carew remains popular and still performs a key recreational function for both residents and visitors alike.
- 2.5 The area of The Front is, as its name indicates, at the sea front and is primarily an open area with a seaward aspect together with a mixture of retail, leisure, and commercial with some residential uses. It extends to 11.75 acres and is the main visitor focus of the town. The area is defined by Seaton Common sand dunes and the

former Fairground site to the South, Hartlepool Bay to the east, Seaton Park to the west and Station Lane to the North. There is a development both on the landward and seaward side of the A178. The Longscar Building is at the centre of the area south of Station Lane.

- 2.6 The Front primarily serves as a recreational space for residents both of Seaton Carew and the surrounding area. It includes a paddling pool set alongside a green open space used seasonally by a fairground. There is also a block of mixed use development including resort related retail provision. Seaton Carew Bus Station is a Grade II Listed building and a prominent feature. The area has significant on and off street parking provision at the Rocket House car park and Sandy car park. The landward side of The Front includes amusement arcades, two pubs, retail units, a cluster of hot food takeaways and residential use. The built up area behind The Front is dominated by residential, guest house and care home uses. The Front also contains the Order Land, namely the Longscar Building, which is disused and has a substantial negative impact upon amenity.
- 2.7 The Front is located within the southern end of the Seaton Carew Conservation Area. The Conservation Area dates from 1969 and was subsequently extended in both 1976 and 2002. All of The Front with the exception of the Longscar Building and Fairground site is located within the Conservation Area. The southern end of the Conservation Area contains a number of listed buildings including The Marine Hotel, Seaton Hotel and Holy Trinity Church reflecting the quality of the built environment in this area. South of this area and seaward of the A178 is the Grade II listed Art Deco Bus Station, the Fairground site (a cleared funfair site) and a large surface level car park. Landward there is a mix of commercial, retail and leisure uses. The predominant focus of activity in this area of Seaton Carew is leisure based although this has declined from its historic peak.
- 2.8 South of the main settlement the area is dominated by Seaton Dunes and Seaton Common which are designated as a Site of Special Scientific Interest (SSSI) with large parts of the area also covered by designated as a Ramsar site (ie wetland of international importance) and also part of the Teesmouth and Cleveland Coast Special Protection Area ("SPA").
- 2.9 The Fairground site and Coach Car Park, Bus Station, Rocket House Car Park, Paddling Pool site and North Shelter areas are all owned by Hartlepool Borough Council.
- 2.10 The Fairground site together with the Elizabeth Way and Coronation Drive sites are the sites to be developed as part of the overall regeneration proposals for Seaton Carew pursuant to the partnership agreement between the Council and Esh.

- 2.11 The Longscar Building was built in the 1970s and has subsequently been extended over a number of years. It has not been open since the 2009 summer season.
- 2.12 The present form of the Longscar Building dates from the 1980s and early 1990s when it was altered and extended so as to comprise at various times a function room, amusement centre, night club (at first floor level), bars, restaurant, bowling alley, additional kiosks and caretaker's flat.
- 2.13 In 1994 two planning applications and in 1995 a further planning application all applying to relocate the night club use from rear first floor level to the front ground floor area were refused.
- 2.14 It should also be noted that pursuant to a Conveyance dated 18 December 1987 made between Hartlepool Borough Council (1) and Barry Thompson Wilkinson and Terence Wilkinson (2) the Longscar Building (therein described as "the Property") is subject to restrictive covenants not to use the Property except as an entertainments functions or concert hall or bowling alley; nor as an amusement centre or arcade; nor, save for the uses permitted in planning permission HFUL/1985/0441 (change of use from entertainments hall to bowling alley with ancillary restaurant/lounge and new workshop extension and change of use of public open space to form car park), to use the remaining land within the Property other than as a garden/amenity space.
- 2.15 The Longscar Building is at the heart of the Front and comprises the focal point for the proposed sea front regeneration. The building is unused and in a poor state of repair. Its massing, size and tired character mean that it has an adverse impact upon both the appearance and function of the sea front. Its clearance and redevelopment is central to the Council's proposals for regeneration of the sea front at Seaton Carew.
- 2.16 At the time of preparation of this Statement it is understood that certain internal works have recently been carried out to the Order Land. The Council has requested access but the Owners, having initially indicated that access would be permitted, have refused to allow access. The Council is therefore considering the use of its statutory powers.
- 2.17 The Order land sought to be acquired by the Council comprises land in third party ownership which is required for the purposes of the Scheme.
- 2.18 The Order Land covers approximately 3,699.13 m<sup>2</sup>
- 2.19 Details of the interests to be acquired in the Order Land are listed in the Schedule annexed to the Order.

**3. POWERS**

- 3.1 The Council seeks to purchase compulsorily the Order Land for the purpose of the development, redevelopment or improvement pursuant to Section 226(1)(a) Town and Country Planning Act 1990.
- 3.2 Section 226(1)(a) of the 1990 Act provides the power to acquire compulsorily land where an acquiring authority thinks the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the Order Land. Such power may only be used where the acquiring authority thinks the development, redevelopment or improvement is likely to contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the authority's administrative area (per Section 226(1A) of the 1990 Act).
- 3.3 National policy as set out in Appendix A of Circular 06/04 expressly recognises that the use of s226(1)(a) Town and Country Planning Act 1990 powers is relevant to the achieving of planning objectives and provides guidance to acquiring authorities on the use of compulsory purchase powers. The Council has taken account of that guidance in making this Order.
- 3.4 For the reasons set out in this Statement of Reasons, the Council believes that the acquisition of the Order Land will facilitate the redevelopment and improvement of the Order Land and that the redevelopment will achieve an improvement in the environmental, social and economic well-being of the area.
- 3.5 On 14 April 2013 the Council's Cabinet considered a report from the Director of Regeneration and Neighbourhoods at which it endorsed the proposed Heads of Terms with the Council's preferred developer Esh and which included the creation of a regeneration fund; the proposed purchase and demolition of the Longscar Building; and the implementation of a regeneration scheme at The Front, following further consultation with businesses and residents.
- 3.6 On 30 January 2015 the Council's Finance and Policy Committee resolved to undertake preparatory work in respect of the use of its compulsory purchase powers under section 226(1)(a) of the 1990 Act to facilitate redevelopment / regeneration and the carrying out of the Scheme on the sea front at Seaton Carew.
- 3.7 On 23 March 2015 the Council's Finance and Policy Committee received a further update report at which time it received further details of negotiations with the landowners and of the compulsory purchase process and timetable.
- 3.8 On 21<sup>st</sup> September 2015 the Council's Finance and Policy Committee resolved to use its compulsory purchase powers under s226(1)(a) of the 1990 Act to acquire the Order

Land to facilitate the redevelopment of the sea front at Seaton Carew for the purposes of redevelopment and improvement including environmental improvements, enhanced public amenities and facilities and contributing to the local and tourist economy.

- 3.9 The Order Land is in the joint ownership of Messrs Barry Thompson Wilkinson and Terence Wilkinson. The Council has sought to acquire by agreement all interests in the Order Land. Moreover, as at the time of preparation of this Statement that has not proved possible. The use of compulsory purchase powers is therefore required in order to acquire all the land needed for the Scheme.
- 3.10 Notwithstanding that the Order has been made and submitted to the Secretary of State the Council will continue to seek to acquire by agreement land within the Order area wherever practicable.
- 3.11 In particular as noted above the Council considers that the Order is necessary in order to achieve the purpose of development, redevelopment and improvement and achieve the following benefits:
- public realm, landscaping, leisure and tourism related facilities and associated works
  - redevelopment and environmental improvement in line with the Seaton Carew Masterplan
  - improving the amenity and functionality of The Front for both residents and visitors
  - improving permeability and accessibility
  - contributing to the broader socio-economic regeneration and sustainability of Seaton Carew
  - removal of the Longscar Building and facilitating the re-use of brownfield land
  - enhancement of the setting and context of Listed Buildings and the Seaton Carew Conservation Area
- 3.12 It is considered that the Scheme will contribute to the well-being of the area, including in the following ways:
- in economic terms by contributing to the local and tourist economy through the development of the Scheme; and
  - in social terms by enhancing the resident and visitor experience of the sea front and thereby promoting a more sustainable community; and

- in environmental terms by the removal of an existing building that has an adverse impact upon amenity and its replacement by enhanced public realm, landscaping, leisure and tourism related facilities and associated works

#### **4. POLICY BACKGROUND AND CONTEXT**

- 4.1 The redevelopment and improvement of the Order Land will bring benefits to the Order Land itself, to the wider area of The Front and will contribute to the broader regeneration of Seaton Carew. Development will be delivered in accordance with the emerging Masterplan. The Scheme will also facilitate sustainable development in line with both national and local policy objectives including the Local Development Framework.
- 4.2 The Order Land occupies a central location within the wider sea front area which is a key regeneration priority for the Council.
- 4.3 In 2006 the Hartlepool Local Plan was adopted. It included strategic policies in respect of housing, employment, retail and leisure and sought to guide and control development up to 2016.
- 4.4 Following the requirements of the Planning and Compulsory Purchase Act 2004 on 13 April 2009 the Council saved the majority of policies in the 2006 Local Plan. The following policies are relevant:
- To3 Core Area of Seaton Carew
  - To4 Commercial Developments sites at Seaton Carew
  - Rec 9 Recreational Routes
  - Rec 4 Protection of Outdoor Playing Space
  - WL2 Protection of International Nature Conservation Sites
  - HE1 Protection and Enhancement of Conservation Areas
  - HE2 Environmental Improvements of Conservation Areas
  - HE3 Developments in the Vicinity of Conservation Areas
  - Com 6 Commercial Improvement Areas
  - GN3 Protection of Key Green Space Areas

- 4.5 Between 2007 and 2013 the Council prepared and brought forward a new Local Plan. Following proposed modifications by the Inspector the Council withdrew that Plan. The present situation is therefore that following withdrawal of the emerging Local Plan the planning policy framework comprises the saved 2006 Local Plan policies which are consistent with national policy, the guidance contained in the National Planning Framework and other material planning considerations. This position has been summarised in a Council document published in November 2014 entitled “Saved Policies 2006 Hartlepool Local Plan – Planning Policy Framework Justification”.
- 4.6 In 2011 the Council published a Development and Marketing Brief seeking expressions of interest in respect of redevelopment in and regeneration of Seaton Carew. The general aims of the Council in respect of Seaton Carew included:
- Improvement as a visitor destination and a place to live
  - Promotion of its assets, including the beach, sand dunes and promenade
  - Enhancing its potential for businesses, visitors and residents alike
  - Encouraging investment in its economic, social and physical infrastructure
  - Promoting a renaissance through revitalising its assets
  - Developing key sites whilst maintaining the integrity of the settlement and the environment
- 4.7 The Development and Marketing Brief also contains more specific regeneration objectives for The Front. The regeneration objectives identified (for both the Front and other sites) include:
- Regeneration of a large sea front development site with open sea views and strong main road frontage at the heart of the town most popular with visitors, forming a new focal point for the town’s leisure and tourism offer
  - Create areas of public realm and play provision of exceptional quality that will broaden the visitor appeal.
  - Promote a unique identity through strong urban design principles
  - Strengthen Seaton Carew’s image as a destination and promote the town as a location with quality public provision
  - Improve the sea defences of Seaton Carew promenade between the Staincliffe Hotel and Seaton Coach Park

- Ensure housing provided meets appropriate design standards
- 4.8 The Masterplan is proposed to be adopted as Supplementary Planning Guidance. The Masterplan's purpose is to support the policies of the Hartlepool Local Plan and to provide further, more detailed, guidance setting out the parameters of the development principles in order to achieve the proper development and regeneration of Seaton Carew.
- 4.9 The three main aims of the Masterplan are to:
- develop a clean, family friendly environment; and
  - enhance public amenities, space and facilities for visitors and residents; and
  - support the economic vibrancy of the area.
- 4.10 The Masterplan sets out a detailed appraisal of issues and opportunities in respect of The Front. The issues identified include public space, legibility, movement, landscaping, sense of place and environmental concerns. In particular in terms of public space it is noted that "the central area is dominated by the Longscar Building which is derelict and highly prominent within the street scene. The negative impact of this property has contributed to reducing the success and popularity of the surrounding public space". In terms of Environment it is noted that "the rundown Longscar Building dominates the appearance and perception of The Front. The form, mass and scale of the building is not in keeping with the rest of the built form in the area and detracts from key historic listed properties including; The Marine Hotel and the Seaton Hotel".
- 4.11 In terms of opportunities, the Masterplan recognises that "the removal of the Longscar Building would open up the seaward side of The Front and provide opportunities to enhance the public realm." The Longscar Building, whether re-occupied or otherwise, architecturally blights The Front and also compromises its functionality. It is an unattractive and obtrusive building that occupies a central position in relation to both the beach, flat play landscaped areas to the north and the economic heart of the sea front. The site currently occupied by the Longscar Building forms a pivotal link between these key elements.
- 4.12 The attractiveness of Seaton Carew derives from the groups of terraced properties that are characteristic of the Conservation Area. There are relatively few detached buildings in Seaton Carew. However, one is the Longscar Building. It is out of character with the adjacent properties and has grown incrementally over the years becoming one of the largest structures in the resort. The scale of the building is overly dominant in relation to those around it and it forms a contributory factor in the Seaton Carew Conservation Area being considered by Historic England to be "at risk".



- 4.13 The main arrival area for most visitors to the seafront is the car park to the side of the Longscar Building. The removal of the Longscar Building would allow for enhanced connections and linkages from this location to and from the commercial part of Seaton and the promenade. Its removal would also present an opportunity to enhance the area and reinforce the attractiveness of the seafront for family leisure. The site is next to the paddling pool area which is the main play offer for families with young children. The provision of the Market Square and quality public realm will provide a formalised area for activity and a place for meeting which is not currently available.
- 4.14 Seaton Carew's unique offer is the quality of its environment and access to the beach and promenade. The tourists that it attracts throughout the year are drawn by the simplicity of this traditional offer of open space, access to the beach and low key family facilities. The vision is to enhance this through improving the quality of the public realm to complement the Conservation Area and introduce public space for festivals and events.
- 4.15 Although Seaton Carew is very popular in the summer months it is also very popular out of season for use by walkers and cyclists. Therefore the facilities proposed to be created will add value to the year round offer as well as providing wellbeing benefits to the residents of Seaton and Hartlepool.
- 4.16 Improving the offer and facilities available at Seaton Carew form part of the wider masterplan redevelopment proposals for Hartlepool to improve the perception of the town and link with other ambitious projects are planned to facilitate economic growth and promote a socially and economically sustainable settlement.
- 4.17 The southern boundary of the Masterplan area is immediately adjacent to internationally and nationally important nature conservation sites. The SPA site and its proximity to the Seaton Carew Masterplan will mean that an "appropriate assessment" will be required. The area covered by the SPA and Ramsar designation is also covered by the nationally recognised Seaton Dunes and Common Site of Special Scientific Interest (SSSI).
- 4.18 In terms of new development and uses on The Front, the Masterplan identifies the following development principles:
- Development at The Front should complement existing planning and design policy and be aimed at achieving a range of uses relating to the cultural and visitor offer. The area at The Front should be developed and enhanced to accommodate a range of outdoor facilities to support the leisure, visitor and tourism market.
  - New recreational and tourist facilities will be encouraged including those that incorporate amenities which support the recreational use of the Sea front, beach

and promenade, for example Beach Huts, water play, changing facilities and showers.

- The area of The Front is the main focus for visitors and related uses and as such should be the focus for development. Residential development in the central area of the Front should be kept to a minimum and only introduced as a part of a wider comprehensive scheme and be ancillary to other uses.

4.19 The Masterplan has been subject to extensive consultation and has been adopted as a Supplementary Planning Document.

**5. PROPOSALS FOR REDEVELOPMENT OF THE LAND**

- 5.1 The proposals for redevelopment of the Order Land are rooted in the objectives of the Masterplan. The proposed seafront redevelopment Scheme will comprise three phases.
- 5.2 Phase 1 will include the clearance of the Longscar Building which presently has an adverse and negative impact upon the sea front and the provision of quality public realm including seating areas and a Market Square/Events area that will provide flexible space for markets and events enhancing the vitality and vibrancy of the sea front. The public realm improvements will form a focus for the resort and provide a designated area to enable a programme of shows and events to be undertaken that will provide a draw for visitors improving the viability and sustainability of the resort. The removal of an inappropriate building in a key central location and provision of a facility far more in keeping with the nature of the resort is critical.
- 5.3 Phase 2 will comprise a new leisure park incorporating children's play facilities, new landscaping and footpaths. Beach huts and picnic facilities may be installed adjacent to the promenade. Car parking provision adjacent to the market place will be upgraded.
- 5.4 Phase 3 will include enhancement of a listed building and improving the functionality of the surrounding space. Further details of Phase 3 will be worked up in due course.
- 5.5 A planning application has been prepared by Esh on behalf of the Council as part of the regeneration partnership. The planning application has been submitted.
- 5.6 The Scheme is part of an ongoing process of regeneration both of the sea front and Seaton Carew more generally. Key elements of the overall masterplan objectives have already been delivered. These include new sea wall and sea front safety improvements and new promenade paving. In order to take forward the improvements envisaged in the Masterplan, acquisition and redevelopment of the Order Land to enable provision of a Market Square/Events area with sheltered seating area is required.

- 5.7 The removal of the Longscar Building and provision of public realm, landscaping, leisure and tourism related facilities and associated works will bring about a fundamental change in the quality of the amenity of the sea front and the commercial offer. The Longscar Building is a dated and tired structure with little prospect of viable refurbishment or development or sustainable long term use. The Council's proposals will demonstrably contribute to the regeneration of the sea front and to Seaton Carew more broadly and will effect a major change in the improvement of the public realm and socio-economic sustainability.
- 5.8 In addition to the Sea Front, other major projects currently being developed in and around Seaton Carew include:
- *Seaton Sports Domes* – a flagship £7m leisure facility that has recently been developed at the southern end of Seaton Carew. It is a private sector sports complex that provides facilities for five aside, mini golf, golf driving range, putting course, gym and conference facility within the Mayfair Centre.
  - *Play Builder* - £136k has been invested recently in Seaton Carew delivering new play facilities for young people.
  - *Sea Defence Improvements* – a key stretch of the existing sea defences in the heart of Seaton Carew that has been upgraded and improved to provide enhanced coastal flood protection. This £2.2m investment is a key part of the Masterplan area and integral to the delivery of some of the development sites within the Masterplan.
- 5.9 Redevelopment of the Order Land will be delivered by the Council as part of its partnership agreement with Esh and utilising Esh's contractor and consultancy facilities and experience.

**6. DELIVERY**

- 6.1 In conjunction with the publication of the Development and Marketing Brief the Council sought development partners to bring forward the regeneration proposals for Seaton Carew. Following a selection exercise Esh were appointed in 2012 as preferred developer.
- 6.2 The partnership agreement with Esh provides both for the development of three sites in Seaton Carew: the Elizabeth Way, Fairground and Coronation Drive sites; and for delivery of the sea front regeneration. Land receipts from the sale of the sites will be used to fund the Seaton Carew sea front regeneration.

- 6.3 Planning permission for development of the Elizabeth Way site was granted on 9<sup>th</sup> June 2014 and receipts from the land sale have been received by the Council. The Coronation Drive site will be developed next in tandem with improvements to the sea front.
- 6.4 An application for planning permission for the residential development of the Coronation Drive site is currently being prepared; this will be submitted in tandem with the application at the sea front. In the event that planning permission for the Coronation Drive site is granted Esh are entitled either to purchase the site itself, or sell to a nominated third party developer. The receipt from the sale will be used to make up any gaps in the funding over and above the current regeneration fund required to deliver the improvements to the sea front.
- 6.5 The land receipt received by the Council for Elizabeth Way, £975,000, is allocated entirely for the sea front scheme. The purchase price from Coronation Drive will further generate a minimum receipt of £1,000,000. The Council has also received £163,000 from the Seaside Award fund.. The estimated cost of the project for Phases 1 and 2 is £2,138,000 including provision for the acquisition and demolition of the Longscar Building. There is therefore funding available both for the acquisition of the Order Land and for implementation of the Scheme. Phase 3 which constitutes public realm improvements to the rear of the bus station at the Southern end of Seaton is estimated to cost an additional £1,468,000 and will be undertaken as a future scheme provided the minimum capital receipt for the disposal is achieved and/or external funding becomes available.
- 6.6 Esh will in turn act as the Council's contractor for delivery of the sea front regeneration in line with the development agreement. Esh have prepared a detailed design and fully costed proposal and this has been checked and agreed by the Council in line with the terms of the development agreement. A planning application has been submitted.

**7. CONSULTATION**

- 7.1 There has been extensive public consultations over a number of years. Significant public interest and involvement has shaped the regeneration proposals and is well supported locally. In particular there is extensive public support for the removal of the Longscar Building.
- 7.2 The public consultation for the Seaton Carew Masterplan started in March 2009 based around the principle of developing three Council owned sites in Seaton Carew.
- 7.3 In June 2012 a public consultation exercise was organised by the Council and the Esh Group to enable people to comment on the proposals for Elizabeth Way and the proposed regeneration in Seaton Carew.

- 7.4 In July 2014 at the “Seaton Celebrates” event in Seaton Carew a public consultation was held around the proposals for the Front. There was strong support for the need to improve the appearance and attractiveness of the Front and address the problem of the Longscar building.
- 7.5 More recently between 23<sup>rd</sup> March and 15<sup>th</sup> May 2015 a high profile, comprehensive consultation was held on the draft Seaton Carew Masterplan Supplementary Planning Document. The clearance of the Longscar Building was identified as the highest priority by businesses and residents. The proposals for the Front received significant support from the public.

8. **ACQUISITION BY AGREEMENT**

- 8.1 The Council has had regard to the advice in Circular 06/04 and has previously sought to acquire the Order land by agreement. Moreover it remains willing to acquire the Order Land by agreement if practicable. The Owners have however stated that they are not prepared to sell to the Council.
- 8.2 The Council has sought contact with the Owners and has made a number of offers to acquire by agreement. However to date it has not proved possible to reach agreement with the Owners. Indeed recent correspondence from the Council has expressly requested that the Owners confirm that they are prepared to sell their interests in the Order Land but no response has been forthcoming.
- 8.3 As noted above at Section 3 of this Statement the Order Land is in the joint ownership of Messrs Barry Thompson Wilkinson and Terence Wilkinson who are brothers. Despite requests at no time has it been possible for the Council to meet directly with either Mr Barry Thompson or Mr Terence Wilkinson let alone to meet both together.
- 8.4 In addition to efforts by the Council to enter into negotiations, Esh has also sought to broker the acquisition of the Order Land on behalf of the Council. However, those efforts have also proved unsuccessful.
- 8.5 To date the Council has received little direct contact from Messrs Barry and Terence Wilkinson themselves. Such contact as has been made has been from their sons Brett, Craig and Gary Wilkinson. In addition there has been contact with Mr Simon Cavey of Greig Cavey Commercial Ltd and more recently discussions with Mr Steve Dodds of SJD Architects.
- 8.6 The Council has in recent years made a number of offers to acquire the Longscar Building. For example, in March 2011 a meeting took place with Craig and Gary Wilkinson representing their fathers at which an offer was made by the Council (subsequently confirmed in writing in May 2011). At that time the expectation of price

of the Owners was very substantially in excess of the Council's valuation and was considered unreasonable and unachievable assessment of Market Value.

- 8.7 A further offer was made by the Council in July 2012. Thereafter concerns about the condition of the building came to light and there was formal correspondence in 2013 from the Council in respect of a notice under s77 of the Building Act 1984. In 2014 there was correspondence from Mr Cavey on behalf of Mr Barry Wilkinson that indicated that Mr Wilkinson was in negotiations with a prospective tenant. There was also further concern at this time regarding the condition of the building and in August 2014 the Council requested that the Longscar Building be properly secured and boarded up following a fire.
- 8.8 In addition there was also efforts made by the Esh Group's agents to enter into negotiations for the acquisition of the Order Land but without success.
- 8.9 In February 2015 the Council wrote to the Owners informing them that the Council's Finance and Policy Committee had authorised the commencement of preparatory work on a Compulsory Purchase Order. At this time the Council also made a further formal offer to acquire the Longscar Building by agreement.
- 8.10 Subsequently efforts were made to serve formal requisitions for information on Messrs Barry and Terence Wilkinson respectively. In respect of Mr Terence Wilkinson the requisition was declined by the resident of the property understood to be Mrs T Wilkinson and returned by hand to Officers at the Civic Centre by Mr Brett Wilkinson whose signed statement was "I have returned this letter to Dale Clarke at HBC as the addressee does not live at this address any longer". Mr Brett Wilkinson stated that Mr Terence Wilkinson now lives in Spain but that he had no contact with his father and did not have an address. Mr Brett Wilkinson further confirmed that Messrs Gary and Craig Wilkinson were dealing with matters on behalf of their fathers.
- 8.11 Requisitions for information were also attached to the Longscar Building in accordance with statutory requirements.
- 8.12 Subsequently Council officers were contacted by Mr Steve Dodds of SJD Architects in Stockton who indicated that he was instructed by Gary and Craig Wilkinson in respect of development options for the Longscar Building. A meeting was held with Mr Dodds in May 2015 at which time concerns about the viability of options for redevelopment of the Longscar Building were discussed. The Council subsequently wrote to Mr Dodds asking for details of any redevelopment proposals that Gary and Craig Wilkinson had together with details of viability and funding arrangements. Documentation containing details of a possible scheme has been provided to date no detailed response has been provided in respect of viability or funding.

- 8.13 In discussions with Mr Dodds the Council requested access to the Longscar Building. Although this was initially agreed in principle subsequently that consent was withdrawn and the Council has therefore had to resort to statutory processes to seek to gain access.
- 8.14 The Longscar Building currently detracts from the character and appearance of the neighbouring Seaton Carew Conservation Area by virtue of its design, bulk, massing, form and material. The Owners' proposed development would not remedy any of these adverse impacts. Similarly the Longscar Building's negative impact upon Listed Buildings within the Conservation Area would not be ameliorated by the Owners' proposals.
- 8.15 As set out in 8.1, although various attempts to purchase the property by agreement have been undertaken and a range of formal offers made, to date the Wilkinsons have failed to engage with the Council in any meaningful way in relation to negotiating a sale price. It is therefore considered that there is little prospect at the present time of reaching an agreement to acquire the Order Land.

**9. THE CASE FOR COMPULSORY PURCHASE**

- 9.1 The Council has set out above the context to the regeneration of the sea front at Seaton Carew, its objectives as identified in the Seaton Carew Masterplan, the content of its Scheme and how it will be delivered. It has also set out its efforts to acquire by agreement and, notwithstanding the owners current proposals, why there is a compelling case in the public interest for compulsory purchase.
- 9.2 Acquisition of the Order Land will facilitate the carrying out of development, redevelopment or improvement on the Order Land and other, adjoining land . In considering whether to exercise such power the Council has also had regard to Section 226(1A) of the 1990 Act and considers that the proposed redevelopment will promote and/or improve the economic, social and environmental well-being of the Council's administrative area.
- 9.3 It is considered that the Order is necessary in order to facilitate development, redevelopment and improvement and that the proposed Scheme will achieve and/or materially contribute to the following benefits:
- public realm, landscaping, leisure and tourism related facilities and associated works
  - redevelopment and environmental improvement in line with the Seaton Carew Masterplan

- improving the amenity and functionality of The Front for both residents and visitors
- improving permeability and accessibility of The Front
- contributing to the broader socio-economic regeneration and sustainability of Seaton Carew
- removal of the Longscar Building and facilitating the re-use of brownfield land
- enhancement of the setting and context of Listed Buildings and the Seaton Carew Conservation Area
- developing facilities that will enhance the visitor offer and provide quality spaces for events and festivals.
- removal of an inappropriate building that forms a barrier to the regeneration and sustainability of the resort.

9.4 The proposed Scheme will contribute to the well-being of the area, including in the following ways:

- in economic terms by contributing to the local and tourist economy through the development of the Scheme; and
- in social terms by enhancing the resident and visitor experience of the sea front and thereby promoting a more sustainable community; and
- in environmental terms by the removal of an existing building that has an adverse impact upon amenity and provision of enhanced public realm, landscaping, leisure and tourism related facilities and associated works

9.5 The removal of the Longscar Building and provision of public realm, landscaping, leisure and tourism related facilities and associated works will bring about a fundamental change in the quality of the amenity of the sea front and the commercial offer. The Longscar Building is a dated and tired structure with little prospect of viable refurbishment or development or sustainable long term use. The Council's proposals will demonstrably contribute to the regeneration of the sea front and to Seaton Carew more broadly and will effect a major change in the improvement of the public realm and socio-economic sustainability.

9.6 The Owners have advised that although the property has been vacant for some time that they now propose to undertake a scheme of refurbishment to demolish a number of the ancillary buildings within the site and convert part of the property on the ground floor into 5 retail units a trampolining and soft play area and bar. The first floor is



proposed as 14 one bedroomed flats for rental. In planning terms it is likely that the proposed development will not be considered appropriate because of the scale and impact on amenity of the proposals, especially in relation to the flats.

- 9.7 In late July 2015 Messrs Craig and Gary Wilkinson met with Council officers at which time they stated that they had taken a 25 year lease of the Longscar Building from their fathers Messrs Barry and Terence Wilkinson. They also stated that they were intending to promote the redevelopment scheme previously advanced by Mr Dodds. Council officers reiterated their concerns about the proposed redevelopment including its viability and deliverability. The Council therefore wrote to Messrs Craig and Gary Wilkinson restating concerns and requests for information that had previously been put to Mr Dodds in May 2015.
- 9.8 It is therefore understood that the Order Land comprises two ownerships. The freehold ownership remains with Messrs Barry and Terence Wilkinson (“the Owners”) and the Council has been informed that a leasehold interest has recently been created in the names of Craig and Gary Wilkinson (“the Lessees”) (although at the date of preparation of this Statement no documentary evidence of any such lease has been forthcoming). Ownership of the land by the Council is necessary to enable the scheme to proceed. It is essential that all the land required for the scheme be acquired at an early a date as possible to provide certainty in programming the development of the proposed sea front redevelopment.
- 9.9 In deciding to progress the compulsory purchase order at this time the Council has had regard to ODPM Circular Guidance 06/04 particularly paragraph 15 of Appendix A. The Council considers that the proposed redevelopment is in accordance with the adopted planning framework and that there are no planning or other impediments likely to prevent implementation of the scheme.
- 9.10 Notwithstanding that a Compulsory Purchase Order has been made for the reasons stated above, the Council will seek to acquire land by agreement wherever possible and has held discussions with landowners to keep them informed of its proposals.
- 9.11 If any person wishes to sell their interest(s) in the Order Land to the Council they should contact: Dale Clarke, Estates and Regeneration Manager, Level 3, Civic Centre, Victoria Road, Hartlepool, TS24 8AY (Tel 01429 523386).

**10. SPECIAL CONSIDERATIONS/VIEWS OF GOVERNMENT DEPARTMENTS**

- 10.1 There are no special considerations in this instance.
- 10.2 No views relating to the Order have been expressed by Government departments.

**11. RELATED ORDERS**

11.1 There are no related orders in this instance.

**12. HUMAN RIGHTS**

12.1 The European Convention on Human Rights (“the Convention”) was incorporated into domestic law in England and Wales by the Human Rights Act 1998 (“the 1998 Act”). The 1998 Act prevents public authorities from acting in a way which is incompatible with rights protected by the 1998 Act.

12.2 Of particular relevance to the compulsory purchase process are Article 8 of the Convention regarding respect for privacy and family life and Article 1 of the First Protocol which concerns the protection of property.

12.3 Indeed Circular 06/04 advises that “a compulsory purchase order should only be made where there is a compelling case in the public interest. An acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Regards should be had, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights, and in the case of a dwelling, Article 8 of the Convention”.

12.4 Such rights are qualified rights and may therefore be overridden where it is considered that the interference with these rights are proportionate and that the interference is necessary in the interests of, amongst other things, national economic well being.

12.5 The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole”, and both public and private interests have been taken into account in the exercise of the authority’s powers and duties as a local authority.

12.6 It is acknowledged that the Order if confirmed will result in the taking of property. However, this will be in accordance with a statutory process which was held to be compliant with Article 6 of the Convention which provides that “everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”. Compensation will be payable in accordance with law including compensation for property on the basis of the market value of the interest acquired, together with disturbance, statutory loss payment and where appropriate home loss payments.

12.7 The CPO process undertaken by the Council has taken into account the social, economic and environmental well being of the locality. The process already allows for

the payment of compensation to those where properties and other private rights are affected by the acquisition of land under the CPO process.

- 12.8 Moreover, in pursuing this Order, the Council has carefully considered the balance to be struck between individual rights and the wider public interest. In this instance it is considered that the Order is required in the public interest and is consistent with the ECHR and the 1998 Act in that the public purpose of securing the site for the redevelopment described herein and concomitant economic, social and environmental benefits are of sufficient weight to override the interference with human rights that the Order necessarily involves; and that compulsory acquisition is necessary to achieve that purpose. It is also considered that the Order is proportionate having regard to the alternative means of securing the redevelopment and improvement of the area.

**13. PUBLIC INQUIRY RULES AND DOCUMENTS**

This is a Statement of Reasons which is not intended to discharge the Council's statutory obligations under the Compulsory Purchase (Inquiries Procedure) Rules 2007.

