



Chief Executive's Department
Civic Centre
HARTLEPOOL

11 January, 2016

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

Madam or Sir,

You are hereby summoned to attend the COUNCIL meeting to be held on THURSDAY, 21 JANUARY 2016 at 7.00 p.m. in the Civic Centre, Hartlepool to consider the subjects set out in the attached agenda.

Yours faithfully

G Alexander
Chief Executive

Enc

COUNCIL AGENDA



Thursday 21 January 2016

at 7.00 pm

**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 approve the minutes of the last meeting of the Council held on 10 December 2015 as the correct record;
- (5) To answer questions from Members of the Council on the minutes of the last meeting of Council;
- (6) To deal with any business required by statute to be done;
- (7) To receive any announcements from the Chair, or the Head of Paid Service;
- (8) 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;
- (9) To consider reports from the Council's Committees and to receive questions and answers on any of those reports;
 1. Proposed Merger of the Teesside and Hartlepool Coroner Services
- (10) To consider any other business specified in the summons to the meeting, and to receive questions and answers on any of those items;
- (11) To consider reports from the Policy Committees:
 - (a) proposals in relation to the Council's approved budget and policy framework; and

- (b) proposals for departures from the approved budget and policy framework;
- (12) To consider motions in the order in which notice has been received; and
1. 'Currently car mileage allowance payable to HBC councillors is 52.5p per mile. This is considerably higher than the 45p per mile recommended by HMRC. Indeed, in light of fiscal pressures, over 100 of the 350 local authorities across the country now limit mileage allowance to 45p. We propose a motion that HBC reduce mileage allowance payable to councillors to the 45p rate recommended by HMRC'
Councillors:-
David Riddle
Jonathan Brash
Kelly Atkinson
Steve Gibbon
Paul Thompson
 2. 'In August 2015, the leader of the Labour Party, the Rt Hon Jeremy Corbyn, said:-
"I am opposed to new nuclear on the basis of the dangers posed to our ecosystems" He went in to state that if he became Prime Minister he would end the UK government's political and financial support for a new generation of Nuclear Power stations.

This is a profoundly worrying statement for Hartlepool.

Our local MP, Iain Wright, has said:

"Hartlepool nuclear power station continues to play a vital role in the local economy" and that "Nuclear power has to be part of the mix for future energy provision."

"Therefore, Council resolves to write to Central Government (copied to our MP) to offer our full support for an industry that is vital in employment and other terms to the Borough and continue the fight for a new build nuclear power station for the town'

Councillors:-
David Riddle
Jonathan Brash
Kelly Atkinson
Steve Gibbon
Paul Thompson

3. "That supplementary questions for members of the public be reinstated in their previous form"

Councillors:-

David Riddle
Jonathan Brash
Kelly Atkinson
Steve Gibbon
Paul Thompson

4. 'That Council supports the delegation of power to local authorities and that all private and public sector employers within their area should endeavour to pay the Living Wage. The rate of the Living Wage to be determined in accordance with the rates set by the Living Wage Foundation. As such Council resolves to write to Government to request that this power be legislated for and included as part of the devolution deal for the Tees Valley, either now or in the future.'

Councillors:-

David Riddle
Jonathan Brash
Kelly Atkinson
Steve Gibbon
Paul Thompson

5. "That this Council supports the Justice for Coalfields Campaign, launched by the Labour Party in January 2014, and calls on the Government to make a formal apology for the actions of the previous Conservative Government during the time of the strike and set out all details of the interactions between the Government and the police at the time of the strike by way of a public inquiry if necessary. We ask the Chair of Council to write to the Prime Minister to this effect"

Councillors:-

David Riddle
Jonathan Brash
Kelly Atkinson
Steve Gibbon
Paul Thompson

6. "It has been indicated that some members may feel that the 'clear 7 days' rule for the submission of motions and questions is not practicable. Council therefore resolves to shorten that period to 3 days."

Councillors:-

David Riddle
Jonathan Brash
Kelly Atkinson
Steve Gibbon
Paul Thompson

7. "The Rt Hon Jeremy Corbyn MP has stated that 'Deregulation in the bus sector has created the ludicrous situation of some routes being over-supplied, as companies cause congestion and lower air quality while competing for market share. Meanwhile the young, the elderly and the disabled are left without any means of effective transport if they happen to live on a route that is declared 'unprofitable'"

Council agrees and resolves to write to the secretary of state for transport making clear its view that bus services should be re-regulated, so as to truly be called a public service".

Councillors:-
David Riddle
Jonathan Brash
Kelly Atkinson
Steve Gibbon
Paul Thompson

8. "That Hartlepool Council sets a strategic goal of being carbon neutral by 2020"

Councillors:-
David Riddle
Jonathan Brash
Kelly Atkinson
Steve Gibbon
Paul Thompson

9. "That the requirement for signatories to call in a policy committee decision be reduced to 5 Members"

Councillors:-
David Riddle
Jonathan Brash
Kelly Atkinson
Steve Gibbon
Paul Thompson

10. "That Council restates its desire to see every primary school child in Hartlepool receive a free breakfast at school, and request that the chair of children services to give an update at every council meeting as to the progress toward that aim"

Councillors:-
David Riddle
Jonathan Brash
Kelly Atkinson
Steve Gibbon
Paul Thompson

11. “Sir Michael Wilshaw’s fourth annual Ofsted report will have made unpleasant reading for us all. In it he names 16 local authority areas in England where fewer than 60% of children attend good or outstanding secondary schools, have lower than national GCSE attainment and make less than national levels of expected progress. Hartlepool is one of them.

Although it is hard to argue about the statistics, there can be much debate about the responsibility for and causes of the difficulties faced by our schools.

This Council believes that our dedicated teachers and school staff do an amazing job, in trying circumstances, and national leaders would be better employed putting forward solutions, rather than pointing fingers.

Nevertheless inaction is not an option and council therefore resolves to invite Mr Wilshaw’s to Hartlepool to discuss with councillors, officers and education leaders in the town about how he believes we can address these shortfalls and continue our pursuit of academic excellence in all our educational establishments.”

Councillors:-
David Riddle
Jonathan Brash
Kelly Atkinson
Steve Gibbon
Paul Thompson

12. “Funding per pupil in England’s schools can range dramatically from around £3,950 to as much as £8,595.

Hartlepool in 14/15 received toward the lower end of this with around £4700 per pupil.

As part of the CSR in November 2015 the chancellor announced a review of the funding formula, prompted by the demands of Conservative MPs.

It is imperative that Hartlepool makes the strongest possible response to this consultation to ensure that our schools get the funding they deserve.

Therefore this Council resolves to pull together the expertise of education providers right across Hartlepool, along with our officers, to craft the strongest possible argument in defence of our school funding for submission to this consultation.

Councillors:-
David Riddle
Jonathan Brash
Kelly Atkinson
Steve Gibbon
Paul Thompson

13. That this Council believes the current rules around debate with the context of a full council meeting are too restrictive and prevent full and reasoned debate. Therefore Council resolves to conduct a full review of Part 4 of our constitution (Rules of Procedure) and invite contributions from officers, members and the public”

Councillors:-

David Riddle
Jonathan Brash
Kelly Atkinson
Steve Gibbon
Paul Thompson

14. “That all advertising, within the control of HBC, of payday loans will be banned”

Councillors:-

David Riddle
Jonathan Brash
Kelly Atkinson
Steve Gibbon
Paul Thompson

15. “Taxes are the price we pay for a civilized society”, so said Oliver Wendell Holmes and surely there can be no greater sign of our civility than the way in which we treat our elderly and vulnerable. With the announcement that councils will be able to levy a 2% increase in council tax, specifically to pay for social care this council resolves to instruct officers to produce a full quantitative and qualitative analysis of the implications for social care of such a tax being levied and the implications for our most vulnerable citizens of not introducing such a rise?”

