



Chief Executive's Department
Civic Centre
HARTLEPOOL

16 February, 2015

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

Madam or Sir,

You are hereby summoned to attend a meeting of the COUNCIL to be held on THURSDAY, 26 February, 2015 at 7.00 p.m. in the Civic Centre, Hartlepool to consider the subjects set out in the attached agenda.

Yours faithfully

D Stubbs
Chief Executive

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COUNCIL AGENDA



26 February 2015

at 7.00 p.m.

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

- (1) To receive apologies from absent Members;
- (2) To receive any declarations of interest from Members;
- (3) To deal with any business required by statute to be done before any other business;
- (4) To receive questions from and provide answers to the public in relation to matters of which notice has been given under Rule 11;
- (5) To approve the minutes of the last meeting of the Council held on 5th February 2015 (to follow) and the extraordinary meeting of the Council held on 16th February 2015 (to follow) as the correct record;
- (6) To answer questions from Members of the Council on the minutes of the last meeting of Council;
- (7) To answer questions of Members of the Council under Rule 12;
 - a) Questions to the Chairs about recent decisions of Council Committees and Forums without notice under Council Procedure Rule 12.1
 - b) Questions on notice to the Chair of any Committee or Forum under Council Procedure Rule 12.2
 - c) Questions on notice to the Council representatives on the Police and Crime Panel and Cleveland Fire Authority
- (8) To deal with any business required by statute to be done;
- (9) To receive any announcements from the Chair, or the Head of Paid Service;

- (10) To dispose of business (if any) remaining from the last meeting and to receive the report of any Committee to which such business was referred for consideration;
- (11) To consider reports from the Council's Committees and to receive questions and answers on any of those reports;
- (12) To consider any other business specified in the summons to the meeting, and to receive questions and answers on any of those items;
- (13) To consider reports from the Policy Committees:
 - (a) proposals in relation to the Council's approved budget and policy framework; and
 - (1) Formal Council Tax Setting 2015/16 – Incorporation of Fire Authority, Office of the Police and Crime Commissioner and Parish Council Precepts
 - (b) proposals for departures from the approved budget and policy framework;
- (14) To consider motions in the order in which notice has been received

“In the interests of promoting democracy, Putting Hartlepool First propose a referendum on the issue of a forming a combined authority with Darlington, Middlesbrough, Stockton and Redcar and Cleveland.”

Signed Councillors Riddle, Atkinson, Gibbon, Lilley and Dawkins.

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



COUNCIL

MINUTES OF PROCEEDINGS

5 February 2015

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

PRESENT:-

The Deputy Ceremonial Mayor (Councillor Fleet) presiding:

COUNCILLORS:

Ainslie	C Akers-Belcher	Atkinson
Barclay	Beck	Brash
Clark	Cook	Cranney
Dawkins	Gibbon	Griffin
Hall	Jackson	James
Lauderdale	Lilley	Loynes
Martin-Wells	Dr Morris	Payne
Richardson	Riddle	Robinson
Simmons	Springer	Thomas
Thompson		

Officers: Dave Stubbs, Chief Executive
Peter Devlin, Chief Solicitor
Andrew Atkin, Assistant Chief Executive
Chris Little, Chief Finance Officer
Denise Ogden, Director of Regeneration and Neighbourhoods
Alastair Smith, Assistant Director, Neighbourhoods
Louise Wallace, Director of Public Health
Alastair Rae, Public Relations Manager
Joan Stevens, Scrutiny Manager
Amanda Whitaker, Angela Armstrong, Democratic Services Team

Prior to the commencement of business, Members stood in silence as a mark of respect following the recent deaths of Alderman Dennis Bentley and former consort Kath Flintoff.

115. APOLOGIES FOR ABSENT MEMBERS

The Ceremonial Mayor (Councillors S Akers-Belcher) and Councillors Hargreaves, Hind and Sirs.

116. DECLARATIONS OF INTEREST FROM MEMBERS

None.

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

None.

118. PUBLIC QUESTION

The following public questions had been submitted for consideration at the meeting:-

1. Mr White to Chair of Finance and Policy Committee

“Can Councillor Christopher Akers-Belcher outline the reasons why I have been refused the opportunity to ask a question of the Chairman of this Council and first citizen of the town at this public meeting? And furthermore does he believe it fair, democratic or reasonable for an elected member to take the public’s money, by way of his special responsibility allowance, but not answer legitimate questions posed by the public in a full council meeting?”

The Chair of Finance and Policy Committee highlighted that Council invited public questions and had within the Constitution set aside a period of 45 minutes for public questions. Constitutionally those questions should be directed to Chairs of Committees and Sub Committees. As part of the review of the Council’s Constitution through a Council Working Group (which was open to members of the public to participate within) in January, 2014, it was asked whether questions should be directed to the Ceremonial Mayor/Chair of Council. Given that the Ceremonial Mayor does not have decision making powers it was determined that public questions should not be put to the Ceremonial Mayor as the role was both civic and ceremonial. The minutes of that Working Group from 28th January were reported into Council for consideration at the meeting held on 3rd April, 2014, when this view was confirmed. The Chief Solicitor’s advice both to the Council’s Chief Executive who receives public questions under the Council’s constitutional arrangements and to the questioner, was in strict accordance with the Constitution but also acknowledging the intent of Council, following this earlier review of the Constitution.

The Council had proceeded upon the recommendations of the Independent Remuneration Panel on the level of allowances that should be paid to members, including those attracting ‘special responsibility’. The Panel recommended the special responsibility allowance for the Chair of Council which was also consistent with that for the Policy Chairs and the Chair of Planning. Further, it was highlighted that those recommendations as adopted by Council through its allowance scheme were with full knowledge and understanding of the role of the Ceremonial Mayor/Chair of Council.

During the debate the merits of the public being able to ask questions to all Members at Council meeting were presented. Although it was recognised that the role of Ceremonial Mayor was civic and ceremonial, the view was expressed that the role included decision making responsibilities. With regard to the terms of the question and whether the current constitution provisions were fair, the Chair of Finance and Policy Committee advised that he did think they were fair and reflected the decisions agreed by Council. The vast array of meetings where there was the opportunity to ask questions of Members were highlighted by the Chair. It was highlighted also that the role of the Ceremonial Mayor was set out in the Constitution including the civic and ceremonial roles, functions and responsibilities.

2. Mr Corbett to Chair Finance and Policy Committee

“In light of the Previous & Forthcoming major cuts to services & facilities that Hartlepool & Its residents have had to bare, I have concerns about the costs of various tasks & services that council employees may be required to commit to, with that in mind could you address the following points.

Could you inform myself & other interested members of the public how much council employee time has been taken up by the Mayors charitable endeavours during the last 12 months ie. the general administrative requirements, phone calls, accounting tasks etc connected to the functioning of the Mayors Charity.

Could also provide a breakdown of the estimated costs to the council tax payers of the time used in the administration of the charity & also a breakdown of the costs of any consumables involved, including phone usage, printing & paper costs etc etc.”

The Chair of Finance and Policy Committee advised that staff within the Council's Legal Services Division provided administrative and other support to all 33 Elected Members. Accordingly, no specific member of staff was solely dedicated to the support of the Ceremonial Mayor for charitable duties. There was no itemisation of time taken over telephone calls or e-mails or the number of such communications in relation to charity events as staff undertake a range of duties on behalf of all Elected Members. The Council in reviewing its Constitution following a change in governance arrangements had made specific reference to the role and function of the Ceremonial Mayor (Part 2, Article 5 of the Council's Constitution refers). Amongst those various roles and functions it was stated that 'Charity Event(s)' are 'to be held at the discretion of the Ceremonial Mayor'. It was highlighted that charity events were self-funded from ticket sales and most events attracted sponsorship given the nature and objective behind such fundraising. This particular feature of the role of a civic Mayor is recognised across the sphere of local government and is a source of appreciation by the recipients of such charitable events as well as underpinning the charitable works associated with a Civic Mayor. It was highlighted also that staff and volunteers gave a huge amount of time freely as it was a valuable dimension of the Council to support the many charities that had benefitted from over £110,000 over the previous three years. The charities included 7 youth charities, four local cancer charities and this current year the focus was on

raising funds for the Hartlepool and District Hospice, Great North Air Ambulance, Miles for Men and the RNLI.

3. Mr Corbett to Chair Finance and Policy Committee

“Considering the severe constraints & cuts in council funding & services in the coming year, why is it considered appropriate by elected councillors, for council tax payers money to be spent on providing a Full Time Unison Union official, & will councilors re-assess the financial outlay on providing such financial support.”