**LOCATION PLAN**

**Proposed Compulsory Purchase of Longscar Building,  
The Front, Seaton Carew - Location Plan**

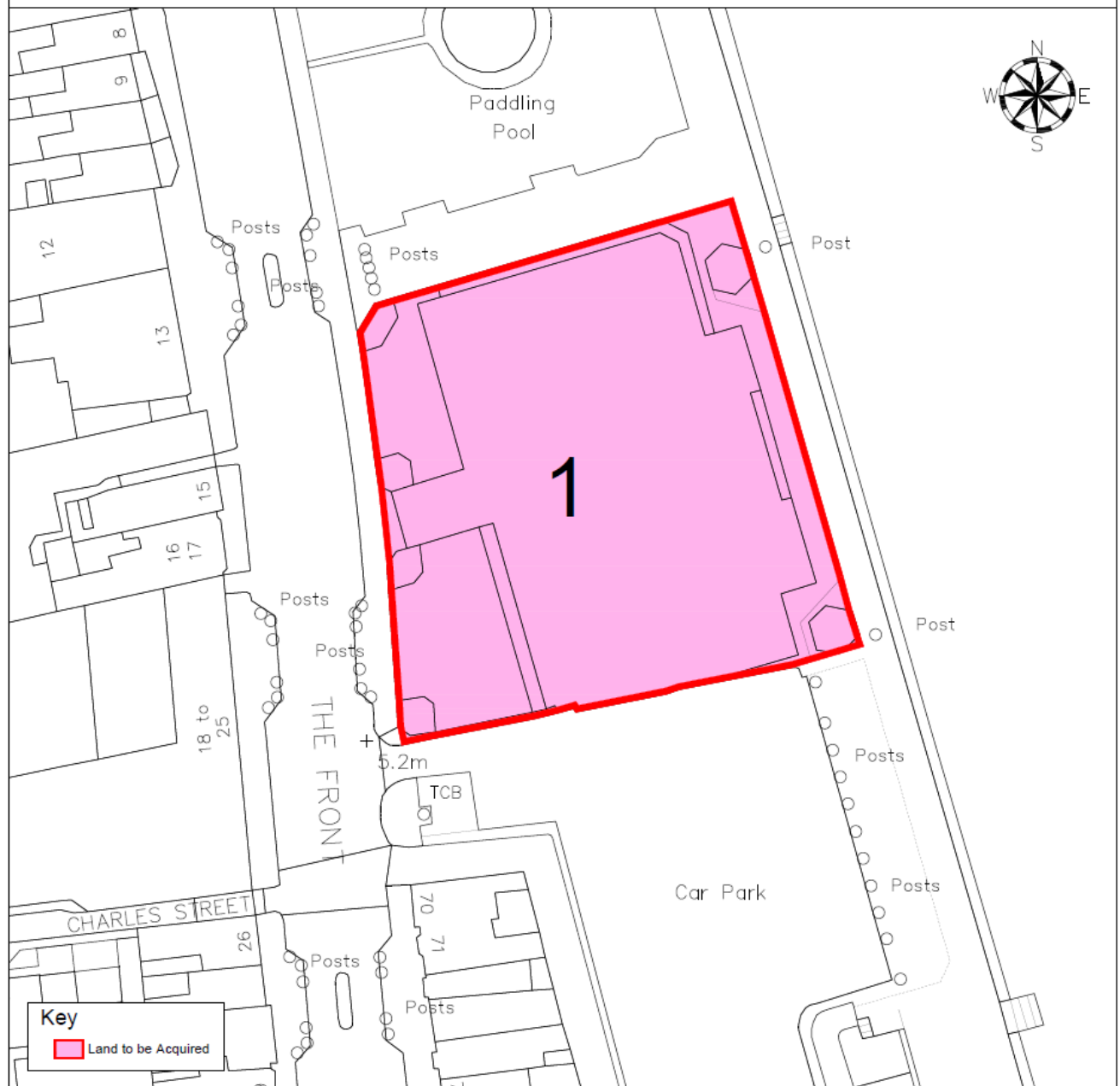
**Scale 1:2500**



**ORDER MAP**

**Map referred to in the Council of the Borough  
of Hartlepool (Longscar Building, The Front, Seaton  
Carew) Compulsory Purchase Order 2015**

**Scale 1:500**



**HARTLEPOOL BOROUGH COUNCIL**  
Regeneration & Neighbourhoods

Civic Centre  
Victoria Road  
Hartlepool  
TS24 8AY

TEL: 01429 266522  
FAX: 01429 523488

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**THE COUNCIL OF THE BOROUGH OF HARTLEPOOL (LONGSCAR BUILDING, THE FRONT, SEATON CAREW) COMPULSORY PURCHASE ORDER 2015  
THE TOWN AND COUNTRY PLANNING ACT 1990  
AND THE ACQUISITION OF LAND ACT 1981**

The Council of the Borough of Hartlepool (in this Order called “the Acquiring Authority”) makes the following Order:

1. Subject to the provisions of this Order, the Acquiring Authority is, under Section 226(1)(a) of the Town and Country Planning Act 1990 hereby authorised to purchase compulsorily the land described in paragraph 2 for the purpose of facilitating the carrying out of development, re-development or improvement of land in and around The Front, Seaton Carew including public realm, landscaping, leisure and tourism–related facilities and associated works for the purposes of achieving the regeneration and improvement of The Front and thereby achieving the promotion and/or improvement of the economic, social and environmental well-being of the area.
2. The land authorised to be purchased compulsorily under this Order is the land described in the Schedule and delineated and shown edged red and coloured pink on a map prepared in duplicate, sealed with the common seal of the Acquiring Authority and marked “Map referred to in the Council of the Borough of Hartlepool (Longscar Building, The Front, Seaton Carew) Compulsory Purchase Order 2015”.
3. Parts II and III of Schedule 2 to the Acquisition of land Act 1981 are hereby incorporated with the Order.
4. In this Order, all measurements of area stated in any description of the land shall be construed as if the words “or thereabouts” were inserted after each such measurement of area, and any description of the land shall also be construed as including the subsoil of the half width of any adjoining highway.

**5.1**  
**APPENDIX B**  
**SCHEDULE**

**Table 1**

Number on Map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – name and address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
1	All interests in The Longscar Building, The Front, Seaton Carew comprising 3,181 m <sup>2</sup> ( title number CE96745)	Barry Thompson Wilkinson of Springwell House Farm, Greatham, Hartlepool TS25 2HJ  Terence Wilkinson of Oakengates, Cresswell Drive, Hartlepool TS26 0EQ	Craig Wilkinson of The Longscar Building, The Front, Seaton Carew  Gary Wilkinson of The Longscar Building, The Front, Seaton Carew	-	-

## 5.1 APPENDIX B

**Table 2**

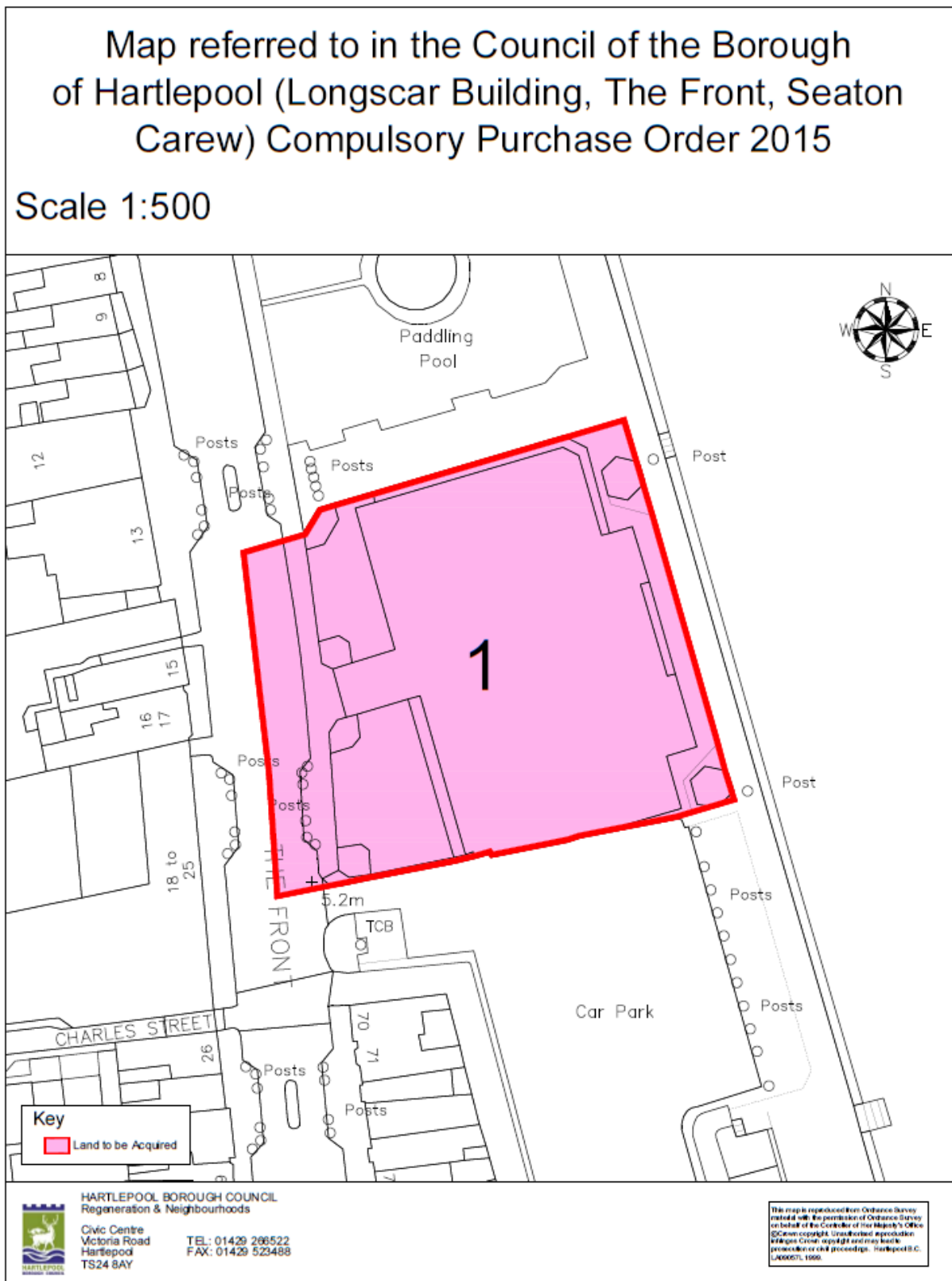
Number on Map (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2 (6)	
	Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
1	-	-	-	-

THE COMMON SEAL of the BOROUGH OF  
THE COUNCIL OF HARTLEPOOL was hereunto  
 affixed this                      day of 2015 in the  
 presence of:-

.....

.....

Draft Order Map





## PROPOSED REGENERATION SCHEME

## SEATON CAREW - SEAFRONT REGENERATION



## SEATON CAREW - SEAFRONT REGENERATION

### CHILDREN'S PLAY - INDICATIVE PLAY ELEMENTS

1 KOMPAN - SUPERNOVA



2 COMBINED BALANCE BEAM SEQUENCE



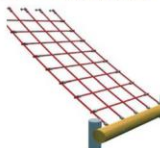
3 KOMPAN - COMBINATION BASKET WITH



4 PROLUDIC - STEPPING LOGS



5 SUSPENDED CLIMBING NET



6 BALANCE BEAM WITH ROPE SUPPORT



7 JUPITER - ZIG ZAG BALANCING BRIDGE



8 DOUBLE WIDTH SLIDE



9 JUPITER - FHS SCRAMBLE NET



10 SPRING ROCKER "CROC" x 2



11 COMBINED PLAY STRUCTURE



12 BESPOKE MOUNDED 'PLAY FORT'



### WATER PLAY ITEMS - INDICATIVE WATER ELEMENTS

A WATER JELLYS



B GROUND GEYSERS



C NON-SLIP PLAY SURFACING





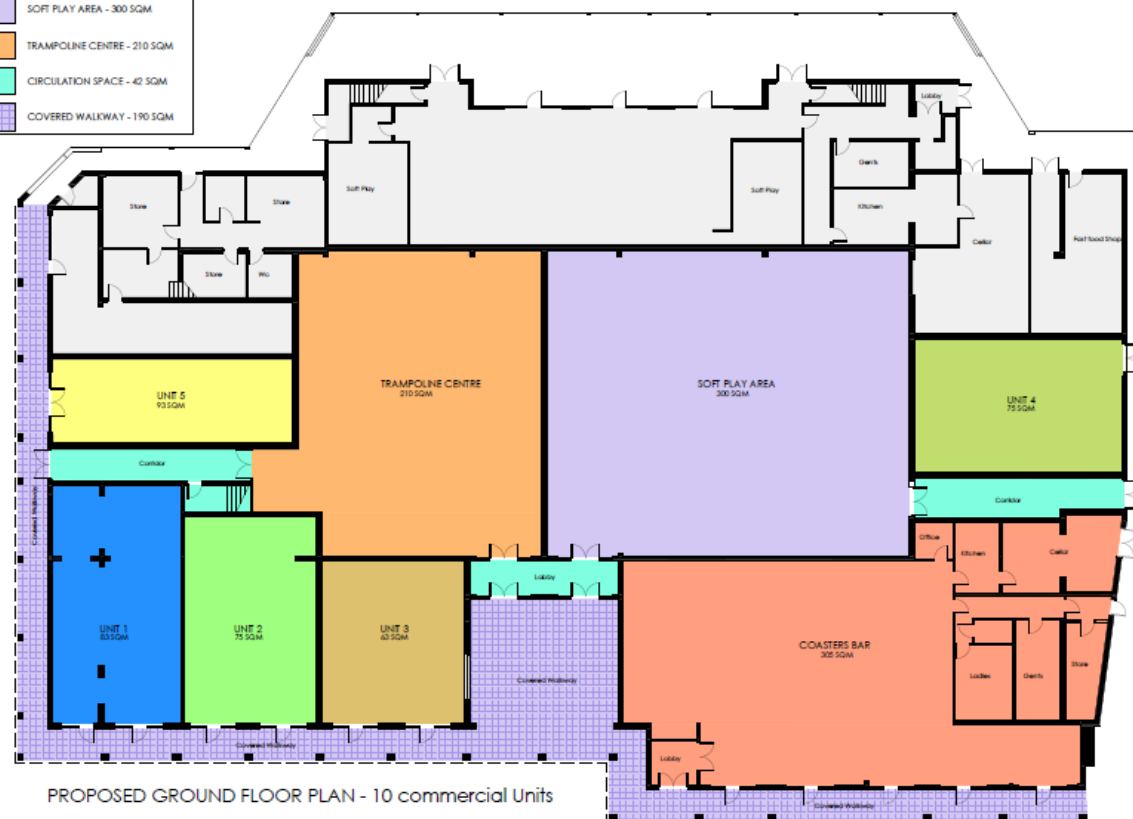


**PHASE 1 BREAKDOWN**

- UNIT 1 - 83 SQM
- UNIT 2 - 75 SQM
- UNIT 3 - 63 SQM
- UNIT 4 - 75 SQM
- UNIT 5 - 93 SQM
- COASTERS BAR - 305 SQM
- SOFT PLAY AREA - 300 SQM
- TRAMPOLINE CENTRE - 210 SQM
- CIRCULATION SPACE - 42 SQM
- COVERED WALKWAY - 190 SQM



### PROPOSED FIRST FLOOR PLAN



PROPOSED GROUND FLOOR PLAN - 10 commercial Units

**NOTE:**

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6. This drawing must be used in conjunction with the drawings specified.
7. gpi Architects Ltd accepts no liability in any parties relying on the drawing if it is not used in any of this drawing.

sjd

**NOTES:-**

1. Use Services adjacent site.
2. Excavations - Ground Collapse
3. Handling major components
4. Working at height - Falling
5. Machinery & Equipment
6. Ensure all blockwork has a minimum crushing strength of 3.5N/mm<sup>2</sup>
7. The weight of each block must not exceed 20kg

PRELIMINARY

REV	DATE	DETAILS
REVISIONS:		

**sjd Architects Ltd**

Tennishall Bank Design Studio  
Arlaby Road  
Rugby CV21 1TF  
Stockton-on-Tees  
TE14 2JJ

01442 780129  
sjdarch@btconnect.com  
www.sjdarchitects.co.uk

**sjd**  
ARCHITECTS

CLIENT:  
MR & WILKINSON

PURPOSE:  
LONGSICAR HALL  
SEATON CARM

DRAWING TITLE:  
PROPOSED FLOOR PLANS  
PHASE 1

SCALE: 1:100 @ A1 1:200 @ A3

DATE: NOV 14 DRAWN: PC DES: REVISION:

DRAWING NO: 1298-15-003

## 5.1 APPENDIX E



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  - Any discrepancies to be reported to the architect BEFORE any work is commenced.
  - The drawing must be used in conjunction with relevant consultation and specialist drawings.
  - The drawing must be used in conjunction with the relevant specifications.
  - All dimensions are subject to change without notice.

**sjd**  
ARCHITECTS

- WARNING:**
- Use Services adjacent site.
  - Excavations - Ground Collapse
  - Handling major components
  - Working at height - Falling
  - Machinery & Equipment
  - Thrust of blockwork has a minimum casting strength of 3.5N/mm<sup>2</sup>
  - The weight of each block must not exceed 30kg

**PRELIMINARY**

REV	DATE	DETAILS

REVISIONS:

**sjd Architects Ltd**

Town & Country Design Studio  
Albany Road  
Plymouth  
PL4 8JL

**sjd**  
ARCHITECTS

DATE: 2015/09/14  
DRAWN: PC  
CHECKED: JLD

CLIENT:  
MR & MRS WILSON

PROJECT:  
LONGCAR HALL  
SEATON CARBON

DRAWING TITLE:  
PROPOSED FLOOR PLANS  
PHASE 2

SCALE: 1:100 @ A1 1:200 @ A3

DATE: NOV/14 DRAWN: PC CHKD: JLD

DRAWING NO: 1298-15-005

# FINANCE AND POLICY COMMITTEE

21<sup>st</sup> September 2015



**Report of:** Director of Regeneration and Neighbourhoods

**Subject:** SEATON CAREW MASTERPLAN - UPDATE

## 1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Key Decision (test (i)/(ii)) Forward Plan Reference No 14/13

## 2. PURPOSE OF REPORT

2.1 The purpose of the report is to seek endorsement of the Masterplan. approve funding to deliver phases 1 and 2, and approve indicative funding for phase 3.

## 3. BACKGROUND

3.1 Members considered a report on 5<sup>th</sup> September 2013 and 1<sup>st</sup> June 2015 and approved the allocation of part of the capital receipt from the sale of land at Elizabeth Way to purchase and demolish the Longscar Building with the balance of the receipt being set aside towards the overall Seaton Carew regeneration scheme, including the potential development of community facilities.

3.2 Substantial work has been undertaken in conjunction with Esh to finalise the masterplan (**Appendix 1**) taking in to account consultation feedback. The proposals reflect the vision to prioritise investment to support the resorts natural and historical assets of sea, beach and promenade.

## 4. PROPOSALS

4.1 Regeneration Services Committee on 27<sup>th</sup> August 2015 recommended approval for the adoption of the Masterplan as a Supplementary Planning Document (SPD) to Council at its meeting on 17<sup>th</sup> September 2015. The purpose of the SPD is to set out the parameters and development principals.

The masterplan identifies both the areas that can be developed and the type of development that is acceptable.

- 4.2 The masterplan proposals include a phased approach to development linked to the release of housing sites and the payment of capital receipts to the Council. The development agreement with Esh details the timing of the release of the development sites which is staggered to avoid saturation of the housing market.
- 4.3 The Masterplan incorporates a range of interventions principally to improve the quality of the public realm and to provide a focus in the form of an events space and seating area together with improvements to the play provision. The quality of the works proposed will enhance and complement the tourism offer and conservation area, whilst removing the Longscar Building which detracts from the quality of the sea front and sub divides a key area of open space critical to integrating the overall offer and character of the resort.
- 4.4 Indicative costs for the delivery of the Seaton Carew Masterplan from the expected receipt from the sale of land at Elizabeth Way were considered by Full Council on the 5<sup>th</sup> September 2013. The decision record states that:
  - a) The allocation of part of the capital receipt from the land sale of Elizabeth Way to purchase and demolish the Longscar building as detailed in confidential **Appendix 2 This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 3) information relating to the financial or business affairs of any particular person (including the authority holding that information.- Section 4. These costs will not be incurred until the capital receipt is received by the Council.**
  - b) The balance of the capital receipt to be set aside towards the overall Seaton Carew regeneration scheme including the development of community facilities within Seaton subject to future costed proposals being approved by the Finance and Policy Committee and Full Council.
  - c) If the value of capital receipts needed to fund items (a) and (b) was less than the actual capital receipt from the sale of land at Elizabeth Way the remaining amount be held as a earmarked Unused Capital Receipt, which can only be released if approved by the Finance and Policy Committee and Full Council.
- 4.5 Since this time the project has been developed in further detail and a more accurate assessment of the costs can now be made. The latest position is set out in the paragraphs below.
- 4.6 The project is broken down into phases:
  - **Phase 1:** Acquisition and Demolition of the Longscar Building to be replaced by the construction of a Market Square and events space/seating area.

- **Phase 2:** Public realm Improvements to the land to the North of the Longscar site.
  - **Phase 3:** Public realm improvements to the land to the East of Seaton Carew Bus Station.
- 4.7 The costs for the individual phases are set out in confidential **Appendix 2**. **This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 3) information relating to the financial or business affairs of any particular person (including the authority holding that information.** Phase 1 and 2 are affordable based on a combination of the land receipt from the sale of land at Elizabeth Way and the Seaside Grant Reserve allocated by Government to help deprived seaside towns, provided the acquisition of Longscar Building is achieved at the valuation provided by external Chartered Surveyors.
- 4.8 The development agreement with Esh incorporates forecast land values for each development site as final valuations are subject to detailed Site Investigation works. Site Investigations are still being undertaken on the Coronation Drive Site and as such affordability is being assessed on the forecast land values. Although work is ongoing with Esh to ensure best value is achieved in relation to the works, current estimates indicate that phases 1 and 2 are deliverable within the forecast capital receipt profile contained within the development agreement.
- 4.9 Achieving a good quality scheme in terms of design and materials is important to realise the vision and achieve a level of attractiveness that encourages tourism and improves the wellbeing of residents. Based on forecast land values this is challenging but working with Esh the scheme is being value engineered to achieve a good quality affordable scheme, however as a consequence there will be no surplus receipt from the forecast capital receipts to contribute towards the community facilities.
- 4.10 If additional value is derived from the Coronation Drive site over and above the forecast values indicated further reports will be considered by the Finance and Policy Committee and Council to allocate the excess funding.
- 4.11 Phase 3 is a longer term aspiration to include public realm improvements on land to the rear of the bus station as identified in **Appendix 1**. Costs will be funded from a combination of any additional capital value arising from the sale of the development sites together with external funding.
- 4.12 Similarly the development of Community Facilities will also be dependent on additional capital receipts in excess of the forecast amounts being achieved and/or external funding sources being identified. Members will be aware from a previous report to the Finance and Policy Committee that a town wide Community Hub review has recently commenced and the objective being to integrate public services, improve accessibility and outcomes for clients and identify efficiencies in service delivery. The ambition is to incorporate these aspirations within Community Facilities across the town.



## **5. RISK IMPLICATIONS**

- 5.1 The cost estimates to undertake phases 1, 2 & 3 of the regeneration masterplan may reduce due to ongoing negotiations to value engineer the project to achieve best value. However there is also the risk that costs increase in the event that any unforeseen works occur once the development commences.
- 5.2 Land valuations are subject to ongoing discussions and site investigations are currently taking place on Coronation Drive the outcomes of which may affect the forecast capital receipts incorporated within the development agreement. Should values increase above the current forecast a further report will be submitted to the Committee and Council to enable Members to consider and approve options for using these additional resources.
- 5.3 If actual capital receipts are less than forecast the projects to be undertaken under phases 1, 2 and 3 will need to be value engineered to avoid an unbudgeted financial pressures.

## **6. FINANCIAL CONSIDERATIONS**

- 6.1 The costs to undertake phase 1 and 2 works equate to the capital receipt obtained from the sale of land at Elizabeth Way, the Seaside grant reserve and the forecast payments from the sale of the Coronation Drive site. The final costs for the demolition and acquisition of the Longscar are still to be determined. The total overall costs predicted do not provide any surplus capital to construct Community Facilities and therefore external funding will have to be sought from a cocktail of funding sources including Big Lottery and Landfill Tax Credits as part of the town wide Community Hub review.
- 6.2 In the first instance available funding arising from the development agreement will be allocated to fund the acquisition and demolition of the Longscar building together with Phase 1 and 2 works.
- 6.3 Further reports will be brought to the Finance and Policy Committee and Council for consideration once the value of the capital receipts for the sale of the Coronation Drive land has been determined.
- 6.4 There is also a £108,000 reserve called “Seaton Community Centre Management”. The balance has been carried forward from previous years and represents surpluses generated by the Community Centre over the years. This funding is managed by the overseeing board and has been earmarked to contribute towards the projects being considered as part of the Seaton Master Plan. In addition, there is a residual uncommitted capital receipt from the sale of the former Seaton Carew Nursery site of £11,000. These amounts are not needed for the phases 1 and 2 of the development and will continue to be

held as an earmarked reserve and uncommitted capital receipt subject to this use being approved by Members.

## **7. LEGAL CONSIDERATIONS**

- 7.1 The Chief Solicitor will continue to advise in relation to clauses within the development agreement to ensure the Council achieves best value. Further work relating to the disposal of ongoing phases of land and the contract documentation to undertake the construction works will all be undertaken following detailed legal advice.

## **8. CHILD AND FAMILY POVERTY**

- 8.1 The improvements to the front at Seaton will be accessible without charge to residents which will contribute towards enhancing social wellbeing.

## **9. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 9.1 The regeneration interventions will all be undertaken to ensure compliance with DDA legislation.

## **10. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

- 10.1 The regeneration proposals will be designed and constructed to comply with the provisions of the Act.

## **11. STAFF CONSIDERATIONS**

- 11.1 There are no staff considerations attached to this report

## **12. ASSET MANAGEMENT CONSIDERATIONS**

- 12.1 Implementation of the Masterplan will contribute towards improving the attractiveness of the town and encouraging investment and development enhancing values and facilitating growth.
- 12.2 In accordance with the spirit and intent of the development agreement both parties are working together to ensure best value both in terms of minimising cost and maximising value from the development sites to ensure the delivery of a quality redevelopment for the front and replacement community hub.

### 13. RECOMMENDATIONS

#### 13.1 Committee is recommended to approve:

- a) The proposed Masterplan, as detailed in **Appendix 1**.
- b) The costed proposals for phases 1 and 2 detailed in **Appendix 2** **This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 3) information relating to the financial or business affairs of any particular person (including the authority holding that information..** These phases will be funded from the capital receipts generated from the disposal of residential development sites within the development agreement with Esh and refer these proposals to Full Council.
- c) The indicative costed proposals for phase 3 are detailed in **Appendix 2** **This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 3) information relating to the financial or business affairs of any particular person (including the authority holding that information..** This phase will be funded from the capital receipts generated from the disposal of residential development sites within the development agreement with Esh and a further report will be submitted to this Committee when the actual value of the capital receipt is known to enable final proposals to be approved and then referred to Full Council.
- d) Proposals to submit funding applications to appropriate funding bodies to supplement capital for Phase 3 and the Community Facilities as part of the town wide Community Hub review and to note that further reports will be submitted to enable Members to approve future proposals when funding outcomes are known.
- e) Approve the allocation of the Seaside Grant Reserve to contribute towards the capital costs of the phase 1 works as set out in Confidential **Appendix 2. Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 3) information relating to the financial or business affairs of any particular person (including the authority holding that information.**
- f) Note that the £108,000 “Seaton Community Centre Management” Reserve will be held as an uncommitted reserve and the residual capital receipt from the sale of the former Seaton Nursery site of £11,000 will be held as an uncommitted capital receipts. These resources will only be committed after a further report has been considered by this Committee and full Council.

## **14. REASONS FOR RECOMMENDATIONS**

- 14.1 The delivery of the Seaton Masterplan is a key outcome in the Hartlepool Vision and the scheme proposals incorporated within the Masterplan reflect the consultation responses. It is considered that the scheme proposed will significantly enhance the offer within the resort enhancing the wellbeing of local residents and encouraging additional tourism thereby securing the long-term sustainability of Seaton.

## **15. BACKGROUND PAPERS**

- 15.1 Finance & Policy Committee 27<sup>th</sup> July 2015  
Regeneration Services Committee 27<sup>th</sup> August 2015  
Regeneration Services Committee 12<sup>th</sup> March 2015  
Finance & Policy Committee 23<sup>rd</sup> March 2015  
Finance & Policy Committee 30<sup>th</sup> January 2015  
Finance & Policy Committee 5<sup>th</sup> September 2013  
Finance & Policy Committee 26<sup>th</sup> July 2013

## **16. CONTACT OFFICER**

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## Seaton Carew Masterplan Phases

## SEATON CAREW - SEAFRONT REGENERATION





## SEATON CAREW - SEAFRONT REGENERATION

### CHILDREN'S PLAY - INDICATIVE PLAY ELEMENTS

1 KOMPAN - SUPERNOVA



2 COMBINED BALANCE BEAM SEQUENCE



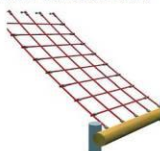
3 KOMPAN - COMBINATION BASKET WITH



4 PROLUDIC - STEPPING LOGS



5 SUSPENDED CLIMBING NET



6 BALANCE BEAM WITH ROPE SUPPORT



7 JUPITER - ZIG ZAG BALANCING BRIDGE



8 DOUBLE WIDTH SLIDE



9 JUPITER - FHS SCRAMBLE NET



10 SPRING ROCKER "CROC" x 2



11 COMBINED PLAY STRUCTURE



12 BESPOKE MOUNDED 'PLAY FORT'



### WATER PLAY ITEMS - INDICATIVE WATER ELEMENTS

A WATER JELLYS



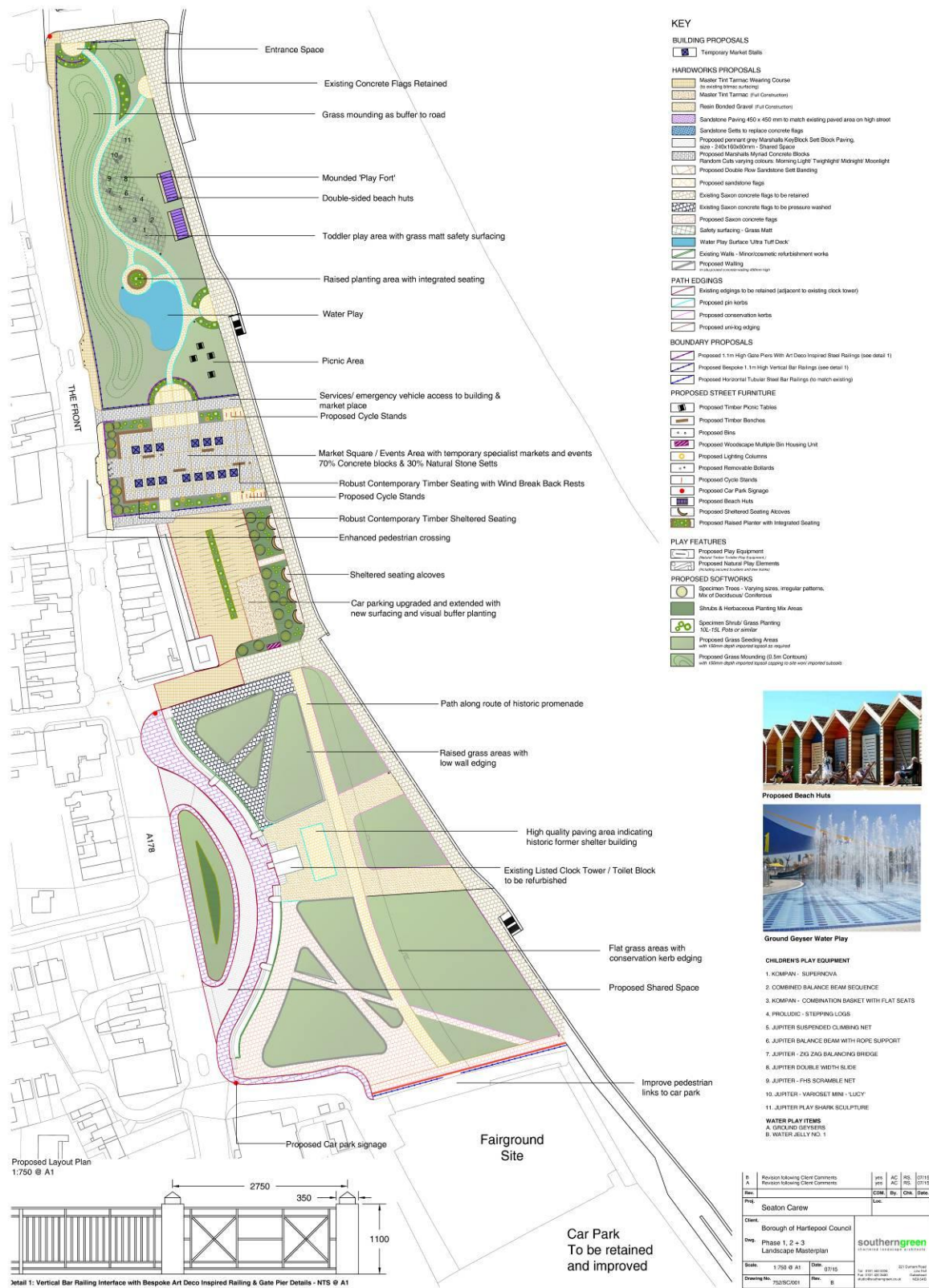
B GROUND GEYSERS



C NON-SLIP PLAY SURFACING



southern**green**  
chartered landscape architects





# FINANCE AND POLICY COMMITTEE

21<sup>st</sup> September 2015



**Report of:** Director of Regeneration and Neighbourhoods

**Subject:** EMPTY PROPERTY MANAGEMENT

## 1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Key decision (test (ii) applies). General Exception Provisions apply.

## 2. PURPOSE OF REPORT

2.1 To consider the options for management of Council owned non-residential property.

## 3. BACKGROUND

3.1 The Council owns a substantial estate of both operational and non-operational property. The estate is actively managed and programmes of asset rationalisation, lettings and disposal of surplus property are regularly undertaken. Reducing void levels and minimising the length of time properties are empty is a priority to maximise rental income and capital receipts, reduce holding costs and avoid the problems with crime and anti-social behaviour that are often associated with empty property.

3.2 It is not always possible for re-lettings/sales to be concluded prior to properties becoming vacant and therefore on occasion the Council does hold some vacant property.

3.3 In advance of a property becoming vacant there are a number of options to be considered in advance of the most appropriate course of action being decided. This largely depends on whether the retention of the building is of financial benefit in that it has potential for re use or refurbishment that will increase the rental or sale price. If this is the case or there are planning restrictions through listing then demolition would be inappropriate but safeguarding measures in terms of other forms of security need to be reviewed.

3.4 In appropriate cases the Council has had a general policy of demolishing vacant property and although this may be appropriate in certain circumstances it is important to consider the range of options to ensure the correct outcome is achieved. In terms of empty property the following options are available;

3.5 **Demolition:** Where a building is in a badly dilapidated or dangerous condition and clearly has no value or re-use potential, immediate demolition can be the most appropriate action to take in order to avoid or reduce security costs, to avoid danger to members of the public and to reduce potential liabilities to the Council in relation to other holding costs or for instance injury claims. However, the following points need to be considered:

- If a building is listed (such as the Market Hotel) planning permission is required and may be difficult to obtain due to objections from English Heritage.
- A building may have considerable value or re-use potential and particularly where it is in good condition, demolition is not normally appropriate.
- If disposal in a relatively short time scale is envisaged, even if the site is going to be re-developed, immediate demolition is not necessarily the most cost effective course of action; there is normally a substantial cost involved which is not necessarily recouped on sale of the property and it may be considerably cheaper to secure and/or monitor the building in advance of the developer undertaking the works. .
- Where a property is sold for redevelopment, the cost to the developer of demolition can be considerably less than the cost to the Council as the demolition is simply the first stage of the construction scheme and the attendant overheads of site set-up can be spread over the whole process.
- Developers may also be able to make use of a building in the short term prior to demolition; the Esh Group used the former Seaton Carew Nursery School as a site cabin for some time prior to redeveloping that part of the site.
- Where the materials are suitable, some can be re-used for instance as hard core on the site which also reduces costs and contributes to sustainability.
- Demolition also carries some cost risk due to the potential to find deleterious materials such as asbestos in the building or foundations; whilst asbestos surveys are always completed prior to demolition, its presence cannot always be discovered until the work starts. It can therefore be advantageous in various ways to pass the risk and cost of demolition to the site purchaser.
- In some instances a building considered redundant may in fact be brought back into use; this was the case with the former Jesmond Rd School which was originally considered to be a re-development site but which was in the event sold to a developer for conversion to flats.