Councillors:-

David Riddle
Jonathan Brash
Kelly Atkinson
Steve Gibbon
Paul Thompson

16. “Last month it was revealed that ‘feminism’ was to be dropped as a topic from A Level politics courses, along with any mention of gender equality. A few weeks prior to that, the British Passport Office unveiled the new Creative United Kingdom passport, celebrating 500 years of British talent, but was able to think of only **two** women against seven men: the mathematician and writer Ada Lovelace and the architect Elisabeth Scott. This is from a Government that prides itself of having one third of its Cabinet women, in a country where over 50% of the population are women. It is a worrying trend.

This Council believes that women have made, and continue to make, an equal and fundamentally invaluable contribution to British society as men and that the current Conservative Government does not reflect that fact. Surely, if we

are serious about achieving gender equality, we need to educate and inform our children, in fair and even handed way.

Therefore, Council resolves:

- To write to the secretary of state for education to pledge our support for the reintroduction of feminism onto the A level politics course and to consider ways to ensure that the achievement of women in British society are more fairly reflected by our education system.
- To develop a programme of celebration to highlight women's achievements and the struggle for gender equality, in conjunction with our local schools and college's to coincide with International Women's Day 2016 on March 8th.

Councillors:-

David Riddle

Jonathan Brash

Kelly Atkinson

Steve Gibbon

Paul Thompson

- (13) To receive the Chief Executive's report and to pass such resolutions thereon as may be deemed necessary;
- (14) To receive questions from and provide answers to the public in relation to matters of which notice has been given under Rule 11;
- (15) To answer questions of Members of the Council under Rule 12;
 - a) Questions to the Chairs about recent decisions of Council Committees and Forums without notice under Council Procedure Rule 12.1
 - b) Questions on notice to the Chair of any Committee or Forum under Council Procedure Rule 12.2
 - c) Questions on notice to the Council representatives on the Police and Crime Panel and Cleveland Fire Authority
 - d) Minutes of the meetings held by the Cleveland Fire Authority held on 16 October 2015.



COUNCIL

MINUTES OF PROCEEDINGS

10 December 2015

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

PRESENT:-

The Ceremonial Mayor (Councillor Fleet) presiding:

COUNCILLORS:

Ainslie	C Akers-Belcher	S Akers-Belcher
Atkinson	Barclay	Beck
Belcher	Clark	Cook
Cranney	Gibbon	Griffin
Hall	Hind	Jackson
Lauderdale	Lawton	Lindridge
Loynes	Martin-Wells	Richardson
Riddle	Robinson	Sirs
Springer	Tempest	Thomas
Thompson		

Officers: Gill Alexander, Chief Executive
Andrew Atkin, Assistant Chief Executive
Alyson Carman, Legal Services Manager
Chris Little, Chief Finance Officer
Sally Robinson, Director of Child and Adult Services
Denise Ogden, Director of Regeneration and Neighbourhoods
Louise Wallace, Director of Public Health
Alastair Rae, Public Relations Manager
Amanda Whitaker, Angela Armstrong, Democratic Services Team

91. APOLOGIES FOR ABSENT MEMBERS

Councillors Brash, James, Dr Morris and Simmons

92. DECLARATIONS OF INTEREST FROM MEMBERS

None

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

None

94. MINUTES OF PROCEEDINGS

The Minutes of Proceedings of the Council held on the 12 November 2015, having been laid before the Council.

RESOLVED - That the minutes be confirmed.

The minutes were thereupon signed by the Chairman.

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

None

96. BUSINESS REQUIRED BY STATUTE

None

97. ANNOUNCEMENTS

None

98. 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.

Council noted the minutes of the meetings held by the Cleveland Fire Authority on 24 July 2015 and the Police and Crime Panel 30 July 2015 and the draft minutes of the meeting of the Police and Crime Panel held on 21 September 2015.

With reference to minute 73(d) of the meeting held on 17 September 2015, a Member expressed his appreciation to Officers from this Council and Stockton Borough Council for a change in the procedure for submission of Police and Crime Panel minutes which had reduced the time delay between the date of the Police and Crime Panel meeting and submission of the minutes to Council.

99. TO RECEIVE REPORTS FROM THE COUNCIL'S COMMITTEES

(1) Gambling Act – Statement of Licensing Principles – *Licensing Committee*

In the absence of the Chair, the Vice-Chair of the Licensing Committee presented the report which informed Members that the Council was required by the Gambling Act to adopt and publish a Statement of Licensing Principles (a Policy) every three years and, as the current policy was adopted in 2013, a new policy had to be in place by January 2016. The proposed policy had been considered by the Licensing Committee in June 2015 and again, following consultation, in November 2015. The consultation had highlighted serious concerns with 'Fixed Odds Betting Terminals'. Such machines had become extremely popular in betting shops and the Licensing Committee was concerned as to the impact they could have on the vulnerable. It was highlighted that Fixed Odds Betting Terminals do not fall within the licensing powers of local Councils and, as such, their numbers could not be controlled by their Licensing Policies but the Committee had written to the relevant Government minister expressing its concern and asking for a review of the law relating to these machines and a reduction in the maximum stake that can be placed. For those issues that did fall within the Council's scope, the Licensing Committee had recommended adoption of the proposed Policy including its 'No Casino Resolution' which stated that Hartlepool Borough Council would not consider, or accept, any application for a casino licence in Hartlepool. This 'No Casino resolution' had been part of Hartlepool's Licensing Policy since it had been first adopted in 2007.

RESOLVED – (i) That the Licensing Committee's recommendation be accepted and the adoption of the draft Statement of Licensing Principles as detailed in Appendix 1, with effect from 4th January 2016, was approved.

(ii) That the Licensing Committee's recommendation be accepted and the adoption of a 'No Casino' resolution, for the reasons detailed in the report, be approved.

(2) Licensing Act – Licensing Policy – *Licensing Committee*

The Vice-Chair of the Licensing Committee presented the report which informed Members that this Council was required to adopt and publish a Licensing Act policy every five years that explained how the Council would discharge its licensing functions and how the Council expected licensees to manage their premises in order to promote the Act's licensing objectives. The proposed policy had been initially considered by the Licensing Committee at its meeting in June 2015 and, following a three month consultation period, again in November. It was noted that it was similar to previous policies adopted by this Council but included two new initiatives that the Licensing Committee was satisfied would play an important role in the management of the night time economy. The first was an expectation that those premises that sell alcohol after midnight in the town centre would use plastic glasses so as to reduce the potential for glass to

be used as a weapon and, secondly, that alcohol retailers must adopt a responsible approach to the pricing of the alcoholic products. Due to the limitations of the Licensing Act both of these additions to the Policy would only apply to new licences granted but the Licensing Committee believed they were reasonable and proportionate and would contribute towards making Hartlepool's nightlife a safer and more enjoyable experience. The policy also referred to a Cumulative Impact Area and the Licensing Committee had recommended that this Area be retained, although smaller than in previous years.

Members were advised that a Cumulative Impact Area was an area considered to be saturated with licensed premises and where the Council believed that more licences would not promote the Act's objectives. Having a cumulative impact area would not stop licence applications for before midnight in the town centre but would make it harder for licensees to apply for licences after midnight. The Licensing Committee had recommended that Council agree to the adoption of this new Licensing Policy and to the adoption of the revised Cumulative Impact Area.