The Chair Finance and Policy Committee reiterated a response he had provided at a Council meeting in July 2013 that by law employers had to provide paid time off for trade union members to undertake union duties and training of trade union representatives, act as union health and safety representatives and union learning representatives. Trade union duties included collective bargaining, working with management, communicating with union members, liaising with their trade union and in handling individual disciplinary and grievance matters on behalf of employees. In common with many other Local Authorities, there had been a long-standing arrangement for this Council to cover the associated salary costs of staff who took time off from their role within the Council to devote time to trade union duties via facility time. This arrangement had resulted in the Council having a strong working relationship with trade unions over the years and had helped to save money over time due to the regular dialogue and the ability to resolve any issues quickly. Further to this the ACAS Code of Practice covered entitlements for time off for trade union duties and activities which stated “There were positive benefits for employers, employees and for union members in encouraging the efficient performance of union representatives work, for example in adding the resolution of problems and conflicts at work”. It was highlighted that the Council (if schools are included) employed almost 4500 staff, if schools were excluded this was still over 2000 employees. Having effective relationships with the trade Unions, and providing the facility time for trade unions to undertake this role is an important part of maintaining effective relationships. In terms of the last part of the question the Chair’s response was that it was part of the good governance and the maintenance of effective working relations in the Council

4. Mr Price to Chair of Audit and Governance Committee

“Given the report made to Cleveland Police about an alleged incident with Radio Hartlepool, do you think it appropriate that you stand aside from your role as the Chair of Audit and Governance Committee even though these investigations have now been concluded and in any event would you have any objections to the content of the calls being made public?”

Prior to responding to the question, the Chair of Audit and Governance Committee sought clarification from the Chief Solicitor whether questions 4 and 5 should be answered together. The Chief Solicitor advised that as the questions were directed to two different Chairs, there should be two separate responses.

The Chair of Audit and Governance Committee advised that Cleveland Police had publicly stated that they were satisfied that no further investigation was required and there had been no inappropriate conduct. It was appreciated that the Chief Solicitor would consider the complaint as separate investigation. In terms of standing aside, the Chair reiterated that he had done nothing wrong and would therefore not be standing aside. In relation to the release of the contents of the tape, the Chair advised that it appeared that the tape did not meet legislative requirements and he had been advised that he should not pass further comment at this time.

5. Mr White to Chair of Adult Services Committee

“Given the ongoing Council investigation into an alleged incident with Radio Hartlepool, do you not think it appropriate that you temporarily stand aside from your role as the Chair of the Adult Services Committee until these investigations are concluded? Furthermore, now that the recordings of the conversations that took place are no longer subject to Police evidence, would you give your consent for those recordings to be made public?”

The Chair of Adult Services Committee expressed concerns as to the reason the investigation had been conducted and considered that the issue had been politically motivated. He advised that when he had answered the telephone call it had been in good faith. Legal advice had been sought with regard to the call being recorded without his knowledge. He advised that he would not be standing aside as he had done nothing wrong.

The Chief Solicitor was requested to provide clarification whether there was an ongoing investigation considering if there had been a breach of the Code of Conduct for Councillors. The Chief Solicitor advised that a standards investigation was being conducted which involved two Members of the Council, excluding the Chair of Adult Services Committee. During the debate the alleged political motivation of the issue was discussed with contrary views expressed. The merits of allowing the recordings to be made public were presented. Following a request for clarification from a Member, the Chief Executive provided the background to the complaint and his understanding of the detail of the phone calls.

119. MINUTES OF PROCEEDINGS

The Minutes of Proceedings of the Council held on the 18 December 2014, having been laid before the Council.

RESOLVED - That the minutes be confirmed.

The minutes were thereupon signed by the Chairman.

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

Further to minute 97(a), reference was made to the Council's agreement that a letter of appreciation be sent to all organisations involved in Christmas toy appeals across the Tees Valley for the benefit of Hartlepool children. The Chief Executive confirmed that a letter had been sent, by the Ceremonial Mayor, to those organisations.

With reference to minute 101(4), clarification was requested on whether the views of Newcastle City Council had been sought in relation to its licensing policy with reference to Minimum Unit Price and whether an invitation had been extended to Manchester City Council to meet with this Council's Licensing Committee. The Chief Executive agreed to seek clarification and to confirm to Members in relation to the action which had been taken.

With reference to minute 110, Council agreed the Assistant Director, Education be thanked for his hard work and commitment to raise standards of education in the Town.

Further to minute 113 and in reply to clarification sought to what extent Councillor Brash had contributed to the Care Quality Commission (CQC) response, Councillor Brash advised Council that all his views had been taken on board and submitted to the CQC. Tribute was paid to the Scrutiny Manager who had formulated the response in a timely and professional manner.

121. QUESTIONS FROM MEMBERS OF THE COUNCIL

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

Reference was made to a Healthwatch report which had included a recommendation to urgently review care systems for patients when being released from hospital. The Chair of the Committee agreed that the Adult's Services Committee would undertake an urgent review of the care system in light of the recommendations included in the report.

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

1. From Councillor Riddle to Chair Regeneration Services Committee

"Regarding the forthcoming allocation of a proposed gypsy and traveller site, will the council officers be free to recommend ANY potential site from across the town? Or are they simply restricted to the two sites in Hart, which a majority of councillors previously voted for (against the advice of officers)?"

The Chair Regeneration Services Committee advised that when selecting the Gypsy Site in the withdrawn 2013 Local Plan the assessment criteria used (which looked at all suitably sized sites in the town) had resulted in a shortlist of

potential/appropriate sites which were put before Members at Finance and Policy Committee on 8th August 2013. Members in that instance selected the Hart village site(s) as the Council's preferred location for the Gypsy Site in the then Local Plan. It was highlighted that the current situation in 2015 is different from the 2013 situation. In 2013 there was a requirement to provide a dedicated site, in line with the 2009 GTAA evidence, whereas the new 2014 GTAA evidence base suggested there was no need to provide a site in the Local Plan as the need would not be manifested into demand. In preparing the new Local Plan, in line with the new GTAA evidence, there would be no new Gypsy Site allocated through the new Local Plan. However, should a private individual wish to submit a private planning application anywhere in the Borough for a Gypsy site now, the Hsg14 policy in the 2006 Local Plan provided the assessment criteria policy to determine the suitability of the application.

Following the response, Councillor Riddle sought further clarification from the Chair in relation to the answer to his question. The Chief Executive reiterated that if any private planning application was submitted in relation to anywhere in the Borough for a gypsy site, the application would be considered on its planning merits. As a result of further clarification sought during the debate, the Chief Solicitor provided further planning advice. The Chair of Regeneration Services Committee was requested to advise whether he was concerned that the Planning Inspector would find the Local Plan to be unsound. In response the Chair acknowledged that there was uncertainty in terms of the findings which would be made by the Planning Inspector and reiterated his earlier comments regarding the process which had been undertaken prior to submission of the report to Finance and Policy Committee on 8th August 2013. The Chair of Finance and Policy Committee added that the decision made at that meeting had been a unanimous decision.

2. From Councillor Riddle to Chair of Neighbourhood Services Committee

“Background

Residents of Falcon Road have again raised their concerns that their road was, is and may remain a ‘rat run’ due to limited access to and from the Bishop Cuthbert estate. It was 2006 when the council first received complaints about the road, some 9 years ago.

Since then the estate itself has increased dramatically in size. The removal of the town plan has also compounded the problem and the estate is currently growing at a rapid rate.

In March 2012 a cabinet decision was taken for the road to remain open.

Residents have expressed concerns that the petition with 1,662 signatures on it submitted to the council in November of 2011 (which called for the road to remain open), potentially politicised the issue. Councillors may have been fearful of losing the votes of the residents who signed the petition, as the decision was made just 2 months before the election.

Question – Has the time now come to re-visit the concerns of the residents of Falcon Road and undertake a new consultation to establish the impact made by the growth of the estate?”

The Chair Neighbourhood Services Committee recognised that it had been some time since this issue had been considered and therefore advised Council of the timeline associated with the subject. Members were advised that the first complaints had been received about volume of traffic on Falcon Road in August 2006. Two phases of consultation had subsequently taken place and in October 2007 a petition had been received from residents of Falcon Road in favour of closure. In November 2007, closure of the road had been approved. In February 2008 a legal road closure order had been advertised and in March 2008 on closure of the advertisement, 77 letters and 2 petitions were received in objection together with 8 letters supporting the closure. A number of meetings had subsequently taken place and in January 2009, a HGV ban for Falcon Road had been advertised which had received 3 objections. In February 2009, additional traffic calming measures had been designed followed in October 2009 by the removal of temporary speed humps on Merlin Way, at the northern end of the estate. In 2010 additional traffic calming measures had been approved by Cabinet. Further consultation had taken place in 2011, the results of which had been 475 against closure and 52 for closure. In September 2011, Cabinet had agreed to close the road at Throston Grange Lane. In October 2011 a traffic regulation order for road closure had been advertised with 218 objections received. A 1662 name petition, against the closure, had been received in November 2011. The petition had been reported to Council in December 2011 which had referred the issue back to Cabinet for further consideration. In March 2012 Cabinet made a decision for the road to remain open. The Chair addressed the political issues and alleged implications on the election as referred to by the questioner.