- 3.6 **Static Guarding:** For buildings at high risk of attack, having a security guard on the premises 24 hours a day can be an effective way of securing the property. A continuous presence on site means that any attempts to break in or damage the property should be prevented and there is a significant deterrent to such activity. Basic amenities need to be available or a cabin provided. The principal disadvantage of static guarding is the cost. The advantage is that a guard can be installed very quickly and removed at short notice and it can therefore be a solution for a short term need.
- 3.7 **Security Patrols:** A further approach to empty building security is to use security patrols, so that the property is checked on a regular basis (typically ranging from several times a day to 2 to 3 visits per week) and there is some deterrent to crime and anti social behaviour. Patrols are much cheaper than static guard arrangements but also less effective, as even with frequent visits there will be periods of several hours between them, which can be enough to allow substantial break-ins, vandalism and anti-social behaviour to take place. Incidents may not be reported for some hours so that apprehension of suspects is very difficult and considerable damage may occur to the building before it is dealt with, for instance from broken water pipes or damaged roofs allowing rainwater in.
- 3.8 **Guardians:** For a number of years the Council has used property guardians to secure vacant premises where they are likely to be empty for a significant length of time and the property is suitable in terms of the accommodation available. The idea behind this strategy is that the most appropriate method of securing a building is to have it occupied and in use, particularly for residential purposes. A number of companies offer a guardian service. In 2011, following a competitive procurement process and formal approval, the Council appointed Ad Hoc to provide this service, which has been successfully used at a number of properties. Examples include Foggy Furze Library, Jesmond Rd School and the former EDC in Seaton Lane. The advantages of using property guardians are as follows:
- Compared to conventional methods of security it is often much more cost effective. The Council continues to pay utility costs, rates and maintenance but this is generally far less than static guarding.
  - Occupation by guardians almost entirely deters break-ins and greatly reduces vandalism.
  - Any incidents that do occur tend to be reported quickly.
  - Maintenance issues are picked up more quickly before they lead to disproportionate costs.
  - Maintaining the building in habitable condition preserves the building fabric and its value as a building.

- In some cases, the presence of guardians can help to prevent anti-social behaviour and low level crime becoming a problem in the immediate neighbourhood.
- The management of the property is largely carried out by Ad Hoc as they carry out monthly inspections and are often in communication with the guardians.
- The property guardians are all people in full time employment who are vetted by Ad Hoc to ensure their suitability. The guardians occupy designated rooms within the property together with communal areas such as kitchens and bathrooms. The guardians each sign a licence agreement with Ad Hoc under which they undertake to keep the property clean and tidy and to provide guardian services.
- Under the current arrangements with Ad Hoc, Ad Hoc will pay a monthly amount per guardian as a contribution towards utility costs. The Council does not pay a fee to Ad Hoc, who earn their return solely from the licence fees paid by the guardians to live at the properties.
- Ad Hoc have a number of guardians who have lived at various different properties so they are well known to them and they have good working relationships with them. The cost of using guardians depends on the building's general running costs such as electricity, gas water and rates, but Ad Hoc are now starting to pay contributions to these costs from the guardian fees.

**3.9 Alarm Systems and CCTV:** Some vacant properties will of course have their own intruder alarms fitted and these can be utilised to help with security. In addition, a number of companies offer mobile alarm and monitored CCTV solutions. These can be installed and removed at short notice and can be quite cost effective but may not prevent general vandalism and don't have the advantages of the building being actually occupied. Typical costs for a building requiring one alarm system are: £250 for installation, between £10 and £20 per day for monitoring and £150 for removal. There would also be a fee payable for any call-outs. The monthly cost without call outs would therefore be around £450 after the set up and removal fees of £400.

**3.10 Boarding Up/Shuttering:** In some instances properties are boarded up or metal shutters fixed to the window openings in order to prevent break-ins and windows being broken. This can be a short term solution but does tend to advertise that the property is empty and invite attack and break-ins. The boarding also hides wrongful activity taking place internally and makes property inspection and monitoring more difficult. It can also have an effect on value and where boards are fixed to window frames the frames are at best damaged and at worst need complete replacement. Opening windows and sealed units can be removed to allow non-damaging methods of shuttering but this does make the property less weather tight. These methods may

however be effective if used in conjunction with alarms, monitoring or security patrols. Costs vary widely but can run into thousands of pounds for a large building with numerous ground floor windows.

#### **4. PROPOSALS**

- 4.1 The decision about which approach or approaches to take in order to manage a particular property most effectively needs to take into account a number of factors; each situation is different and it is difficult to formulate hard and fast rules that apply in all situations. Nevertheless a proposal for a general policy for empty property management is set out in **Appendix 1**.

#### **5. FINANCIAL CONSIDERATIONS**

- 5.1 Since this report considers a general policy, no specific financial information can be provided. However, when buildings become vacant there can be a high risk of damage and break-ins and consequent costs in both carrying out repairs and managing the situation. Providing adequate security in a cost effective manner is therefore critical. The various options all carry cost implications but the use of appropriate methods should result in saving other costs as noted above. Demolition will often be a significant capital cost, whereas other approaches would normally be considered ongoing revenue costs.
- 5.2 Where the cost of demolition is considered capital expenditure, the funding arrangements will depend on whether it is part of a scheme which will generate a future capital receipt to offset these costs or will be a capital cost to the Council (when a Capital receipt cannot be achieved), as part of an overall cost mitigation strategy.
- 5.3 If it relates to a scheme which will generate a future capital receipt, then the costs can be funded from existing capital receipts in the interim, provided a Capital receipt can forecast to be achieved within 12 months of the demolition.
- 5.4 Where the cost of demolition will be a cost to the Council, then proposals will be reported to Finance & Policy Committee prior to referral to full Council for a capital funding decision.
- 5.5 When buildings become vacant, the revenue running costs cannot be taken as a saving immediately due to the need to maintain and manage the property until disposal, re-use or demolition has occurred.

#### **6. LEGAL CONSIDERATIONS**

- 6.1 In some cases, demolition of a building (for instance listed buildings) would require full planning permission. In other cases except for buildings under 50

cubic metres in size a Prior Approval procedure has to be followed with the Local Planning Authority. Guardians are not granted tenancies and occupy only under licence and cannot gain security of tenure.

## **7. CHILD AND FAMILY POVERTY**

- 7.1 There are no child and family poverty considerations in this instance.

## **8. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 8.1 There are no equality or diversity considerations in this instance.

## **9. STAFF CONSIDERATIONS**

- 9.1 There are no staff considerations in this instance.

## **10. ASSET MANAGEMENT CONSIDERATIONS**

- 10.1 The Empty Property Management policy will form part of the Council's Asset Management strategy.

## **11. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

- 11.1 Empty buildings can for a target for theft, vandalism and other forms of anti social behaviour if not managed properly. As such and there is a duty to reduce or eliminate such risks as far as possible.

## **12. RECOMMENDATIONS**

- 12.1 It is recommended to adopt the policy outlined in **Appendix 1**.

## **13. REASONS FOR RECOMMENDATIONS**

- 13.1 The policy outlined in the Proposals above has been formulated with the aim of maximizing the cost effectiveness of empty property management procedures, ensuring that the most appropriate strategy is adopted in each case and ensuring that the needs of the Council and community are considered and safeguarded.

**14. BACKGROUND PAPERS**

- 14.1 There are no background papers in this instance.

**15. CONTACT OFFICER**

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Tel: 01429 523301





# **General Policy for** **Empty Property** **Management**



- 1.1 It shall be the responsibility of the Estates and Regeneration Manager to manage the Council's vacant non residential property in line with the following principles:
  - 1.1.1 When a property will or has already become vacant, the Estates and Regeneration Manager will carry out an inspection of the property and establish whether it has potential for re-use by a Council department in line with asset management plans or whether it is suitable for redevelopment, letting or sale. The Council's Capital Finance Team will be consulted and a recommendation presented for Members consideration.
  - 1.1.2 The Estates and Regeneration Manager will ensure that the building is secured and a management plan agreed with CCFT. In determining an appropriate management plan the following considerations will be assessed;
    - a) The potential for permanent re-use of the building by the Council or third parties and any potential for short term use or occupation pending disposal or longer term re-use
    - b) The length of time the property is likely to be vacant
    - c) The condition of the building
    - d) How well secured the building is already – e.g. intruder alarms, security shutters, CCTV surveillance
    - e) Risk factors in the neighbourhood
    - f) Property market value and existing use value
    - g) Suitability for available security options
    - h) The property's legal status including tenure, planning and grants
- 1.3 The following options should be considered:

Demolition: Where it has been established that there is no potential for re-use by a Council department or third party due to the age, condition, layout or other matters, immediate demolition should be considered if this is likely to be the most cost effective solution bearing in mind the following factors:

The length of time the property is likely to be disused;

- i. The capital cost of demolition and the extent to which this cost may be recovered on sale of the property.
- ii. The impact on sustainability of construction of carrying out demolition and clearance as a separate operation to redevelopment

- iii. The condition of the property and its suitability for securing by use of conventional security, alarms, guardians or other non-destructive methods.
- iv. The impact either positive or negative of demolition on the amenity of the area and the likely effect on levels of anti-social behaviour and crime in the vicinity.
- v. The Planning status of the property: listed buildings and those buildings within Conservation Areas which contribute positively to the character of the area are unlikely to receive consent for demolition. In addition, any buildings which are locally listed should not be considered for demolition except as a last resort.
- vi. The relationship of the building to other properties and the need for propping of adjoining buildings and the like.
- vii. The likelihood of the property being attacked, broken into or vandalised or falling quickly into significant disrepair due to the elements.
- viii. Any other factors which appear relevant to the Estates and Regeneration Manager.

Demolition will not be actioned until all necessary statutory consents have been obtained.

- 1.4 Static Guarding: This option can be considered when a building is likely to be targeted for attack and it is important to maintain the building intact due to its value, potential repair costs or other factors. However, due to its cost, this option should only be considered in the short term for a high value property or where risk of attack or impact on the community is considered high.
- 1.5 Security Patrols: Security patrols can be considered if the level of risk of break-in or vandalism is considered to be relatively low and this type of security will only be required for a limited period, or if this is the most cost effective solution in conjunction with other strategies such as boarding up or monitored alarms.
- 1.6 Guardians: For longer term situations (typically 6 months or more) the use of property guardians should be considered where the property is habitable and likely to be attractive to potential guardians and where the net running costs are no more than other available strategies, or where the use of guardians brings other benefits such as improved maintenance or saleability, fewer incidents of attack or damage, or better community relations. In particular, the use of guardians should be considered where there is potential re-use of the building and where other forms of security will not deter attack.
- 1.7 Alarm systems and CCTV: These can be very cost effective and should be considered for short to medium term vacancy situations particularly where

properties are in poor condition and not suitable for guardians and demolition is not considered appropriate.

- 1.8 Boarding up/shuttering: Should generally only be considered as part of a broader strategy such as patrols or alarms, and should normally only be used where the property is in poor condition or windows have been broken.

# **FINANCE AND POLICY COMMITTEE**

**21<sup>st</sup> September 2015**



**Report of:** Assistant Chief Executive / Chief Solicitor

**Subject:** MANAGING UNREASONABLE CUSTOMER BEHAVIOUR POLICY

## **1. TYPE OF DECISION/APPLICABLE CATEGORY**

Non-Key Decision.

## **2. PURPOSE OF REPORT**

- 2.1 The purpose of the report is for Members to approve and adopt a new Managing Unreasonable Customer Behaviour Policy.

## **3. BACKGROUND**

- 3.1 As a Council we have an established desire to deliver high quality services to local residents, businesses and community groups. We will aim to ensure that people can get to see or discuss with someone their issue as quickly as possible and to aim to resolve such issues where this is possible. As part of this we do not want to prevent customers from raising legitimate and important concerns, enquiries or requests or from pursuing them. However, over the past few years the Council has had to deal with an increasing number of individuals who have behaved in ways which are unreasonable or unreasonably persistent or vexatious. These individuals can take up a disproportionate amount of time, can be threatening and can hinder the other work of our staff. The Council must therefore ensure that it uses its resources wisely and limits the amount of time spent on queries that it considers unreasonable or unreasonably persistent or vexatious. It should be noted that it is expected there will be a limited application of this policy but that it is appropriate for the Council to be clear on its policy in this regard.
- 3.2 As Members are aware the Council has a policy for dealing with persistent and vexatious complainants as set out within the Corporate Complaints Policy. This was agreed by the Finance & Policy Committee in October 2013. However, this policy only covers complaints and does not cover the range of

other areas where the Council is dealing with unreasonable customer behaviour for example through service requests, Freedom of Information requests (FOIs) etc. Therefore it is felt timely to update the policy to broaden its scope and make it a stand-alone policy agreed by Finance & Policy Committee.

#### **4. PROPOSAL - MANAGING UNREASONABLE CUSTOMER BEHAVIOUR POLICY**

- 4.1 The proposed policy, attached as Appendix 1, builds upon the previous policy included within the Corporate Complaints Policy as well as guidance from the Local Government Ombudsman and good practice examples from other Local Authorities and the Legal Services Ombudsman.
- 4.2 The proposed policy includes:
- A definition of what we mean by unreasonable customer behaviour.
  - Examples of what we consider to be unreasonable customer behaviour.
  - A definition of what we mean by vexatious requests.
  - Examples of what we consider to be vexatious requests.
  - An explanation of the process we will follow when dealing with unreasonable customer behaviour and vexatious requests.
- 4.3 It is proposed that 3 stages are followed before someone is designated as unreasonable, unreasonably persistent or vexatious and restrictions are put in place. These stages include a warning from the Assistant Director for the individual to modify their behaviour (stage 2) before a request for a restriction to contact is made by the Assistant Director (stage 3). Decisions about restricting contact will be made by the relevant Director with advice from the Chief Solicitor.
- 4.4 Where restrictions are put in place a review date will be set. This will be for a maximum of 12 months and will be based on the circumstances of the case and the severity of the situation. Reviews will be undertaken by the Director with advice from the Chief Solicitor and restrictions will either be lifted or extended with a new review date set.
- 4.5 We will not ignore service requests or complaints from customers who are classified as unreasonable or requests for information from customers who have previously submitted a vexatious request. New complaints or requests for information from people who have been classified under this policy will be treated on their merits. The Director of the relevant service area will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint or request.

- 4.6 The proposed policy will replace the current policy for dealing with persistent and vexatious complainants as set out within the Corporate Complaints Policy.

## **5. RISK IMPLICATIONS**

- 5.1 The proposed policy is intended to clearly set out the Council's position in regards to unreasonable customer behaviour. Individuals who are behaving unreasonably can have a negative impact on areas of identified risk and inhibit our ability to manage those risks at a reasonable level. Having an established process for dealing with those individuals means that the Council is better placed to effectively manage the risks it has already identified within appropriate tolerance levels.

## **6. FINANCIAL CONSIDERATIONS**

- 6.1 No financial implications.

## **7. LEGAL CONSIDERATIONS**

- 7.1 The proposed policy identifies that in exceptional circumstances where staff are subject to harassment which causes alarm and/or distress the Council will pursue such action that is commensurate and proportionate to the behaviour occasioning such alarm and/or distress through the initiation of a criminal prosecution or civil proceedings in order to address such behaviour. This will only be pursued in exceptional circumstances and under the advice of the Chief Solicitor.

## **8. CHILD AND FAMILY POVERTY**

- 8.1 No implications.

## **9. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 9.1 It is recognised within the proposed policy that, in some circumstances, customers may have a mental health problem and/or other disability or that English may not be their first language. In these circumstances we understand that it may be difficult for them to either express themselves or communicate clearly and/or appropriately. Where unacceptable behaviour is evidenced under these circumstances we will consider the individual needs and circumstances of the customer and our staff before deciding how best to manage the situation.

## **10. STAFF CONSIDERATIONS**

- 10.1 The proposed policy recognises the impact of unreasonable customer behaviour on the wellbeing and workload of those staff dealing with it and sets out how the Council will respond to reduce the negative impact on our staff.

## **11. ASSET MANAGEMENT CONSIDERATIONS**

- 11.1 No Implications.

## **12. RECOMMENDATIONS**

- 12.1 Finance and Policy Committee are requested to agree and adopt the 'Managing Unreasonable Customer Behaviour' policy as set out in Appendix 1.

## **13. REASONS FOR RECOMMENDATIONS**

- 13.1 The existing policy for dealing with persistent and vexatious complainants as set out in the Corporate Complaints Policy needs updating to reflect the range of other areas where the Council is dealing with unreasonable customer behaviour for example through service requests, Freedom of Information requests (FOIs) etc. Finance and Policy Committee has responsibility for complaints in the constitution.

## **14. BACKGROUND PAPERS**

- 14.1 There are no background papers.

## **15. CONTACT OFFICERS**

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## **Managing Unreasonable Customer Behaviour Policy**

### **Introduction:**

Hartlepool Borough Council aims to provide high quality services that meet the needs of local people. We want to make our services as efficient and effective as possible.

We appreciate that there are areas where we could do things better and that we do not always get things right. We have a suite of policies covering corporate, adult social care, children's social care and public health so that those customers who are unhappy with our services or who have suggestions about how they could be improved can share their views with us. We will always aim to resolve complaints at the first point of contact but there are some that will need to be dealt with through the formal complaints process. On occasion customers will remain unhappy when we have concluded the formal complaints process and they then have the opportunity to approach the Local Government Ombudsman to request that they investigate their complaint.

Our elected members have a Code of Conduct wherein they are required to promote high standards of conduct and we have a process for dealing with complaints from people who believe our members have breached this code.

Wherever possible we are happy to share information about the work of our organisation and we will endeavour to comply with the Freedom of Information legislation.

### **Purpose:**

This policy is not intended to prevent customers from raising legitimate and important concerns, enquiries or requests or from pursuing them. We recognise that customers can act out of character at times of anxiety or distress and reasonable allowances are made for this. However, there are some individuals who act in ways that are unreasonable or unreasonably persistent or vexatious.

Hartlepool Borough Council has a duty to ensure that it provides value for money services for all of our residents and local communities. An unreasonable or unreasonably persistent customer or one that is acting in a vexatious manner can take up a disproportionate amount of time and can hinder the other work of our staff. The Council must therefore ensure that it uses its resources wisely and limits the amount of time spent on queries that it considers unreasonable or unreasonably persistent or vexatious.

We are committed to promoting equality of opportunity and diversity and to challenging discrimination. Those who work for the Council also have a right to undertake their work free from all types of discrimination, abuse and harassment. We have a duty to protect the safety and welfare of our staff and therefore will not tolerate what we consider to be unacceptable behaviour by unreasonable or

unreasonably persistent or vexatious customers. Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include:

- Using abusive or foul language on the telephone;
- Using abusive or foul language face to face;
- Sending multiple emails about the same issue whilst the issue is being investigated or after the matter has been dealt with, and;
- Leaving multiple voicemails or making multiple calls about the same issue whilst the issue is being investigated or after the matter has been dealt with.

Where a customer's behaviour is so extreme that it threatens the immediate health, safety or welfare of our staff, or employees working on the Council's behalf, the Council will consider other options. This may include reporting the matter to the police or taking legal action. In such cases, the Council may not give the customer prior warning of that action.

This policy is not restricted to complaints. It covers the full range of customer contact including customer requests for information and FOI requests.

In summary, the purpose of this policy is to:

- Define what we mean by unreasonable customer behaviour.
- Provide examples of what we consider to be unreasonable customer behaviour.
- Define what we mean by vexatious requests.
- Provide examples of what we consider to be vexatious requests.
- Explain the process we will follow when dealing with unreasonable customer behaviour and vexatious requests so that everyone knows what they can expect.

### **What is unreasonable and unreasonably persistent customer behaviour?**

We define unreasonable customer behaviour as:

“those who, because of the nature or frequency of their contacts with the Council, negatively impact our ability to deal effectively with their, or other people's complaints or requests”

Unreasonable behaviour may include one or more isolated incidents, as well as 'unreasonably persistent behaviour', which is usually a build-up of incidents or behaviour over a longer period.

The following are examples of what we consider to be unreasonable customer behaviour:

- Having insufficient or no grounds for their complaint and making the complaint only to annoy or inconvenience the Council;
- Refusing to specify the complaint, despite offers of assistance with this from the Council's staff;

- Refusing to co-operate with the complaints investigation process whilst still wishing their complaint to be resolved;
- Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope;
- Insisting on the complaint being dealt with in ways which are incompatible with the complaints procedure or good practice (e.g. insisting that there is no written record made of the complaint);
- Making unjustified complaints about the staff dealing with the complaints, and seeking to have them dismissed or replaced;
- Making an unreasonable number of contacts with us, by any means, in relation to a specific complaint or complaints;
- Changing the basis of the complaint as the investigation proceeds and/or denying statements made at an earlier stage;
- Introducing new information not related or substantive to the original complaint but which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are fully answered;
- Where the complainant has persistently changed the substance of a complaint or raises identical or similar issues or otherwise seeks to prolong unreasonably the matters of complaint through further concerns or questions whilst the original complaint is being addressed.
- Covertly recording meetings and conversations without the prior knowledge and consent of the other persons involved;
- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into by, for example, excessive telephoning or sending emails to numerous council staff, writing lengthy, complex letters every few days and expecting immediate responses;
- Submitting falsified documents from themselves or others;
- Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these "new" complaints which should be put through the complaints procedure.
- Adopting a "scattergun" approach - pursuing parallel complaints on the same issues with a variety of other organisations or with a number of officers within the Council;
- A persistence in pursuing a complaint where the local assessment and determination process has been fully and properly implemented and exhausted.
- Refusing to accept a complaints decision – repeatedly arguing the point and complaining about the decision.
- The matter of complaint can fairly be characterised as being obsessive or manifestly unreasonable through, for example, repetitive allegations.
- The matter of complaint is politically motivated and where press and other publicity has been attracted to the matter of complaint before the same have been reported to the Council's Monitoring Officer and which the Monitoring Officer in unison with the Independent Persons reasonably believes is not in the public interest to warrant an investigation. It will be

also be a consideration as to whether independent evidence is likely to be obtained and the nature of seriousness of complaint which may not warrant any further action being taken.

- The complaint is unreasonable or disproportionate in the amount of time expended and those matters of complaint are considered to be unreasonable as to impose a significant burden in terms of time and cost to be expended by the Council, if such matters were pursued.
- Combinations of some or all of these.

The above list is not exhaustive and merely explanatory of examples of unreasonable customer behaviour.

### **What is a vexatious request?**

We define a vexatious request as:

“A request that is likely to cause distress, disruption or irritation, without any proper or justified cause”.

A vexatious request may include one or more individual requests for information, or may form part of a wider pattern of vexatious behaviour for example, if there is a wider dispute, or it is the latest in a lengthy series of overlapping requests.

However, we will not automatically refuse a request simply because it is made in the context of a dispute, or if it forms part of a series of requests.

We will consider each request for information on its own merits, and we will not automatically refuse a request because the individual may have caused problems in the past. We will ensure that we consider whether the request (and not the requester) is vexatious, with our focus on the request itself.

Where a request is considered to be vexatious we may make the decision not to provide the information requested.

The following are examples of what we consider to be vexatious requests:

- Submission of repeated requests with very high volume and frequency of correspondence;
- Requests for information the requester has already seen, or clear intention to reopen issues that have already been considered;
- Where complying with the request would impose significant burden on the Council in terms of expense, and negatively impact our ability to provide service to others. In this situation we will also consider Section 12 (exemption where cost of compliance exceeds the appropriate limit) of the Freedom of Information Act.
- Where the requester states that the request is actually meant to cause maximum inconvenience, disruption or annoyance.

- Where the request lacks any serious purpose or value. An apparent lack of value would not usually be enough on its own to make a request vexatious but may do when considered with other examples.
- Where the requester has caused or intends to cause harassment, alarm or distress to a Council employee or someone working on our behalf. This could include very high volume and frequency of correspondence, or including accusations and complaints within requests.

## **Equality & Diversity**

We recognise that, in some circumstances, customers may have a mental health problem and/or other disability or that English may not be their first language. In these circumstances we understand that it may be difficult for them to either express themselves or communicate clearly and/or appropriately. Where unacceptable behaviour is evidenced under these circumstances we will consider the individual needs and circumstances of the customer and our staff before deciding how best to manage the situation.

## **How will we deal with unreasonable customer behaviour and vexatious requests?**

There are 3 stages we will go through before designating someone as unreasonable, unreasonably persistent or vexatious:

1. We will confirm that the original complaint or request has been or is being dealt with properly and in line with the relevant policy, procedure and/or statutory guidelines and that we have made every effort to satisfy the request or resolve the issue/complaint.
2. The Assistant Director will issue a warning (by email or letter\*) to the customer requesting that they modify their behaviour.
3. If the customer does not modify their behaviour then the Assistant Director will speak to the Director to request a restriction to contact. The Director will seek advice from the Chief Solicitor (Monitoring Officer) and may grant the restriction to contact and may in certain cases require further action to be taken if necessary through statutory agencies – this will be tailored to the individual circumstances.

\* Using the prepared letter template.

## **The options available for restricting contact include (but are not limited to):**

- Placing limits on the number and duration of contacts with staff per week or month.
- Offering a restricted time slot for necessary calls.
- Limiting to one method of contact (telephone, letter, email etc)

- Requiring the customer to communicate only with one named member of staff.
- Requiring any personal contacts to take place in the presence of a witness and in a suitable location.
- Refusing to register and process further complaints/requests about the same matter.
- Requiring the customer to make contact by telephone only through a third party e.g. solicitor/councillor/friend acting on their behalf.
- Limiting or regulating the customer's use of the council's services e.g. libraries or leisure centres.
- Refusing the customer access to any council building except by appointment.
- Informing the customer that further contact on the matter of the complaint/request will not be acknowledged or replied to.

When the decision has been taken to classify a customer's behaviour as unreasonable or to classify a request as vexatious, the Director will write\* to the customer to:

- Detail what action we have decided to take and why;
- Explain what it means for the customer's contacts with the organisation;
- Advise how long the restrictions will last and when the decision will be reviewed (this will be a maximum of 12 months depending on the severity of the situation);
- Enclose a copy of this procedure for the customer's information.

\* Using the prepared letter template.

## **Review**

When any restrictions are put in place, a review date will be set. This will be for a maximum of 12 months and will be based on the circumstances of the case and the severity of the situation.

The status of a customer will be reviewed by the relevant Director with advice from the Chief Solicitor on or before the review date, and we will write\* to the customer to inform them of the outcome of the review. Where the Director following advice from the Chief Solicitor feels the restrictions should continue, we will explain our reason and give another date for review.

\* Using the prepared letter template.

A summary of the process is set out in appendix 1.

### **New complaints or requests for information**

We will not ignore service requests or complaints from customers who are classified as unreasonable or requests for information from customers who have previously submitted a vexatious request. New complaints or requests for information from people who have been classified under this policy will be treated on their merits. The Director of the relevant service area will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint or request.

### **Referring to the Local Government Ombudsman and Information Commissioners Officer**

There may be exceptional circumstances where the relationship between the Council and a customer has broken down to a point where a local resolution is not possible. In these cases we may seek to close the case without completing all stages of our complaints policy, or we may expedite the case to the final stage. If it becomes necessary, we will advise the customer of the reasons for this and the options open to them.

Similarly, we may also liaise with the Ombudsman or Information Commission and ask them to consider the case before it has exhausted our complaints/FOI process. It will be entirely at the discretion of the Ombudsman or Information Commission whether or not they accept the referral.

### **Legal Action**

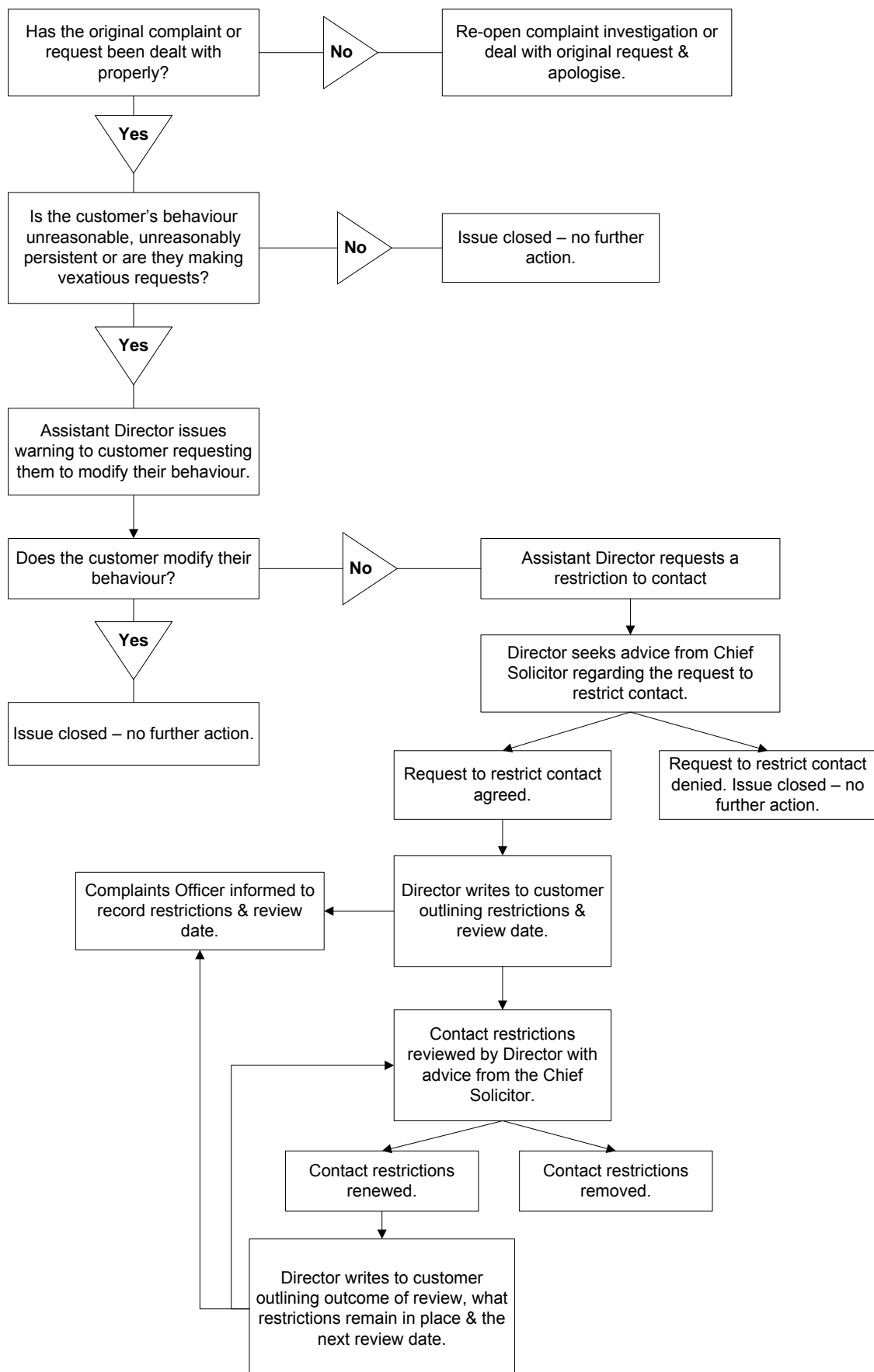
In exceptional circumstances where staff are subject to harassment which causes alarm and/or distress the Council will pursue such action that is commensurate and proportionate to the behaviour occasioning such alarm and/or distress through the initiation of a criminal prosecution or civil proceedings in order to address such behaviour.

### **Record keeping & sharing of information across the Council**

Records of decisions made through this policy will be retained by the Corporate Complaints Officer. This will include:

- The name and address of each customer who is classified as unreasonable;
- Details of each information request classified as vexatious including the name and address of the requester;
- What restrictions have been put in place;
- When any restrictions were put in place, and the review date.

When a decision to restrict contact or access has been taken the details of those restrictions will be shared with staff across the authority as appropriate.

**Appendix 1 – Process Diagram**



# **FINANCE AND POLICY COMMITTEE**

**21<sup>st</sup> September 2015**



**Report of:** Assistant Chief Executive

**Subject:** QUARTER 1 – COUNCIL OVERVIEW OF  
PERFORMANCE AND RISK 2015/16

## **1. TYPE OF DECISION/APPLICABLE CATEGORY**

Non Key Decision

## **2. PURPOSE OF REPORT**

- 2.1 To inform Finance and Policy Committee of the progress made against the 2015/16 Council Plan, for the period ending 30 June 2015.

## **3. BACKGROUND**

- 3.1 The Council Plan was agreed by Council on the 26<sup>th</sup> March 2015.
- 3.2 The Council Plan contains an action plan setting out how the Council proposes to deliver the Council's priority outcomes. Key Performance Indicators are also included which can then be used to monitor progress throughout the year and at year end. It also contains a section listing the Risks that could prevent the Council from delivering the priority outcomes.
- 3.3 The Council's Performance Management System (Covalent) is used to collect and analyse progress against the actions, performance indicators and risks detailed in the Council. The information in the system was used to prepare this report.

## 3.4 The structure of the report is:

Paragraphs	Content
4.1 – 4.6	Council Overview of Performance and Risk
5.1 – 5.7	Child and Adult Services Departmental Update
6.1 – 6.8	Public Health Departmental Update
7.1 – 7.10	Regeneration and Neighbourhoods Departmental Update
8.1 – 8.7	Chief Executives Departmental Update
16.1	Recommendations

4. **COUNCIL OVERVIEW OF PERFORMANCE AND RISK**

- 4.1 In total the Council Plan includes 171 actions and 150 performance indicators to deliver and measure improvements across key priority areas (outcomes) identified in the Community Strategy and Council Plan.
- 4.2 Of the 150 indicators, 87 have targets set and 63 are included for monitoring purposes only. Updates have been provided for 70 of the 88 targeted indicators, data is currently not available for the remaining 18 indicators at this stage of the year. Only the targeted indicators are included in the analysis for this report.
- 4.3 Officers have assessed the indicators and actions included in the plans, making judgments based on progress to the 30 June 2015. Progress is categorised as: -
- **PI target achieved or Action completed**
  - **PI on track to achieve target or Action on track to be completed**
  - **PI/Action having made acceptable progress**
  - **PI/Action requiring intervention**
  - **PI Target not achieved or Action not completed.**
- 4.4 Charts 1 and 2 below summarise officers' assessments of the Council Plan actions and indicators (that have targets **and** are measurable throughout the year).

Chart 1: Council Plan Action Progress for period to 30 June 2015.