It was moved by Councillor Lawton and seconded by Councillor Ainslie:-

“(1) That Council accept the Licensing Committee's recommendation and approve the adoption of the draft Licensing Policy as detailed in Appendix 1 with effect from 4th January 2016.

(2) That Council accept the Licensing Committee's recommendation and approve the adoption of a new 'cumulative impact area' as detailed in the licensing policy.”

Following presentation of the report, a Member referred to the new initiatives proposed by the Committee and asked the Vice Chair if the Committee, whilst considering the proposed new initiatives, had considered also the issue of plastic bottles so as to reduce the potential for glass bottles to be used as a weapon. The Vice-Chair agreed to refer the issue to the Licensing Committee.

The recommendations of the Licensing Committee were agreed. The Ceremonial Mayor advised that in the absence of dissent, the recommendations had been agreed unanimously.

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

None

101. REPORT FROM THE POLICY COMMITTEES

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

1. Medium Term Financial Strategy 2016/2017 to 2018/2019 – *Finance and Policy Committee*;

Council received a comprehensive presentation by the Chair of the Finance and Policy Committee which addressed the salient issues included in the report and supporting information which had been provided to Council. The report outlined the significant financial challenges facing the Council over the following three years due to continuing reduction in Government funding. The report provided a comprehensive analysis of the financial issues affecting the Council and enabled Council to consider recommendations from the Committee regarding the following year's budget. It was noted that actual details of Government funding would be provided in the Local Government Finance Settlement announcement which was expected prior to Christmas. It was highlighted that this made financial planning very difficult and as a result the report outlined proposals for managing the impact of a higher grant cut for 2016/17 than forecast. Further details would be reported to Council in February 2016 and this would include the recommended 2016/17 Council Tax level. The Chair concluded his presentation by expressing appreciation to the Corporate Management Team, public and Councillors who had participated in the budget process, including the Youth Council.

The recommendations of the Finance and Policy Committee were moved by Councillor C Akers-Belcher and seconded by Councillor Richardson as follows:-

Implementation of Hartlepool Living Wage and National Living Wage

Approve the implementation of a Hartlepool Living Wage of £7.88 from 1st December 2015. Note that payment in December 2015 will be subject to Council approving this proposal on 10th December 2015 as part of the 2016/17 MTFS proposals.

Approve the proposal that the Hartlepool Living Wage of £7.88 be increased on an annual basis, commencing from 1st April 2016, in line with the cost of living pay award for Local Authority employees until such time as this is less than the National Living Wage, as which stage the National Living Wage will apply.

Approve the funding strategy for implementing the Hartlepool Living Wage as detailed in Appendix A.

Note the forecast additional budget pressures in 2017/18 and 2018/19 have been included in the MTFS and to note that these forecasts will need to be updated on an annual basis to reflect actual Local Government cost of living pay awards and actual National Living Wage levels.

Strategy for Managing Power Station Rateable Value Reduction

Note that the Valuation Office Agency has reduced the Rateable Value of the Power Station by 48% and as a result there is a permanent reduction in the Council's share of Business Rates income of £3.790m.

Approve the allocation of permanent income from Business Rates growth, an increased Council Tax Base and Enterprise Zone Business Rates income, total value of £1.523m (as detailed in table 4, paragraph 5.24), to partly offset the gross Business Rates income and reduce the net 2016/17 shortfall to £2.267m (i.e. £3.790m less £1.523m).

Approve the allocation of the Power Station Risk Reserve, inclusive of additional contributions in 2015/16 and 2016/17, to fund the net 2016/17 Power Station income reduction and reductions over the period 2015/16 to 2018/19 as detailed in table 6, paragraph 5.29.

Note that the above recommendations (referred to as recommendations 17.9 and 17.10 in the report) avoid increasing the budget deficits for 2015/16 to 2017/18 and this is only possible as a result of beginning to plan for this situation in 2012/13. To also note that in 2018/19 there is a net forecast shortfall of £0.459m which it is hoped can be funded from the 2015/16 outturn if the under spend is not needed to offset a higher actual grant cut than forecast. If this is not possible the 2018/19 budget deficit will increase by this amount.

Note that the above recommendations (referred to as recommendations 17.9 and 17.10 in the report) do not provide a permanent solution to fully address the permanent reduction in the Power Station Rateable Value of £3.790m and there will be a forecast net income shortfall in 2019/20 of £1.5m;

Note the action taken by Officers to encourage the Valuation Office Agency and Power Station to reach agreement on the temporary Rateable Value reduction for 2014 outage before the end of the current financial year to avoid the income loss, potentially up to £1m, falling on the Council in 2016/17.

Reserves Review and General Fund 2015/16 Forecast Outturn

Approve the allocation of £0.5m from the Reserves Review to establish a Child and Family Poverty Reserve, which will include the arrangements for providing advice and guidance services during 2016/17, and delegate authority to the Finance and Policy Committee to develop and approve a strategy for using these resources.

Approve the allocation of the following forecast amounts to manage the potential impact of a higher actual 2016/17 grant cut than forecast:

	Worst Case - Forecast one-off resources £'000	Best Case - Forecast one-off resources £'000
2015/16 net forecast outturn	669	889
Reserve Review (gross amount released of £889k less allocated for Child and Family Poverty initiatives)	389	389
Total Forecast Uncommitted Resources	1,058	1,278

Note that if the above resources are not needed to offset a higher actual 2016/17 grant cut than forecast a further report will be submitted to enable an alternative strategy for using these resources to be developed, which may include allocating uncommitted funding to either:

- Increase cash backing for the Jackson's Landing Interest free loan from 80% of the loan value;
- To support the General Fund budget in 2017/18 and future years;
- To support the Local Council Tax Support scheme in 2017/18; or
- To fund one-off costs of reshaping the Council, which may require one-off funding to achieve ongoing savings.

Local Council Tax Support Scheme 2014/15 Forecast Outturn.

Note the detailed Local Council Tax Support (LCTS) scheme report to be referred to Council on 10th December 2015 will recommend that a 12% LCTS scheme is retained for 2016/17.

2016/17 to 2018/19 General Fund Budget

Note that on the basis of forecast annual Government grant cuts the Council faces a gross budget deficit for 2016/17 to 2017/18 of £24.811m.

Note that after reflecting the proposals detailed in table 8, paragraph 9.6, which includes forecast housing growth and the use of the Budget Support Fund, the gross deficit of £24.811m should reduce to £14.192m and will result in the following annual forecast deficits:

- 2016/17 £4.179m
- 2017/18 £5.223m
- 2018/19 £4.790m

Approve the phased use of the Budget Support Fund as follows and to note that this phasing reflects in the forecasts net annual deficits detailed in recommendation 17.22:

- 2016/17 £2.708m
- 2017/18 £1.232m
- 2018/19 £0.004m

Approve the use of Departmental Reserves of £1.091m and implementation of Budget Reductions/increased income/grant regimes of £3.088m to address the 2016/17 net budget deficit of £4.179m as summarised below and detailed in Appendix C1 to C6.

	Use of Departmental Reserves	Budget Reductions/ Increased income/ Grant regimes	Budget reductions Increased income/ Grant regimes as a percentage of 2015/16 budget
	£'000	£'000	
Chief Executive's Department (1)	0	235	5.6%
Child and Adult Service Department	934	1,750	3.7%
Regeneration and Neighbourhoods Department	157	1,024	5.0%
Public Health (General Fund budgets)	0	79	7.3%
Total	1,091	3,088	4.2%

Note the financial risks regarding the actual cuts in Government funding for the next 3 years and note that an update will be reported to a future meeting after the 2016/17 Local Government Finance Settlement is issued by the Government.