The Chair acknowledged that the estate had increased in size with a consequential increase in traffic. It was considered that if the consultation was repeated, any consultation would inevitably result in more residents being in favour of the road remaining open, as indicated by the 1662 signature petition received when closure was last considered. It was considered that it would be unfair on the residents of Falcon Road to repeat the consultation.

Following an expression of support for the decision made by Cabinet, Councillor Riddle advised that he was not advocating the closure of Falcon Road but had highlighted the possibility of repeating consultation given the increase in the size of the estate.

3. From Councillor Lilley to Chair of Finance and Policy Committee

“In March 2015 Council will be asked to agree that Hartlepool Borough Council sign up to a ‘Tees Valley Combined Authority’. Are you happy this is to be done without any meaningful consultation or endorsement from the majority of Hartlepool residents?”

The Chair of Finance and Policy Committee advised Council that Finance and Policy Committee had considered a report in November of last year on the development of a set of proposals for the creation of a Combined Authority including consultation. A Combined Authority would combine the strengths of

the Local Enterprise Partnership with new powers afforded by a Combined Authority.

The Chair advised that it was important to correct a view that this was about recreating Cleveland County Council. It was highlighted that it was not about merging Councils. A Combined Authority would not do this; it would assist decision-making on matters of jointly agreed priorities of economic development, skills and transport across the five Boroughs. It was about the fact that this Council and the other Authorities were hugely ambitious for the Tees Valley and its communities and wanted to be in a position (in the same way as the North East CA, the Greater Manchester CA, the Merseyside CA and the West Yorkshire CA) to build on that success and the premise that their economy could grow faster if they all worked together. The Councils wanted to be in a position to strengthen democratic decision-making and further develop partnership which was important for the following reasons:-

- At a sub regional level we are securing more money to deliver our economic ambitions and we need to make sure we spend the money wisely, in line with our agreed priorities and to generate outcomes for our Boroughs and communities as quickly as possible
- Authorities need to move fast in the modern world. Opportunities are presented to us which often require a fleet of foot approach so that we can compete effectively with other sub-regions for available resources
- We need to offer our communities and businesses the certainty that comes with cementing our partnership and the consistency of approach that this will bring
- We need to continue to consider the views of business in a proper, democratically accountable governance structure.

In addition and in the light of the Scottish referendum and commitment by all major political parties in the UK to greater devolution, the creation of a Combined Authority was an opportunity to have the right governance arrangements in place to make the case for and receive devolved powers and associated additional resources. It was considered to be right that we have been reviewing our own governance arrangements at the Tees Valley level and could position themselves to maximise involvement in shaping the devolution agenda. As part of the development of the Combined Authority proposals officers had been working with officials from the Department for Communities and Local Government. This had included discussions with these officials on the consultation process which had been undertaken. DCLG officials had recommended that Tees Valley Authorities follow the model undertaken for the North East Combined Authority as this was a good practice model.

The consultation which was detailed in the report to Finance and Policy Committee at the end of November had included consultations with a range of stakeholders and (as part of this) a range of information in the form of Frequently Asked Questions, the reports considered by each authority's Finance and Policy Committees/Cabinet, Press releases publicising the consultation and other related activity.

Members were advised that the consultation undertaken across the Tees Valley had generated almost 2000 responses. The good practice model suggested by DCLG (the North East CA) had generated around 700. The results of the consultation were to be reported to each Council's Finance and Policy Committees /Cabinet and then Councils prior to there being any submission to Government. It was highlighted that there had been a significantly greater response rate than others looking to follow this route. The Combined Authority, with its focus on economic development, skills and transport across the five Boroughs, was an ideal position to accelerate the economic prosperity and development of Hartlepool (and the Tees Valley), to lobby Government for increased resources and fight the case against other sub regions.

Concerns were expressed by some Members regarding the consultation process which had been undertaken with particular reference to the survey, with the view expressed that the questions included in the survey were biased. The Chair of Finance and Policy Committee reiterated that a report would be submitted to the March meeting of the Committee and would be then submitted to Council.

4. From Councillor Atkinson to Chair of Regeneration Services Committee

“Could the Chair of Regeneration Services Committee confirm whether Hartlepool Borough Council posted a bid to Coastal Community Fund? If so, has he received any explanation as to why Hartlepool has been snubbed by this funding?”

The Chair of Regeneration Services Committee responded by advising that a bid was submitted which was unsuccessful and that no detailed feedback had been provided.

Disappointment was expressed by Councillor Atkinson. It was moved by Councillor Atkinson and seconded by Councillor Thompson:-

“That a letter be forwarded to the Big Lottery Fund to seek feedback on why the bid for Coastal Communities Funding was not successful and to seek advice on submitting future bids for funding.”

The Chair of Regeneration Services Committee advised Members that the Coastal Communities programme had been oversubscribed with the English programme receiving 233 bids worth £153m, with only £42m available from the Coastal Communities Fund. The Chair clarified that the bid had been based around the Innovation and Skills Quarter and the development of a creative network to support the growth of the creative industries sector.

The Chief Executive supported the details provided by the Chair and advised Council that the Tees Valley Local Enterprise Partnership had recently agreed an expansion to its Growth Deal with the Government which will see an extra £13.9m invested in Tees Valley between 2016 and 2021. It was highlighted that £5.5m had been identified for the Innovation and Skills Quarter to deliver the ambitions identified in the Hartlepool Vision. This was the largest single funding

allocation within the Tees Valley and created an opportunity for significant job creation and economic growth.

Councillors Atkinson and Thompson made a personal explanation and advised Council that their earlier comments had not related to Seaton Carew only. Councillor Thompson requested that his personal explanation be noted.

Support was expressed to a letter being sent to the Big Lottery Fund as proposed.

The sending of a letter was agreed by show of hands.

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

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

None.

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

Minutes of the meeting held by the Cleveland Fire Authority held on 17 October 2014 were noted.

122. BUSINESS REQUIRED BY STATUTE

None

123. ANNOUNCEMENTS

None.

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

None.

125. TO RECEIVE REPORTS FROM THE COUNCIL'S COMMITTEES

None.

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

None.

127. REPORT FROM THE POLICY COMMITTEES

- (a) Proposal in relation to the Council's budget and policy framework
- (1) Medium Term Financial Strategy 2015/2016 to 2018/2019 – Update – Report of Finance and Policy Committee

The Chair of Finance and Policy Committee reminded Members that Council had approved the main budget issues on 18th December 2014. The report of the Finance and Policy Committee covered the final budget decisions referred by the Finance and Policy Committee which reflected the provisional Local Government Finance Settlement announcement on 18th December 2014 and local factors which had arisen since Council approved the 2015/16 budget proposals.

The provisional Local Government Finance Settlement announcement provided clarification on a range of issues, including the funding arrangements for Local Welfare Support and specific grant allocations for a range of revenue and capital initiatives. As detailed in the report the revenue grants provided uncommitted resources of £93,000. This amount, together with the forecast terms and conditions savings would enable the Council to implement an increase in the Living Wage.

The report to the Finance and Policy Committee had outlined two options for the Living Wage and it was recommended that Option 1 was implemented, which would provide a Living Wage of £7.88 although implementation depended on the Terms and Conditions savings being achieved.

The Chair expressed his hope that all Members would support this proposal which would benefit the Council's lowest paid workers and help partly redress pay restraint over the last few years.

The report detailed proposals for:

- addressing the one-off protection costs associated with the Terms and Conditions savings from the resources which have previously set aside for this purpose; and
- the re-allocation of one-off resources not now needed for Local Welfare Support as this is now included in the base budget, towards the National Museum of the Royal Navy project which secures a major visitor attraction for Hartlepool.

The Council report suggested that an update report would be provided following the Finance and Policy Committee. As there were no changes to the proposals, other than the Finance and Policy Committee approving a Living Wage of £7.88, an update report had not been required.

The Chair concluded by advising Council that he had been updated on the final 2015/16 grant settlement issued by the Government by the Chief Finance Officer and Chief Executive the previous day. The final grant allocation was £205,000 more than had been indicated in December. In line with the recommendation approved by Council on 18 December 2014 this amount would be used to reduce the use of the Budget Support Fund in 2015/16 which would assist with future year's budgets.

The Chair moved the recommendations detailed in the Council report. The motion was seconded by Councillor Richardson.