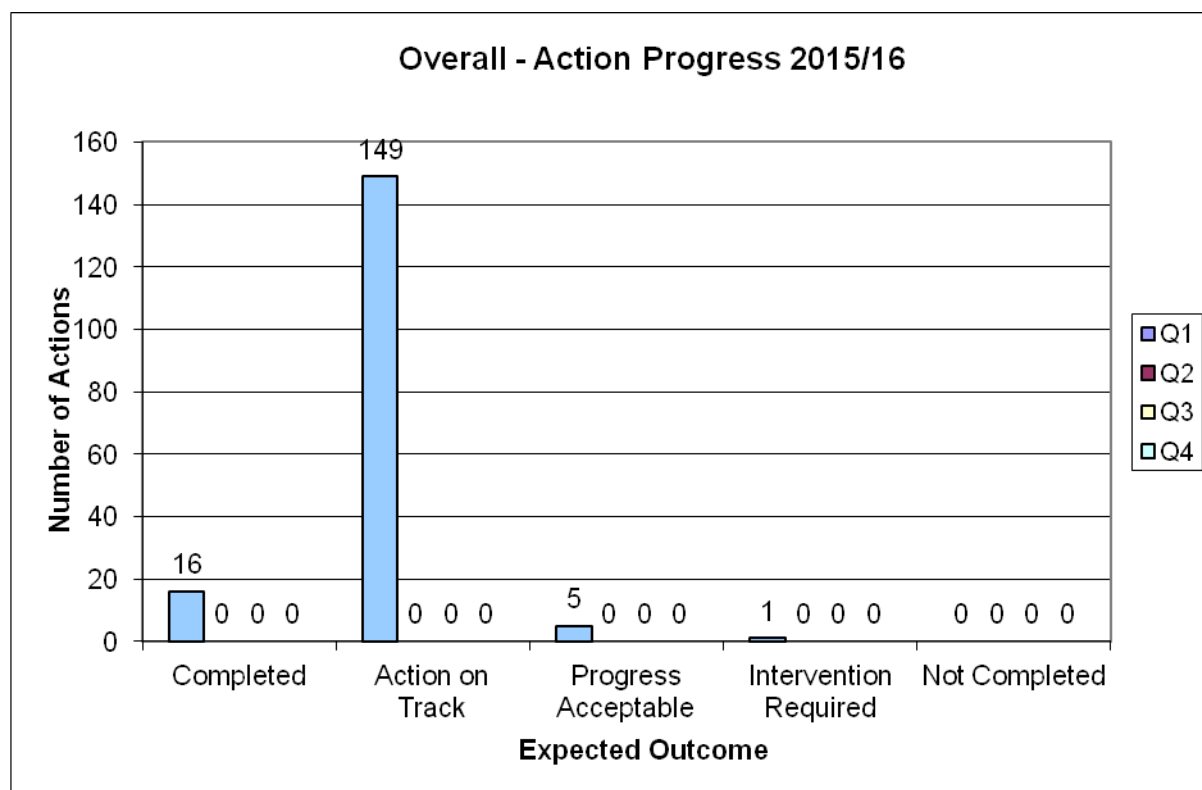
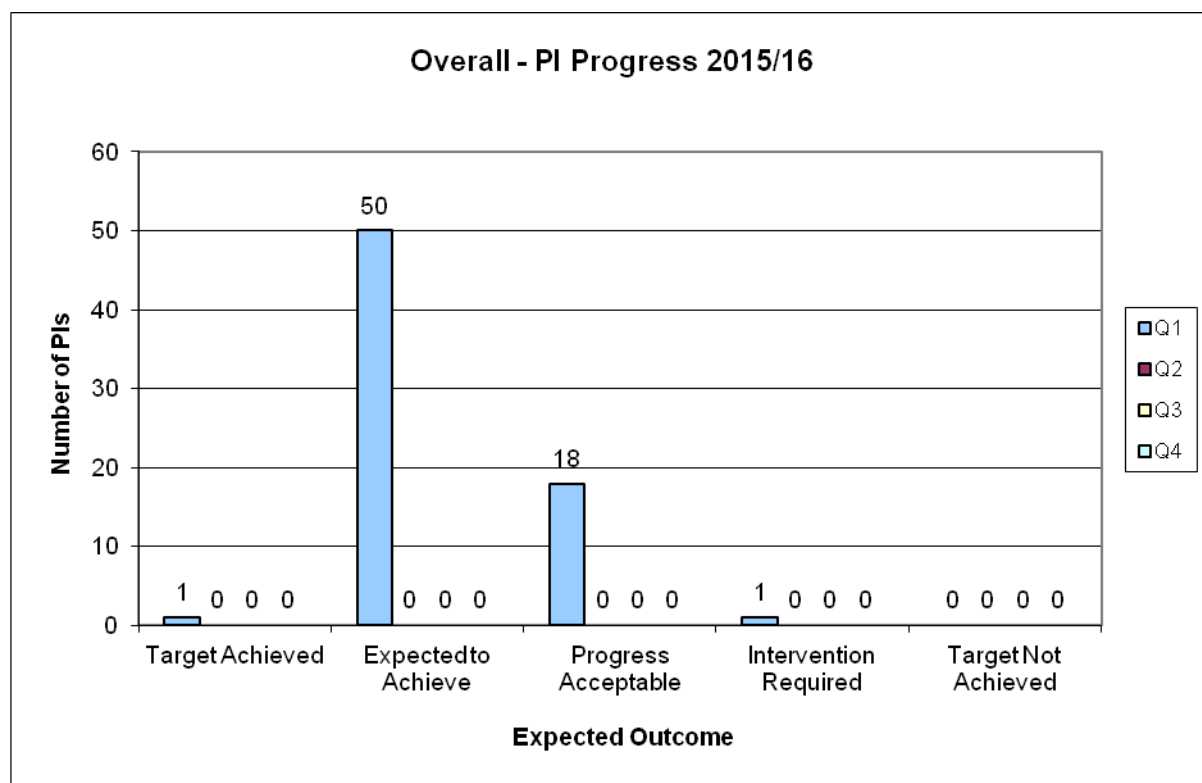


Chart 2: Council Plan PI Progress for period to 30 June 2015



- 4.5 93 strategic risks across various outcomes have been identified within the Council Plan. These, along with other risks not included in the plan are being managed in accordance with the Council's Risk Management Framework. This report will only include information on risks within the Council Plan that have changed their rating in the last quarter. However it should be noted that **all** risks on both the accepted and actively managed risk register are reviewed on a regular basis.
- 4.6 Sections 5.5 and 7.8 of this report provide an update on those risks within the Council Plan that have changed in rating since Quarter 4 of 2014/15.

## 5. CHILD AND ADULT SERVICES DEPARTMENTAL UPDATE

- 5.1 The Child and Adult Department contributes to 5 outcomes, spread across 3 themes:
- Jobs and the Economy
  - Lifelong Learning and Skills
  - Health and Wellbeing
- 5.2 The Child and Adults Department has identified 24 actions and 21 performance indicators (17 Targeted and 4 Monitored) spread across 5 outcomes within the Council Plan that it is responsible for. At this stage of the year data is only available for 12 of the 17 targeted PI's.
- 5.3 Charts 3 and 4 below summarise overall progress;

Chart 3: CAD Overall Action Progress – to 30 June 2015

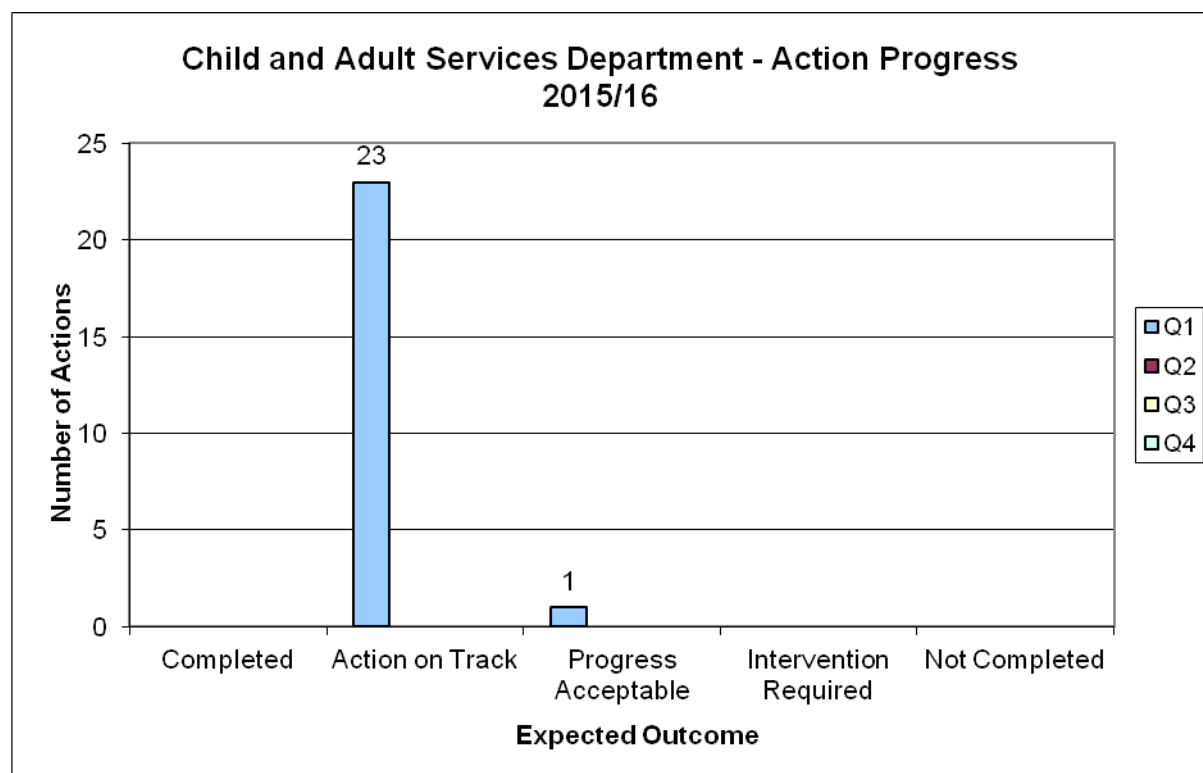
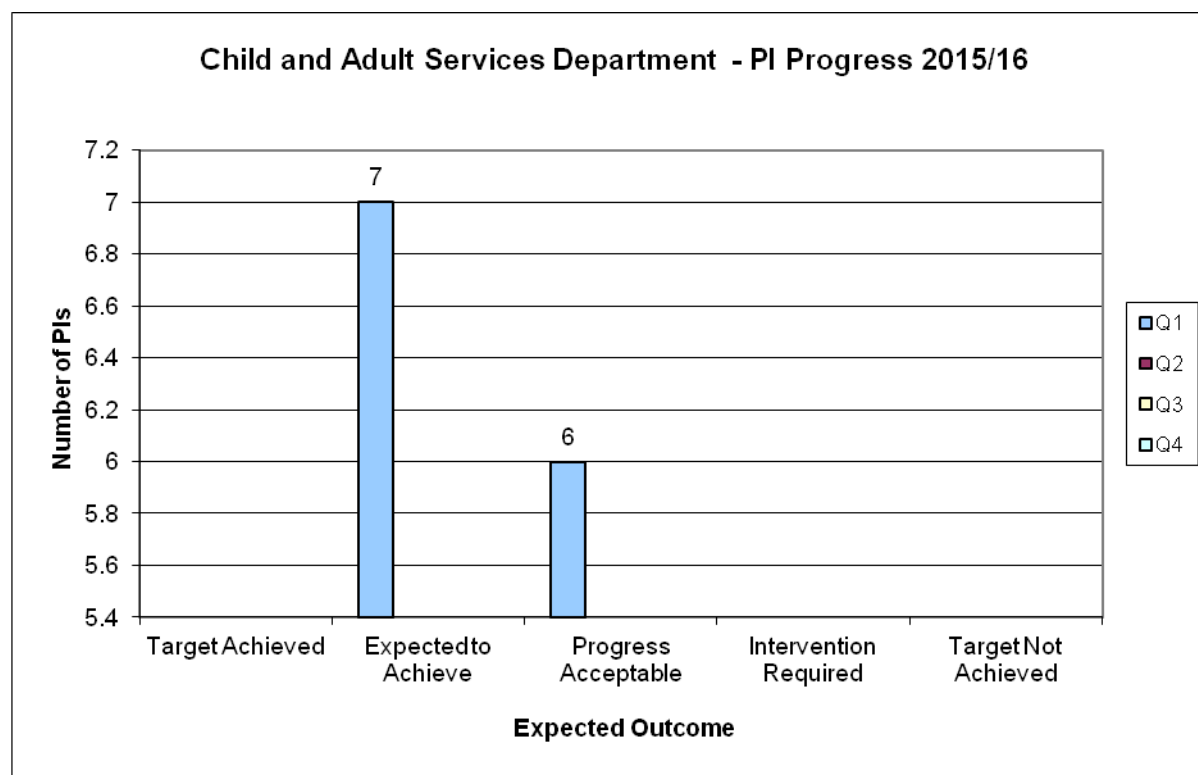


Chart 4: CAD Targeted Performance Indicators – Progress to 30 June 2015



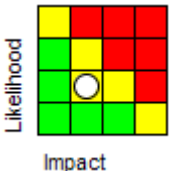
5.4 Since approval of the 2015/16 Council Plan in March a number of Performance Indicator targets have been set that were previously identified as 'To be confirmed' Table 1 (below) identifies those PI's within the Child and Adult Services Department.

Table 1 Targets to be agreed for 2015/16 Plan

PI Ref	Description	2014/15 Target	2015/16 Target
NI 117	Percentage of 16-18 year olds who are Not in Education, Employment or Training (NEET)	6.6%	6%
CSD P116	Percentage of C & F assessments completed within 45 working days	Not set (New indicator)	80%
NI 62	Stability of placements of looked after children: number of moves.	10%	8%
NI 63	Stability of placements for looked after children: length of placement	75%	80%

5.5 There are 22 risks across 5 outcomes in the Council Plan 2015/16. The table below provides a summary of those risks whose ratings have changed over the last quarter.

Table 2: Changes in CAD Risks Q1 2015/16

Risk Code & Title	Current Risk Matrix	Latest Note
CAD R025 Failure to meet statutory duties and functions in relation to childcare sufficiency		DECREASED RISK - Sufficiency of childcare is manageable at the moment. The government has made an increased offer of childcare for some working parents from Sept 2017 and this will have an impact on the amount of childcare the town will require.

5.6 The Department have also requested that the following Risks be removed from the 2015/16 plan

Table 3: Risks requested to be removed from 2015/16 Plan

Risk	Reason for removal
CAD R065 - Non-participation at age 18+ in education, employment or training begins to increase	The department has no statutory responsibility for participation at age 18+ and is already measuring 16-19 participation in employment, education and training.
CAD R066 - Alternative education provision in Hartlepool is judged to be inadequate	The department is not responsible for Alternative Provision in the town and therefore, has no influence on these settings. This is no longer considered to be a risk to the council.

5.7 For the period up to 30 June 2015 the Child and Adult Services Department have identified the following achievements and issues:-

**Achievements**

**Implementation the 2015-16 requirements of the Care Act in preparation for the 2016-17 requirements.**

A significant amount of work was completed in preparation for Care Act implementation from April 2015 including training and awareness raising for staff, revisions to assessment and review documentation to ensure Care Act compliance, development of advice, information and advocacy resources and a review of the framework for direct payments for carers. It is too soon to assess the impact of the April 2015 changes, but it is anticipated that there will be increased demand for services, and this will be monitored on a regular basis through the Care Act Implementation Steering Group with an update to Adult Services Committee in October / November 2015.

Regulations and guidance for the financial reforms from 1 April 2016 are not expected to be made available until October 2015. In the meantime, work is underway in relation to financial modeling and understanding the impact for commissioning and market management.

**Improved pathways and services meeting the needs of individuals with dementia and their families / carers.**

Contracts awarded to Hospital of God. Dementia Friendly accreditation attained. Dementia Advisory service awarded, work underway to establish links to statutory and community organisations. Plans in place for family leadership course late 2015.

**Access to equipment and telecare: users with telecare equipment (LAA HC37b)**

At the end of quarter one 2015-16, a total of 2,076 users were registered with Telecare. This is good performance and is on target to achieve the year end figure of 1600 people with Telecare equipment.

**Issues****Number of admissions of supported residents aged 65 or over to residential/nursing care per 10,000 population**

In the first quarter, there have been 37 admissions to residential care of people over 65 years old. This converts to a rate of 222.2 per 100,000 population. This performance does not meet the level expected in the annual target for the year (which would be a rate of 206 per 100,000 in the first quarter). This figure will be tightly monitored across the next quarter.

**6. PUBLIC HEALTH DEPARTMENTAL UPDATE**

- 6.1 The Public Health Department contributes to 3 outcomes within the Council Plan, spread across 2 themes:
- Health and Wellbeing
  - Community Safety
- 6.2 The Public Health Department has identified 30 actions and 36 performance indicators (9 Targeted and 27 Monitored) spread across 3 outcomes within the Council Plan that it is responsible for. In addition the department has also identified 10 strategic risks that are included in the Council's 2015/16 Plan.
- 6.3 Chart 5 summarises overall progress made against Actions. One action has been identified as requiring intervention and is shown in Table 4.

Chart 5: Public Health Overall Action Progress – to 30 June 2015

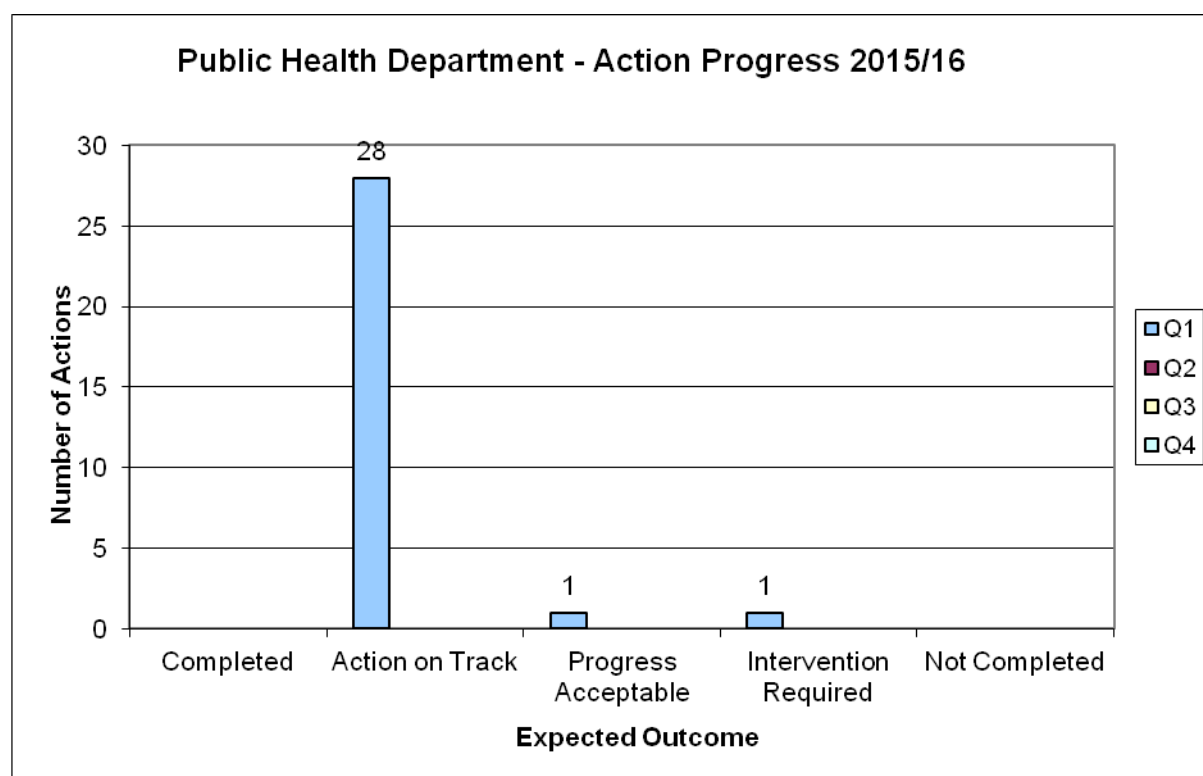


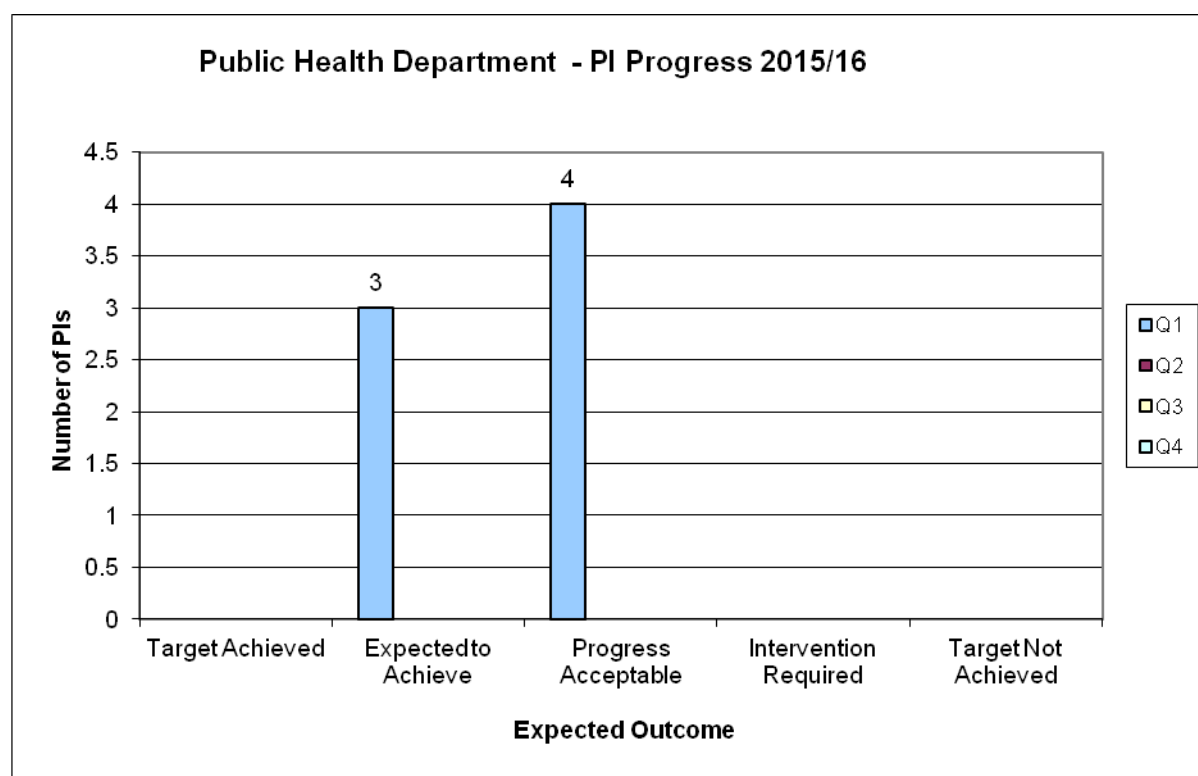
Table 4 Actions identified as Intervention required

Action	Latest Note	Date of update
PHD 15/16 HW13 Sustain funding to support the delivery of Sports and Recreation Services through income generation and sourcing alternative funding	Additional short-term staffing resource with a specific skill set has been recruited. However, the targets set remain extremely challenging and unlikely to be achieved for 2015/16. Alternative sources of funding to sustain services continue to be sought.	13-Jul-2015

6.4 Chart 6 summarises officers' assessments of the 9 Performance Indicators that have targets **and** are measurable throughout the year. At this stage of the year data is only available for 7 PI's.



Chart 6: Public Health Targeted Performance Indicators – Progress to 30 June 2015



6.5 Since approval of the 2015/16 Council Plan in March a number of Performance Indicator targets have been set that were previously identified as 'To be confirmed'. These PI's and targets are set out below in table 5.

Table 5 Targets to be agreed for 2015/16 Plan

PI Ref	Description	2014/15 Target	2015/16 Target
NI123	Stopping Smoking - Number of self-reported 4-week quitters per 100,000 population aged 16 or over	1412	1076
ACS P098	Numbers of substance misusers going into effective treatment	732	726
ACS P099	Proportion of substance misusers that successfully complete treatment - Opiates	12%	11%
ACS P100	Proportion of substance misusers who successfully completed treatment and represented back into treatment within 6 months	10%	14%
ACS P080	Take up of the Healthy Heart Check Programme by those eligible	60%	60%
NI 184	Percentage of food establishments in the area which are broadly compliant with food hygiene law	97%	97%

- 6.6 In terms of NI 123, it should be noted that the target for 15/16 has been reduced from 1412 (per 100,000 population) to 1076 (per 100,000 population). As only 60% of last year's target was achieved - in line with National, regional and local trends - it was agreed to lower the target by approximately 25%. There is still a strong possibility that this lower target will not be reached but the new Service Specification puts more of an emphasis on reaching the most disadvantaged communities, those with mental health issues, pregnant smokers and routine and manual workers with less focus on reaching 4-week quits.
- 6.7 It should be noted that data for Performance Indicator PHD 2.12 (Percentage of Adults eating healthily) is no longer available and is not within the Public Health Outcome Framework. Therefore this monitored PI will be removed from the Plan. However, the excess weight in adults PI will remain.
- 6.8 The Public Health Department have identified the following achievements for Quarter 1.
- 74% of those completing GP referral are still exercising 6 months after their initial course, with 25% exercising for 30 minutes five times a week or more. 28% have reduced their GP visits.
  - 'Feel good in Hartlepool' has over 600 participants already engaging in the programme
  - A programme of activity was run in the Easter holidays, this was fully booked with 24 participants taking part. Over 50% of those who attended the course are now attending the Cadets section of Tees and Hartlepool Yacht Club. The disability taster programme has been very positively received and one lady took the time to write a letter to thank Feel Good in Hartlepool for her experience. She is 64 years old and a wheelchair user with a range of chronic conditions. She wrote "The whole experience was exciting, exhilarating and has opened up a world of possibilities
  - A begin to run programme has been delivered attracting 40 ladies to attend with 31 of those identified as new to the sport.
  - Sportivate funding has been secured for 2015-16 totalling over £13,000. Delivery of this is ongoing and provides an excellent opportunity to engage new people in activity
  - HBC continues to lead on the town-wide workplace health programme and support local businesses through the NE Better Health at Work Award. HBC is currently supporting NTH NHS FT, Scallywags Childsplay, Cleveland Fire Brigade and TATA Steel at Continuing Excellence level, EDF Energy at Gold, Families First, Little Treasures Nursery and Footprints Nursery at Silver and Hart Bio, Northgate, Heerema and Kingsley Primary School at Bronze level. Planning is underway for the 2016 Tees-wide workplace health celebration event to be held in Hartlepool

## 7 REGENERATION AND NEIGHBOURHOODS DEPARTMENTAL UPDATE

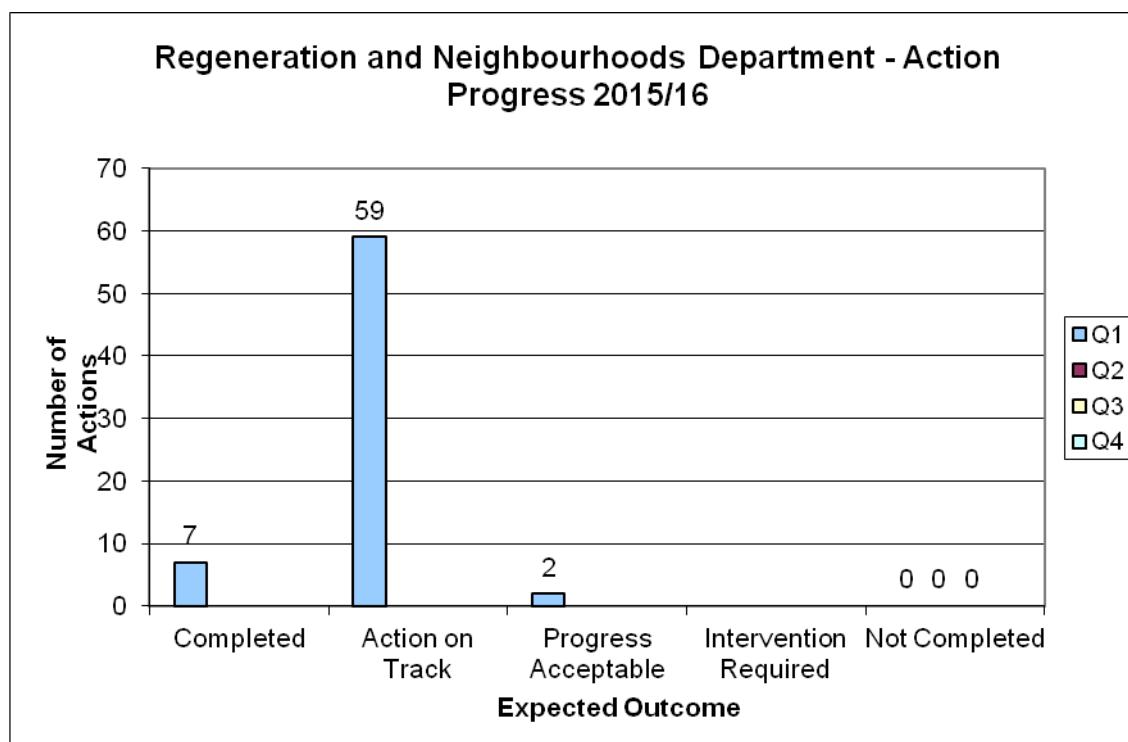
7.1 The Regeneration and Neighbourhoods Department contributes to 21 outcomes, spread across 9 themes.

- Jobs and the Economy
- Lifelong learning and Skills
- Health and Wellbeing
- Community Safety
- Environment
- Housing
- Culture
- Strengthening Communities
- Organisational Development

7.2 The Regeneration and Neighbourhoods Department has identified 68 actions and 63 performance indicators spread across 22 outcomes within the Council Plan that it is responsible for. There has been an increase in the number of actions and PI as responsibility for service delivery has changed departments. In addition the department has also identified 31 strategic risks that are included across the 21 outcomes of the Councils Plan.

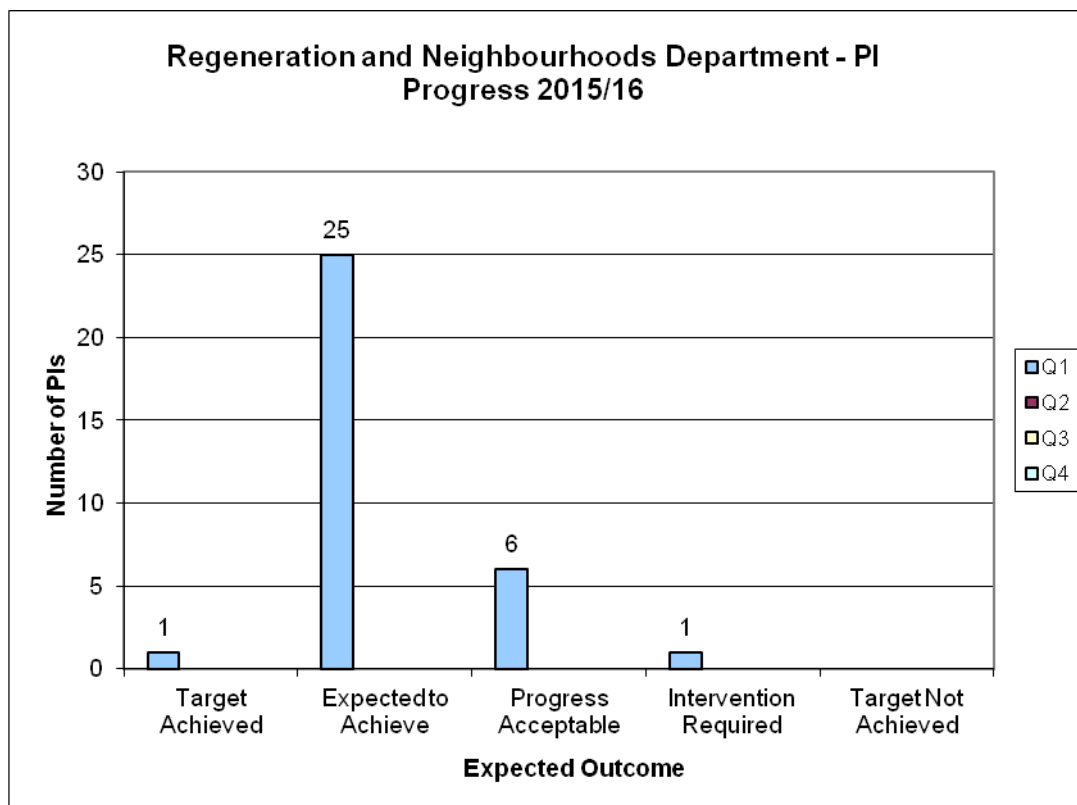
7.3 Chart 7 summarises overall progress against Council Plan Actions. Finance and Policy Committee are asked to note that the due date for completing the LED lamp and column replacement programme has been extended to March 2016.

Chart 7: RND Overall Action Progress – to 30 June 2015



- 7.4 Chart 8 summarises officers' assessments of the 40 performance indicators that have targets **and** are measurable throughout the year. It should be noted that data for 7 of the targeted PIs is not available at this stage of the year.

Chart 8: RND Overall PI Progress – to 30 June 2015



- 7.5 Since approval of the 2015/16 Council Plan in March a number of Performance Indicator targets have been set that were identified as 'To be confirmed'. These PI's and targets are set out below in table 6.

Table 6: PI Targets to be agreed for 2015/16 Plan

PI	Description	2014/15 Target	2015/16 Target
NI 171	New business registration rate – the proportion of new business registration per 10,000 resident population (aged 16+)	Not Set (previously monitored)	37.0
RND P085	Business stock (Business units in Hartlepool) per 10,000 resident population (aged 16+)	Not Set (previously monitored)	2350
RND P089	Value of income from external funding sources	£400k	£400k
NI 52a	Percentage take up of school meals – primary	65%	70%
NI 52b	Percentage take up of school meals – secondary	55%	60%
NI 157a	Processing of planning applications within target: Major applications	60%	60%

NI157b	Processing of planning applications within target: Minor Applications	65%	65%
NI 157c	Processing of planning applications within target: Other applications	80%	80%
RND P009	The percentage of appeals allowed against the authorities decision to refuse planning applications	50%	50%
RND P081	Percentage of informal planning inquiries decided within 15 working days	75%	75%
RND P082	Percentage of planning complaints investigations concluded in 4 months	75%	75%
NI 168	The percentage of principal roads where maintenance should be considered	5%	7%
NI 169	The percentage of non-classified roads where maintenance should be considered	12%	9%
NI 191	Number of kilograms of residual household waste collected per household	700KG	600KG
NI 192	Percentage of household waste sent for reuse recycling or composting	49%	42%
NI 193	Percentage of municipal waste landfilled	5%	5%
NI 155	Number of affordable homes delivered (gross)	50	50
LAA H P001	Number of private dwellings empty for over 6 months and brought back into use.	102	68
RND P051	Number of households where homelessness has been prevented through local authority action	9	10
RND P107	Average waiting time (days) for a disabled facilities grant to be completed	95	95
ACS P106	Number of people visiting Hartlepool Art Gallery, Museum of Hartlepool and Hartlepool Maritime Experience.	202,000	210,000
ACS P107	Number of school visits to Hartlepool Art Gallery, Museum of Hartlepool and Hartlepool Maritime Experience.	14,300	12,500
ACS P108a	Number of people visiting Town Hall Theatre.	Not set (previous targets included Borough Hall)	51,000
ACS P109	Number of people using Community Centres.	33,061	33,500
RND P052	Number of voluntary and community groups supported *	40	300
RND P092	Visitor Numbers	Not Set (previously monitored)	3.75m
RND P093	Value of Visitor Economy	Not Set (previously monitored)	£152m

7.6 \* RND P052 – Number of voluntary and community groups supported has had a large increase in the target as 2014/15 was the first year it was collected and it has been used as a baseline. Therefore a realistic target for

2015/16 has been set taking into account the accurate outturn which is substantially higher than the 2014/15 target.