Note that a decision on the 2016/17 Council Tax level and indicative levels for 2017/18 and 2018/19 will be considered at a future meeting once the Government has issued the 2016/17 Council Tax referendum threshold and determined whether the Council Tax freeze grant regime will continue.

Capital Programme 2016/17

Note that details of specific Government Capital Allocations for the Local Transport Plan, Education and Personal Social Services had not be issued by the Government when this report was prepared and detailed proposals for using these ring fenced capital resources will be reported to the relevant Policy Committee for approval once details have been received.

Approve the use Prudential Borrowing for the replacement of Operational Equipment as detailed in Appendix D and note the annual repayment costs are already included within existing operational and trading accounts budgets, or in the case of vehicles required to bring the recycling service in-house will only be

purchased subject to approval of the detailed Business Case by the Neighbourhood Services Committee.

Approve, subject to the approval of the detailed Business Case, the use of Prudential Borrowing of £250,000 to complete works necessary to provide Waste Transfer Station Recycling capacity to enable the recycling service in-house and to note the annual repayment costs of £15,000 will be funded from savings generated in the Waste Disposal Budget.

Approve a new capital receipts target for 2016/17 of £1m and the allocation of these resources to fund the following priorities:-

- £0.6m for Council Capital Fund Priorities – detailed proposals for allocating these resources will be reported to a future Finance and Policy Committee for consideration and approval;
- £0.4m for other Council priorities, which may include match funding capital grants and/or other external funding opportunities, or potential development of Community Hub facilities – detailed proposals will be reported to a future Finance and Policy Committee for consideration and approval;

Note that DCLG have confirmed the Council can reopen the HRA, but have not yet provided the necessary detailed approvals. Therefore, in order to progress the scheme approved by Council on 6th August to purchase 14 bungalows on the former Raby Road/Perth Street development, it is recommended that the planned Prudential Borrowing of £735,000 (i.e. 58% of the project cost, which equates to £58,500 per property) is replaced with a temporary loan from the existing Major Repairs Reserves. The fall back will only be used if DCLG do not provide the necessary detailed approvals by the year end current financial year.

Public Health Funding

Approve the savings proposals detailed in Appendix E to address the forecast cut in Public Health funding of £630,000 and to note that if the actual cut is higher a report will be submitted to a future meeting of the Committee.

Robustness of Budget Forecasts

Note the detailed advice provided by the Chief Finance Officer and Corporate Management Team.

Following the presentation, a question was raised by a Member in relation to the assumptions which had been made in the budget in terms of the level of Council Tax. The Chair responded that an increase in Council Tax of 1.9% had been assumed for budget calculation purposes but a decision on council tax setting would not be made until the February Council meeting. The Member replied that £132,000 could be saved by no longer budgeting for Ward Member budgets.

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

“That the recommendations of the Finance and Policy Committee be accepted subject to £132,000 ring fenced for ward member funding being removed from the budget”

It was moved that the vote be put.

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

Those in favour:

Councillors Atkinson, Gibbon, Riddle and Thompson.

Those against:

Councillors Ainslie, C Akers-Belcher, S Akers-Belcher, Barclay, Beck, Belcher, Clark, Cook, Cranney, Fleet, Griffin, Hall, Hind, Jackson, Lauderdale, Lawton, Lindridge, Loynes, Martin-Wells, Richardson, Robinson, Sirs, Springer, Tempest and Thomas.

Those abstaining:

None.

The vote on the amendment was lost.

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

Those in favour:

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

Those against:

Councillors Atkinson, Riddle and Thompson

Those abstaining

None

The vote was carried and the recommendations of the Finance and Policy Committee were agreed.

2. Localised Council Tax Support Scheme 2016/17 – Finance and Policy Committee.

The Chair of Finance and Policy Committee presented a report which detailed the final proposals for the Localised Council Tax Support (LCTS) Scheme for 2016/17 as part of the Budget and Policy Framework. A copy of the report considered by Finance and Policy Committee on 23rd November 2015 had been circulated to inform Members of the issues and financial risks associated with the operation of the Local Council Tax Support scheme.

The report to Finance and Policy Committee of 23rd November 2015 set out financial analysis which confirmed that a 2016/17 LCTS scheme that maintained a level of award cut at 12% (the same as in 2015/16) was viable. The Council had only been able to operate a 2013/14 LCTS scheme involving an 8.5% LCTS cut, 12% cuts for 2014/15 and 2015/16 and a proposed 12% cut for 2016/17 as a result of previous decisions to earmark one off resources to assist with the implementation and operation of the Hartlepool LCTS scheme. The other four Tees Valley Authorities had all implemented LCTS cuts of 20% since 2013/14 and it was understood these arrangements would continue in 2016/17. As highlighted in the Finance and Policy Committee report, the Council's LCTS schemes had provided significant support for households compared to a 20% scheme. If a 12% cut was maintained for 2016/17, the support over the period 2013/14 – 2016/17 would be:

- Band A £402.00
- Band B £468.00

The proposal put forward by Finance and Policy Committee was to maintain the 2016/17 LCTS scheme award cut at 12% the same level as in 2015/16. The proposed 12% LCTS cut for 2016/17 was viable and avoided an increase in the Council Tax liability of low income working age households at a time when households were adjusting to the ongoing impacts of the wider national welfare reform.

The following recommendations of the Finance and Policy Committee were moved by Councillor C Akers-Belcher and seconded by Councillor Richardson:-

- i) Approve the implementation of a 2016/17 LCTS scheme involving a 12% cut.
- ii) Approve the re-phased application of LCTS reserves, detailed in paragraph 5.9 of the Finance and Policy Committee report.
- iii) Approve the continuation in 2016/17 of the existing LCTS scheme Principles detailed in paragraph 6.1 of the Finance and Policy Committee report.
- iv) Approve the passporting of about £6,000 of the 2016/17 Core Revenue Grant to Parish Councils in accordance with national regulations.

- v) Note that the approved Local Council Tax Support Scheme will be subject to close monitoring and annual review.

The recommendations were agreed. The Ceremonial Mayor advised that in the absence of dissent, the recommendations had been agreed unanimously.

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

None

102. MOTIONS ON NOTICE

None

103. COMBINED AUTHORITY

The Chief Executive reported that at the meeting of Council on 26th March 2015, Members had considered a report on the submission of a draft scheme which would form the basis of the proposal to establish a Combined Authority for the Tees Valley. It had been resolved that any amendments to that scheme be reported back to Council for ratification. There had been no changes to the draft scheme, which was subsequently submitted to the Secretary of State for Communities and Local Government.'

Members were advised that the Secretary of State was required under the Local Democracy, Economic Development and Construction Act, 2009, to formally consult upon those proposals and this he had been done through a consultation exercise which had commenced in October and which had concluded on the 9th December, 2015. Subject to the outcome of that consultation and certain statutory conditions being met, Parliament could approve through the making of an Order, the establishment of a Combined Authority for the Tees Valley.

It was noted that the Draft Order specified that the Combined Authority must appoint an 'Overview and Scrutiny Committee'. Further that the Combined Authority could make standing orders for the regulation of its proceedings and business, which would be a component part of its governance and constitutional framework. In conformity with the Draft Order, a Constitution for the Combined Authority was being drafted. It was envisaged that a draft document would be available soon and once a draft had been received, Council would be advised and consulted.

RESOLVED - That the report be noted.