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

Those in favour:

Councillors Ainslie, C Akers-Belcher, Atkinson, Barclay, Beck, Brash, Clark, Cook, Cranney, Dawkins, Fleet, Gibbon, Griffin, Hall, Jackson, James, Lauderdale, Lilley, Loynes, Martin-Wells, Morris, Payne, Richardson, Riddle, Robinson, Simmons, Springer, Thomas and Thompson

Those against:

None.

Those abstaining:

None.

The vote was carried and the recommendations detailed in the report were approved.

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

None.

128. MOTIONS ON NOTICE

Two Motions had been submitted as follows:-

1. "In a time of austerity, public sector cuts and a cost of living crisis, the council must be prudent in the face of draconian cuts by central government. Our greatest resource, in these difficult times, is our dedicated and hard-working staff and so we fully support the pay-rise that they have been awarded this year.

However, at a time when many in the public and private sector are seeing their wages frozen or even cut it is both lacking in prudence and moral standing to hike the pay of politicians. Voting to equate our work and remuneration to that of council staff was ill-judged and wrong. They

deserve the pay rise and we do not. We therefore call upon all Councillors to forgo the 2.2% increase in their allowance, so that the money can go toward supporting services here in Hartlepool."

Signed: Councillors Brash, Hargreaves, Thompson, Riddle and Lilley

The Motion was moved by Councillor Brash and seconded by Councillor Thompson.

On moving the motion, the motivation for submission of the Motion was detailed. The mover of the Motion indicated that whilst he fully supported that employees receive the agreed pay increase, he disagreed that Members should receive an increase. Members of a number of Local Authorities across the country had refused to accept any increase in their allowances at the current time. He considered it wrong to contemplate an increase in Members allowances at a time when people were suffering pay cuts, pay freezes and job losses.

On seconding the motion, it was commented that it was abhorrent that Members would consider accepting an increase in their allowance in the current financial climate adding that he had already approached the Chief Finance Officer to indicate he did not want to receive any increase should it be approved. A number of other Members indicated that they had also contacted the Chief Finance Officer to refuse any approved increase in their Members' allowance.

The Leader of the Council responded that as a result in the change to the Council's governance arrangements in April 2013 the Council had shown a commitment to reducing the cost of Members' allowances and had achieved an ongoing annual saving of around £120,000 per year. He added that the proposed increase was in line with the pay award for employees and provided a Basic Allowance to £5,953, which was significantly less than the North-East average of £8,965 and the amount recommended by the IRP of £6,517 (from 1st April 2015).

During the debate a discussion ensued on the different levels of attendance by Members at Council Committees and residents' meetings. It was highlighted that some Members have difficulty attending meetings held during the day due to work commitments and reference was made to requests for meetings to be held in an evening.

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

Those in favour:

Councillors Atkinson, Brash, Dawkins, Gibbon, Lauderdale, Lilley, Riddle, Springer and Thompson

Those against:

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

Those abstaining:

None.

The Motion was lost.

2. "Putting Hartlepool First believe zero hours contracts are incompatible with building a loyal, skilled and productive workforce.
We propose that this council undertakes an immediate review of all HBC employees and all associated contractors, subcontractors and organisations successful in gaining council tenders or monies of any form, who currently use zero hour's contracts.
Specifically, we would like our council to work towards and implement the 6 key principles outlined below within 6 months, should this motion be passed.

Employees and contractors on Zero hours contracts should, within 6 months;

- not be obliged to be available outside contracted hours
- be free to work for other employers
- have a right to compensation if shifts are cancelled at short notice
- have "clarity" from their employer about their employment status, terms and conditions
- have the right to request a contract with a "minimum amount of work" after six months with an employer - this could only be refused if employers could prove their business could not operate any other way
- have an automatic right to a fixed-hours contract after 12 months with an employer

We would welcome the support of all councillors regarding this motion."

Signed: Councillors Riddle, Brash, G Lilley, Gibbon and Atkinson

The motion was moved by Councillor Riddle and seconded by Councillor Lilley.

During the debate, it was highlighted that the Council made very limited use of zero hours contracts and had been reduced to 22 employees currently employed on that basis with Officers rigorously reviewing the potential of any new zero hours contracts as part of the Single Status Arrangements. The Leader of the Council indicated that the motion would not add anything to current Council practices and may even result in an increase in either cost, use of casual workers or redundancy.

Amendment moved by Councillor C Akers-Belcher and seconded by Councillor Richardson:-

“That the motion be referred to the Monitoring Officer as part of his annual review of the Council’s Pay Policy Statement when a full and balanced appraisal can be presented to Members and a robust decision can be made.”

It was highlighted that there was already a commitment by the Council to remove all zero hours contracts. The Monitoring Officer confirmed that the Pay Policy Statement would be submitted to Council on 26 March 2015.

The mover of the Motion accepted the amendment.

The amendment was agreed.

The Chief Solicitor referred Members to Rule 10 of the Council Procedure Rules and sought Council approval to the meeting continuing beyond 9.30p.m. It was agreed that the meeting be extended until all business had been dispatched.

129. REGIONAL HEALTH SCRUTINY COMMITTEE

The Chief Executive reported that the Regional Health Scrutiny Committee comprised the 12 North East Local Authorities and was responsible for the scrutiny of issues around the planning, provision and operation of health services across the North-East region. The membership of the Committee was made up of 1 Elected Member from each Local Authority with the Chair appointed on an annual basis. South Tyneside Council currently Chaired the Committee and had done so since September 2013, with an extension of their term of office to the end of January 2015 to enable the identification of a new Chair for 2015/16. On this basis, expressions of interest were now being sought from all 12 North East Local Authorities to Chair the Regional Health Scrutiny Committee, with effect from the 1st February 2015. The appointment of the Chair would then be confirmed at the first meeting of the Committee for 2015/16, on the 24th February 2015. A nomination was sought from Council to Chair the Regional Health Scrutiny Committee.

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

“That Cllr Martin-Wells be appointed Chair of the Regional Health Scrutiny Committee”

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

“That Cllr Brash be appointed Chair of the Regional Health Scrutiny Committee”

A vote was taken on the two nominations for the position of Chair of the Regional Health Scrutiny Committee.

As a result of the vote, Councillor R Martin-Wells was appointed Chair of the Regional Health Scrutiny Committee.

130. HEALTH MINUTES

Council was advised that to assist the Audit and Governance Committee in undertaking its statutory health scrutiny responsibilities, previous practice had been for the Committee to receive minutes of the Health and Wellbeing Board, Finance and Policy Committee (relating to Public Health), Tees Valley Joint Health Scrutiny Committee and Regional Health Scrutiny Committee. This process had proven to be beneficial in ensuring that the Committee was aware of health discussions at other committees / bodies and assisted in the identification of issues on which further information may be required. As Health Scrutiny was now within the remit of Full Council, the minutes of the following meetings had been circulated for Members information:-

Appendix A - Health and Wellbeing Board – 1 December 2014

Appendix B- Regional Health Scrutiny Committee – 29 September 2014

Appendix C – Tees Valley Joint Health Scrutiny Committee – 3 March 2014, 17 July 2014, 11 September 2014 and 27 November 2014

It was recommended that the minutes be noted and consideration be given as to whether any further information is required.

RESOLVED – That the minutes be noted

131. EXPENDITURE RELEVANT TO MEMBERS' INTERESTS

The Chief Executive reported that further to requests by Members, information had been appended to the report which provided details of any contracts for works or services which were subject to the Council's tender process and awarded to a body/entity listed on the Member's Register of Interests during the previous 3 months. Details were provided of any payments made to a body/entity listed on the Member's Register of Interests during the last 3 months. The report did not include information on those bodies listed on Members' interests forms which either did not have a supplier number on Integra or which could not be identified on Integra given the information provided.

RESOLVED – That the report be noted.

132. TREASURY MANAGEMENT STRATEGY

The Chief Executive reported that the Local Government Act 2003 required the Council to 'have regard to' the CIPFA Prudential Code and to set prudential indicators for the next three years to ensure that the Authority's capital investment plans were affordable, prudent and sustainable. The Act therefore required the Council to determine a Treasury Management Strategy for borrowing and to prepare an Annual Investment Strategy, which set out the Authority's policies for managing its investments and for giving priority to the security and liquidity of those investments. The Secretary of State had issued Guidance on Local Government Investments which came into force on 1st April, 2004. This guidance recommended that all Local Authorities produce an Annual Investment Strategy to be approved by full Council, which was also included in this report. The Council was required to nominate a body to be responsible for ensuring effective scrutiny of the Treasury Management Strategy and policies, before making recommendations to Council. This responsibility had been allocated to the Audit and Governance Committee. The recommended Treasury Management Strategy was considered by the Audit and Governance Committee on the 11th December 2014 and that report had been circulated. The Audit and Governance Committee had carefully scrutinised the proposed Treasury Management strategy and approved that the recommended strategy be referred to full Council.