- 7.7 The Department has also requested that the following PI's are removed from Council Plan. It should be noted that RPD P081 is also the PI identified for 'intervention required' within Chart 8.

Table 8: PI requested to be removed from Plan

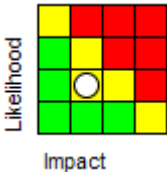
PI Code & Short Name	Latest Note
RND P124 Number of activities which engage communities or support the wellbeing agenda	R and D DMT request that this PI is removed due to funding not being available for delivery. (Monitored PI).
RPD P081 - Percentage of informal planning inquiries decided within 15 working days	Due to changes in the planning one stop shop service, this PI days is no longer relevant, therefore it is requested that this indicator is removed from the plan. (Targeted PI).

- 7.8 Finance & Policy Committee are asked to agree that Performance Indicator RND P114 'Number of neighborhood plans ratified' be changed from targeted to monitored as officers can only support local groups in their development and have little control as to when a plan will be completed.

- 7.9 The following Achievements have been identified for Quarter 1
- The Council has been successful in its application for a seaside award.
  - The Council has vacated its former Church Street premises to allow for the redevelopment of the site by the Cleveland College of Art and Design.
  - The Council has successfully brought back in to the Council, the management of the Council Housing stock.

- 7.10 There are 35 risks across the 21 Outcomes in this year's Council Plan. On a quarterly basis we will be reporting only on risks that have changed ratings in the previous quarter. In Quarter 1 2015/16 just 1 risk have changed in rating.

Table 9: Changes in RND Risks Q1 2014/15

Risk Code & Title	Current Risk Matrix	Latest Note
RND R067 Failure to achieve recycling targets resulting in loss of income and additional costs		INCREASED RISK - Contamination within the grey bin has not reduced, this is now causing further costs for the disposal of the contra materials to the contractor, and these costs may be passed onto the Authority if there is no improvement. The contamination has also affected the recycling rate achieved by the Authority. HBC continues to work with the contractor to address this issue.

## 8 CHIEF EXECUTIVE'S DEPARTMENT UPDATE

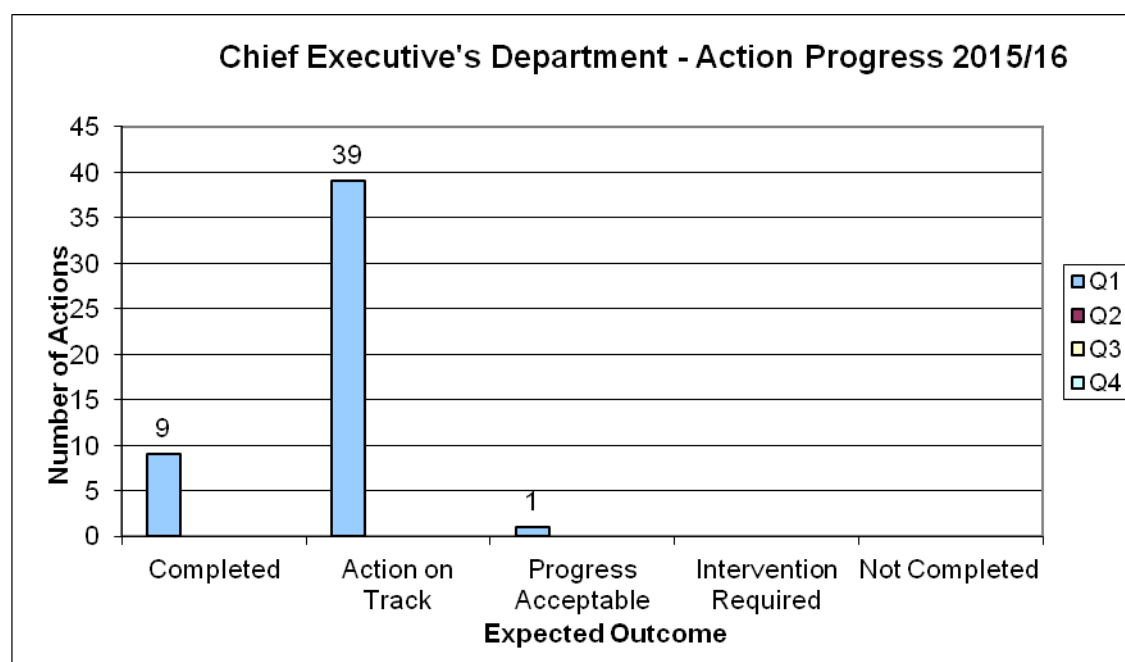
8.1 The Chief Executive's Department contributes to 11 outcomes, spread across 5 themes:

- Jobs and the Economy
- Organisational Development
- Health and Wellbeing
- Community Safety
- Strengthening Communities

8.2 The Chief Executive's Department has identified are 49 actions and 26 performance indicators (21 Targeted and 5 monitored) spread across 9 outcomes within the Council Plan that it is responsible for. In addition the department has also identified 26 strategic risks that are included in the Council's Plan.

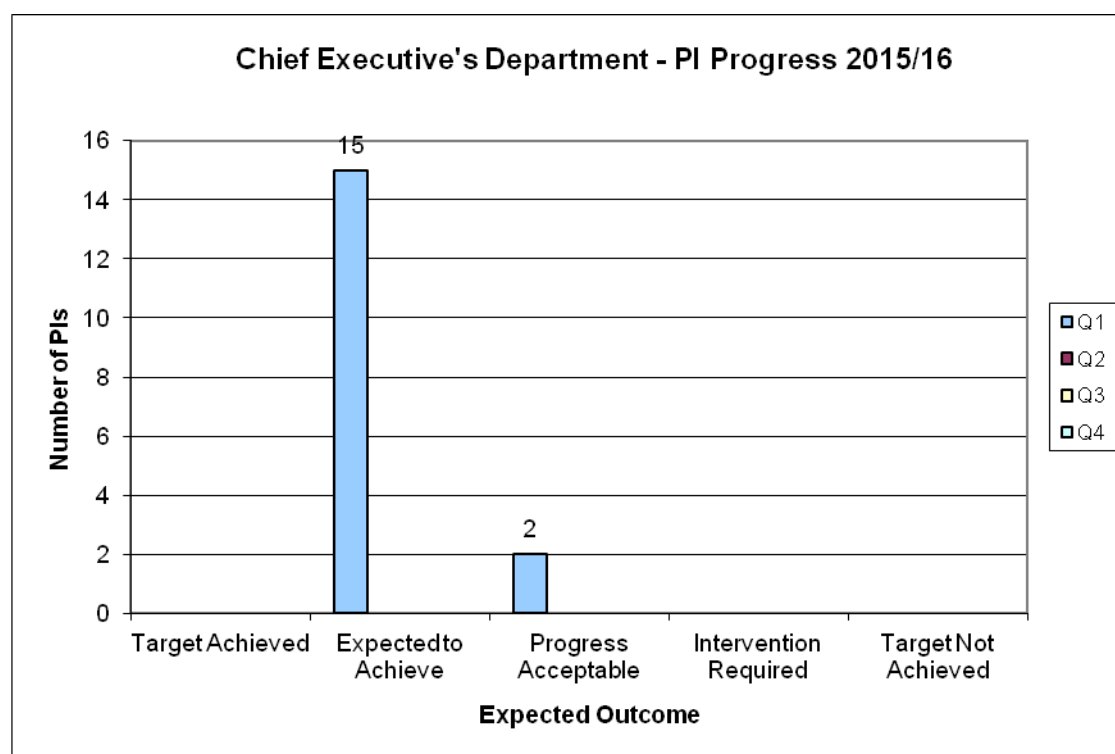
8.3 Chart 9 summarises the progress to date on Actions within the Plan;

Chart 9: CED Overall Action Progress – to 30 June 2015.



8.4 Chart 10 summarises officers' assessments of the 21 performance indicators that have targets **and** are measurable throughout the year. Only 17 PIs are identified as data for the other 4 is not yet available.

Chart 10: CED Overall PI Progress – to 30 June 2015.



- 8.5 Since approval of the 2015/16 Council Plan in March a one Performance Indicator target has been set that was identified as 'To be confirmed'. This PI and targets are set out below in table 10.

Table 10: PI Targets to be agreed for 2015/16 Plan

PI	Description	2014/15 Target	2015/16 Target
HR PI 5a	Average working days per employees (full time equivalent) per year lost through sickness absence – All Actual	7.4	7.3

- 8.6 There are 26 risks spread across the 11 outcomes that the Chief Executives Department contributes to. All these risks have been reviewed in quarter one but no risks have had a change in rating.
- 8.7 For the period up to 30 June 2015 the Chief Executive's Department have identified a number of achievements where targets have been exceeded, including: -
- Number of new credit union accounts opened is well on the way to achieving the annual target
  - The percentage of invoices paid to local business in ten day has exceeded target for Q1. There has been an upward trend in performance for 2 consecutive quarters after some difficulties with staff resources last year.



**9. RISK IMPLICATIONS**

9.1 No implications

**10. FINANCIAL CONSIDERATIONS**

10.1 No implications

**11. LEGAL CONSIDERATIONS**

11.1 No implications

**12. CHILD AND FAMILY POVERTY**

12.1 No implications

**13. EQUALITY AND DIVERSITY CONSIDERATIONS**

13.1 No implications

**14. STAFF CONSIDERATIONS**

14.1 No implications

**15. ASSET MANAGEMENT CONSIDERATIONS**

15.1 No implications

**16. RECOMMENDATIONS**

- 16.1 Finance and policy Committee is asked to: -
- Note the position in performance as at end of June 2015 (Quarter 1);
  - Agree the proposed PI targets as set out in section 5.4, 6.5, 7.5 and 8.5;
  - Agree the removal of PIs as set out in sections 6.7 and 7.7;
  - Agree to change PI RND P114 from targeted to monitored as set out in section 7.8;
  - Note the change to risks as set out in sections 5.5 and 7.10;
  - Agree the removal of risks as set out in section 5.6.

## **17. REASONS FOR RECOMMENDATIONS**

- 17.1 Finance and Policy Committee have overall responsibility for the monitoring of the Council Plan.

## **18. BACKGROUND PAPERS**

- 18.1 There were no background papers used in the preparation of the report.

## **19. CONTACT OFFICER**

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# **FINANCE AND POLICY COMMITTEE**

**21 September 2015**



**Report of:** Director of Child and Adult Services

**Subject:** FURTHER DEVELOPMENT OF ADVICE AND GUIDANCE SERVICES

## **1. TYPE OF DECISION/APPLICABLE CATEGORY**

Non key

## **2. PURPOSE OF REPORT**

- 2.1 To update Finance and Policy Committee on the effectiveness of the arrangements for the provision of advice and guidance since the new arrangements were implemented in May 2014 and outline proposals for the further development of the service that will strengthen support to the community.

## **3. BACKGROUND**

- 3.1 The decision to proceed with the implementation of the Advice and Guidance Hub was taken at a meeting of the Finance and Policy Committee on 31 January 2014. Committee agreed that functions associated with local welfare support, discretionary housing payment and front facing housing benefits support would move into the Child and Adults Services First Contact and Support Hub (FCSH) and the FCSH was reconfigured to undertake these responsibilities.
- 3.2 The aim of the creation of the Advice and Guidance Hub was to improve the way in which the Council dealt with customers with complex personal and financial needs, with the aim of addressing the need at the first point of contact wherever possible. The role of the officers located within the Hub was to undertake the following:
- Provide information, advice and guidance, signposting where appropriate to other services, e.g. debt advice, employment services;

- Process contact and referral information in relation to social care ensuring workload is prioritised appropriately and passed to relevant teams;
- Provide benefit advice (Housing Benefit, DHP, LWS etc) and support the claim process. In addition determine awards for DHP and LWS;
- Offer a fully inclusive service that meets the needs of customers at the first point of contact whenever possible, including face-to-face contact, telephone and e mail contact, outreach and where necessary home and community visits;
- Negotiate on behalf of customers in contacts with bodies such as Job Centre Plus and the DWP;
- Undertake appropriate outreach work that complements the service.

3.3 The Hub became operational in May 2014 and has delivered on the requirements as outlined above. Access to children's services continues to be effective with demand and response being managed in an appropriate and timely way. There has been added value for customers who require Local Welfare Support (LWS) and Discretionary Housing Payments (DHP) as the Hub is able to offer an opportunity to look holistically at what support is available to the customer. Local welfare support also links constructively into the wider work of the Hub associated with services for children, families and vulnerable adults. The staff team has become more integrated and ensures customers receive an assessment of their wider needs linking into other appropriate services where required. FCSH interaction with customers includes checking people are getting the benefits to which they are entitled and asking if there is anything else that Child and Adult Services can do for them.

3.4 Both the Hub and Customer Services Centre staff are working effectively together to manage the demand and volume of work coming into the Council. Their co-location has facilitated better joint working and a sharing of knowledge and skills. The teams have taken a shared responsibility for managing demand for low level transactional requirements where customers are seeking assistance with, for example, form filling. This has highlighted the different levels of need customers have and how the available resources across the system should be shaped to meet future demand.

3.5 The creation of the Advice and Guidance Hub has successfully transformed the way in which Hartlepool Borough Council delivers its first contact services to the community. Since the inception of the new service, other developments have emerged which will impact upon the work of both the FCSH and the Customer Services Centre alongside the local vision for the development of community hubs. Therefore the arrangements need to move into a new phase of development to respond to the changing ways in which services should be delivered.

3.6 In 2014, Hartlepool Borough Council and its partners were successful in their bid to the Department for Local Government and Communities (DCLG) Transformation Challenge Award to deliver a programme to transform processes, systems and service models within children's services. One key

component of the programme is the delivery of a Multi Agency Children's Hub (MACH) providing an integrated single point of access across north Tees (including Stockton Borough Council) through a multi professional triage and assessment hub. Over the last nine months, officers have been working to develop the North Tees MACH which will become fully operational in April 2016.

- 3.7 The multi agency nature of the MACH means that as this service becomes operational, partners from the police, health and a designated education officer, on behalf of schools, will be seconded into the team to facilitate the sharing of information and joint decision making about the needs of children and their families. The MACH builds on the functions of the current FCSH, creating a new multi disciplinary team and further strengthens the practice and response of the service. The MACH will be the first point of contact for Hartlepool and Stockton Borough Council Children's Services delivered by Hartlepool on behalf of both local authorities. The vision for the MACH is that all children will get a service to meet an unmet need, whether this is through support and guidance to universal services, the allocation of a worker through early help or a specialist response linked to safeguarding, domestic abuse or mental health.

- 3.8 Parallel to the development of the MACH, Hartlepool was one of the authorities selected to roll out Universal Credit which commenced in February 2015. Under these new arrangements, the local authority role is to:

- Help the public make contact through the best channel;
- Help the public get online to make and then manage their claim;
- Help them receive budgeting support to become self sufficient.

The introduction of Universal Credit in Hartlepool and the increasing numbers of people who will be required to receive their benefits in this way will have a significant impact upon the volume of and demand for assistance in making and managing claims as well as financial advice and guidance support. It is therefore imperative that services are available to support people in accordance with their presenting level of need.

#### **4. PROPOSALS**

- 4.1 The proposals for the next stage of development for the service centres around the creation of a multi agency hub which brings together local authority officers from a range of children's services with staff from partners organisations including the Police, Foundation Trust and Mental Health Trust. The multi agency team will work together to provide a triage approach to those in need of services and ensure that the most vulnerable in the community are receiving the appropriate support, advice and assistance they require.
- 4.2 Since the creation of the Advice and Guidance Hub, the needs of those presenting for services has been considered and it is apparent that

customers have different levels of need which fall broadly into two categories as follows:

**Level 1 – Transactional Needs:**

- General Information;
- Signposting for services;
- Report a council matter;
- Booking a service;
- Making a payment;
- Making an application or changing existing information;
- Making a comment or complaint.

**Level 2 – Advice and Guidance Needs:**

- Provision of financial advice and guidance;
- Seeking advice and guidance to meet needs;
- Accessing universal services for children;
- Assistance with common assessment;
- Referring children for early help and social care services.

4.3 Level one transactional needs do not require a multi agency response and can be effectively completed by Customer Services staff creating capacity within the Multi Agency Hub to be able to deliver targeted advice and guidance to those seeking these more specialist support. Officers within the FCSH and Customer Services Centre work closely together to ensure that people presenting for services get access to the right services they are seeking first time. The working relationship between the teams enables staff to engage each other to provide assistance where this is identified as necessary or appropriate.

4.4 The implementation of phase two of the development of advice and guidance services with the creation of the multi agency hub aligns the council to be able to strengthen the provision of support within communities through the vision for community hubs. It ensures that those who require a service receive a timely and proportionate response to their presenting need or request and makes the most effective use of the available expertise and resources.

## **5. FINANCIAL CONSIDERATIONS**

5.1 The full business case for the development of the Multi Agency Children's Hub is being prepared in accordance with the project plan and will be presented to a future meeting of the Children's Services Committee. Whilst the development will involve a reconfiguration of the existing services to deliver the North Tees MACH, it is anticipated that this can be met within the existing HBC budget and will be cost effective for both local authorities.

## **6. LEGAL CONSIDERATIONS**

- 6.1 Legal services will be involved in negotiating the arrangements for the North Tees MACH once the business case is approved.

## **7. CHILD/FAMILY POVERTY CONSIDERATIONS**

- 7.1 The vision of the Better Childhood Programme for which the successful DCLG bid was awarded is to improve the lives and outcomes of children and their families in Hartlepool and reduce child and family poverty. The proposals outlined in this report aim to configure services in such a way as to be responsive to the presenting needs of people accessing services of the council. It promotes a way of working which ensure that people receive the right level of service commensurate with their needs and that people get access to the right service, first time. This will ensure that children and families living in poverty receive the advice, guidance and assistance they need to reduce the impact of poverty with the ultimate aim of achieving a standard of living above the poverty line.

## **8. STAFF CONSIDERATIONS**

- 8.1 The proposals outlined in this report will impact upon staff within the Council as the North Tees MACH is created. Proposals for the future staffing structure are being developed and it is not anticipated at this stage that there will be any compulsory redundancies for staff. HR has been engaged in this work and formal staff consultation will be undertaken in preparation for the launch of the new service in April 2016.

## **9. RECOMMENDATIONS**

- 9.1 It is recommended that Finance and Policy Committee ratify the implementation of the next phase of the development of the advice and guidance hub and mandate officers to progress this work.

## **10. REASONS FOR RECOMMENDATIONS**

- 10.1 The proposals in this report outline the long term vision for the provision of advice, guidance and assistance to the people of Hartlepool. It is necessary evolve and develop services in response to both national and local changes and how these impact upon people who use these services. The proposals aim to strengthen the way in which the council supports its customers and make the most effective use of the available expertise and resources.

**11. BACKGROUND PAPERS**

None

**12. CONTACT OFFICER**

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# FINANCE AND POLICY COMMITTEE

21 September 2015



**Report of:** Director of Child and Adult Services

**Subject:** LOCAL WELFARE SUPPORT/ DISCRETIONARY HOUSING PAYMENT ADMINISTRATION – REVIEW OF FRAMEWORKS

## 1. TYPE OF DECISION/APPLICABLE CATEGORY

Non key

## 2. PURPOSE OF REPORT

- 2.1 To seek approval for amendments to Local Welfare Support (LWS) administration framework and Discretionary Housing Payment (DHP) administration framework.

## 3. BACKGROUND

- 3.1 Finance and Policy Committee approved revised Local Welfare Support and Discretionary Housing Payments administration frameworks in October 2014. These frameworks were developed to respond to the transfer of responsibility of discretionary support from Department of Work and Pensions (DWP) to the council in 2013. The attached appendices are the amended frameworks.
- 3.2 In May 2014 responsibility for Local Welfare Support and Discretionary Housing Payment transferred to the Advice and Guidance Hub.
- 3.3 In addition, to the Local Welfare Support responsibilities transferred to Local Authorities, the Government also transferred responsibility for Local Council Tax Support (LCTS) to Councils in 2013/14. Initial proposals for the 2016/17 LCTS scheme were considered by the Finance and Policy Committee on 27<sup>th</sup> July 2015. Members supported the proposal to retain the 12% LCTS scheme for 2016/17, the same level as in 2015/16, to assist working age households affected by the Government's Welfare Reforms. Final LCTS proposals will be reported to the Committee when details of the

actual 2016/17 grant cuts are known to enable these proposals to be referred to full Council for approval.

#### **4. DISCRETIONARY HOUSING PAYMENTS**

- 4.1 In 2014/15 99.7% of the £346,497 DHP fund was allocated to eligible Housing Benefit claimants, amounting to 989 individual awards.
- 4.2 In 2014/15 DHP payments were made to 4 foster carers, 9 residents living in adapted premises, 4 residents that were terminally ill and 52 benefit cap families. In addition, 10 one off payments were made to prevent families with dependent children from being evicted from their homes. The remaining awards were made to residents unable to afford their shortfall in their rent due a number of financial reasons.
- 4.3 The DHP award for 2015/16 is £286,417.

#### **5. CHANGES TO DHP FRAMEWORK**

- 5.1 **Appendix A** shows the proposed revised DHP framework. Largely the application process and eligibility criteria remain the same. It is hoped an eform will be developed to allow applicants an alternative method of requesting funding. There are no significant changes to the framework though Members are requested to note:
- A proposal to implement 100% DHP entitlement for claimants requiring an extra student studying at university (where the student is not claiming housing benefit and the room is not being sublet);
  - A proposal to help for parents with dependent children regardless of their free school meal entitlement.
- 5.2 It should also be noted that government are proposing to reduce benefit cap from £26,000 to £23,000 and ultimately £20,000 per annum. This could mean further families with four or more dependent children will be in need of DHP support. It is unknown at this stage how many families will be affected though we anticipate an estimate from DWP once government announces their final decision on the cap.

#### **6. LOCAL WELFARE SUPPORT**

- 6.1 Local Welfare Support Scheme was introduced to 2013/14 with the aim of providing “in crisis” and “non-crisis” support to vulnerable people that meet the criteria.

6.2 Since April 2013 applications to the scheme can be summarised as follows:

Financial year	Total number of applications made	Total amount spent
2013/14	2957	£117,738.60
2014/15	1714	£163,904.14
2015/16	295	£35,878.69 (April to June)

6.3 An initial increase in applications once the fund opened has since settled into a steady number of applications. Over 60% of applications are for “in crisis support” (i.e. immediate crisis, in need of food, gas and electricity) and 40% are for “non crisis” support (i.e. household goods, support to settle into new accommodation).

## 7. CHANGES TO LOCAL WELFARE SUPPORT FRAMEWORK

7.1 **Appendix B** sets out the proposed revised LWS framework. It is proposed that the framework remains largely the same. However one change is the proposal to amend award allowances that are made available to the public. Currently awards are made based on 60% of the basic DWP benefit personal allowance with an adjustment for Child Tax Credits. This is based on a set amount linked to benefits. The proposal is that awards are based on need instead of a proportion of benefits to ensure that those genuinely in need can be supported. The award would be based on need and would be up to the maximum of 60% of the basic DWP personal allowance.

7.2 The advantages for the change to the framework are:

- The funding will be targeted to those most in need;
- The funding will be able to support more individuals/ families in need as the funding should last longer and be carried over to the following year;

The disadvantages for the change to the framework are:

- There may be a perception from the public that we are reducing the amount they can receive in awards;
- Officers will need to identify need which may take slightly longer than awarding a standard amount.

7.3 The proposed allowances based on need reduces the amount of “in crisis” support we would offer however service users can apply more than once for funding if they continue to be in need. The intention of this change is to reduce large one off payments which may be used for other than essential needs e.g. debt repayments.

## 8. FINANCIAL CONSIDERATIONS

8.1 The funding for Discretionary Housing Payments is in place until 2016/17. However there is no guarantee of any further funding after this date.

8.2 The funding for Local Welfare Support is currently budgeted until 2016/17. A reduction in allowances may enable any unspent funds to be carried forward in future years.

8.3 The changes proposed to the frameworks can be accommodated within the current budget.

## **9. RISK IMPLICATIONS**

9.1 There is a risk that service users may be dissatisfied if Local Welfare allowances are reduced. This may also lead to repeat applications.

9.2 The government continues to make savings within the welfare budget which could see an increase in applicants to both funds.

## **10. LEGAL CONSIDERATIONS**

10.1 Legislation regarding DHP can be found within Discretionary Financial Assistance Regulations 2001 (SI001/1167)

## **11. IMPACT ON CHILD/FAMILY POVERTY**

11.1 The DHP and LWS frameworks target resources to those most at need therefore the implementation of these frameworks support the reduction of child poverty. In addition, when parents/ individuals request DHP/ LWS support the First Contact and Support Hub support them to maximise their income and gain employment. This approach supports the reduction of child and family poverty.

## **12. RECOMMENDATIONS**

12.1 It is recommended that Finance and Policy Committee:

- Approve the changes to the DHP administration framework.
- Approve the changes to the LWS framework to introduce a change in allowances based on need instead of a proportion of benefit payments.

## **13. REASONS FOR RECOMMENDATIONS**

13.1 To ensure that timely financial support is available for individuals/ families.

13.2 To ensure that resources are targeted at those most in need within the context of increasing austerity.

- 13.3 To ensure the Council is meeting its requirements in relation to DHP.

**14. APPENDICES**

Appendix A – Discretionary Housing Payment Administration Framework 2015/16

Appendix B – Local Welfare Support Administration Framework 2015/16

**15. CONTACT OFFICER**

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# Discretionary Housing Payment Administration Framework 2015/16

# Hartlepool Borough Council

## **SECTIONS**

- 1. Background**
- 2. Funding**
- 3. DHP Manual and Procedure**
- 4. Key Principles**
- 5. DHP Administrative Framework**
- 6. Purpose of the DHP Administrative Framework**
- 7. Statement of Objectives**
- 8. Claiming a DHP**
- 9. Decision Making**
- 10. Period of Award**
- 11. Awarding a DHP**
- 12. Change in Circumstances**
- 13. Method of Payment**
- 14. Notification**
- 15. Right of Review**
- 16. Service Standards**
- 17. What a DHP cannot cover**
- 18. Overpayments**
- 19. Publicity**
- 20. Fraud**

## 1. Background

- 1.1 The Discretionary Housing Payments Scheme (DHP) was introduced on 2<sup>nd</sup> July 2001 and granted Local Authorities new powers to pay a discretionary amount to top up Housing Benefit or Council Tax Benefit. Legislation governing DHP is found in the Discretionary Financial Assistance Regulations 2001 (SI 001/1167).
- 1.2 The DHP scheme is only available to claimants who are entitled to payment of at least the minimum Housing Benefit allowed.

## 2. Funding

- 2.1 The DWP provides local authorities with an annual cash limited fund to enable councils to provide discretionary “top up” help. The allocations of discretionary housing payment funding can only be applied to help with housing benefit awards.
- 2.2 To help manage the impact of the government’s housing and welfare reforms the DWP increased the amount of funding provided to local authorities for Discretionary Housing Payment purposes in 2013/14 and again in 2014/15. The 2015/16 allocation has been reduced and can be broken down as follows:

### **DWP Discretionary Housing Payment Allocation 2015/16**

	£
General DHP Support (continuing)	34,370
Local Housing Allowance (private rented sector) (continuing)	57,283
Social Sector Size Criteria (Bedroom Tax)	137,480
Welfare Benefit Cap	57,283
<b>Total</b>	<b>286,417</b>

## 2.4 Restricted Groups

Good practice tells us that some circumstances should give automatic entitlement to a DHP for those whose rent shortfall is caused by Social Sector Size Criteria (under occupation charge/ “bedroom tax”). These include –

- 100% DHP protection for households where children are on an age threshold which would result in an additional bedroom entitlement within the next 12 months
- 100% DHP protection for claimants who are within 12 months of pension credit qualifying age
- 100% protection for claimants whose property has been significantly adapted via a Disabled Facilities Grant to meet their disability needs
- 100% DHP protection for a pregnant mother claimant who is over 24 weeks pregnant who may shortly have an additional room entitlement up to the expected date of birth of the child



- 100% DHP entitlement for terminally ill claimants
- 100% DHP entitlement for claimants requiring an extra bedroom for a student studying at university providing the student is not in receipt of housing benefit and the bedroom is not sublet during their absence
- 50% DHP entitlement for claimants requiring an extra bedroom under child access arrangements.

### 2.5 The Benefit Cap

Families subject to the benefit cap will be targeted by a Benefits Liaison Officer from the Revenue and Benefits Team and offered the opportunity to apply for DHP using a shortened application form. Verification of income/ expenditure is required. Such families will be offered support through a 'team around' approach with an appropriate range of individuals and organisations brought together with the family with the aim of making change. The government has announced their intention to reduce the benefit cap further from £26,000pa to £23,000.

### 3. DWP DHP Guidance Manual and Local Procedures

- 3.1 DWP produces a Local Authority Good Practice Guide, the latest edition being April 2014. This offers advice on how DHPs can be used to support claimants affected by some of the key welfare reforms paying particular attention to those affected by the benefit cap, removal of spare room subsidy in social rented sector (under occupation charge or 'bedroom tax') and reductions in Local Housing Allowance.
- 3.2 The manual does not stipulate how DHP should be administered and leaves Local Authorities to make local decisions on administrative practice. DHP has historically been managed by the Revenue and Benefits team however following a decision by Members aspects of DHP were transferred to the Advice and Guidance Hub in May 2014.
- 3.3 The Advice and Guidance Hub follows a DHP procedure which sees all applications for DHP channelled through the Hub with award decisions made by the Hub (including any additional support claimants may require). The actual calculation and processing of their payment continues to be undertaken by the Revenue and Benefits team.

### 4. Key Principles of the DHP Guidance Manual - Good Practice Guide

The updated Guidance Manual (April 2014) covers a number of key areas that need to be considered in the administration of DHP. These include –

LAs need to follow all relevant financial regulations however remain flexible in their decision making. They need to be fair, reasonable and consistent in their decision making. Locally this needs to be:

Support towards housing costs does not only mean rent liability. It can include rent in advance, deposits and other lump sum costs to assist a move such as removal costs.

A DHP can be made on more than one home where an applicant is temporarily absent from their home, perhaps due to a crisis (eg fleeing domestic violence).

It cannot cover rent arrears, service charges, certain sanctions or reductions in benefit.

The length of the award and the frequency of payment are at the LAs discretion.

An LA may decide to disregard certain income such as related benefits which are awarded for a very specific reason

There is no right to appeal- an applicant can ask for a reconsideration.

### **5. DHP Administrative Framework**

- The administration of the scheme is managed by the Advice and Guidance Hub and they are the overall budget holder. The Advice and Guidance Hub receives all requests for DHP and makes decisions. The Revenue and Benefits Service undertakes calculations and payments of subsequent DHP awards.
- The scheme is of a discretionary nature; a claimant has no statutory right to payment and no statutory right to appeal
- The total amount an Authority can pay out in any financial year is cash limited by the Secretary of State
- The policy is predicated on the assumption that Council policy will not provide any additional funding on top of the DWP annual funding allocation for DHP's
- Discretionary Housing Payments are not payments of Housing Benefit, but at least the minimum amount of Housing Benefit must be in payment for each week a Discretionary Housing Payment is made
- From April 2014 at least the minimum amount of Housing Benefit must be in pay (or Universal Credit where applicable).

### **6. Purpose of DHP Administration Framework**

- 6.1 The purpose of this policy is to specify how Hartlepool Borough Council's Advice and Guidance Hub will operate the DHP scheme and to outline some of the factors to be taken into account when considering awarding a DHP.
- 6.2 The Advice and Guidance Hub is committed to working with Hartlepool Borough Council's Revenue and Benefits Team, Housing Advice Team, The Third Sector, Registered Providers, and other interested parties with a view to maximising entitlement to all available state benefits and this will be reflected when administering the DHP scheme.

- 6.3 The scheme will operate in an equitable and fair way. Prior to any award, claimants will be encouraged to take up all other available financial assistance to which they may be entitled and will be signposted to any agencies in the Borough that can assist them to do so.

### **7. Statement of Objectives**

- 7.1 The Advice and Guidance Hub will consider making a DHP to all claimants who meet the qualifying criteria set out in this policy. All applications will be treated on their individual merits and the Advice and Guidance Hub will seek, through operation of this policy to:

- Help those adversely affected by the government's Welfare Reform programme
- Reduce homelessness and alleviate poverty
- Help claimants through personal crises and difficult events
- Support vulnerable residents in the local community
- Support vulnerable young residents in the local community in the transition to adult life
- Keep families together
- Safeguard Hartlepool residents in their own homes
- Encourage Hartlepool residents to obtain and sustain employment
- Assist Hartlepool residents to obtain and sustain tenancies
- Help those who are trying to improve their circumstances.

- 7.2 The DHP scheme is seen by the Advice and Guidance Hub to be a short term emergency fund. It cannot and should not be considered as means of circumventing current or future entitlement restrictions set out in Housing Benefit/ Localised Council Tax Reduction Schemes and Universal Credit legislation. DHP should be seen as part of an overall action plan to make changes to a tenants' financial/ housing situation.

- 7.3 Careful scrutiny and financial management of the DHP fund will ensure that funds are available throughout the year to support DHP claimants where appropriate and to direct the extra funding towards DHP claimants who have a new or greater shortfall to meet due to the changes from Welfare reforms listed above.

### **8. Claiming a Discretionary Housing Payment**

- 8.1 A claim must be made in writing and signed by the claimant. A signed letter or statement made at the Civic Centre will be deemed sufficient providing the following conditions are met:

- On request or wherever appropriate, the Advice and Guidance Hub will issue the claimant an application form specifically for claiming a DHP.

- The form will be date stamped with the issue date and the claimant will have one month to complete and return it and will be encouraged to include any supporting evidence.
- The Advice and Guidance Hub may request any reasonable evidence (eg receipts/ proof of expenditure) in support of a DHP application.
- Evidence already held in connection with Housing Benefit claims will be taken into account.
- The Advice and Guidance Hub reserves the right to verify any information or evidence already held.
- The Advice and Guidance Hub reserves the right to signpost the claimant to Compass (Housing Options) to seek help to obtain housing in the social sector or cheaper housing within other sectors, especially where the claimant is under 35.
- The Advice and Guidance Hub reserves the right to signpost the claimant to support and advice appropriate to the individuals' circumstances and to seek confirmation that engagement has taken place.
- The Advice and Guidance Hub will ensure that all fully completed DHP forms are prepared and taken to panel for consideration.