104. TRADE UNION BILL

At the last meeting of Council it had been determined that a letter should be sent to the appropriate Government Department to outline the opposition of this Council to the proposals in the Trade Union Bill. The letter was appended to the report together with the response which had been received.

The Member who had moved the Motion, at the previous Council meeting, advised Council that he did not consider the response answered the issues which had been raised by the Motion and reaffirmed his opposition to the Trade Union Bill.

RESOLVED – That the report be noted.

105. PUBLIC QUESTIONS

1. Question from Mr Measor to Chair of Regeneration Services Committee

“As a very concerned resident of Seaton Carew, can you please justify your decision to exclude all Seaton Carew councillors from the Seaton Carew Coastal Committee?”

The Chair of Regeneration Services Committee began his response by highlighting that there were no Seaton Carew Councillors; the question should have referred to Seaton Ward Councillors. The Chair clarified also that there was not a Coastal Committee but a Team which had limited Member involvement. The Chair added that the Team reported to Regeneration Services Committee which was open to all Councillors and public to attend.

Following the response, a Member sought clarification from the Chair of Council regarding the right to debate the response to the question. The Legal Services Manager referred to the terms of the Constitution and highlighted that it was at the discretion of the Chair of Council whether to allow the issues raised to be commented upon and discussed.

In response to further clarification from the Member whether any debate would be allowed on that question, the Chair of Council advised that she would not allow the issues raised by the question to be discussed.

2. Question from Mr Measor to Chair of Finance and Policy Committee

“Can the Chair please outline the Council's position on fracking. i.e. is it potentially good for Hartlepool or bad for Hartlepool?”

The Chair of Finance and Policy Committee responded that Hartlepool's geophysical sub strata did not hold shale gas and was not identified as an area for fracking. The Chair added that should fracking be undertaken elsewhere in the UK, local firms could benefit from supplier chain opportunities

Following the response, the Chair of Council was asked whether she would

allow the issues raised to be commented upon and discussed. In response to the Chair of Council advising that she would allow discussion on the issues raised, clarification was sought on the difference between the approach which had been adopted for this question in comparison to the previous question. The Chair of Council reiterated that it was at her discretion as to whether to allow the issues raised to be discussed.

106. QUESTIONS FROM MEMBERS OF THE COUNCIL

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

None

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

1. From Councillor Riddle to Chair of Finance and Policy Committee

“Back in February of 2014 I asked whether, in the event of the planning inspectorate rejecting a local plan which did not include provision of a Gypsy and Traveller site pitch, whether such a site had been identified by HBC. I was told in response that no such pitch has been identified and HBC was in the process of determining the need for such a provision.

Given we are now 22 months on from my previous question (and we are STILL without a local plan), can the Chair of Finance and Policy Committee put the minds of the residents of Hart at ease, by assuring them there will be no gypsy site designated within their ward and can he also assure Hart residents that in the event of the planning inspectorate recommending Hartlepool makes such provision for a site, Hart will not be the 'default option'?”

The Chair of Finance and Policy Committee affirmed that was the case. In response to Councillor Riddle explaining the rationale for submission of the question, the Chair of Finance and Policy Committee advised that he had written already to the residents of the area and his response to this issue would not change.

2. From Councillor Riddle to Chair of Regeneration Services Committee

“It is 2 years on from the Council's £1.5 million purchase of Jackson's landing. At the time, the council leader spoke of his intention to have identified an alternative use (other than as a retail outlet) for the site, or to sell it on by December 2014. One year on from that deadlines, could you please update council as to whether a sale is imminent or whether a plan has been formulated as to what to do with it?”

The Chair of Regeneration Services Committee responded that he was puzzled why the question had been asked at the Council meeting when there had been opportunities to attend Committee meetings when the subject had been discussed. The Chair highlighted that Jacksons Landing had been identified as an important site in the creation of a cultural and heritage quarter linking to the opportunities that would be presented from the National Museum of the Royal Navy (NMRN) who were due to take over the Hartlepool Maritime Experience in Spring 2016. The opportunities for the redevelopment of Jackson Landing would significantly increase with NMRN's investment plans. A high profile launch and marketing exercise was planned for 2016 targeting leisure, commercial and hotel operators. Soft market testing and discussions with interested parties were currently taking place. There was also the opportunity to create a new anchor cultural facility. The Chair added that Jacksons Landing could be the catalyst for regeneration of the town and if in the wrong hands could become a negative drag on regeneration efforts. Therefore the Chair considered that it was right that the Local Authority should have intervened in order to maximize the long term economic benefits that the site could provide.

Councillor Riddle responded to the Chair's comments with an explanation of why he had been unable to attend meetings and the rationale for submission of the question.

3. From Councillor Riddle to Chair of Neighbourhood Services Committee

"As much as I am sure residents of Hartlepool welcome the free car parking in the Middleton Grange car parks in the run up to Christmas, the majority of town centres across the Tees Valley incorporate some free car parking provision all year round. If we are to be competitive as a realistic tourist destination in line with our council leaders vision, have we now reached a stage where council car parking charges in Hartlepool should be scrapped altogether?"

In the absence of the Chair of Neighbourhood Services Committee, the Vice-Chair of the Committee responded that he did not believe this was the case. The Vice-Chair highlighted that the income raised from car parking charges was spent on maintaining roads, footpaths and car parks and this income was more important than ever given the unfair cuts in Government funding Hartlepool had suffered over the last 5 years and expected to continue over the next 4 years. If this income was not received additional budget cuts would be required.

Members were advised that parking charges in Hartlepool were reviewed annually but had not increased since 2010. The charges were however considered in association with those applied by neighbouring authorities to ensure they remained competitive.

Councillor Riddle responded that he was aware of issues highlighted by the Vice Chair. However, he referred to economic theories relating to 'the value of free' and considered it was appropriate for the Council to be innovative.

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

“That Council car parking charges be referred to the Neighbourhood Services Committee for detailed appraisal to find a way of making Council car parking free of charge”.

On seconding the Motion, Councillor Thompson declared an interest in terms of the payment he currently made for town centre car parking and addressed issues in relation to a strategy for developing Middleton Grange Shopping Centre.

The Chair of Finance and Policy Committee expressed concern that the 2016/2017 budget had been agreed earlier in this meeting. He suggested therefore that the proposal be referred to the Neighbourhood Services Committee to be considered as part of the following year's budget considerations. There was no dissent expressed to this suggestion.

4. From Councillor Riddle to Chair of Finance and Policy Committee

“Has the Council had any response from the Prime Minister in relation to his request for a meeting to discuss the impact of government cuts on Hartlepool?”

The above question was withdrawn at the meeting by Councillor Riddle.

5. From Councillor Riddle to Chair of Regeneration Services Committee

“Can the chair please explain why the council appears to have reneged on a long standing objective to provide new community facilities in Seaton?”

The Chair of Regeneration Services Committee responded that the Council had not reneged on the objective and the issue had not been discussed by the Regeneration Services Committee. The Chair clarified that new community facilities would be developed as part of a town wide Community Hub Programme and the plans for Seaton would be brought forward when additional capital receipts had been received through the sale of development sites as identified in the development agreement. Officers were also exploring external funding opportunities to support the community hub programme.

6. From Councillor Riddle to Chair of Regeneration Services Committee

“We are now 2 and a half years on from the opening of the Inspirations coffee house in Tanfield Road. At a cost of around £280,000 to start up, together with staffing costs estimated at circa £50,000 per year, around £400,000 has been invested in the project by HBC. Is the coffee house turning a profit and are there plans to expand the concept (described as innovative by the council leader) to other cemeteries, crematoriums, parks and such like across Hartlepool?”