At the time of the Audit and Governance Committee, it had not been possible to calculate supporting Prudential Indicators as this was reliant on Government Capital Allocations which had not been issued. However, as the Treasury Management Strategy outlined the key principles covering the operation of the Authority's borrowing and investment strategy the unavailability of this information did not prevent the Audit and Governance Committee from considering and scrutinising the proposed strategy.

Prudential indicators and other regulatory information had now been completed and were appended to the report also.

RESOLVED - That approval be given to the following recommendations from the Audit and Governance Committee in respect of the 2015/16 Treasury Management Strategy and related issues;

Borrowing Strategy 2015/16

- i) **Core borrowing requirement** - Approve the adoption of Option 1 to delay long term borrowing until there is a significant increase in the base rate;
- ii) To note that in the event of a change in forecast interest rates the Chief Finance Officer may implement Option 2 to fund the borrowing requirement at fixed long term interest rates at an affordable level to protect the Authorities long term financial position;

- iii) **Borrowing required for business cases** – Approve the adoption of Option 2 to fixed interest rates for individual business cases.

Investment Strategy 2015/16

- iv) Approve the addition of Svenska Handelsbanken to the counterparty list with a counterparty limit of £1m and time limit of 3 months.
- v) Approve the addition of three Money Market Funds to the counterparty list, with a counterparty limit of £1m per fund, noting that funds will be liquid (i.e. instant access) therefore a time limit is not applicable.
- vi) For existing counterparties, extend the time limits for investments to a maximum of 1 year.

Minimum Revenue Provision (MRP) Statement

- vii) Approve the MRP statement outlined in paragraph 9.2 of Appendix F.

Prudential Indicators 2015/16

- viii) Approve the prudential indicators outlined in Appendix G.

133. APPOINTMENT OF CHIEF EXECUTIVE (HEAD OF PAID SERVICE)

The Chief Executive reminded Members that he had handed in his notice to the Leader of the Council and intended to leave the authority on 31st May 2015. Council, at the meeting on 18th December 2014, had agreed to the establishment of an Appointments Panel for the remainder of the Municipal Year. The Panel had been convened and would meet on 13 February 2015 to consider all aspects of the appointment process for the Chief Executive (Head of Paid Service). Members were reminded that the appointment of the Head of Paid Service (Chief Executive) required Council approval and would be submitted to Council when the process had been concluded.

The Chief Solicitor advised that sentiments expressed by a Member following presentation of the report, that the appointment should be subject to an external process, would be conveyed to the Panel.

RESOLVED – That the report be noted.

134. HOSPITAL SERVICES FOR HARTLEPOOL – RESPONSE FROM SECRETARY OF STATE

The Chief Executive reported that, on the 1st December 2014, the Ceremonial Mayor had written to the Secretary of State for Health requesting a meeting to discuss the management of the North Tees and Hartlepool Foundation Trust

and the suitability and effectiveness of hospital services for Hartlepool and its surrounding communities. This meeting request had been declined by the Secretary of State on the 22 December, 2014. A further letter had been sent by the Ceremonial Mayor on the 6 January, 2015, asking that the Secretary of State reconsider his decision. Confirmation had now been received from Mr Hunt (MP) that he would be unable to meet with representatives from Hartlepool, re-iterating that decisions about the provision of local health services should be made at a local level.

In addition to the above, Members were requested to note that in accordance with the wishes of Full Council on the 18th December 2014, under Regulation 23(9) of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations, the Council had formally referred the Trust's proposal to 'pause' development work on the 'new hospital' at Wynyard to the Secretary of State. The referral letter had been sent by the Ceremonial Mayor on the 24th December, 2015 and a formal response was now awaited.

Following presentation of the report, the Leader of the Council advised Members that he had spoken to the MP for Hartlepool who had advised that he would honour the agreement, previously agreed by Council, for a cross party delegation to meet with Secretary of State.

RESOLVED – That the report be noted

The meeting concluded at 9.45 p.m.

DEPUTY CEREMONIAL MAYOR

COUNCIL

MINUTES OF PROCEEDINGS

16 FEBRUARY 2015

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

PRESENT:-

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

COUNCILLORS:

Ainslie	C Akers-Belcher	Barclay
Beck	Clark	Cranney
Dawkins	Fleet	Gibbon
Griffin	Hall	Jackson
James	Lauderdale	Lilley
Loynes	Martin-Wells	Dr Morris
Richardson	Riddle	Simmons
Sirs	Springer	Thomas
Thompson.		

Officers: Andrew Atkin, Assistant Chief Executive
Alyson Carman, Legal Services Manager
Joan Stevens, Scrutiny Manager
Alastair Rae, Public Relations Manager
Amanda Whitaker, Angela Armstrong, and David Cosgrove,
Democratic Services Team

135. APOLOGIES FOR ABSENT MEMBERS

Councillors Atkinson, Brash, Cook, Hargreaves, Hind, Payne and Robinson.

136. DECLARATIONS OF INTEREST FROM MEMBERS

Councillors C Akers-Belcher and Thomas declared prejudicial interests as employees of Hartlepool HealthWatch and left the meeting.

Councillor Hall declared a personal interest as the Council's appointed representative to the North Tees and Hartlepool NHS Foundation Trust Board.

Councillor Jackson personal interest as his wife is an employee of North Tees and Hartlepool NHS Foundation Trust Board.

Councillor S Akers-Belcher declared a prejudicial interest as his civil partner is an employee of Hartlepool HealthWatch but stated that he had been given dispensation from the Chief Solicitor and, therefore, was permitted to remain in the chair.

Councillors C Akers-Belcher and Thomas left the meeting.

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

None.

138. TO SUSPEND COUNCIL PROCEDURE RULES TO THE EXTENT
NECESSARY TO ENABLE THE MEETING TO FOLLOW THE COURSE
PRESCRIBED ON THE AGENDA

Agreed.

139. NORTH TEES AND HARTLEPOOL NHS FOUNDATION TRUST
QUALITY ACCOUNTS 2014/15

The report of the Scrutiny Manager informed Members that Health Act 2009 (Part 1/Chapter 2/Section 8) required that all providers of NHS healthcare services produce an annual Quality Account, containing prescribed information relevant to the quality of the services they provide.

Barbara Carr, Associate Director of Nursing, Quality and Patient Experience, and Keith Weldon, Quality Analyst, North Tees and Hartlepool NHS Foundation Trust were present at the meeting and gave a presentation to Members highlighting the key elements of the 2014/15 Quality Account.

The presentation highlighted the following key points: -

- The Quality Account for 2014/15 was based around three key priorities; patient safety, effectiveness of care and experience.
- The priorities for Patient safety related to mortality (additional), dementia care, safeguarding adults (learning disabilities and sensory loss) and infection control – Clostridium Difficile.
- The priorities for Effectiveness of Care related to Discharge process – information, medication and 'safe and warm, and the Nursing Dashboard.
- The priorities for Patient Experience related to end of life pathways and family's voice, 'Is our care good' (patient surveys) and friends and family recommendation.
- The Trust had decided to add Mortality to the list of Key priorities in 2014-2015 for patient safety.
- The Trust had high HSMR and SHMI values but was currently working

hard to reduce these. The Trust was taking a balanced approach and undertook weekly mortality reviews as well as instigating 3rd Party (NEQOS) reviews of its processes and procedures.

- The HSMR (Hospital Standardised Mortality Ratio) was a ratio of the observed number of in-hospital deaths at the end of a continuous inpatient spell to the expected number of in-hospital deaths (multiplied by 100) for 56 diagnosis groups in a specified patient group. (80% of in hospital deaths)
- The SHMI (Summary Hospital-level Mortality Indicator) was a high level hospital mortality indicator which was made up of 252 diagnostic groups. This indicator included deaths up to 30 days post acute trust discharge in the mortality indicator, and all inpatient mortalities that occur within a Hospital were also considered in the indicator.
- The indicator figures were: HSMR – 125.65 (Nov 13 to Oct 14), and SHMI – 115.94 (Apr 13 to Mar 13), where 100 was seen as the national average.
- The Trust had developed a Mortality Dashboard which included detailed information for clinicians where they could 'drill down' in statistics to examine data within their area.
- The Trust was required to demonstrate that they had undertaken a monthly audit of carers of people with dementia to test whether they feel supported and reported the results to the Board. The results for the first three quarters showed 100% support from the carers surveyed.
- In the 2013-2014 reporting year there had been 245 adult safeguarding alerts raised across the Local Authorities of Durham, Hartlepool and Stockton. In 2014-2015 (up to 04 Feb 2015), there had been 198 alerts with 52 of those from Hartlepool.
- In relation to infection control, it was shown that in 2013-2014 the final total of Clostridium Difficile infections was 30 with the Monitor breach target being set at 40. In 2014-2015 the Monitor target remained at 40. Currently the Trust had 16 cases reported, this time last year the Trust had 28 cases.
- The Trust had had 1 case of Hospital Acquired MRSA (19 Dec 2014). Prior to this case, the last case was 18 Dec 2012.
- The newest version of the dashboard had been rolled out within the Trust in April 2014. The indicators on the dashboard were: Patient Falls, Pressure Sores, Compliments and Formal Complaints, Infections, Unannounced Hand Hygiene, Staff and Patient Experience and Quality Standards (SPEQS), and Friends and Family Test – A&E, In-patients and Maternity services. Details of some the indicators were quoted in the presentation for Members information.
- The Trust had held a Quality Account Market Place event on 16 December 2014 where some excellent feedback had been obtained from those that attended. The Trust was likely to repeat these market place events in the future.
- Consultation visits on the Quality Accounts would be concluded by the end of February and the draft Quality Account would be submitted to Council in March. The Quality Account would be audited by external auditors, PriceWaterhouseCooper. The Trust would also produce an easy to read copy of the Quality Account. The Friends and family element would continue with a 'you said, we did' approach.