An e-form will be developed to give applicants more options in the way in which they apply.

### **9. Decision Making**

- 9.1 DHP panel meets weekly. The meeting is minuted for audit purposes and to ensure all decisions are recorded within the Advice and Guidance Hub.
- 9.2 DHP Panel consists of a minimum of three people including –two First Contact Officers and/ a Hub supervisor/ manager. In addition other appropriate professionals may attend including those that have an understating of a particular clients' case.
- 9.3 Final decisions remain the responsibility of the Advice and Guidance Hub.
- 9.4 Requests for reconsiderations are reviewed by a senior manager that was not present at the original decision making meeting. In the majority of cases this will be The Advice and Guidance Hub Manager or Head of Service where appropriate.
- 9.5 Referral and signposting to outside agencies (e.g. debt advice, housing advice) will be made where appropriate focusing in particular where a DHP will not resolve serious underlying financial problems.

### **10. Period of Award**

- 10.1 The Advice and Guidance Hub will decide on the length of time for an award, based on the evidence supplied and the facts known.
- 10.2 The start date of an award will normally be:

- The Monday after the written claim for a DHP is received
- The date on which entitlement to Housing/Universal Credit commenced (where the application is received within one calendar month of a claim for Housing/Universal Credit being decided.) whichever is the earlier or most appropriate.

10.3 A DHP can only be made for an existing Housing Benefit/Universal Credit award and cannot be paid for any other time.

- The minimum period of an award will be one week
- For prioritised cases awards may be made for up to 52 weeks
- Awards may be made on a sliding scale to assist with budgeting and to avoid “cliff edge” reduction in income when the DHP ends
- DHPs may be for the whole rent shortfall or part of that amount and it is not unreasonable to ask the applicant to help pay a proportion of their shortfall in rent themselves
- Reasonable requests for a backdated award will be considered but will usually be limited to the current financial year.
- Priority may be given to those most adversely affected by Welfare Reform
- Priority may be given to those who actively show engagement with other agencies (eg such as Housing) who can demonstrate that they are taking reasonable steps to improve their circumstances
- DHPs are not restricted to shortfalls in rent. A DHP award can be made to support an applicant move to more appropriate accommodation that meets their financial circumstances and can include – rent in advance, deposits, removal costs and minor works to a new property to make it tenant ready (eg fitting a new carpet/ curtains).

## 11. Awarding a Discretionary Housing Payment

11.1 The decision making process will include consideration of the following:

- All applications will be subject to an income/expenditure assessment the only exception being those set out in Section 2 above
- Disability Living Allowance, Personal Independence Payments, Attendance Allowance, War Pensions and Child Maintenance will not be included in the income assessment
- The shortfall between Housing Benefit / UC/ funds available to pay rent and the gross rental liability
- Any steps taken by the claimant to reduce these liabilities e.g. negotiating a reduction in gross rent, attempts to reduce household expenditure
- Impact of Welfare Reform
- Compliance with reasonable requests to engage with others to improve circumstances eg housing, work activity providers, debt advice
- The financial circumstances of the claimant and all members of the claimant’s household
- The medical circumstances of the claimant and all members of the claimant’s household

- Any savings or capital available to the claimant and all the members of the claimant's household
- The level of debt owed by the claimant and all of the claimant's household
- Any exceptional circumstances of the claimant and all of the claimant's household
- The amount available in the Discretionary Housing Payment fund at the time of the application
- The possible impact of not making an award
- Any other special circumstances brought to the attention of the Advice and Guidance Hub.

11.2 The Advice and Guidance Hub will decide on the amount and length of the award and no guarantee can be given that a further award will be made.

### **12. Changes in Circumstances**

An award may be revised or withdrawn where the claimant's circumstances have materially changed.

### **13. Method of Payment**

13.1 The Advice and Guidance Hub will decide on whom to pay on a case by case basis. This may include:

- The claimant
- The claimant's partner
- An appointee
- The landlord or agent of the landlord
- Any third party where it is appropriate to do so.

13.2 The method of payment may include:

- By BACS or cheque
- By crediting the Rent Account

13.3 The payment frequency may fall in line with the Housing Benefit /Universal Credit payments.

13.4 In the case of Universal Credit applicants, their DHP will be paid wherever possible to the landlord.

### **14. Notification**

14.1 Once a decision is made, the claimant will be notified in writing. This will be undertaken by the Revenue and Benefits Service who will strive to do so within 14 days of panel.

14.2 Where the application is unsuccessful, the notification will include:

- The reason for the decision
- The right to ask for a review, although there is no actual right of appeal

14.3 Where the application is successful, the notification will include:

- The weekly amount of the award
- The period of the award
- Whether it will be paid in arrears or in advance
- The payment method, date of payment and the payee
- The need to report a change in circumstances.

### **15. The Right of Review**

15.1 DHPs are not payments of Housing Benefit and are not subject to any statutory appeals mechanism. Councils are expected to set up an appropriate review process.

15.2 Any request for a review will be subject to the following policy:

- The claimant (or the claimant's appointee /agent) who disagrees with a decision about a DHP may dispute the decision
- Disputes must be requested in writing and will be considered where they are received by the Advice and Guidance Hub within one calendar month of the written decision being issued to the claimant
- Disputes will be considered by The Advice and Guidance Hub Manager or Head of Service – whichever was not involved in the first decision
- The outcome will be notified in writing.

### **16. Service Standards**

The Advice and Guidance Hub will endeavour to process 100% of applications for DHPs within four weeks of the applicant providing full information.

### **17. What a DHP cannot cover:**

There are certain parts of rent that cannot be included in housing costs for the purposes of a DHP because the law excludes them. These are as follows:

- Ineligible service charges
- Increases in rent due to outstanding arrears
- Certain benefit sanctions
- Since April 2013 the fund cannot be used in respect of Council Tax Support (the local scheme which replaces Council Tax Benefit)
- Overpayments of Housing Benefit.

### **18. Overpayments**

The Revenue and Benefits Service will seek to recover any DHP found to be overpaid. The method of recovery will generally be by invoice but reduction in weekly Housing Benefit will be considered where a request is received in writing. Generally any overpayments caused by official error will be treated as not recoverable. Overpayments will be notified in writing and have a right of review.

### **19. Publicity**

The Advice and Guidance Hub will publicise the DHP Scheme and will work with all interested parties to achieve this. Information relating to the amount spent will be made available at the end of each financial year.

### **20. Fraud**

The Advice and Guidance Hub and the Revenue and Benefits Service are committed to prevention and detection of fraud. Where false statements or false evidence is used to obtain payment by way of the DHP Scheme then an offence may have been committed. Where fraud is suspected, the matter will be investigated appropriately and this may lead to criminal proceedings being instigated. The Benefits Service has a duty to protect public funds we handle, and so may use information given to prevent and detect fraud and may give some information to other organisations where the law allows.

June 2015





# **Local Welfare Support Administration Framework 2015/16**

# **Hartlepool Borough Council**

## **Local Welfare Support Administration Framework**

### **SECTIONS**

- 1. Purpose**
- 2. Considerations for an award**
- 3. Hartlepool FoodBank**
- 4. In Crisis support and allowances**
- 5. Non Crisis support and award values**
- 6. Claiming a crisis award**
- 7. Claiming a non crisis award**
- 8. Awarding a payment**
- 9. Method of Payment**
- 10. Notification**
- 11. When Local Welfare Support Applications will not be awarded**
- 12. Review**
- 13. Monitoring arrangements and managing Local Welfare Support**
- 14. Publicity**
- 15. Fraud**

## **Local Welfare Support**

### **Section 1 - Purpose**

1.1 The purpose of this administration framework is to specify how Hartlepool Borough Council's Advice and Guidance Hub operates the Local Welfare Support Scheme (LWSS) and outlines the framework within which award determinations are made. Each case is treated strictly on its merits and all applicants receive equal and fair treatment within a transparent process taking full account of the Council's responsibilities under all relevant government legislation.

### **Section 2 - Considerations for an award**

2.1 The Advice and Guidance Hub will consider making an award from the LWSS to those applicants that are living in Hartlepool who meet the qualifying criteria as specified in this policy.

2.2 There are two strands to the LWSS that will be considered when assessing applications –

- awards for those who present to the Council in immediate crisis
- awards for those who are residents of Hartlepool, not in immediate crisis but need help.

#### **2.3 'In Crisis'**

2.3.1 These awards cover scenarios where, due to a crisis, there is a severe risk to the health and safety of the applicant or an immediate family member or dependent which cannot be dealt with via other support mechanisms. Payments may be made to cover the following risks:

- No access to essential needs
- Imminent deterioration in health.

2.3.2 A crisis could also be an event of great or sudden misfortune such as major flooding, gas explosion or a house fire but it is not expected that a minor mishap or damage or failure of a household item would be deemed a crisis in most circumstances.

#### **2.4 'Non Crisis'**

2.4.1 Applicants may receive a LWSS Award if they are receiving Income Support, Income Based Jobseekers Allowance, Income Related Employment Support Allowance, any type of Pension Credit or any relevant elements of Universal Credit. In exceptional circumstances an applicant may be working but able to demonstrate that they have no income with which to pay for the required goods/ services themselves.

2.4.2 Applicants may be able to access a LWSS award if they are leaving accommodation in which they received significant and substantial care and supervision and they expect to be discharged within 6 weeks. These applicants will not have a current tenancy or be a home owner and will need to find somewhere to live in the community. Such applicants must also be expected to receive a “passported” benefit (as set out in 2.4.1) or a relevant element of Universal Credit when they leave the accommodation. Examples of such accommodation that would fit this criteria are:

- Prison or detention centre
- Hospital or other medical establishment
- Care home
- Hostel
- Staff intensive sheltered housing
- Local authority care.

2.4.3 A LWSS Award may be made if this will help an individual to stay at home in the community rather than move into residential care or hospital. One of the factors considered is how immediate the likelihood is of going into such accommodation and whether the type of item or service required would prevent this happening. Some examples are:

- Help with expenses to maintain independent living, where no other funds are available to meet this need e.g. moving from a furnished flat to an unfurnished one.
- Help to move to a more suitable place to live or to be nearer someone who will provide care and support (excluding removal expenses)

Applicants will be signposted to other advice providers such as West View Advice and Resource Centre. In addition, details of any other potential sources of funding will be provided to the applicant where appropriate.

2.4.4. LWSS Awards may be made to support a family facing exceptional pressure. Some examples of situations that may give rise to exceptional pressure are:

- The family suffers an income and cashflow crisis (eg the main person in the family that receives benefits dies/ moves out/ is taken into prison/ is benefit sanctioned)
- Someone in the family suffers from a disability or chronic illness which gives rise to an exceptional need
- There is, or has been, a breakdown of relationships within the family (eg a relationship ends, couple separate due to domestic violence) and a change in benefit income ensues
- There is a serious problem with the accommodation (eg overcrowding/ structural problems)
- Domestic upheaval because of unforeseen circumstances such as house fire, flooding or other disaster

The above is not an exhaustive list and officers needs to work within the parameters of 'exceptional pressure'.

2.4.5. What causes exceptional pressure can cover a very wide range of personal circumstances. When considering applications, assessors will look at all the factors causing pressures on the family and will decide:

- Whether any of them individually or collectively when looked at as a whole, constitute exceptional pressure, and:
- If so, whether the items applied for will ease that exceptional pressure

2.4.6 LWSS payments will also enable the Council to provide support for vulnerable people in financial crisis. The Advice and Guidance Hub will treat all applications on an individual basis. When making a decision on any application, consideration will be given to the following priorities:

- Safeguard Hartlepool residents in their homes
- Help those who are trying to help themselves
- Keep families together
- Help provide stability to children
- Support the vulnerable in the local community
- Help applicants through personal crisis and difficult events.

2.4.7 Unless there are exceptional circumstances applications from single people (non dependants) living with other family members will not be awarded as they are likely to have access to support from other family members.

2.4.8 Where a professional is involved with the person (eg a Social Worker, Family Support Worker, Mental Health Worker) The Advice and Guidance Hub will liaise with them to ensure an appropriate decision on an award of LWSS is made. If an award is not made the Advice and Guidance Hub will support the professional to source alternative funding opportunities.

### **Section 3 – Hartlepool FoodBank**

The Trussell Trust and Hartlepool Churches Together operate a food bank from Church Street two days a week. The Advice and Guidance Hub refers appropriate people to the foodbank and is the largest referrer in the town. On average some 30 referrals are made a week by the Hub for vulnerable single people and families with dependent children. When someone contacts the Advice and Guidance Hub in a food crisis a discussion takes place to determine if a foodbank referral is appropriate. Given LWSS reliance on the foodbank funding is offered from the LWSS budget to the FoodBank each year to support a contribution to the cost of such referrals.

### **Section 4 – In Crisis support and allowances**

#### **4.1 Forms of support**

Awards will be made for the provision of:

- Food and essential toiletries (voucher/prepaid card/food parcel)
- Essential clothing and nappies (voucher/prepaid card)
- Heating (payment of credit to a pre-payment meter)
- Reconnection (payment direct to the supplier)
- Travel (bus voucher/ticket ) where no reimbursement is available from any other source
- Other forms of support in exceptional circumstances.

#### 4.2 Award values

Allowances available are as follows –

<b>Personal Allowance</b>	<b>Maximum Amount</b>
Single person	£30.00

Couple	£40.00
Couple with 1 child	£50.00
Couple with 2 children	£60.00
Couple with 3 children	£70.00
Couple with 4 children or more	

Lone Parent with 1 child	£40.00
Lone Parent with 2 children	£50.00
Lone Parent with 3 children	£60.00
Lone Parent with 4 children or more	£70.00

Period of awards will be considered dependant on an applicants individual circumstances although such awards should not routinely exceed 14 days. In general, applicants will only receive a maximum of two awards relating to similar issues in a rolling financial year however exceptions can apply. In such circumstances, the applicant must show genuine crisis and not an ongoing problem. The Advice and Guidance Hub Manager will agree any such awards.

Applicants making repeat applications for crisis awards will be signposted to relevant advice services, generally at the point of making a second application.

## Section 5 – Non crisis support and award values

### 5.1. Forms of support

The Advice and Guidance Hub continues to use Your Homes Newcastle and The Furnishing Service for new equipment/ items for the Non Crisis scheme. Awards may be made for the provision of:

- Bed and bedding
- Cooking utensils, basic kitchen equipment, including microwave
- Chair / seating
- White goods – cooker, fridge freezer, washing machine (and the connection thereof)
- Curtains, carpets

In addition service users may be offered the opportunity to purchase second hand items from charity organisations such as The British Heart Foundation Store. Stores such as the British Heart Foundation support Crisis Schemes for Local Authorities throughout the country and offer a low cost alternative to essential household items. Such items will be clean, in new/ nearly new condition and include a guarantee. This may allow an award made to a service user to be 'stretched' in order for them to acquire more items than if they chose new.

### 5.2. Award values

Award values will be at the discretion of the Council but will be based on standard prices for items required including the cost of delivery and installation.

It is expected that typically an award value will not exceed £650. There may be exceptions when a higher award needs to be made. Such exceptions will be agreed by The Advice and Guidance Hub Manager and usually be accompanied by a supporting statement from a professional working with the person/ family (eg Social Worker).

The value of a LWSS Award will be reduced, on a pound for pound basis, by any savings an applicant or their partner has over £650 (£1000 if the applicant or their partner is aged 60 or over).

## Section 6 – Claiming a crisis award

6.1. Applications for a crisis award will normally be by telephone or drop in to the Advice and Guidance Hub. A dedicated telephone line is available during normal office hours.

6.2. Usually a First Contact Officer will complete an application over the phone confirming if the applicant is eligible and if so, the amount to be awarded. If successful, the applicant will be able to collect the relevant crisis award from Civic Centre, Victoria Road, Hartlepool as soon as is reasonably practicable, and wherever possible on the same day.

6.3. Where the officer decides that an interview is required to clarify and validate information the applicant will be offered an appointment, arranged as soon as is reasonable practicable, giving due consideration to the reason for the application.

6.4. Where an applicant cannot visit the Civic Centre due to health/mobility issues and cannot use a telephone and has no one else who can act on their behalf an officer may make arrangements to visit the applicant in their home.

6.5. A decision letter will be sent by post within 24 hours wherever this is reasonably practicable, explaining the determination made and the review process for both successful and unsuccessful applications. Alternative arrangements will be put in place as necessary for those who do not have a permanent contact address. Where the relevant award is collected personally, the applicant will be given the letter at the same time, wherever practicable. The applicant may be asked to bring supporting documents such as proof of identity, bank statements to be checked prior to releasing the award.

6.6. The Advice and Guidance Hub will also consider crisis applications submitted by Key Service Providers/ Professionals who act on behalf of individuals. Such applications are to be made with the individual's explicit consent. Providers may include Social Workers, Mental Health Workers, The Women's Refuge, Homeless Hostels and Independent Living providers. The Hub will take into consideration any information provided by key service providers in support of applications.

## **Section 7 – Claiming a non crisis award**

### **7.1. Application made direct by applicant**

- Applicant completes and submits LWSS application form
- Officer reviews application
  - If the application is fully complete the Advice and Guidance Hub will aim to write to the applicant within 14 days with a decision
  - If the application is incomplete the Advice and Guidance Hub will contact relevant services or the applicant for further information. Once all relevant data has been collected the team will contact the applicant with a decision by post
  - If successful, awards will be provided in line with the applicants needs

A letter will be sent within 2 working days of the decision date, to explain the decision to both successful and unsuccessful applicants together with the reconsideration process.

### **7.2. Application via key services provider**



Key service providers are identified in paragraph 5.7. The following provides details of how the referral process will be administered:

- Applicant presents to key service providers
- Service provider identifies that applicant may be eligible for LWSS Award
- Service provider supports applicant to complete LWSS Award application and forwards it to Advice and Guidance Hub together with supporting evidence
- Officer considers the application and makes a decision within one month
- If successful, awards will be provided in line with the applicants needs.
- A letter will be sent within 2 working days of the decision date to explain the decision to both successful and unsuccessful applicants together with the review process

### 7.3. General

7.3.1. The Advice and Guidance Hub may request any reasonable evidence in support of an application for a LWSS payment. The applicant will be asked to provide the evidence within 7 days of a request being made although this will be extended in appropriate circumstances.

7.3.2 The Advice and Guidance Hub reserves the right to verify any information or evidence provided by the applicant in appropriate circumstances. Any such request will be essential to the decision making process and will only be used in connection with the LWSS application. If the applicant is unable to provide evidence due to the nature of an 'In Crisis' application the Hub may still consider the application and will take into account any other available information. The Hub also reserves the right to close applications where evidence available to the applicant has been requested and not supplied.

7.3.3 The Advice and Guidance Hub will also seek to maximise the applicant's income by checking the availability of state benefits and other sources of financial assistance that may be available to the applicant upon application.

7.3.4 The Advice and Guidance Hub will offer support to those most vulnerable. This may include the offer of early intervention through Common Assessment, referral for social care assessment (adult or children's), referral to other agencies including the voluntary sector for appropriate services. All will be undertaken with explicit consent.

## Section 8 - Awarding a payment

### 8.1 Crisis

The officer will consider the full circumstances before deciding whether or not to award a LWSS payment. In deciding whether to award a LWSS payment, the officer will take into account the following as applicable to the application:

- The exceptional nature of the applicant and their circumstances

- The financial, and medical circumstances of the applicant and their household, if they are relevant to the LWSS request
- The income and essential expenditure of the applicant and their household when considering the applicants income. All relevant income will be taken into account. Disability Living Allowance, Personal Independence Payments, Child Maintenance will not be included
- Where appropriate applicants will be signposted to other agencies that may be able to provide support and advice.
- Any savings and investments held by the applicant and their household, which could be used to help their financial situation
- Whether other family members external to the household help in any way towards the applicants financial expenditure
- Whether the applicant and their household are entitled to other welfare benefits but are not claiming them
- Any steps taken by the applicant to improve their circumstances
- Financial advice they have sought to alleviate their situation, such as from Citizens Advice Bureau or West View Advice and Resource Centre

The officer will record the reasons why a decision to award or refuse an application has been made.

### 8.2 Non Crisis

The officer will consider the full circumstances before deciding whether or not to award a LWSS payment. In deciding whether to award a LWSS payment, the officer will take into account the following as applicable to the application:

- The applicant meets the criteria set out at 2.4.1 and 2.4.2 of this policy
- The applicant is under exceptional pressure and/ or suffering through unexpected circumstances
- Liaison with key service providers to assist with claim validation
- If the award will help the claimant stay in the community
- If the award will facilitate resettlement into the community

The officer will record the reasons why a decision to award or refuse an application has been made.

## Section 9 - Method of payment

8.1 The Advice and Guidance Hub will decide the most appropriate person to pay based upon the circumstances of each case.

8.2 Depending on individual circumstances, awards may be payable to:

- The applicant
- Their partner
- An appointee
- Any third party to whom it might be most appropriate to make payment i.e. directly to the supplier of goods or services

8.3 The Advice and Guidance Hub will pay a LWSS award usually in the form of a voucher or pre paid card.

### Section 10 - Notification

9.1 The Advice and Guidance Hub will aim to inform the applicant in writing of the outcome of their crisis award application within 24 hours, wherever practicable and within 14 days of receipt of a non crisis application. Where the application is unsuccessful, the Hub will set out the reasons why this decision was made and explain how to ask for a review. Where the application is successful, the Hub will advise:

- The amount of LWSS payment awarded
- How, when and to whom the award will be paid
- How to ask for a request a review

### Section 11 - When Local Welfare Support applications will not be awarded

10.1 .In Crisis Awards will **not** be provided for the following:

- A need which occurs outside the United Kingdom
- Any expense which the Council has a statutory duty to meet
- Travelling expenses to or from school because funding is available from other sources
- Expenses in connection with Court (legal) proceedings such as legal fees, Court fees, fines, costs, damages, subsistence or travelling expenses (other than emergency travelling expenses when stranded away from home)
- Removal or storage charges if you are being re-housed following a compulsory purchase order, a redevelopment or closing order, a compulsory exchange of tenancies, or under a housing authority's statutory duty to the homeless
- The cost of domestic assistance and respite care
- Any repair to property owned by public sector housing bodies including housing associations , housing co-operatives and housing trusts
- A medical, surgical, optical, or dental item or service (these needs can be provided free of charge by the National Health Service, if you are getting Income Support, income-based Jobseeker's Allowance, Employment and Support Allowance (income-related) or Pension Credit (which includes the guarantee credit))
- Work related expenses including fares when seeking work and the cost of work clothes because help is available from other sources
- Debts to Government Departments
- Investments
- Purchase, installation, rental and call charges for a telephone
- Mobility needs
- Holidays

- A television, radio, a TV licence, aerial or rental charges for a television or radio
- Garaging, parking, purchase, and running costs of any motor vehicle except where the payment is being considered for emergency travel expenses
- Council tax, water charges
- Applicants who have no recourse to public funds in the United Kingdom
- Maternity and funeral expenses
- Where DWP payment is available.

### **Section 12 - Review**

11.1 Reviews of any LWSS decision can be requested using the procedure below.

11.2 An applicant (or their appointee or agent) who disagrees with a LWSS decision may challenge the decision. A request for a review for non crisis applications should be made in writing to the Council within one calendar month of the written LWSS decision being issued to the applicant. A request for review for in crisis applications should be made in writing within two days of the written decision being issued to the applicant.

11.3 When a request is made the Council will conduct a review of the decision and contact the applicant within one month of the review request being received. All reviews will be considered by a Senior Officer not involved in the original decision. The outcome of this review will be notified in writing to the applicant and/or the person submitting the review request.

### **Section 13 - Monitoring arrangements and managing Local Welfare Support**

12.1 The Advice and Guidance Hub will undertake careful monitoring of the number, amount and period of LWSS awards in relation to the available weekly LWSS budget. The purpose is to ensure the LWSS has sufficient funds to meet demands on the LWSS budget throughout the financial year and to support informed profiling of future year's budgets.

12.2 The Advice and Guidance Hub will also monitor cases where a LWSS request has been refused to ensure decisions are being made fairly and consistently. The Council is subject to the general equality duty. This means that steps will be taken to monitor implementation of this policy to ensure no one is subject to disproportionate adverse treatment because they had a protected characteristic. The Council will fully comply with general equality duties.

### **Section 14 - Publicity**

13.1 The Advice and Guidance Hub will work with partner organisations to raise awareness of the Scheme.

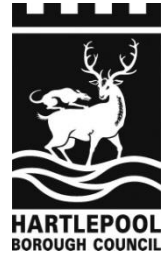
## **Section 15 - Fraud**

14.1 Hartlepool Borough Council is committed to the fight against fraud in all its forms. An applicant who tries to fraudulently claim a LWSS Award by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under the Fraud Act 2006. Where it is alleged or the authority suspects that such a fraud may have been committed, the matter will be investigated and if fraud is found to have occurred, action will be taken including if appropriate criminal proceedings.

June 2015

# FINANCE AND POLICY COMMITTEE

21<sup>st</sup> September 2015



**Report of:** Director of Regeneration and Neighbourhoods

**Subject:** WARD JACKSON PARK LODGE

## 1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Non Key Decision.

## 2. PURPOSE OF REPORT

2.1 To seek approval for the grant of a 10 year lease of Ward Jackson Park Lodge for the purpose of office accommodation.

## 3. BACKGROUND

3.1 Ward Jackson Park Lodge is surplus to the Councils operational requirements and has remained vacant for a considerable period of time.

The Lodge forms part of a larger area of parkland known as Ward Jackson Park which was transferred to the Council under a Conveyance dated 1881 which states that the area is to be retained "*as and for a Park for the recreation of the public.*"

As the Park and Lodge are effectively held in Trust for the recreation of the public, Councils opinion was sought which stated that the Council does not have the power to sell off the freehold.

A residential letting was also ruled out due to the risks of security tenure and right to buy provisions being obtained by the tenant.

3.2 The Lodge House was originally occupied by the Park Keeper but has remained vacant for a number of years. It is important that the property is occupied both to maintain the integrity of the structure and generate income to contribute towards the maintenance and repair of the property and the Park.

- 3.3 Consideration has been given for a variety of uses however the Chief Solicitor has advised that a residential use would not be appropriate taking account of the requirements of the Trust and as such the Lodge has been advertised for expressions of interest for commercial uses.
- 3.4 Following a six week marketing period three bids were received, although one was subsequently withdrawn. Details of the bids are set out in **Confidential Appendix 1. This item contains exempt information under Schedule 12A of the Local Government Act 1972, (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely (para 3), information relating to the financial or business affairs of any particular person including the authority holding that information.**

#### 4. PROPOSALS

- 4.1 To lease the property to Expression B in **Confidential Appendix 1. This item contains exempt information under Schedule 12A of the Local Government Act 1972, (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely (para 3), information relating to the financial or business affairs of any particular person including the authority holding that information.**
- 4.2 It is considered that the overall package of rent, length of term and financial security of the proposed tenant together with the use would be ideally suited to the property. The proposed tenant has a successful track record in business and is fully aware of the costs and responsibilities associated with the costs of maintaining and improving the property.

#### 5. RISK IMPLICATIONS

- 5.1 The proposal will remove a vacant building from the ongoing management liability of the Council.

#### 6. FINANCIAL CONSIDERATIONS

- 6.1 The letting will provide a rental income to the Council and all future maintenance liabilities will be passed on to the tenant in the form of a Full Repairing and Insuring Lease.

#### 7. LEGAL CONSIDERATIONS

- 7.1 The Chief Solicitor will undertake any works associated with the preparation of the Full Repairing and Insuring Lease should the transaction proceed.

**8. CHILD AND FAMILY POVERTY**

- 8.1 There are no child and family poverty implications attached to this report

**9. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 9.1 There are no equality and diversity considerations attached to this report

**10. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

- 10.1 The reuse of empty property generally contributes to reducing the risk of anti social behaviour, vandalism and break-ins. The renovation and reoccupation of the property should therefore contribute to the social wellbeing in the vicinity.

**11. STAFF CONSIDERATIONS**

- 11.1 There are no staff considerations attached to this report

**12. ASSET MANAGEMENT CONSIDERATIONS**

- 12.1 The decision to adopt a commercial approach to asset management strategies requires the Council to realise the full value of any properties or property rights that it disposes of.

**13. RECOMMENDATIONS**

- 13.1 It is recommended that Members approve the granting of a 10 year lease with 5 year break clause to EXPRESSION B on the terms as set out in Confidential **Appendix 1 This item contains exempt information under Schedule 12A of the Local Government Act 1972, (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely (para 3), information relating to the financial or business affairs of any particular person including the authority holding that information.**
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**14. REASONS FOR RECOMMENDATIONS**

- 14.1 The Lodge will be re-occupied and improved by the ingoing tenant which will sustain the integrity and security of an important building within the Park setting. The income generated will enable further improvements to be undertaken to the Park and the Lodge.



**15. BACKGROUND PAPERS**

- 15.1 There are no background papers associated with this Report.

**16. CONTACT OFFICER**

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# **FINANCE AND POLICY COMMITTEE**

**21<sup>st</sup> SEPTEMBER 2015**



**Report of:** Director of Public Health

**Subject:** HEALTH PROTECTION

## **1. TYPE OF DECISION/APPLICABLE CATEGORY**

Non Key.

## **2. PURPOSE OF REPORT**

- 2.1 The purpose of this report is to assure the Committee, regarding the discharging of the statutory duty to ensure the health of the population is protected and that local health protection arrangements are in place.
- 2.2 The term health protection includes preparing for and dealing with hazards and incidents that may threaten health. It includes, but is not limited to, infectious disease, environmental hazards and contamination

## **3. BACKGROUND**

- 3.1 The Secretary of State for Health has the overarching responsibility to protect the health of the population. In order to discharge this duty, Public Health England (PHE), NHS England and Local Authorities have critical roles to support this. The Secretary of State has the power to intervene in local areas, if for any reason local arrangements to protect the health of the population are considered inadequate.
- 3.2 The Health and Social Care Act 2012 6C regulations requires each Local Authority to 'provide information and advice to every responsible person and relevant body within, or which exercises functions in relation to, the authority's area, with a view to promoting the preparation of appropriate local health protection arrangements, or the participation in such arrangements, by that person or body'.
- 3.3 The Director of Public Health under section 73a (1) of the 2006 Act, inserted by section 30 of the 2012 Health and Social Care Act is responsible for the following:

- Any of the Secretary of State's public health protection or health improvement functions he delegates to Local Authorities; either by arrangements or under regulations.  
This can include dealing with minor outbreaks to full scale major contamination.
- Exercising their local authority's functions in planning for, responding to and emergencies that present a risk to public health.

3.4 In practice the Director of Public Health works extremely closely with PHE as a single system when preventing and responding to health protection incidents. PHE has responsibility to deliver the specialist health protection response, including the response to incidents and outbreaks.

#### **4. PROPOSALS – PROTECTING THE HEALTH OF THE POPULATION**

4.1 As described under bullet point 2.2, the term health protection covers a range of threats to health. Whatever the specific threat posed to health such as infectious disease or environmental hazard, there are 4 principles when protecting the health of the population. Those principles are:

- Prevention
- Surveillance
- Control
- Communication

4.2 Given the size and complexity of what could contribute to preventing a health protection issue, overleaf is a plan on a page of key activities that contribute to managing risk and responding to incidents.

4.3 It is proposed that a more in depth consideration of the following issues is referred from Finance and Policy Committee to the Health and Well Being Board:

- Immunisation – September board meeting
- Screening – October board meeting

4.4 It is noteworthy that all activities relating to environmental health are reported to Regeneration Committee.

4.5 It is also noteworthy that the Hartlepool Director of Public Health is the co-chair of the Local Health Resilience Partnership. This multiagency health partnership is responsible for ensuring plans are in place and tested to ensure a robust emergency response in the event of an incident or outbreak that manages risk and is resilient.

**5. RISK IMPLICATIONS**

- 5.1 Plans must be in place to protect the health of the population against a range of threats and hazards. Plans are critical in managing and mitigating against risks. Without plans been in place there is a risk the health of the population may be compromised.

**6. FINANCIAL CONSIDERATIONS**

- 6.1 Financial costs will be incident specific. Nothing specific to note.

**7. LEGAL CONSIDERATIONS**

- 7.1 Since the 1<sup>st</sup> April 2013 the Health and Social Care Act 2012, places new health protection duties on local authorities under regulation 8 of the Local Authorities (Public Health Functions and Entry to Premises by Local Health Watch Representatives) Regulations 2013, made under section 6C of the National Health Service Act 2006 ('NHS Act 2006') (as inserted by section 18 of the Health and Social Care Act 2012). This paper seeks to assure members that this duty is being effectively discharged

**8. CHILD AND FAMILY POVERTY**

- 8.1 No Implications

**9. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 9.1 No Implications

**10. STAFF CONSIDERATIONS**

- 10.1 No implications

**11. ASSET MANAGEMENT CONSIDERATIONS**

- 11.1 No implications

**12. RECOMMENDATIONS**

- 12.1 The Committee notes the activities relating to protecting the health of the population as outlined on the plan on a page.
- 12.2 The Committee is confirms it is assured plans and arrangements are in place to protect the health of the population in keeping with the requirements under the Health and Social Care Act 2012.

### **13. REASONS FOR RECOMMENDATIONS**

- 13.1 To ensure plans are in place to protect the health of the population as required in the Health and Social Care Act 2012.

### **14. BACKGROUND PAPERS**

- 14.1 Best Practice Guidance -‘Directors of Public Health in Local Government i) Roles, Responsibilities and Context’ Department of Health October 2012.

‘Protecting the health of the local population: the new health protection duty of local authorities under the Local Authorities (Public Health Functions and Entry to premises by Local Healthwatch Representatives 2013) – Department of Health, Public Health England and Local Government Association May 2013.

Finance and Policy Committee Report of the Director of Public Health  
‘Measles Outbreak’ 26<sup>th</sup> July 2013.