The Chair of Regeneration Services Committee responded that the facility had not made a profit. It was highlighted that the outlet had been operating for two and half years and most businesses did not show sustainability until after five years. A business plan was being developed that would review how it operated which would assess options for increasing turnover and moving into profitability.

The Chair added that without Inspirations, the award of £400,000 Lottery Funding would not have been successful.

Councillor Riddle explained the rationale for submission of the question. In response, a Member requested the consent of the Chair of Regeneration Services Committee to the full unedited accounts of the business being presented to Members. The Chair responded that the request was not within the remit of his Committee.

It was moved by Councillor Thompson:-

“That a full set of accounts be submitted to the Finance and Policy Committee.”

The Chairs of Finance and Policy Committee advised that his Committee had requested already that a report be submitted to that Committee and he would have to take advice from the Chief Solicitor in relation to the proposal. The Chief Executive confirmed that a report would be submitted to the Finance and Policy Committee early in the new year.

7. From Councillor Riddle to Chair of Children's Services Committee

The late Lady Thatcher was Education Secretary in 1971 when free milk for 7-11 year olds was scrapped in Britain's primary schools. Research had linked poor nutrition and low income to underachievement in schools and milk was identified as a key food that could help alleviate the problem. Milk is also rich in calcium and is vital in development of healthy bones. Would the Chair of Children's Services be willing, with his committee, to undertake a feasibility study to establish whether the council can afford, and has the will, to bring back the provision of free milk to 7-11 year olds across all of Hartlepool's primary schools?

The above question was withdrawn at the meeting by Councillor Riddle.

8. From Councillor Riddle to Chair of Children's Services Committee

“Although initially introduced by a Labour Government, the trebling of university tuition fees in the last parliament by the coalition government has made going to University a daunting prospect for many of Hartlepool's young people. Would the Chair of Children's services be willing to explore, with his committee, establishing a new annual bursary scheme in which one Hartlepool youngster per year has their first year of tuition fees paid for, which organized correctly, this could be funded via sponsorship and/or donations from local business, or if legislation permits it, funded annually from council funds.”

In the absence of the Chair of Children's Services Committee, due to ill health, it was agreed that a written response would be sent to Councillor Riddle

- 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

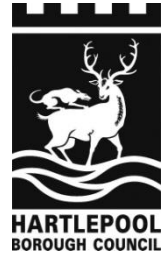
None

The meeting concluded at 8.15 p.m.

CEREMONIAL MAYOR

COUNCIL

21 January 2016



Report of: Finance and Policy Committee

Subject: PROPOSED MERGER OF THE TEESSIDE AND
HARTLEPOOL CORONER SERVICES

1. PURPOSE OF REPORT

- 1.1 To appraise Council of the current position upon the suggested amalgamation of the Hartlepool and Teesside coroner areas and to seek Council's views as to the appointment process for a Senior Coroner in any merger. Finance and Policy Committee have endorsed their earlier view at the meeting of the Committee on 11 January, 2016, to recommend the 'slotting in' of the existing Hartlepool Senior Coroner as the Senior Coroner in an amalgamated coroner area, should such a merger proceed. Further, the Committee recognised that such an appointment should be based on a 1.0 FTE role, as widely supported in an addendum to the initial Business Case (annexed to the Committee report as an appendix) as opposed to the earlier suggestion of a 0.8 FTE position. The reasoning behind a 1.0 FTE appointment being fully documented within the attached report as presented to the Committee (**Appendix 1**). However, Council will note that Middlesbrough Borough Council through their Executive Member now favour 'open competition' for the position of Senior Coroner in any merger and although decisions are awaited from Stockton and Redcar & Cleveland Borough Councils respectively (which will be reported to Council when known), there is a clear divergence of views which presently indicates the possible 'postponement' of a merger, at this time.

2. BACKGROUND

- 2.1 The Committee had received a report initially on the 21st July, 2014 where it was agreed '*in principle*' to support a proposed merger, subject to the approval of a Business Case, which was subsequently approved by the Committee at its meeting on the 18th August, 2014. Since that time, a proposed addendum to that Business Case, has evolved which promotes a Senior Coroner appointed as a 1 FTE. As was previously the case, there is a recommendation that the Assistant Coroner (acting as a designated deputy) would be a 0.8 FTE position.

- 2.2 On the 4th December, 2015 an executive report was received by Middlesbrough Borough Council which approved the 1 FTE Senior Coroner recommendation but which also recommended an appointment through ‘open competition’ subject to the Ministry of Justice (MoJ) providing an indemnity, should there be any challenge to that appointment process. If no indemnity was forthcoming then there was an additional recommendation, accepted by the Executive Member of Middlesbrough Borough Council, that any proposed merger be postponed ‘*until there is legal certainty regarding the position of a Senior Coroner who loses office*’.
- 2.3 The timeliness of inquests has improved significantly in the Teesside coroner area since the resignation of the previous Senior Coroner for Teesside. In 2014 the Teesside Coroner’s Service dealt with circa 2,300 reported deaths and completed circa 700 inquests. The average time for dealing with inquests, excluding the backlog cases, was seven weeks. This performance has been maintained during 2015. The Hartlepool Coroner’s service continues to perform well with the average time for inquests in 2014 being three weeks which was the best performance in the country. In 2014 the Hartlepool Coroner’s service dealt with 235 reported deaths and concluded 29 inquests. However, there is the intention ‘*to move towards fewer, larger coroner areas over time, each of which supports a full time coroner caseload*.’ This follows the earlier recommendations contained in the Luce Review (2003) and supported by the Chief Coroner.
- 2.4 The Chief Coroner did raise three concerns in his response to the MoJ consultation on the initial Business Case;
- a) the role of Senior Coroner should be full-time
 - b) support to the Senior Coroner should be provided by five ad-hoc Assistant Coroners; and
 - c) Teesside and Hartlepool should consider whether the appointment to the role in the merged area should be by external competition rather than by ‘slot-in’.

3. ADDENDUM TO THE BUSINESS CASE

- 3.1 The addendum to the Business Case supports a 1.0 FTE Senior Coroner as indicated. However, the Chief Coroner’s view that the Senior Coroner should be supported by five Assistant Coroners all working ad-hoc, is not supported as this model of coroner support was in operation when performance in the Teesside Coroner’s Service was poor. The ‘new’ coroner support model now in operation (albeit in a slightly amended format to that originally envisaged) has been proven to be effective. Consequently it is proposed to retain the proposal for a 0.8 FTE Assistant Coroner role, with a small number of additional ad-hoc assistant coroner days (if required). In his response the Chief Coroner also made comment upon the initial suggestion of a ‘slot in’ of the existing Senior Coroner in any merger, as follows;

; “....in relation to the proposed slotting in of the Senior Coroner for Hartlepool... the Chief Coroner is of the view that the circumstances in the present case do not necessarily lend themselves to this particular option. The current area of Hartlepool is small, with 340 deaths reported in 2013. The estimated number of deaths in the newly merged area is approximately eight times this amount at 2,738, which would represent a considerable increase in workload for the existing senior coroner for Hartlepool. Under these circumstances, the Chief Coroner would like to encourage Middlesbrough Council and Hartlepool Borough Council to consider an open competition. Where, therefore, the remaining senior coroner has had only limited experience as a senior coroner or where the merged area will be considerably larger (in terms of numbers of reported deaths) than the remaining coroner’s current area, the relevant authority may wish to consider the following points:

- The extent of the experience of the remaining senior coroner. Whether that experience is a sufficient guide to their appointing him/her as senior coroner of a much larger coroner area or taking on a very different area profile, for example prisons for the first time.*
- Whether the public will have sufficient confidence in that person in the light of their experience.*
- The likelihood that a good field of candidates will apply if a competition is held, so that the best candidate for the post can be appointed.”*

3.2 As indicated, the original business case proposed that the Senior Coroner for Hartlepool, would be ‘slotted in’ to the Senior Coroner role in the new amalgamated area. The basis for this view was to comply with the Chief Coroner’s then guidance (as appended to the Committee report) and acceptance of the MoJ’s position that any compensation would be a matter for the relevant authority and an (incorrect) view that the new rules governing appointments would apply to the new role, in a slot-in scenario, thus the Senior Coroner would be required to retire at age 70. Following discussions with the MoJ, the position has been clarified that recruitment through open competition would require the successful candidate to be appointed under the terms of the Coroner’s and Justice Act, 2009 and subject to a mandatory retirement age of 70. In contrast, any ‘slot-in’ appointment would be on the basis of the pre-existing appointment and its conditions of office and would not, therefore, be subject to any specified retirement age. This would be a material issue, should there be a position of the ‘loss of office’ by a Senior Coroner and hence the request by Middlesbrough for an indemnity.

3.3 As indicated in the accompanying report as received by the Committee, there is a lack of clarity around the position where a Senior Coroner is removed from office as a result of a merger. External legal advice has been sought by Middlesbrough Borough Council as the relevant authority which details that compensation may not be due, but if it is, it may rest with the Ministry of Justice or it may rest with the relevant authority. The MoJ

position, backed by a different legal opinion, is that compensation, if payable, would be payable by the relevant authority.

4. SUMMARY

- 4.1 It is unlikely that the MoJ will supply an 'indemnity' in the terms requested by Middlesbrough Borough Council, or at all. This would then seemingly entail that a merger would be 'postponed' as indicated. The Coroners and Justice Act, 2009, provided for a number of structural changes to the coroners service and allows the Lord Chancellor to make an order 'setting up' but also 'altering the boundaries of coroner areas for England and Wales.' The only proviso, is for a coroner area to correspond with the boundaries of one or more local authorities. There is therefore the potential that a merger of these two coroner areas may not proceed at the present time. If that is the case, Middlesbrough Borough Council could request that they be allowed to move to the appointment of a Senior Coroner for the Teesside area, given that a vacancy in the office of a Senior Coroner are normally anticipated to be filled within a relatively short time period (three months) owing to the nature of the role and there have already been numerous 'extensions' of time, whilst the position on any amalgamation has sought to be clarified. There is the added complication that where a relevant authority seeks to appoint a 'new' Senior Coroner, this would require the consent of the Lord Chancellor and the Chief Coroner.
- 4.2 The addendum to the Business Case for merging the Teesside and Hartlepool coroner areas notes the opposition of Hartlepool Borough Council to open competition and its support to the 'slotting in' of the existing Hartlepool Senior Coroner through any amalgamation. The Committee has previously acknowledged the commitment of the existing Senior Coroner for Hartlepool and that this should be reflected in any appointment to the position of Senior Coroner following any merger of the Hartlepool and Teesside Coroner areas. For the avoidance of doubt, it has already been stated and agreed that inquests would still be held in Hartlepool should any merger take place. There is support as to the overall structure, in that there should be the appointment of a Senior Coroner as 1.0 FTE as opposed to the previous suggestion of a 0.8 FTE.
- 4.3 It is also a recommendation that Council supports this structure as detailed within the addendum. That addendum and the formal decisions from each Authority will be forwarded to the Ministry of Justice for their determination. It will be for the Ministry of Justice to then determine whether or not to progress a merger, at this time. Hence, the Local Authorities cannot progress any course of action until the Ministry of Justice confirm what action (if any) they intend to take. If the Ministry of Justice subsequently provide notification that they would not seek to confirm an amalgamation, then it is likely that the Teesside Coroner's service would advertise for the position of a Senior Coroner in accordance with the Chief Coroner's Guidance Note on Appointments (appended to the Committee report). If the Ministry of Justice

determines that they would not wish to proceed with a merger of these two coroner areas, then this would still allow the two areas to work together to offer a more streamline service but preserving two separate coronial areas. Whilst this is not ideal it would at least acknowledge the positions of the respective authorities and still allow close collaborative working to take place.

- 4.4 The report is presented for the information of Council and further reports will be received, once the response from the MoJ and the Chief Coroner have been made known on the addendum to the Business Case and the respective positions of the four authorities.

5. RECOMMENDATIONS

- 5.1 Council is recommended to resolve to;

1. Support the endorsement of the Committee to the proposed 'slotting in' of the Hartlepool Senior Coroner in any amalgamated coroner area, as opposed to appointment through 'open competition'.
2. That there is acceptance to the principle that a Senior Coroner position in any amalgamated area should be 1.0 FTE and that the model of coroner support is that of a 0.8 FTE Assistant Coroner (as a designated deputy) and that any additional support is decided by the relevant authority in conjunction with the other authorities.
3. That further reports be received once the views of the Ministry of Justice and the Chief Coroner have been obtained, following their consideration of the addendum to the Business Case and the respective views of each local authority.

FINANCE AND POLICY COMMITTEE

11th January 2016



Report of: Chief Executive and Chief Solicitor

Subject: PROPOSED MERGER OF THE TEESSIDE AND
HARTLEPOOL CORONER SERVICES – FURTHER
UPDATE

1. TYPE OF DECISION/APPLICABLE CATEGORY

Non key.

2. PURPOSE OF REPORT

- 2.1 This is a further update to the Committee on the present position as to the proposed amalgamation of the Teesside and Hartlepool Coroner areas. This Committee received a report initially on the 21st July, 2014 where it was agreed '*in principle*' to support a proposed merger, subject to the approval of a Business Case. That Business Case was endorsed by the Committee at its meeting on the 18th August, 2014. Since that time there has been various discussions which have entailed a proposed addendum to that Business Case which either has, or is in the process of being submitted for consideration by the four Local Authorities comprising these two coronial areas. Accordingly, the addendum to the Business Case as supplied through Middlesbrough Borough Council for the consideration of the Committee is appended herewith (**Appendix 1**). There would appear to be a unified view that any amalgamated coronial area should have a Senior Coroner appointed as a 1 FTE as opposed to the initial recommendation of a 0.8 FTE position. As was previously the case, there is a recommendation that the Assistant Coroner (acting as a designated deputy) would be 0.8 FTE. However, there is a divergence of opinion in that this Committee on the 28th August, 2015 (in an exempt report) were minded to support an amended business case promoting a 1 FTE Senior Coroner position but also favoured the 'slotting in' of the existing Senior Coroner for Hartlepool into any amalgamated jurisdiction.
- 2.2 On the 4th December, 2015 an executive report was received by Middlesbrough Borough Council which approved the 1 FTE Senior Coroner recommendation but also recommended the external advertisement through 'open competition' of that role subject to the Ministry of Justice providing an

indemnity, should there be any challenge to that appointment process. If no indemnity was forthcoming then there was an additional recommendation, accepted by the Executive Member of Middlesbrough Borough Council, that any proposed merger be postponed 'until there is legal certainty regarding the position of a Senior Coroner who loses office'. Reports are pending before Redcar & Cleveland and Stockton Borough Council contemporaneous with this report and the outcome of the deliberation of those Councils will be notified to this Committee, when that information has been made known.