The Chair allowed questions from the public initially on the presentation and the Quality Accounts. The following questions/comments were made together with the responses from the Trust representatives.

- The quality of care provided by staff was not in question. However, when the health profiles for both Stockton and Hartlepool were compared, residents in Hartlepool fared much worse, yet services were being centred at Stockton. The Trust representatives commented that the Quality Account covered both hospital sites. There were still a large number of services at Hartlepool, though it was acknowledged that the majority of in-patient services were at North Tees Hospital.
- There was concern expressed at the obstetrics and maternity services at Hartlepool. The Trust representatives stated that there was a midwife led service at Hartlepool for low-risk expectant mothers and, in response to a query, agreed to circulate figures in relation to the number of deliveries at the Hartlepool unit.
- Concern was expressed at the Trust 'pushing' the health care needs of the 130,000 people Hartlepool Hospital served into the already over stretched North Tees Hospital which, it was claimed, was struggling to cope with its 350,000 catchment. Quality of care was bound to be diminished.
- Concern was expressed at the higher than average death rates quoted in the presentation. The Trust representatives commented that there had been a steady increase in the rates over the past four years and this was the main reason behind the Trust looking at the figures and each death in greater detail. Much seemed to be down to patients simply being very ill before being admitted to hospital and subsequently dying while an in-patient; there was no indication that the care provided was less than expected. The figures quoted related to both Hospital sites.
- A resident indicated that they had attended several consultation meetings with the Trust who in his opinion simply didn't listen to any public input. The Trust representatives stated that all public and stakeholder input to the Quality Account was listened to though not all could be incorporated.
- Hartlepool did have a five star rated hospital before it was "run into the ground" and had services removed by the Trust. People simply wanted services returning to Hartlepool.
- It was questioned if some of the statistics quoted be location specific to show the situation in Hartlepool. The Trust representatives stated that the Department of Health required that the survey information gathered to be anonymous. Responses gathered were analysed on a weekly basis but the Trust could not make them patient and locality specific. Residents considered that some location specific information could be gathered while keeping the surveys anonymous and show how much people from Hartlepool were spending to go to North Tees. The Trust representative stated that this information could not be collected through the 'friends and family' survey as part of the Quality Account. However, some work had been done through the Travel and Transport Group with HealthWatch on transport issues and the request for the collection of this information on a locality basis would be fed back to the Trust.
- A resident questioned on the mortality rates and if there was any record of the increase in numbers now referred to North Tees and if this was linked to the increase in mortality. The Trust representative indicated that he

would supply the Council with some of the statistical information in relation to mortality rates.

- A resident queried the discharge procedures at North Tees that led to elderly patients being discharged in the early hours of the morning with no transport to get them home other than expensive taxi fares. The Trust representative indicated that some information on discharges was gathered and could be provided to the Council. Late discharges should be appropriately managed and elderly residents should not be sent home without adequate precautions. The Trust was building into its processes a follow-up telephone call from the Ward to elderly patients to ensure they were okay after having being discharged.
- A resident indicated that in the past the Trust had stated that it would pay for transport for patients that didn't have transport home. The Trust representative acknowledged this was the case. The resident considered that more publicity was needed on this as the majority of patients did not know about this facility.
- The integration of health and social care was questioned and whether this was having an impact on the higher than average death rates. The Trust representative stated that every death was examined within the Trust. Many patients were dying within 48 hours of arriving as an in-patient and a number were sent inappropriately to A&E by out of hours services when they had already elected to have 'do not attempt resuscitation' notes on their files and they should not have been referred to hospital in the first instance. Planned discharges with the local authority were done in a managed way. The resident commented that there was a lack of residential nursing care beds in Hartlepool and two elderly relatives had been competing for the same bed at Brierton Lodge. The Trust representative commented that there were issues with the numbers on nursing care beds but this was not an issue that could be included in the Quality Accounts as it was outside the Trust's control.
- A resident questioned if the death rates would go down if A&E was returned to Hartlepool. The Trust representative stated that the 'crude' death rates for the number of attendances for the Trust were actually very good; the specific measures quoted, HSMR (Hospital Standardised Mortality Ratio) and SHMI (Summary Hospital-level Mortality Indicator) were an issue as these were used in national statistics. Residents asked that comparative statistics for the death rates before and after the transfer of A&E services from Hartlepool to North Tees could be produced. The Chair asked that those statistics be submitted to the Council.
- A resident was critical of the Member of Parliament's role in this issue particularly on the fact that it was known several years ago that the new hospital on the Wynyard site could not be delivered. The Chair commented that the MP was not present to respond to such remarks.
- A resident questioned the data sets utilised in producing the statistics quoted in the presentation and whether they were the same as those on the Dr Foster website. The Trust representative stated that the HSMR statistic was created by Dr Foster. In response to further questions the representative indicated that both HSMR and SHMI were both national statistics. All the comparative data would be published with the Quality Accounts in June.
- A resident referred to previous statements from the Chief Executive and

Chairman of the Trust that it was difficult to get doctors and specialists to come to Hartlepool. The Trust representative stated that the Trust had excellent specialist clinicians that held surgeries at both the North Tees and Hartlepool sites.

The Chair thanked Members of the public for their questions and opened the meeting to questions from Councillors

A Councillor commented that the significant issue raised by the presentation was that more people were dying than could be considered acceptable by the statistical measures. This seemed to be due to a significant proportion arriving at Hospital already very near to death. The Trust representatives commented that when all deaths were reviewed, there were a large number where that was the case but there was no evidence this was higher than other areas. When the evidence base was examined, the coding used by the system could only reflect what the clinician had recorded. If that record, for example, did not reflect some of the palliative advice that had been given to the patient and/or their family; that could not be recorded. The statistical system was quite prescriptive but was outside the control of the Trust.

A Councillor questioned how the public would be informed of the additional responses that were to be provided by the Trust. The view was expressed that the mortality rates were a sad condemnation of the Trust's performance. The Councillor questioned what was the number of people that were expected to die and what elements came forth from the reviews of those deaths. The Trust representative commented that sadly, patients do die in hospital. The Trust and its staff looked to treat everyone with the appropriate care and dignity but not everyone could be saved. The statistical rate was based on a predictive number. Some patients did come into hospital quite sick. They may have been looked after at home or under the care of their GP before arriving at hospital. The Trust representative stated that expected death rate was a standardised case mix based on a national benchmark. The figures quoted for HSMR and SHMI were up to 6 months behind. The Trust also indicated that it would share the definitions and basis behind the two indicators with Members. Members suggested that comparative statistics for past years would also be helpful going back at least as far as when A&E services were transferred from Hartlepool. The Trust representative commented that the Quality Account did include some comparative information.

The Chair questioned the sharing of the additional data to be received from the Trust after the meeting. The Assistant Chief Executive indicated that the information could be shared on the Council website, by e-mail with Councillors and would be shared with the press. A Member also suggested that it should be included in Hartbeat.

A Councillor stated that the care offered by the staff at the Trust at both hospitals was not in question. A recent BBC Panorama programme showed the commitment of staff but showed that their goodwill was being stretched. The Trust had a duty of care to its staff and the pressure that was placed upon them must have a knock on effect to patients. The programme gave the impression that there must be deeper problems other than the pressure on A&E. While

there was the family and friends test it failed to deal with the issues raised by the Panorama programme. The Trust representative stated that the staff family and friends test was undertaken four times a year and the full results of that were reflected in the Quality Account.