### **15. CONTACT OFFICER**

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## HARTLEPOOL HEALTH PROTECTION – PLAN ON A PAGE: 2015/16

Risks	Vision	Desired Future	Strategies	Measureable Outcomes	Partner Agency Actions	HBC Actions	Assurance to HBC/H&WB
Poor start to life for children	Work in partnership to protect and promote the health, wellbeing and quality of life for children, adults and families	To ensure effective screening and immunisation arrangements are in place across Hartlepool to support prevention and early detection and treatment of disease.	Implement and QA of screening programmes	Coverage of screening programmes: • Cancer – breast, bowel and cervical • Non cancer – antenatal and newborn, diabetes eye screening	Quality assurance led by NHSE and PHE partnership working, led by NHSE to implement recommendations of adult screening equity audit. Cancer Locality Group leads on Cancer	Public Health Consultant to work with screening programmes to assure on governance, accountability and compliance with national specifications. HP lead to assure on intelligence and feedback on screening	• Cancer screening and coverage via the Cancer Locality Group (CLG)  • HBC Immunisation lead liaison with PHE and NHS E on all immunisation programmes
Equity of screening take up			Implement and QA of immunisation programmes	• Childhood immunisation rates at 1, 2 and 5 years • HPV vaccination rates in 12-13 year olds • Flu vaccine coverage	NHSE ensure that: • Contracts for immunisations include quality assurance measures • Immunisation programmes are commissioned to address locality need	Public Health Lead to assure commissioning of school-based immunisation. Support new school based flu immunisation programme and ensure all schools participate. HP lead to liaise with flu assurance group, improve uptake in at risk groups and staff	• Attendance at and evidence of all immunisation/ screening board meetings
Lower survival rates from cancer							
Poor management of conditions due to late diagnosis		To ensure effective health protection and emergency response arrangements are in place across Hartlepool to protect the public from: infectious diseases, chemicals and poison, radiation, environmental health hazards.	Prevention and management of communicable disease (HCAI's, TB, HIV, STI's)	HCAI monitor: C Diff & MRSA, whooping cough & TB sexual transmitted infection incidence, HIV, Chlamydia, Gonorrhoea, Tattoo hygiene rating scheme	PHE to lead response to incidents & outbreaks. TB networks to assure HCAI improvement group, HBC immunisation lead to liaise with PHE/NHSE on childhood immunisation	• Inspect 100% of food hygiene premise • Lead on food safety & drinking water • DPH is lead officer for outbreak control • Implement sexual health review findings • Work with Hartlepool & Northumbrian Water	• Food reports/ratings • Outbreak reports • Monitor HCAI Improvement Group • NHSE reports • Sample results • Health Protection Reports
Inequalities in early diagnosis			Environmental Health Protection	Annual review of air quality, programme for industrial processes requiring LA environmental permits, saving our skins project, age restricted sale work	• Health & safety at work • Improving standards	• Maintain continuous air quality monitoring stations • Examine need for assessment of additional local pollutants work on saving our skins project	Air quality assessment/update reports to DEFRA, review air quality data, assurance via quarterly reports to HP & EPRR group
Threats from environmental hazards			Implementation of robust response to outbreaks, incidents and emergencies	Successful participation in local, regional and national emergency planning readiness exercises and ensuring that LRF plans are updated and maintained	• LHRP to contribute to all LRF plans currently under review • LHRP to contribute and participate in all relevant LRF training exercises planned for 15/16	Ensure that relevant staff attend all LRF training exercises planned for 15/16. Ensure that business continuity plans are tested and robust. Hartlepool DPH to co-chair LHRP with NHSE. Hartlepool DPH is vice chair of the Cleveland LRF. Hartlepool DPH participates in regional Scientific Technical Advisory Cell (STAC) rota	• Assurance to H&WBB via DPH • Attendance at all LRF/LHRP • Attendance at and evidence of all LRF meetings and training exercises
Threats from major incidents							
Surveillance							

# Glossary of Terms

HCAI	Health Care Acquired Infection
C Diff	Clostridium Difficile
TB	Tuberculosis
LA	Local Authority
LRF	Local Resilience Forum
NHSE	NHS England
PHE	Public Health England
LHRP	Local Health Resilience Partnership
DPH	Director of Public Health
H&WBB	Health and Wellbeing Board
EPRR	Emergency Planning Risk and Resilience
HP	Health Protection

# FINANCE AND POLICY COMMITTEE

21<sup>st</sup> September 2015



**Report of:** Chief Executive and Director Regeneration and Neighbourhoods

**Subject:** DURHAM TEES VALLEY AIRPORT

## 1. TYPE OF DECISION/APPLICABLE CATEGORY

Non Key Decision

## 2. PURPOSE OF REPORT

- 2.1 The report outlines the proposals contained in the Master Plan for Durham Tees Valley Airport (“DTVA”) and asks the Committee to consider a further proposal from DTVA/Peel concerning the airport company which is to be found in an exempt appendix (**Appendix 1**) **This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 3, 5 and 8) to this report.** Comparable reports are being presented to partner local authorities for their approval.

## 3. BACKGROUND

- 3.1 To assist the Committee a report that was tabled before this Council’s then Cabinet on 20 February, 2012, is appended herewith (**Appendix 2**) which provides additional background information. This report was considered as an ‘exempt’ item at that time (**paragraph 3 of Schedule 12A of the Local Government Act, 1972 as amended applying**) and the same exemption applies, given the commercial considerations associated with this subject.
- 3.2 During September and October last year, the Stockton Borough Council’s Regeneration and Transport Select Committee examined how the proposals within the Master Plan for DTVA would ensure a viable airport going forward and how future investment would seek to develop the airport related businesses.
- 3.3 The Select Committee produced and submitted its final report regarding this review, to Stockton’s Cabinet, at the meeting on the 9 October 2014.



Cabinet was advised that ongoing losses had prompted the production of, and consultation on a Master Plan proposing to put DTVA on a sustainable financial footing and to secure its long term future as an operating airport.

- 3.4 DTVA was projected to suffer losses in terminal passenger forecasts produced by DfT, between 2020 and 2050 with the UK Aviation Forecast suggesting 100,000 passengers will use the airport each year, before reverting back to current levels of appropriately 200,000 passengers.
- 3.5 In this context, the historic performance of the airport was noted, in particular the impact and effect of the recession, the changes in the air passenger travel industry and the loss of holiday charter programmes, resulting in reduced passenger traffic.
- 3.6 The Select Committee and Stockton Borough Council's Cabinet were however reassured by the actions being taken by DTVA to bolster, where possible, the flight opportunities from the airport, considering the effects of the economic downturn. In this regard, DTVA has recently submitted a bid, through a Government fund, for support for a new flight from DTVA to Belfast. A decision upon which, is awaited.
- 3.7 Members considered that air connectivity between the Tees Valley and a London airport, as an international hub, as well as the services from DTVA to Schiphol and Aberdeen, was vital for local/regional growth, with business users of DTVA particularly in the oil and gas sectors being crucial for the Tees Valley economy. A report in May 2012 by Regeneris Consulting commissioned by Tees Valley Unlimited, found that at the time the Airport supported approximately 600 direct and indirect jobs, with some 480 or so of those jobs taken by Tees Valley residents and that it contributed an estimated £37M annually in GVA (roughly 0.4% of GVA of the Tees Valley Economy). DTVA provision of business flights also assisted in delivering benefits for the UK as a whole.
- 3.8 Generally, the airport is regarded as a key asset in the Tees Valley, with a desire to see it expand and grow in whatever guise was going to be profitable in order to ensure its continued presence.
- 3.9 The Master Plan claims that investment in re-positioning and growing the Airport will not be possible without capital raised from enabling housing development on land owned by DTVA. This would finance nine new hangars, office space and industrial units to expand the existing Northside Employment Park and provide 968 new jobs, £68M GVA to the local economy and £1.9M business rates.
- 3.10 The Tees Valley Local Enterprise Partnership had secured £90.3M from the Government's Local Growth Fund, which included £5M provision for a new access road linking the Northside with the Southside at the airport, around the eastern end of the runway. This new link road would open up the

Southside, to provide an employment park, and logistics and processing areas with a variety of employment uses. It was envisaged that 2,889 new jobs would be created, resulting in £280M GVA to the economy and £2.9M business rates.

- 3.11 In this respect, a planning application has now been submitted for the access (link) road to open up the Southside land for the purposes of this development, and the necessary funding to ensure that the access is constructed, if planning permission is granted, has been approved through the approval of DTVA/Peel's application for Local Growth Funding.
- 3.12 Progress is also being made in relation to the preparation of an application for the enabling housing development at the airport site, and discussions are ongoing with Darlington Borough Council, as the local planning authority, regarding a related section 106 planning agreement. This initiative to diversify and seek business activities that provide secondary income as outlined in the Master Plan, recognises that operational costs cannot simply be recouped from air traffic.

#### **4. POLICY DEVELOPMENTS**

- 4.1 There have been a number of developments that have the potential to impact upon DTVA's performance and viability, in particular:-
- The 2014/15 report of the House of Commons Transport Select Committee which called upon the Government to take a more proactive role in helping smaller airports to survive and grow, in what remains a difficult environment.
  - The publication on the 1<sup>st</sup> July this year of the Airports Commission Final Report regarding expanding aviation capacity in the UK. The report recommended to Government that any expanded capacity should increase the proportion of flights from London to regional airports, and that more assistance should be given to those airports to support new domestic flights.
  - In July, HM Treasury published a discussion paper and invited views on options for supporting English regional airports from the impacts of air passenger duty being devolved to Scotland and to Wales. The risk being that for, instance, such devolution will draw passengers and airlines away from English regional airports.

#### **5. DTVA/PEEL'S FURTHER PROPOSAL**

- 5.1 Against this backdrop, Peel has asked the Local Authority Shareholders to consider a proposal regarding the airport company. This proposal is seen by Peel as an important part of a package of key measures aimed at securing the Airport's future. The other measures are the reduction in the cost base and operations of the airport and diversifying its revenue base, in order to approach annual cash neutrality by the financial year 2023/24 (it is understood that these measures have been substantially completed),

together with approval for and implementation of the enabling housing development previously referred to.

- 5.2 Details of the further proposal are set out in the exempt **Appendix 1**.

## **6. FINANCIAL CONSIDERATIONS**

- 6.1 The financial implications of the future proposal from DTVA/Peel are specified in the exempt **Appendix 2**.

## **7. LEGAL CONSIDERATIONS**

- 7.1 The legal implications of the proposal are also set out in the exempt **Appendix 2**.

## **8. CHILD AND FAMILY POVERTY CONSIDERATIONS**

- 8.1 No implications.

## **9. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 9.1 Not applicable at this stage but subject to an acceptance of the proposals put forward by DTVA/Peel, an impact assessment may be required.

## **10. STAFF CONSIDERATIONS**

- 10.1 No implications.

## **11. ASSET MANAGEMENT CONSIDERATIONS**

- 11.1 No implications.

## **12. RECOMMENDATIONS**

- 12.1 It is recommended that the Committee:-
- (i) Receives and notes this report, and
  - (ii) Considers the further proposal from DTVA/Peel detailed in the exempt appendix (**Appendix 2**) to this report.

## **13. REASONS FOR RECOMMENDATIONS**

- 13.1 The Council is one of six local authorities having a shareholding interest in Durham Tees Valley Airport. The airport is seen as a vital sub regional economic driver. Proposals have been brought forward from DTVA/Peel for the consideration of the respective authorities.

## **14. BACKGROUND PAPERS**

- 14.1 Hartlepool Borough Council Cabinet Report dated 20 February, 2012.

**15. CONTACT OFFICER**

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# FINANCE AND POLICY COMMITTEE

21<sup>st</sup> September 2015



**Report of:** Director of Regeneration and Neighbourhoods and  
Director of Child and Adult Services

**Subject:** NORTHERN LIGHTS ACADEMY

## 1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Non key

## 2. PURPOSE OF REPORT

2.1 To inform members of the current position regarding Northern Lights Academy and for members to consider options for the future sustainability of this facility.

## 3. BACKGROUND

3.1 In September 2010, Big Lottery Fund (BLF) faced the problem of the Northern Lights Academy, a £4m Myplace grant funded building, facing closure following the retraction of their original agreement with Headland Development Trust (HDT). The Northern Lights Academy (NLA) had not formally opened when financial issues with HDT arose and in an attempt to resolve the situation, BLF approached St Hilds School and asked them to take over the management of this building as part of the school campus. After lengthy discussions with BLF the school agreed to incorporate the management of the facility into its programme. The school made use of the facility for curricular purposes and the costs associated with this were met in the schools delegated budget. The school agreed to this as an interim measure to allow the building to remain operational. In the longer term, it was proposed that a private limited company, NLA, would assume ownership of the building. St Hild's School continued to manage the building until January 2013 when NLA Ltd was incorporated, however ownership of the building remains unresolved and in practice St Hild's School has maintained responsibility for the building.

3.2 BLF was responsible for arranging the transfer of the assets and lease from HDT to NLA Ltd. However, this had not been completed and, in March 2013,

BLF passed responsibility for Myplace projects to the Department for Education (DfE). This has meant that St Hild's School/NLA Ltd have continued to maintain responsibility for a building that they do not own and have rented space to a small number of community organisations. NLA Ltd has been unable to develop a business model that can sustain the operation of the facility.

- 3.3 The legal transfer of the assets remains incomplete. At the behest of the school, the Council has now intervened to assist and has met with Solicitors from the DfE; with representatives from St Hild's School also in attendance.
- 3.4 The situation regarding the lease is complicated. Initially the lease was to be transferred from HDT to NLA Ltd but because HDT dissolved prior to the transfer being completed, the lease became suspended. A new lease cannot be drawn up as the Land Registry still shows the registered leasehold with HDT and an outstanding charge with BLF. This issue needs to be resolved between the Diocese and BLF / DfE with regard to the charges placed on the building as may present a challenge for any new lease holder.
- 3.5 In a meeting between the Council, St Hild's School and the Diocese on 30<sup>th</sup> June 2015, the latter confirmed that they were open to resolving the lease issues and would be flexible in terms of matters, such as time period of lease agreement. However in the absence of an organisation with the capacity to manage the risks in relation to managing and developing the facility, consideration has been given to the Council 'stepping in' to take on this role.
- 3.6 Following the meeting and subsequent communication, the Council has submitted a draft Heads of Terms for the Diocese to consider which outlines the principle of the Council taking over this lease for 125 years on favourable terms. This offer is currently being reviewed by the Diocese and further updates will be provided at the meeting.
- 3.7 The current position is that the school has indicated that they are longer in a position to maintain responsibility for the building. There is no other organisation indicating a willingness to take on the building and therefore the Council is considering potential options to ensure that the people of Hartlepool can benefit from this innovative and outstanding resource.

#### **4. FUTURE CHALLENGES**

- 4.1 The Northern Lights Academy is a state of the art facility that has the potential to offer high quality creative and cultural education and skills pathways and apprenticeships for 14-19 years old. It also has the potential to be developed for wider community use. The creative and cultural sector is a growth area in the Hartlepool and Tees Valley economy and it will be a missed opportunity if the Council does not harness the potential of the NLA to create new opportunities in this area for young people. In the absence of a partner willing to take on the development of the facility at this stage the

Council needs to consider its role bringing this to fruition. However a number of issues need to be addressed as a matter of urgency.

- 4.2 **Ownership of the building:** As outlined above.
- 4.3 **Equipment and Grant Agreement:** The building is state of the art with world class technical equipment, however, no register of equipment, maintenance agreements, operational guides or details of suppliers were left by HDT or passed on by BLF. A copy of the original grant application submitted by HDT has never been passed on, so while BLF has asked that the building is managed as per the original agreement, there is no clear understanding of what this agreement was.
- 4.4 The lack of any detailed information on the equipment and technical information regarding its operation has meant that much of this equipment remains un-used. In addition, there is no dedicated staff member with the technical knowledge to operate the equipment, particularly the recording studio and broadcasting suite, both facilities having the potential to generate income with the correct expertise. .
- 4.5 **Staffing and Health & Safety:** NLA does not have any dedicated staff to manage the provision and to date, the day to day running of the building has been undertaken by school staff. The Governing Body of St Hild's School has recently taken the decision to remove the support of school staff to NLA apart from the Health and Safety Officer from NLA. The Council's Health and Safety Team has worked with this Officer to ensure that NLA has adequate health and safety management systems in place to remain open and prevent liability to the Directors.
- 4.6 **Finance:** Since 2010, running and maintenance costs have far exceeded income generation. St Hild's is no longer in a position to incorporate the facility management into its operation as a school and the Council officers have urgently intervened to find ways of continuing to maintain the provision. However, a business model and assessment of options for financing the operation and development of the facility needs to take place.
- 4.7 The school has also confirmed that they will not be insuring the building beyond 31<sup>st</sup> August 2015. Until the issues regarding the building have been resolved, arrangements have been made to add this facility (building and equipment) to the Council's insurance policy. In addition, the Council has met with BLF to explore funding and has secured £10k to develop a business plan for the future sustainability of NLA. This piece of work will be undertaken by an independent company, ERS Research and Consultancy.
- 4.8 **Building Maintenance:** In terms of the building itself, there are several issues with a leaking roof, faulty lighting, a broken boiler and a broken disabled toilet. To date these repairs have not been carried out as there is no budget available.



- 4.9 There has already been significant support offered by the Council to tackle these issues and to review opportunities to sustain NLA but further work is needed, particularly in relation to rectifying the ownership of the building and lease agreement and to determining the long term vision for NLA.
- 4.10 Officers will continue to review how to effectively de-risk and sustain NLA through:
- i) Exploring the benefits of developing NLA into a centre of excellence for media and performing arts within the community, and its place as part of the curriculum offer to children and young people of Hartlepool.
  - ii) Further development of the Heads of Terms which would allow sub-letting of the whole or part of NLA (which would require prior agreement by the Diocese).
  - iii) Continuing to work with the Diocese, St Hild's School and the DfE in relation to the ownership of the building which could include freehold as well as a lease agreement, how this can be transferred, and to whom.
  - iv) Exploring the benefits of NLA moving from a Private Limited Company to a charity.
  - v) Completion of the community consultation and business plan in line with the BIG Lottery grant requirements and for the NLA Board and Council to consider the findings. Both activities will be completed by October 2015.
  - vi) Exploring submitting a large scale BIG Lottery 'Reaching Communities' application to support staffing and revenue costs. (This cannot be submitted until the business plan has been completed and may take up to 18 months before a final decision is reached).
  - vii) Exploring other income generation opportunities that could support NLA in the short to medium term, which could include securing some long term tenants to occupy space. (At least two organisations have expressed an intent in either taking a long lease of part or all of the building.) The implications of this will need to be given further consideration in the context of the longer term vision.

## 5. OPTIONS

- 5.1 There are a number of options for consideration in terms of the long term vision for the future of NLA. These can be summarised as follows:

- (i) Do Nothing – This would result in the building being closed and subsequently mothballed with no benefit to the community of Hartlepool.
- (ii) Work with BLF and DfE to identify an organisation that is willing to assume the risks and benefits associated with the NLA. – To date no organisation has indicated a willingness to take on the building following the decision of St Hild's school to withdraw its support.
- (iii) The Council takes responsibility for the building for a period of 12 months initially and works with the DfE and BLF and other partners to explore the development of a centre for excellence for the creative and performing arts and backstage industry. An initiative such as this would require the development of a shared vision and a full business case. This development would be funded from the education reserve and is in line with the recommendations of the Education Commission to diversify the curriculum offer in Hartlepool. This option is the preferred option of officers subject to the building issues being satisfactorily resolved.

## **6. RISK IMPLICATIONS**

- 6.1 The Council and St Hild's School have had detailed discussions with BIG Lottery in relation to the current financial position of NLA and the support that the school has given to keep this building open. However, this is unsustainable and new measures need to be considered to prevent potential closure of the building, which is a serious risk, such as entering into a favourable lease agreement with the Diocese.

## **7. FINANCIAL CONSIDERATIONS**

- 7.1 It is anticipated that a budget of £50k will be required for a 12 month period to keep the building operational and develop a business plan. This can be met on a one off basis from the education reserve. However the business plan will need to determine the long term financing model for the facility. This is to be considered at a future meeting of Finance and Policy Committee.

## **8. LEGAL CONSIDERATIONS**

- 8.1 These have been detailed in the report

## **9. CHILD AND FAMILY POVERTY**

- 9.1 By maintaining the NLA it will provide opportunities for young people and families to access provision which will improve their life chances.

**10. EQUALITY AND DIVERSITY CONSIDERATIONS**

10.1 Not applicable at this stage.

**11. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

11.1 Not applicable.

**12. STAFF CONSIDERATIONS**

12.1 The above will be considered in more detail as per paragraph 6.1.

**13. ASSET MANAGEMENT CONSIDERATIONS**

13.1 The above will be considered in more detail as per paragraph 6.1.

**14. RECOMMENDATIONS**

14.1 Members are recommended to authorise officers to:

- i) Negotiate with the Diocese, DfE and BLF with a view to the Council becoming either the leaseholder for the NLA or freeholder of the asset.
- ii) Make interim arrangements for the Council to keep the building operational on a short term basis
- iii) Develop a business plan and vision for the future of the facility which will be considered at a future meeting of Finance and Policy Committee.

**15. REASONS FOR RECOMMENDATIONS**

15.1 The options outlined within this report provide the necessary structure to help NLA become sustainable in the future. The facilities available within the building are world class and every effort should be made to make NLA a community asset that is fully utilised providing unique experiences for service users, community groups, schools and businesses.

**16. BACKGROUND PAPERS**

16.1 Not applicable.

**17. CONTACT OFFICER**

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**Northern Lights Academy – Finance**

<b><u>Actual Costs Incurred for Financial</u></b> <b><u>Year 2014/15*</u></b>	<b><u>£</u></b>
Gas & Electricity	15,675
Water	447
Insurance	6,571
Telephone	1,446
Repairs and Maintenance	7,280
Licenses	291
Cleaning	2,312
Professional Fees (Including to cover Accountancy costs).	3,179
Post & Stationery	95
Computer Consumables	99
Sundry Expenses	22
<b><u>Total</u></b>	<b>37,417</b>

\*The above figures do not include the estimated Business Rates of £6k. This is based on an apportionment of the total rates bill for the whole site after awarding Discretionary Rate Relief. If the Council operated this building there would be no Discretionary Rate Relief resulting in potential additional costs of £18k. An application has been submitted to the Valuation Office to get a separate valuation for the NLA.

# FINANCE AND POLICY COMMITTEE

21<sup>st</sup> September 2015



**Report of:** Assistant Chief Executive

**Subject:** EMPLOYEE SICKNESS ABSENCE 1<sup>st</sup> QUARTER 2015/16

## 1. TYPE OF DECISION/APPLICABLE CATEGORY

The report is for information.

## 2. PURPOSE OF REPORT

- 2.1 To update the Committee on the Council's performance, in relation to employee sickness absence, for the first quarter of 2015/16.

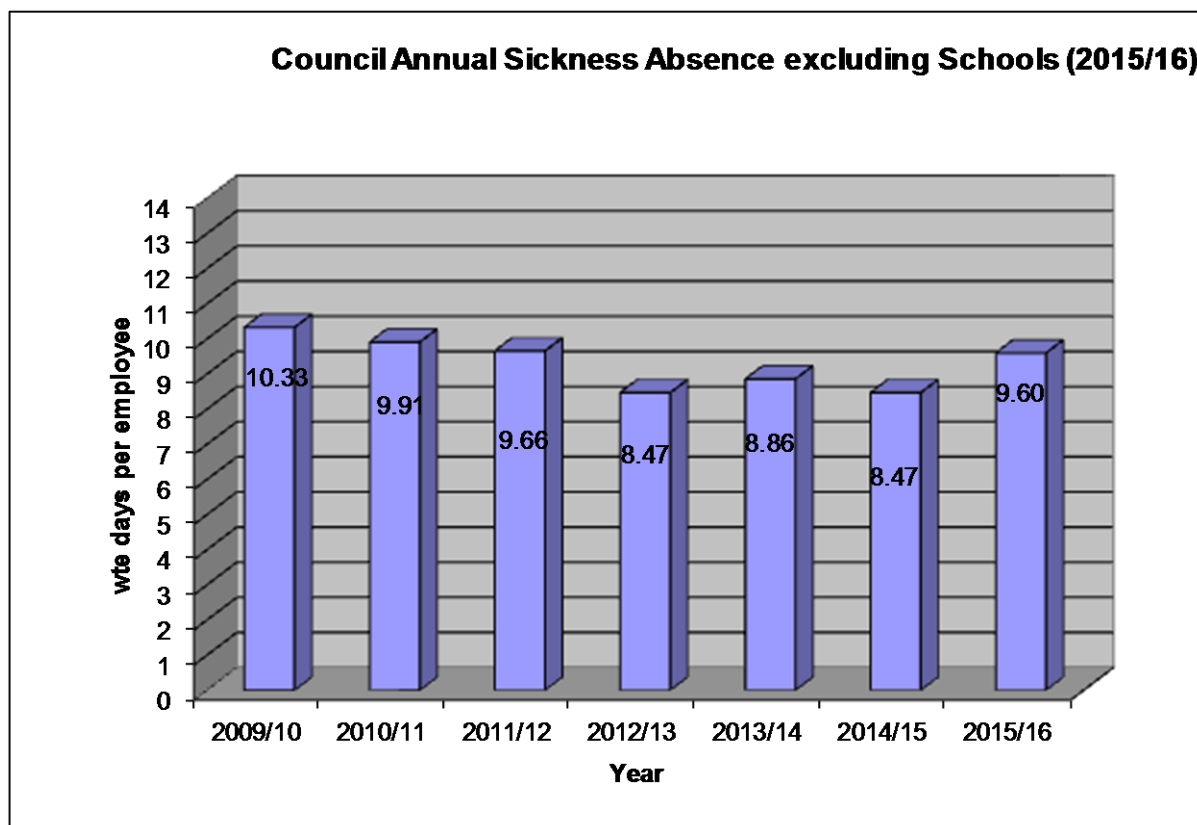
## 3. BACKGROUND

- 3.1 The extent to which employees are absent from work due to illness has a direct impact on the quality, level and cost of the provision of services. As such the Council have included this as a Local Performance Indicator (HRPI 5A) – The number of working days/shifts lost due to sickness absence in its group of Corporate Health Performance Indicators.

#### 4. SICKNESS ABSENCE PERFORMANCE

##### 4.1 THE COUNCIL'S PERFORMANCE EXCLUDING UP TO THE 1<sup>st</sup> QUARTER OF 2015/16

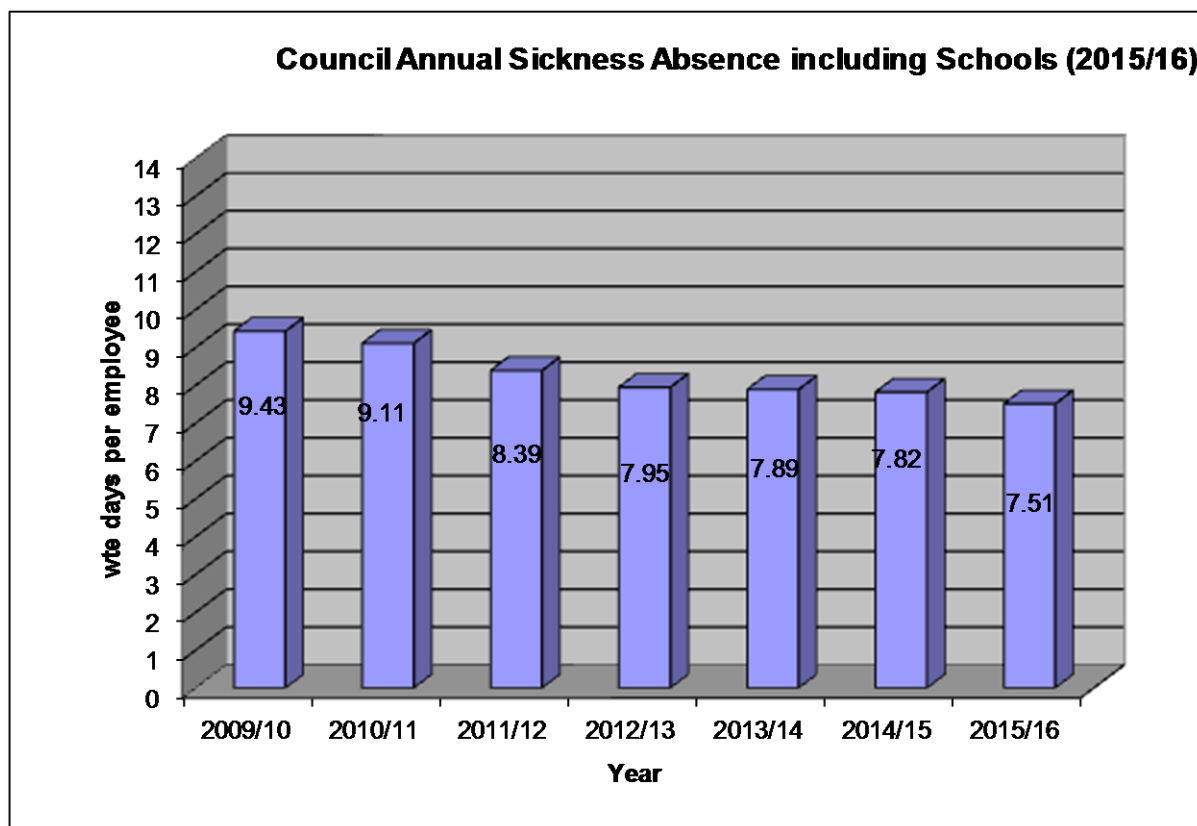
Figure 1



The target figure for the Council is 8.2 wte (whole time equivalent) days absence per employee. The actual sickness rate at the end of the 1<sup>st</sup> quarter shows the Council's performance is 9.6 wte per employee per annum, as illustrated in Figure 1 above. These levels are high for this time of year and are due to an unusual peak in the number of current long term sickness absence cases across the Council. It is expected with early intervention and good management of cases that the numbers will decline. The Council will continue to focus on sickness absence management to try and achieve its 8.20 wte average sickness per employee target at the end of the reporting year.

## 4.2 THE COUNCIL'S PERFORMANCE INCLUDING SCHOOLS UP TO THE 1<sup>st</sup> QUARTER OF 2015/16

Figure 2



The target figure for 2015/16 for the Council is 7.30 days absence per wte employee (whole time equivalent). The actual sickness rate at the end of the 1<sup>st</sup> quarter shows the Council's at 7.51 days per wte per employee per annum as illustrated in Figure 2 above. The overall figures currently demonstrate a year on year improvement for the Council including schools.



### 4.3 ACTUAL PERFORMANCE BY DEPARTMENT AND SCHOOLS

Figure 3

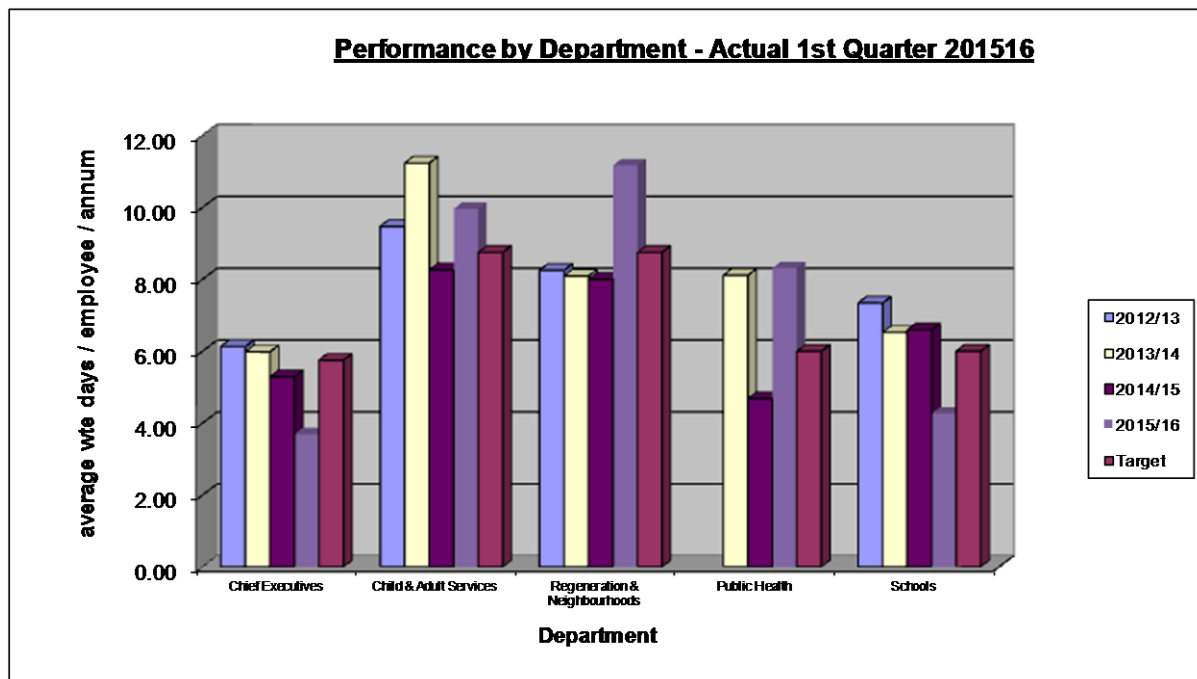


Figure 3 above illustrates the actual performance for each Department and Schools as at 30<sup>th</sup> June 2015. This can be compared to performance over the previous three years (except Public Health which only has two years historical data). The final column shows the 2015/16 annual target set by each Department and Schools.

The figure identifies that there is an increase in sickness absence rates across Child & Adult, Regeneration & Neighbourhoods and Public Health Departments compared with the last three years. There is a decrease in rates in the Chief Executives Department and Schools.