A Councillor referred to the current investigation being undertaken by the Audit and Governance Committee into Dementia and indicated that there had been a lot of input from various support groups and the Trust. Carers were a particular concern in terms of the support they received. Hartlepool was working towards being a Dementia friendly town and the Councillor asked what the Trust could offer to assist in Hartlepool becoming a Dementia friendly town. The Trust representative stated that the Trust was well aware that dementia was growing problem in the northeast. The Trust had been part of the investigation and had taken some steps within the two hospitals, for example by the use of bright colours in corridors and on doorways to assist dementia patients. Staff were very aware of the issues created by bringing dementia sufferers into an environment that was alien to them. Emphasis was also placed on ensuring that discharge procedures for dementia patients were robust ensuring that their home environment was safe for example.

A Councillor commented that this was an emotive issue for people and many would believe that much of this would be down to the transfer of A&E services from Hartlepool. The Councillor commented that he could not avoid making that link as the trust representatives seemed to be putting much down poor coding and people coming into hospital close to death. The Trust representatives stated that the figures could appear quite misleading. The calculations were complex and based on multi-layered information sources. For example, palliative care was a major indicator in calculating the HSMR figure. The Trust had done a lot of work on how it recorded these statistics as it knew it was something it had to improve. Not everything was down to 'sicker' patients being admitted. The Trust representative stated that he would include an explanation with the responses to be provided to the Council explaining the two indicators and how they were calculated in as simple a form as possible.

A Councillor sought clarification of what they had understood from the presentation in that one of the causes of the higher death rates was inappropriate referrals from out of hospital care services when the patient had a 'do not resuscitate' declaration in their medical records. The Trust representative confirmed that this was the case.

A Councillor considered that a more holistic approach was required. Presently too much pressure was being placed on the services at North Tees due to managerial decisions and now the results of that pressure were being clearly seen.

A Councillor questioned how deaths that occurred in ambulances on the way to hospital were recorded and were they included in the statistics. The Trust representative indicated that they did not know and would include that in the further information to Council.

Councillor Riddle stated he wished to put a motion forward to be considered by

Council. The Chair indicated that he would wish to conclude the Quality Accounts item by dealing with the recommendations set out in the Scrutiny Manager's report. A Member stated that the motion would supersede the recommendations. The Chair, therefore, allowed Councillor Riddle to propose his motion.

Councillor Riddle prefaced the motion by referring to the history of the NHS and how he considered that the NHS services in Hartlepool were being systematically being removed piece by piece. Councillor Riddle considered that Councillors had a duty to reflect the wishes of the people of Hartlepool in supporting the return of those services. People wished to see the hospital remain open despite the Chair of Council having signed the 'death warrant' of A&E Services when Chair of the Health Scrutiny Forum. The Chair requested that Councillor Riddle withdraw his comment. Councillor Riddle agreed to do so.

Councillor Riddle referred to the meeting that was to take place with the Secretary of State for Health, the Right Honourable Jeremy Hunt MP, and considered it to be unnecessary as the Secretary of State no longer had any legal duty in relation to the provision of health services. The Secretary of State had also recently been subject of a vote of no confidence by The British Medical Association. A meeting with him would achieve nothing. In light of the mortality statistics reported to the meeting and the removal of services from Hartlepool Hospital, Councillor Riddle moved –

"That this Council withdraws all cooperation between HBC and the Hartlepool and North Tees NHS Foundation Trust."

The motion was seconded by Councillor Thompson.

Councillor Thompson in seconding the motion considered that the mortality rates reported were a great cause of concern. The Council had already had two votes of no confidence in the management of the Trust but had seen little effect of those votes.

The Legal Services Manager stated that in her opinion, the motion was out of order as it would require the Council to do something it patently cannot do, as it would contravene legal responsibilities, the general duty to co-operate with the Trust and would be in breach of a number of formal contracts with the Trust placing officers in a position of not being able to undertake their statutory duties. She advised that the motion should not be accepted and for members to consider only the business on the agenda.

A Member considered that the Legal Services Manager's advice was only that and could be ignored if Council so chose to do so. The Member stated that when the Chair of Council had been the Chair of the Health Scrutiny Forum he had colluded with the trust to remove A&E services from Hartlepool.

The Assistant Chief Executive stated that the advice given was on a matter of law and that Councillors should heed the advice given. The motion would place council officers in breach of their statutory and legal duty not least of which

involved the safeguarding of children and vulnerable adults. Officers would be placed in the position of not complying with Council or breaking the law.

Several Members addressed Council in opposition to the motion due to the consequences on staff and the legal position of the Council as Corporate Parent and in its duty to vulnerable adults.

Following a number of interruptions to proceedings from the public gallery, the Chair adjourned the meeting and left the meeting to allow order to be restored.

After an adjournment of ten minutes, the Chair returned to the meeting.

In light of the advice of the Legal Services Manager, Councillor Riddle proposed an amendment to his resolution to the following –

“That this Council withdraws cooperation between HBC and the Chief Executive, Management and Board of Hartlepool and North Tees NHS Foundation Trust.”

The amended motion was seconded by Councillor Thompson.

The Legal Services Manager reiterated her advice that, in her opinion, the motion was out of order as it still placed the Council at risk of contravening its legal obligations, would cause the Council to be in breach of a number of formal contracts with the Trust and would place officers in a position of not being able to undertake their statutory duties.

In view of the legal advice, the Chair ruled that the motion could not be put.

The Chair moved to the recommendations set out in the Scrutiny Manager's report.

RESOLVED -

- (i) That clarification on the issues raised following the presentation from the representatives from North Tees and Hartlepool NHS Foundation Trust be submitted to a future meeting of Council and disseminated to the wider public as suggested in the meeting.
- (ii) That Members comments on the information presented be used to contribute to the formulation of the third party declaration.
- (iii) That finalisation of the draft declaration be delegated to the Statutory Scrutiny Officer in consultation with the Chair of Council.

The meeting concluded at 9.17 pm

CEREMONIAL MAYOR

COUNCIL

26 February 2015



Report of: Chief Executive

Subject: FORMAL COUNCIL TAX SETTING 2015/2016 –
INCORPORATION OF FIRE AUTHORITY, OFFICE
OF THE POLICE AND CRIME COMMISSIONER AND
PARISH COUNCIL PRECEPTS

1. PURPOSE OF REPORT

- 1.1 To enable Council to set the overall level of Council Tax following the notification by precepting authorities i.e. the Fire Authority, the Office of the Police and Crime Commissioner and Parish Councils of their Council Tax levels for 2015/2016.

2. BACKGROUND AND LEGAL FRAMEWORK FOR COUNCIL TAX DECISION MAKING

- 2.1 In accordance with current statutory provisions there are two types of 'authority' which have the legal power and responsibility to set an annual budget and Council Tax level, namely:

- **Precepting Authorities** - these are independent organisations with the legal power to set their annual budget and Council Tax precept (i.e. Council Tax level). Current Precepting Authorities include Cleveland Fire Authority, the Office of the Police and Crime Commissioner and Parish Councils. Fire Authorities and the Office of the Police and Crime Commissioners are subject to the Council Tax referendum thresholds determined by the Government and are eligible to receive the Council Tax freeze grant if they do not increase Council Tax. These arrangements do not currently apply to Parish Councils.

Where Members of a Billing Authority also service as Members of a Precepting Authority they are required to make budget and Council Tax decisions in respect of the Precepting Authority in the financial interests of the Precepting Authority and not the Billing Authority.

- **Billing Authorities** – have the legal powers to set their own annual budget and Council Tax level. As Members will recall the Medium Term Financial Strategy and Council Tax for 2015/16 for this Authority was approved by full Council on 18th December 2014.

In addition, Billing Authorities are responsible for formally setting the overall Council Tax level for their area including the Council Tax set by Precepting Authorities. This additional responsibility is an administrative function of Billing Authorities. Therefore, whilst Members of a Billing Authority may not agree with the decision reached by a Precepting Authority regarding the level of Council Tax for the forthcoming financial year they have no power to veto the statutory decisions reached by Precepting Authorities.