#### 4.4 PREDICTED PERFORMANCE BY DEPARTMENT AND SCHOOLS

Figure 4

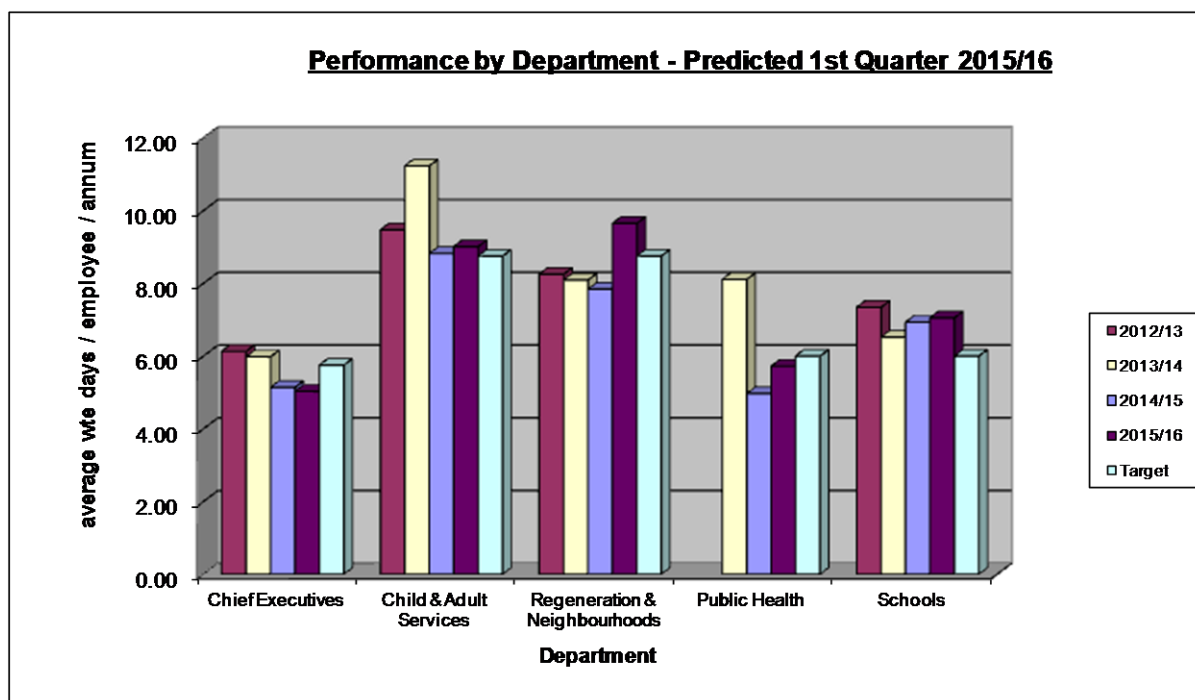
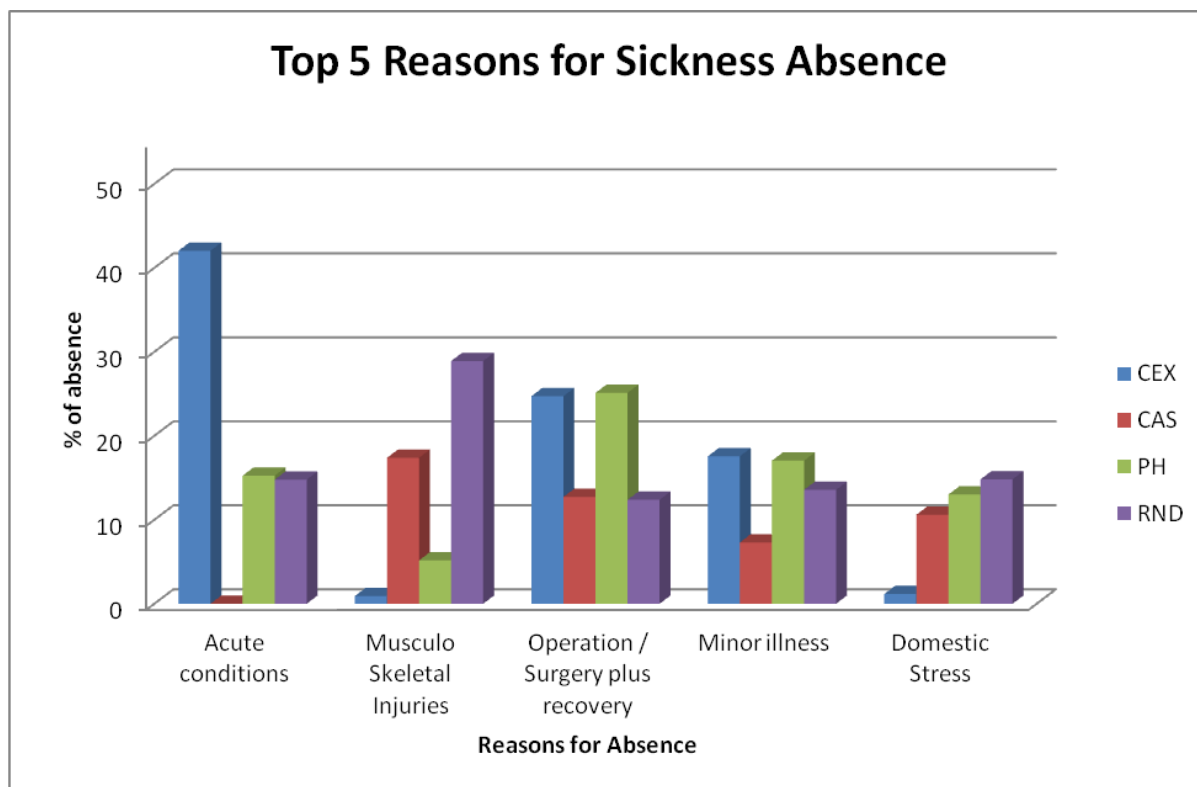


Figure 4 above identifies the end of year predicted figures (forecast for the annual year 2015/16) for each Department and Schools as at 30<sup>th</sup> June 2015. This can be compared to the actual performance over the previous three years. The final column shows the approved 2015/16 annual target for each Department and Schools. These figures illustrate that Chief Executives and Public Health are expected to meet their targets. However, based on the last 12 months data, Child & Adult Services, Regeneration & Neighbourhoods and Schools are not as likely to meet their target.

## 4.5 REASONS FOR SICKNESS

Figure 5 below identifies the rates for the top 5 reasons for sickness for each Department.



The top 5 reasons for sickness absence within the Council are acute conditions, musculo-skeletal injuries, operation / surgery plus recovery, minor illness and domestic stress.

The most common cause of absence within both Child and Adult Services and Regeneration and Neighbourhood Department's is 'musculo-skeletal injuries'; with Child & Adult Services having 17% and Regeneration and Neighbourhood having 29% of their absences related to this. The Council has a number of proactive strategies it adopts to manage 'musculo-skeletal injuries' such as regular refresher training on manual handling, hand arm vibration awareness, use of personal protective equipment and referrals to Physiotherapy services to avoid or assist returns to work.

Within the Chief Executives Department the most common cause of absence is 'acute conditions' with 42% of absences being related to this. In Public Health the most common cause of absence is 'operation / surgery plus recovery' with 25% of absences being related to this.

#### 4.6 LONG, MEDIUM AND SHORT TERM SICKNESS ABSENCE ANALYSIS

Long = 20+ days / Medium = 5 to 20 days / Short = under 5 days

**Figure 7** Council Long Medium and Short Terms Sickness 1<sup>st</sup> Quarter Analysis 2015/16

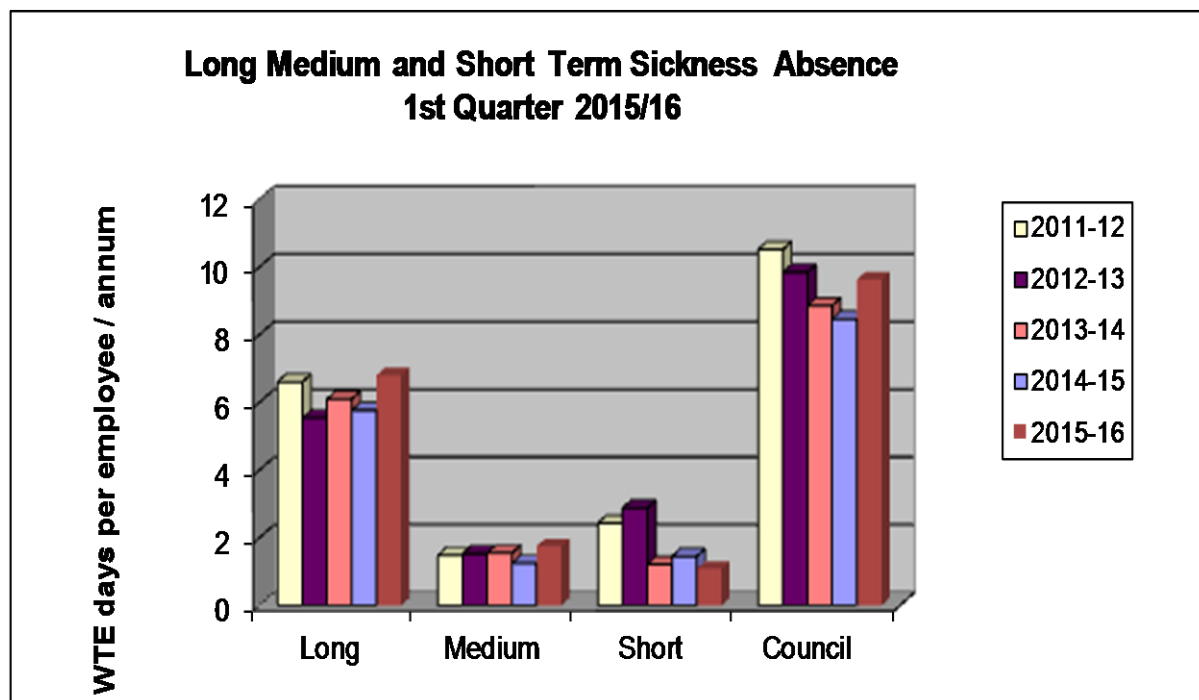
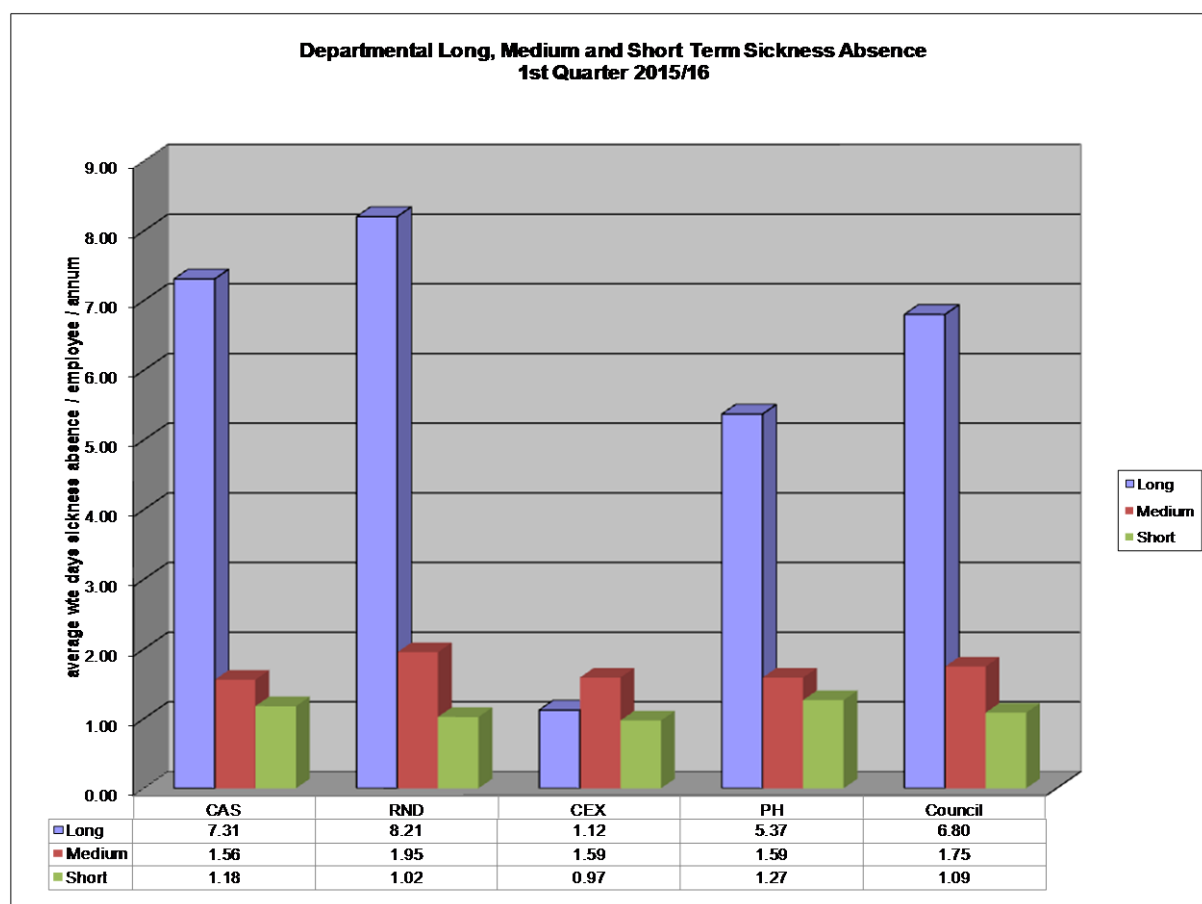


Figure 7 above shows a breakdown of long, medium and short term sickness absence in the Council for the past 3 years and up to 30<sup>th</sup> June for the 2015/16 year. The final block shows the impact this had on the overall Council sickness absence figure.

In the 1<sup>st</sup> quarter there is a sharp increase in the long term rates, a smaller increase in medium term rates and a decline in short term sickness. Overall for the Council there is an increase in sickness for the Council which is currently being managed to try and bring these rates down over the next 9 months. The Council continues to ensure it targets resources to the management of long term sickness absence cases which accounts for the majority of sickness.

Figure 8: Departmental Long, Medium and Short Term Sickness 2015/16  
(April to June 2015 figures)



As we can see from the information in Figure 8 above, long term sickness absence continues to account for the majority of the Council's sickness absence. The Council is focusing resources to support managers on the long term cases through individual case management and early intervention to support employees to return to work as quickly as possible.

## 5.0 RISK IMPLICATIONS

There are no specific Risk implications from this report.

## 6.0 FINANCIAL CONSIDERATIONS

There are no specific financial considerations from this report.

## 7.0 LEGAL CONSIDERATIONS

There are no specific legal considerations from this report.

## 8.0 CHILD/FAMILY POVERTY CONSIDERATIONS

There are no specific child / family poverty considerations from this report.

## **9.0 EQUALITY AND DIVERSITY CONSIDERATIONS**

There are no specific equality / diversity considerations from this report.

## **10.0 STAFF CONSIDERATIONS**

There are no specific staffing considerations from this report other than those highlighted in the body of the report.

## **11.0 ASSET MANAGEMENT CONSIDERATIONS**

There are no specific asset management considerations from this report.

## **12.0 RECOMMENDATIONS**

- 12.1 That employee sickness absence rates for the first quarter of 2015/16 are noted.

## **13.0 REASONS FOR RECOMMENDATIONS**

- 13.1 To advise the Committee of the current performance in respect of sickness levels.

## **14. BACKGROUND PAPERS**

- 14.1 None.

## **15. CONTACT OFFICERS**

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# **FINANCE AND POLICY COMMITTEE**

**21<sup>st</sup> September 2015**



**Report of:** Assistant Chief Executive

**Subject:** CORPORATE COMPLAINTS ANNUAL MONITORING REPORT 2014-15

## **1. TYPE OF DECISION/APPLICABLE CATEGORY**

1.1 The report is for information.

## **2. PURPOSE OF REPORT**

2.1 To inform Finance and Policy Committee of the number of Corporate Complaints received in 2014/15.

## **3. BACKGROUND**

3.1 Within the Corporate Complaints, Comments and Compliments Policy there is a requirement to report to CMT and elected members on the number of complaints received by the Council along with the final outcome of the complaints.

## **4. PROPOSALS**

4.1 This report outlines the number of Corporate Complaints received in 2014-15 along with number of complaints where timescales were not met and the outcome of the complaint.

4.2 Please be aware that a number of additional informal complaints are received but these are dealt with by each department to a level where the complainant is satisfied with the outcome and so does not want to take it through the formal Corporate Complaints Procedure.

4.3 Overall in 2014-15 there were 22 complaints investigated using the Corporate Complaints procedure with 3 of those complaints being upheld/partly upheld. This is a reduction from the previous year (2013/14) with 31 complaints being

dealt with through the Corporate Complaints Procedure during this time period. However it must be noted that the Complaints Procedure was reviewed in October 2013 whereby the Pre Formal Complaints Procedure was more clearly defined and easier to use resulting in more 'complaints' being dealt with at this point rather than through the full Corporate Complaints Process. We do not formally collect data on the number of pre formal complaints across the Council, however it does mean that Complainants are having their issues resolved in a timely manner to everyone's satisfaction. The figures are not directly comparable as there have been functional changes through this period.

- 4.4 Child and Adult Services and Public Health (introduced June 2014) have their own statutory complaints procedure with 37 children's complaints, 17 adult's complaints and zero public health complaints being received. The detailed breakdown of complaints can be found in **Appendix 1**.

### **Local Government Ombudsman – Annual Review Letter 2015**

- 4.5 The letter, attached as **Appendix 2**, sets out the annual statistics on complaints made to the Local Government Ombudsman (LGO) about Hartlepool Borough Council for the year ended 31 March 2015. The data shows both the complaints and enquires that the LGO has recorded along with any decisions they have made. It should be noted that the numbers quoted might not necessarily match up with the figures the Council holds. For example a complainant might initially contact the LGO who then signposts them to the Local Authority but they never then make contact with the Local Authority.
- 4.6 During 2014/15 the LGO received 16 complaints or enquiries with detailed investigations being carried out on just 4 of these complaints. This resulted in 1 complaint being upheld and 3 not being upheld.
- 4.7 In the upheld complaint the Council was found to have wrongly served an allotment eviction notice and had incorrect information within the Allotment Handbook. A remedy was agreed and the process of notification of eviction and the Allotment Handbook were amended to prevent this from happening again. The LGO were satisfied with this and closed the complaint.

## **5. RISK IMPLICATIONS**

- 5.1 No implications.

## **6. FINANCIAL CONSIDERATIONS**

- 6.1 No implications.



**7. LEGAL CONSIDERATIONS**

7.1 No implications.

**8. CHILD AND FAMILY POVERTY**

8.1 No implications.

**9. EQUALITY AND DIVERSITY CONSIDERATIONS**

9.1 No implications.

**10. STAFF CONSIDERATIONS**

10.1 No implications.

**11. ASSET MANAGEMENT CONSIDERATIONS**

11.1 No implications.

**12. RECOMMENDATIONS**

12.1 Elected Members are asked to note the 2014/15 position with regards to Corporate Complaints and the Annual Review Letter 2015 from the Local Government Ombudsman.

**13. REASONS FOR RECOMMENDATIONS**

13.1 Finance and Policy Committee has overall responsibility for the monitoring of Corporate Complaints.

**14. BACKGROUND PAPERS**

14.1 There were no background papers used in the preparation of the report.

**15. CONTACT OFFICER**

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[Andrew.atkin@hartlepool.gov.uk](mailto:Andrew.atkin@hartlepool.gov.uk)



**Appendix 1 - Corporate Complaints**

	2014-15	Upheld/ Partly Upheld	Number outside timescale?	If outside timescale – why?	Actions taken
<b>Total Number of Corporate Complaints</b>	<b>22</b>	<b>3</b>	<b>3</b>		
Total number of <b>CED</b> Corporate Complaints	10	0	3	Two were due to the nature of the complaint plus work pressures they were completed within 21 and 27 The third complaint was completed within 27 days and was due to investigating officer being on leave.	Reviewing/changing procedure
Total Number of <b>RND</b> Corporate Complaints	0	0	-		
Total Number of <b>CAD</b> Corporate Complaints	4	0	0		
Total Number of <b>PHD</b> Corporate Complaints	8	3	0		

**Historical Data for Corporate Complaints**

	<b>2014-15</b>		<b>2013-14</b>		<b>2012-13</b>	
	<b>No of complaints</b>	<b>Upheld/ Partly Upheld</b>	<b>No of complaints</b>	<b>Upheld/ Partly Upheld</b>	<b>No of complaints</b>	<b>Upheld/ Partly Upheld</b>
<b>Total Number of Corporate Complaints</b>	<b>22</b>	<b>3</b>	<b>31</b>	<b>7</b>	<b>18</b>	<b>5</b>
Total number of <b>CED</b> Corporate Complaints	10	0	6	1	1	1
Total Number of <b>RND</b> Corporate Complaints	0	0	18	4	12	4
Total Number of <b>CAD</b> Corporate Complaints	4	0	7	2	5	0
Total Number of <b>PHD</b> Corporate Complaints	8	3	N/A	N/A	N/A	N/A

18 June 2015

*By email*

Mr Dave Stubbs  
Chief Executive  
Hartlepool Borough Council

Dear Mr Stubbs

### **Annual Review Letter 2015**

I am writing with our annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about your authority for the year ended 31 March 2015. This year's statistics can be found in the table attached.

The data we have provided shows the complaints and enquiries we have recorded, along with the decisions we have made. We know that these numbers will not necessarily match the complaints data that your authority holds. For example, our numbers include people who we signpost back to the council but who may never contact you. I hope that this information, set alongside the data sets you hold about local complaints, will help you to assess your authority's performance.

We recognise that the total number of complaints will not, by itself, give a clear picture of how well those complaints are being responded to. Over the coming year we will be gathering more comprehensive information about the way complaints are being remedied so that in the future our annual letter focuses less on the total numbers and more on the outcomes of those complaints.

### **Supporting local scrutiny**

One of the purposes of the annual letter to councils is to help ensure that learning from complaints informs scrutiny at the local level. Supporting local scrutiny is one of our key business plan objectives for this year and we will continue to work with elected members in all councils to help them understand how they can contribute to the complaints process.

We have recently worked in partnership with the Local Government Association to produce a workbook for councillors which explains how they can support local people with their complaints and identifies opportunities for using complaints data as part of their scrutiny tool kit. This can be found [here](#) and I would be grateful if you could encourage your elected members to make use of this helpful resource.

Last year we established a new Councillors Forum. This group, which meets three times a year, brings together councillors from across the political spectrum and from all types of local authorities. The aims of the Forum are to help us to better understand the needs of councillors when scrutinising local services and for members to act as champions for learning from complaints in their scrutiny roles. I value this direct engagement with elected members and believe it will further ensure LGO investigations have wider public value.

## Encouraging effective local complaints handling

In November 2014, in partnership with the Parliamentary and Health Service Ombudsman and Healthwatch England, we published *'My Expectations'* a service standards framework document describing what good outcomes for people look like if complaints are handled well. Following extensive research with users of services, front line complaints handlers and other stakeholders, we have been able to articulate more clearly what people need and want when they raise a complaint.

This framework has been adopted by the Care Quality Commission and will be used as part of their inspection regime for both health and social care. Whilst they were written with those two sectors in mind, the principles of *'My Expectations'* are of relevance to all aspects of local authority complaints. We have shared them with link officers at a series of seminars earlier this year and would encourage chief executives and councillors to review their authority's approach to complaints against this user-led vision. A copy of the report can be found [here](#).

## Future developments at LGO

My recent annual letters have highlighted the significant levels of change we have experienced at LGO over the last few years. Following the recent general election I expect further change.

Most significantly, the government published a review of public sector ombudsmen in March of this year. A copy of that report can be found [here](#). That review, along with a related consultation document, has proposed that a single ombudsman scheme should be created for all public services in England mirroring the position in the other nations of the United Kingdom. We are supportive of this proposal on the basis that it would provide the public with clearer routes to redress in an increasingly complex public service landscape. We will advise that such a scheme should recognise the unique roles and accountabilities of local authorities and should maintain the expertise and understanding of local government that exists at LGO. We will continue to work with government as they bring forward further proposals and would encourage local government to take a keen and active interest in this important area of reform in support of strong local accountability.

The Government has also recently consulted on a proposal to extend the jurisdiction of the LGO to some town and parish councils. We currently await the outcome of the consultation but we are pleased that the Government has recognised that there are some aspects of local service delivery that do not currently offer the public access to an independent ombudsman. We hope that these proposals will be the start of a wider debate about how we can all work together to ensure clear access to redress in an increasingly varied and complex system of local service delivery.

Yours sincerely



Dr Jane Martin  
Local Government Ombudsman  
Chair, Commission for Local Administration in England

For the period ending – 31/03/2015

For further information on interpretation of statistics click on this link to go to <http://www.lgo.org.uk/publications/annual-report/note-interpretation-statistics/>

### Complaints and enquiries received

Local Authority	Adult Care Services	Benefits and tax	Corporate and other services	Education and children's services	Environmental services and public protection	Highways and transport	Housing	Planning and development	Total
Hartlepool BC	2	3	4	3	2	0	1	1	16

### Decisions made

	<u>Detailed investigations carried out</u>						
Local Authority	Upheld	Not Upheld	Advice given	Closed after initial enquiries	Incomplete/Invalid	Referred back for local resolution	Total
Hartlepool BC	1	3	1	4	1	7	17

# FINANCE AND POLICY COMMITTEE

Monday 21<sup>st</sup> September 2015



**Report of:** Director of Regeneration and Neighbourhoods

**Subject:** YOUTH EMPLOYMENT INITIATIVE (YEI)

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## 1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Key Decision (test (i)/(ii)) Forward Plan Reference No. RN 15/15

## 2. PURPOSE OF REPORT

- 2.1 To update members of the recent progress in securing funding for the Youth Employment Initiative (YEI) and to seek approval as follows:
- 2.2 To progress the scheme, subject to DWP approval of the YEI application, the satisfactory completion of due diligence and signing of legal agreements between the Council, grant funders and partners.
- 2.3 For the Council to act as Accountable Body for the scheme.
- 2.4 To agree the proposals for funding for the Council's share of the match funding.

## 3. BACKGROUND

- 3.1 In January 2013, the European Commission created the Youth Employment Initiative (YEI) in order to tackle the high levels of youth unemployment across member states. EU funding will be specifically targeted at regions in which the youth unemployment rate exceeds 25%. The initiative will have a budget of €6 billion for the programme period from 2014 to 2020. Of the funding, €3 billion will come from a dedicated Youth Employment budget line complemented by at least €3 billion more from the European Social Fund.
- 3.2 The Tees Valley qualifies for additional funding under the EU YEI and has a notional allocation of £10.9m which has been equally matched by £10.9m from the Tees Valley ESF allocation. The ESF element of the funding needs to be locally matched and due to the Tees Valley's Transition Region Status



we are required to match the ESF element at 40% which equals around £7.2m. This means that the total programme budget will be around £29m.

#### 4. PROPOSALS

- 4.1 On the 22<sup>nd</sup> April 2015, the Department for Work and Pensions (DWP), as the Managing Authority for YEI, issued three Open Calls to commission ESF/YEI projects. Following this announcement, the Council was approached by a number of partners and agreed to act as the Accountable Body to submit Outline Applications for all three Calls as part of a Tees Valley consortium.
- 4.2 To ensure the applications were submitted by the required deadlines the Council: -
- Set up an interim YEI Steering Group.
  - Developed an Expressions of Interest (EOI) Form for potential delivery partners.
  - Encouraged organisations to submit an EOI which identifies: -
    - Which Open Call/s they wish to deliver?
    - What activities they could deliver as part of the partnership?
    - How the proposed activities contribute to the Tees Valley European Structural Investment Funds Strategy?
    - Previous track record of delivery to the client groups.
    - How much match funding they can contribute to the overall project?
  - Presented all of the EOIs to the YEI Steering Group who decided which organisations would be named in the bid based on the above criteria.
- 4.3 The full consortium consisted of 61 partners including the four other Local Authorities in the Tees Valley and Tees Valley FE Plus. It is worth noting that the Council secured the full match funding requirements through this partnership approach. The Outline Applications were submitted on 22<sup>nd</sup> May 2015 and successful applicants would be invited to submit a Full Application.
- 4.4 On the 27<sup>th</sup> July 2015, the Council was informed by DWP that they had been successful in reaching the Full Application Stage for Open Call 2 and Open Call 3 which have a full contract value including local match of £22,140,535 as shown below: -

Call	Project Description	YEI Amount £000	ESF Amount £000	Local Match £000	Total £000
2	<b>Personalised Education, Employment and Enterprise Pathways:</b> This will deliver innovative solutions for young people who are struggling to achieve or progress into a positive destination. It will also support young people furthest away from the labour market by providing them with the skills they need to get into work aswell as offering a flexible learning and skills fund.	7,437	7,437	4,958	19,832
3	<b>Tailored routeways for young people not in employment, education or training:</b> This will provide tailored routeways for young people to enter into priority growth sectors including Advanced Manufacturing, Digital, Logistics, Low Carbon and Health & Social Care through a range of activities such as volunteering, internships, traineeships and apprenticeships.	866	866	577	2,309
<b>TOTAL</b>		8,303	8,303	5,535	22,141

4.5 The YEI will support approx 5,300 young people aged 15 to 29 years over the lifetime of the programme across the Tees Valley with progression into education, employment, self-employment and training.

4.6 The full applications were submitted to DWP on 4<sup>th</sup> September 2015 however projects are expected to commence on 1<sup>st</sup> October 2015 with all delivery needing to be complete by 31<sup>st</sup> July 2018.

## 5. FINANCIAL CONSIDERATIONS

5.1 The overall project value is £22m and the Council would act as Accountable Body for the entire scheme. The project however will be delivered by a Consortium including the other Tees Valley Local Authorities and their partners. Each Local Authority has been allocated an element of the project sum based on their need and ability to deliver the contract. As Accountable Body the Council will be responsible for ensuring that all of the grant conditions are complied with which includes ensuring that all monitoring requirements are met and that all supporting evidence is available. The

Council's role will be to manage the project and ensure that each Local Authority and Partner is aware of the conditions of the grant and ensure robust monitoring arrangements are put in place for the project as a whole. Each Local Authority will be responsible for ensuring that their own elements of the project are delivered (including match funding) and that all grant conditions have been adhered to.

- 5.2 The table below provides a breakdown of how the project will be delivered across the Tees Valley Authorities. The funding will be phased over 4 years from 2015/16 to 2018/19:-

**Table 1 – Summary of Project Values over the Tees Valley Authorities**

Local Authority	% of The Project	Value of the Project £'000
Darlington	12.85%	2,845
Hartlepool	14.51%	3,213
Middlesbrough	25.67%	5,684
Redcar	19.83%	4,390
Stockton	27.14%	6,009
<b>Total for the Tees Valley</b>	<b>100%</b>	<b>22,141</b>

- 5.3 Hartlepool Borough Council's share of the project consists of three elements as follows:-
1. **External provision - £1,761,000.** This will involve working with partners to support clients in Hartlepool and those partners will be responsible for providing the match funding required.
  2. **Internal provision - £1,324,000.** The Council will deliver an element of the project directly and must provide match funding on this element which will be £333,000. The match funding will be funded from other grant streams and existing Council budgets.
  3. **Project Team - £590,000.** In addition to the delivery element above the Council will employ a dedicated Project Team required to manage the overall project. Additional staff will be recruited and the full cost will be covered by YEI grant. The team will also include existing Council staff, and this represents the contribution required as part of the Council's match funding. (Other LA's will also employ additional staff to manage directly their elements of the project including working with their delivery partners).

- 5.4 The scheme therefore has no additional impact on the Council's General Fund budget as match funding contributions have been funded by other grant streams or existing budgets.
- 5.5 YEI is not a payment-on-results programme but instead a 'payment on actual expenditure incurred', with the Managing Authority providing funding in arrears on a quarterly basis. This payment method will be mirrored to delivery partners within their Service Level Agreement which reduces the financial risk to the Council. Evidence will be required for all expenditure before it is claimed and payments will only be made to partners when the funding is received by the Council. DWP, as the Managing Authority will also retain 10% of the grant funding until the project closes and all evidence is verified which will reduce the risk of future claw-back. There will no cashflow implications therefore for the Council regarding the elements delivered by partners. All partners are aware that payments will be made in arrears and have confirmed that this can be accommodated.
- 5.6 The Council is in the process of undertaking due diligence checks on all of the delivery partners and the Finance and Legal sections will ensure the legal agreements are prepared to cover the arrangements outlined above and clearly set out the financial responsibilities of each partner and Local Authority.

## **6. RISK IMPLICATIONS**

- 6.1 If successful the Council, as Lead Accountable Body, will be required to sign the offer Letter and Contract for the entire £22m project. The standard Offer Letter/Contract contains clawback provisions and under these clawback conditions DWP may require repayment of grant funding already drawn down by the Council if, in their opinion, they have failed to comply with the terms and conditions of the Offer Letter/Contract.
- 6.2 As the Accountable Body, the Council will be required to pay back any monies recovered on the grant. However, as outlined in financial section of the report, the Council will be delivering the scheme by way of a Consortium including the other Tees Valley Local Authorities and their partners. Each Local Authority will be responsible for ensuring that their defined elements of the project are delivered in accordance with the grant conditions and a separate legal agreement will be prepared that will transfer the responsibilities under the grant conditions to the other Tees Valley authorities and partners; including the potential for grant clawback.
- 6.3 The Chief Solicitor, Director of Regeneration and Neighbourhoods, and Chief Finance Officer will complete legal agreements to ensure that all five Tees Valley Local Authorities benefitting from the programmes will be responsible for any risk associated with clawback conditions in the contract. This risk share will be based on the financial split of the YEI Projects as shown in table 1 in 5.2 above. No funding will be paid over to authorities until these

agreements have been signed to accept the full transfer of the grant conditions and associated risks of non compliance,

- 6.4 The Council will ensure the Risk Sharing Agreements are signed by each Local Authority prior to the Council signing the contract from DWP. It should be noted therefore that the financial risk is minimised by the risk sharing agreement with LA partners and table 1 in para 5.2 represents the maximum risk to each LA.
- 6.5 As Accountable Body the Council will be responsible for managing the project and ensuring that each Local Authority and Partner is aware of the conditions of the grant and that robust monitoring arrangements are put in place for the project as a whole. The Council has experience of managing similar ESF projects and the additional project staff will provide the resources required for a scheme of this size. The scheme is based on payment on actual expenditure incurred and a 10% retention will be held by DWP until the final audit sign off.

## **7. LEGAL CONSIDERATIONS**

- 7.1 The full legal implications will not be known until the contract is received from DWP and it will be at this stage that the Council's Legal and Financial Teams will become involved in reviewing this document and supporting with the development of SLAs for each of the delivery partners.
- 7.2 The Corporate Procurement Team has been fully consulted and all procurement processes will be executed in accordance with the Council's Contract Procedure Rules which are compliant with procurement law.

## **8. CHILD AND FAMILY POVERTY**

- 8.1 This funding will positively contribute to tackling the longer term causes and consequences of child and family poverty by preventing young people from becoming long term NEET by supporting them into a positive destination of education, employment, training and self employment/business start up.

## **9. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 9.1 This funding will provide opportunities for young people, particularly amongst vulnerable groups such as the seven priority groups shown below: -
- Looked after children and care leavers;
  - Young offenders (including those leaving the secure estate);
  - Teenage parents;
  - Young carers;

- Young people with specific learning difficulties and/or disabilities (SLDD);
- Young people with mental health issues, and;
- Young people with drug and alcohol misuse issues.

9.2 A detailed Equality Impact Assessment will be completed with partners prior to the commencement of the programme.

## **10. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

10.1 This funding will positively contribute to Section 17 by providing education, employment and training routeways for young people. It will also provide routeways for individuals who may have been identified as high risk of offending.

## **11. STAFF CONSIDERATIONS**

11.1 If successful, the Council will recruit a dedicated YEI Project Team who will be based within the Economic Regeneration Team and funded through the YEI. The structure has been agreed by the Council's HR Team.

## **12. ASSET MANAGEMENT CONSIDERATIONS**

12.1 There are no asset management considerations attached to this report.

## **13. RECOMMENDATIONS**

Members are requested to:

- i) note the success in attracting funding of £22,141,000 for the period 2015 to 2018 for the Tees Valley,
- ii) approve the Council to act as the Accountable Body on behalf of the Tees Valley for the full project value of £22,141,000 and note the related risks as detailed in section 6 of the report,
- iii) authorise the Chief Solicitor, Director of Regeneration and Neighbourhoods, and Chief Finance Officer to complete contracts to transfer legal responsibilities under the grant conditions to the other Tees Valley authorities and partners including the potential for clawback in relation to each Council's share of the scheme,
- iv) note that no funding will be paid over to authorities until these agreements have been signed to accept the full transfer of the grant conditions and risks of non compliance,

- v) note that the Council's net financial risk will be £3.213m,
- vi) authorise the Director of Regeneration and Neighbourhoods, Chief Solicitor and Chief Finance Officer to approve the Councils acceptance of the grant subject to satisfactory completion of due diligences and completion of recommendation (iii);
- vii) note that the Council's match funding will be met from other grant funding streams and existing staffing budgets as detailed in Section 5,
- viii) That further update reports will be brought to committee to advise on progress of the project.

#### **14. REASONS FOR RECOMMENDATIONS**

- 14.1 The YEI offers the opportunity to deliver a comprehensive Tees Valley wide project to support 5,332 young people aged 15 to 29 years to become economically active.

#### **15. BACKGROUND PAPERS**

- 15.1 None

#### **16. CONTACT OFFICER**

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