3. DETERMINATION OF OVERALL COUNCIL TAX LEVELS

- 3.1 The determination of the overall Council Tax level is a statutory function, which brings together the individual Council Tax levels determined by this Council, Cleveland Fire Authority, the Office of the Police and Crime Commissioner and where applicable Parish Councils.
- 3.2 To ensure there is clear accountability for decisions made by Precepting Authorities I would advise Members that the Council Tax bills for Hartlepool residents will clearly show that Hartlepool Council froze its own tax and will show the relevant percentage increases for the Fire Authority and the Office of the Police and Crime Commissioner approved by these organisations as follows:
- i) The decision by the Fire Authority on 13th February 2015 to approve a 1.9% Council Tax increase for 2015/16;
 - ii) The decision of the Office of the Police and Crime Commissioner on 6th February 2015 to approve a 1.988% Council Tax increase for 2015/16
- 3.3 The Table below shows the statutory Council Tax calculations, incorporating the 2015/16 Council Tax levels approved by the Council, the Office of the Police and Crime Commissioner and Cleveland Fire Authority, which this Council is required to approve as a **Billing Authority**:

	Council Tax Bands							
	A £ p	B £ p	C £ p	D £ p	E £ p	F £ p	G £ p	H £ p
Hartlepool Borough Council Basic Amount without parishes or special items	945.80	1,103.43	1,261.07	1,418.70	1,733.97	2,049.23	2,364.50	2,837.40
Office of Police and Crime Commissioner	137.51	160.42	183.34	206.26	252.10	297.93	343.77	412.52
Fire Authority	46.91	54.72	62.54	70.36	86.00	101.63	117.27	140.72
Areas without a Parish Council	1,130.22	1,318.57	1,506.95	1,695.32	2,072.07	2,448.79	2,825.54	3,390.64

- 3.4 The statutory calculations incorporating the 2015/16 Council Tax levels approved by the Office of the Police and Crime Commissioner, Cleveland Fire Authority and the parish Precepts are shown in Appendix A , Table 3.

4. PROPOSALS

- 4.1 Council is requested to

- i) Note the respective responsibilities of Precepting Authorities and Billing Authorities detailed in paragraph 2.1; and
- ii) As the Billing Authority for the area to approve the statutory calculations detailed in Appendix A, which include the Council Tax and precepts set by the Office of the Police and Crime Commissioner, Cleveland Fire Authority and Parish Councils.

5. CONTACT OFFICER

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APPENDIX A

SUPPORTING STATUTORY RESOLUTIONS - COUNCIL TAX FREEZE

- 1 Full Council needs to approve the following supporting statutory amounts which must be calculated by the Council for 2015/2016 in accordance with the Local Government Finance Act 1992 and relevant regulations:
- i) To note that on 22nd December 2014 the Finance and Policy Committee approved the 2015/16 Council Tax Base for:
- The whole Council area as 22,298.8 Band D equivalents in accordance with Section 31B of the Local Government Finance Act 1992, as amended; and
 - For dwellings in those parts of its area to which a Parish precept relates as follows:

Parish Council Tax bases (Band D Equivalents)

Dalton Piercy	103.2	Greatham	574.3
Elwick	461.3	Hart	286.3
Headland	723.4	Newton Bewley	30.6

- 2 That the Council Tax requirement for the Council's own purposes (excluding Parish precepts) is £31,635,308.
- 3 That the following amounts be calculated by the Council for in accordance with Sections 31 to 36 of the Local Government Finance Act 1992 and relevant regulations:-
- (a) £81,309,657 Being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (2) of the Local Government Finance Act 1992 and relevant regulations.
- (b) £49,650,657 Being the aggregate of the sums which the Council estimate will be payable to it in respect of Revenue Support Grant £22,683,954, Business Rates Baseline Funding of £19,228,539, Top up Funding of £7,447,590 and the estimate to be paid from the Collection Fund of £290,574 as at 31st March 2015, in accordance with Section 97 (3) of the Local Government Finance Act 1988 and the Local Government Charges for England (Collection Fund Surpluses and Deficits) Regulations 1995 amended.
- (c) £31,659,000 Being the amount by which the aggregate at 3 (a) above exceeds the aggregate at 3 (b) above, calculated by the Council in accordance with Section 31A (4) of the Act as

- its Council Tax requirement for the year (including Parish precepts).
- (d) £1,419.76 Being the amount calculated by the Council in accordance with Section 31B of the Local Government Finance Act 1992, as the basic amount of Council Tax for the year (including Parish precepts).
- (e) £23,692 Parish Precepts Being the aggregate amount of all special items referred to in Section 34 (1) of the Local Government Finance Act 1992.
- £14,235 Concurrent Services Concurrent Services - as detailed in Table 1 to this Appendix.
- (f) £1,418.70 Being the amount calculated by the Council in accordance with Section 34 (2) of the Local Government Finance Act 1992, as the basic amount of Council Tax for the year 2015/16 (excluding Parish precepts), which has the effect of freezing the Council's element of Council Tax at the current level.
- 4** The Basic Council Tax for 2015/16 calculated in accordance with Section 34 (3) for dwellings in those areas that have a Parish precept as set out in Table 2 to this Appendix.
- 5** Approve in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, the aggregate amounts shown in Table 3 to this Appendix the amounts of Council Tax for 2015/16 for each part of the Council's area and each of the categories of dwellings.
- 6** Approve that the Council's basic amount of Council Tax for 2015/16 of £1,418.70, detailed in 3 (f) above is not excessive in accordance with the principles approved under section 52ZB of the Local Government Finance Act 1992 and that no local referendum will be carried out in relation to Chapter 4ZA of the Local Government Finance Act 1992.
- 7** Approve the amount of Council Tax including the Cleveland Fire Authority and the Office of the Police and Crime Commissioner precepts, in accordance with Section 40 of the Local Government Finance Act 1992 and the relevant inclusion of amounts of Council Tax for each category of dwelling in accordance with Sections 43 to 47 of the Act as set out in Table 3 to this Appendix.

TABLE 1 - Council Tax For Parish Councils 2015/2016

	Precept (1)	Parish Tax Base (2)	Parish Council Tax (3) [=(1)/(2)]	Basic Council Tax (4)	Billing Authority's Council Tax (5) [=(3)+(4)]	Precept met from Council Tax Support Scheme	Concurrent Services	Total Payment to Parish
Parishes	£ p		£ p	£ p	£ p	£ p	£ p	£ p
Dalton Piercy	5,444	103.2	52.75	1,418.70	1,471.45	369	2,839	8,652
Elwick	6,237	461.3	13.52	1,418.70	1,432.22	393	6,684	13,314
Greatham	2,716	574.3	4.73	1,418.70	1,423.43	484	1,385	4,585
Hart	3,516	286.3	12.28	1,418.70	1,430.98	284	3,327	7,127
Headland	5,599	723.4	7.74	1,418.70	1,426.44	2,401	0	8,000
NewtonBewley	180	30.6	5.88	1,418.70	1,424.58	15	0	195
	23,692					3,946	14,235	41,873

TABLE 2 - Council Taxes For Each Property Band 2015/2016**(Including Parish Precepts but excluding Office of Police and Crime Commissioner & Fire Authority)**

Parishes	Council Tax Bands							
	A	B	C	D	E	F	G	H
	£ p	£ p	£ p	£ p	£ p	£ p	£ p	£ p
Dalton Piercy	980.97	1,144.46	1,307.96	1,471.45	1,798.44	2,125.43	2,452.42	2,942.90
Elwick	954.81	1,113.95	1,273.09	1,432.22	1,750.50	2,068.76	2,387.03	2,864.44
Greatham	948.95	1,107.11	1,265.27	1,423.43	1,739.75	2,056.06	2,372.38	2,846.86
Hart	953.99	1,112.98	1,271.99	1,430.98	1,748.98	2,066.97	2,384.97	2,861.96
Headland	950.96	1,109.45	1,267.95	1,426.44	1,743.43	2,060.41	2,377.40	2,852.88
NewtonBewley	949.72	1,108.01	1,266.30	1,424.58	1,741.16	2,057.73	2,374.30	2,849.16
Areas without a Parish Council	945.80	1,103.43	1,261.07	1,418.70	1,733.97	2,049.23	2,364.50	2,837.40

TABLE 3 - Council Taxes For Each Property Band 2015/2016**(Including Parish Precepts, Office of Police and Crime Commissioner & Fire Authority)**

Parishes	Council Tax Bands							
	A	B	C	D	E	F	G	H
	£ p	£ p	£ p	£ p	£ p	£ p	£ p	£ p
Dalton Piercy	1,165.39	1,359.60	1,553.84	1,748.07	2,136.54	2,524.99	2,913.46	3,496.14
Elwick	1,139.23	1,329.09	1,518.97	1,708.84	2,088.60	2,468.32	2,848.07	3,417.68
Greatham	1,133.37	1,322.25	1,511.15	1,700.05	2,077.85	2,455.62	2,833.42	3,400.10
Hart	1,138.41	1,328.12	1,517.87	1,707.60	2,087.08	2,466.53	2,846.01	3,415.20
Headland	1,135.38	1,324.59	1,513.83	1,703.06	2,081.53	2,459.97	2,838.44	3,406.12
NewtonBewley	1,134.14	1,323.15	1,512.18	1,701.20	2,079.26	2,457.29	2,835.34	3,402.40
Areas without a Parish Council	1,130.22	1,318.57	1,506.95	1,695.32	2,072.07	2,448.79	2,825.54	3,390.64