3. BACKGROUND

- 3.1 Following the retirement of the Senior Coroner for Teesside a business case, supporting the merger of the Teesside and Hartlepool Coroner areas, was submitted to the Ministry of Justice (MoJ). The MoJ consulted on this document and following consultation the MoJ stated that, in line with the response sent by the Chief Coroner, they were unlikely to recommend the merger unless the Senior Coroner position was full-time and appointed by an external competition.
- 3.2 Since the original Business Case was submitted, over 12 months ago, there have been several key changes which mean that the recommendations contained in the original Business Case should be reconsidered. The outcome of this is contained in the 'Addendum to the Business Case' which is attached.

4. PROGRESS SINCE THE SUBMISSION OF THE BUSINESS CASE

- 4.1 The improved outcomes identified in the original Business Case have already been delivered without a formal merger of the two areas:
- the timeliness of inquests has improved substantially and this improvement has been maintained throughout 2015;
 - a streamlined service is now offered by both coroner services to partners; and
 - the savings predicted in the original Business Case have been delivered by streamlining processes within the Teesside Coroner's Service and the commissioning of services.

(i) Number and timeliness of inquests

The timeliness of inquests has improved significantly in both the Teesside and Hartlepool Coroner areas. In 2014 the Teesside Coroner's Service dealt with circa 2,300 reported deaths and completed circa 700 inquests. The average time for dealing with inquests, excluding the backlog cases, was seven weeks. This performance has been maintained during 2015.

Hartlepool Coroner's service continues to perform well with the average time for inquests in 2014 being three weeks which was the best performance in the country. This excellent achievement is partly attributed to the closure of the hospital and the consequent reduction in the number of complex cases. In 2014

the Hartlepool Coroner's service dealt with 235 reported deaths and concluded 29 inquests.

(ii) Delivery of savings and new financial pressures

The main savings predicted in the Business Case have been delivered. It is possible that some, comparatively minor, additional savings could be achieved via the merger of the two services relating to the provision of administrative support; however some of these savings could be achieved by further merging of 'back office' support functions without a formal merger of the areas. There is also the possibility that a merger would assist Hartlepool in offsetting future costs for example should Hartlepool Coroner's Service decide (or be required) to move to an electronic case management system. This additional cost would not be incurred in a merged Coroner Service as Teesside Coroner's Service already has an electronic case management system implemented.

Whilst a merged service is unlikely to result in any additional significant savings there would be a realignment of costs. The cost to the Teesside local authorities increasing by between £6,000 and £14,000 per authority and a reduction in costs payable by Hartlepool local authority of circa £26,000.

5. CHANGES THAT HAVE OCCURRED SINCE THE SUBMISSION OF THE BUSINESS CASE

5.1 The Business Case was drafted in July 2014. Since that date there have been several key changes, as follows:

- a. a better understanding of the impact on the Coroner's Service of the deprivation of liberty ('Cheshire West') judgement;
- b. the opportunity to see the coroner support model proposed in the Business Case in operation (albeit in a slightly different format); and
- c. the Chief Coroner's response to the consultation on the original Business Case and additional guidance issued to Middlesbrough Borough Council (as the relevant authority) in respect of the merger.

(i) Cheshire West

In March 2014 the Supreme Court handed down a ruling (Cheshire West) that clarified the definition of "deprivation of liberty"; this resulted in an increase in the number of cases in which residents are deemed to be "deprived of their liberty". This has impacted directly on the number of deaths reported to the Coroner (which is likely to continue to rise) as all deaths of those 'deprived of liberty' should be reported to the Coroner and should be subject to an inquest. This increase in workload has resulted in the need for a full time Senior Coroner position in the Teesside Coroner's Service and this need will continue in any merged service. This increase is now impacting upon the performance of the

Coroner's Service and this is being addressed by the Senior Coroner in conjunction with Cleveland Police and the relevant authority.

(ii) Coroner Support Model

The model of coroner support, 1 FTE senior coroner supported by a dedicated assistant coroner (0.8 FTE, comprising 0.4 FTE for Teesside and 0.4 FTE for Hartlepool) with a small number of additional ad hoc assistant coroner days, has been in operation for over a year and has proved to be efficient and effective.

6. THE CHIEF CORONER'S RESPONSE TO MoJ CONSULTATION

6.1 The Chief Coroner raised three concerns in response to the MoJ consultation on the Business Case, as follows:

- a) the role of Senior Coroner should be full-time
- b) support to the Senior Coroner should be provided by five ad-hoc Assistant Coroners; and
- c) Teesside and Hartlepool should consider whether the appointment to the role in the merged area should be by external competition rather than by 'slot-in'.

a) Full time appointment

The need for a full-time senior coroner post, due to the increase in workload arising from Cheshire West, is accepted; this is supported by the Chief Coroner's views.

b) Support to the Senior Coroner

The Chief Coroner's view is that the Senior Coroner should be supported by five Assistant Coroners all working ad-hoc. This model of coroner support was in operation when performance in the Teesside Coroner's Service was poor and contributed to the poor performance in the area at that time. The new coroner support model is in operation (albeit in a slightly amended format to that originally envisaged) and has been proven to be effective.

Consequently it is proposed to retain the proposal for a 0.8 FTE Assistant Coroner role, as described above, with a small number of additional ad-hoc assistant coroner days (if required).

c) Appointment of the new Senior Coroner

The Chief Coroner's response to the MoJ consultation stated; "....in relation to the proposed slotting in of the Senior Coroner for Hartlepool... the Chief Coroner is of the view that the circumstances in the present case do not necessarily lend themselves to this particular option. The current area of Hartlepool is small, with 340 deaths reported in 2013. The estimated number of deaths in the newly merged area is approximately eight times this amount at 2,738, which would represent a considerable increase in workload for the existing senior coroner for Hartlepool. Under these circumstances, the Chief Coroner would like to

encourage Middlesbrough Council and Hartlepool Borough Council to consider an open competition. Where, therefore, the remaining senior coroner has had only limited experience as a senior coroner or where the merged area will be considerably larger (in terms of numbers of reported deaths) than the remaining coroner's current area, the relevant authority may wish to consider the following points:

- *The extent of the experience of the remaining senior coroner. Whether that experience is a sufficient guide to their appointing him/her as senior coroner of a much larger coroner area or taking on a very different area profile, for example prisons for the first time.*
- *Whether the public will have sufficient confidence in that person in the light of their experience.*
- *The likelihood that a good field of candidates will apply if a competition is held, so that the best candidate for the post can be appointed."*

The original business case proposed that the Senior Coroner for Hartlepool, would be 'slotted in' to the Senior Coroner role in the new area. The basis for this view was to comply with the Chief Coroner's then guidance and acceptance of the Ministry of Justice's position that any compensation would be a matter for the relevant authority and an (incorrect) view that the new rules governing appointments would apply to the new role, in a slot-in scenario, thus the Senior Coroner would be required to retire at age 70.

The Chief Coroner in his amended guidance through his response as mentioned above raises some valid points in relation to the relative size of the current Teesside and Hartlepool Coroner areas (see table 1), the institutions contained within them (Teesside contains two substantial hospitals and two prisons; Hartlepool does not have these facilities) and the likelihood of attracting the best candidate for the role through open competition.

Table 1 - statistics for the Teesside and Hartlepool coroner areas					
Year	Total	Teesside		Hartlepool	
		Number	Percent	Number	Percent
Reported Deaths					
2010	3,000	2,566	86%	434	14%
2011	3,046	2,659	87%	387	13%
2012	2,971	2,635	89%	336	11%
2013	2,738	2,398	88%	340	12%
2014	2,533	2,298	91%	235	9%
Inquests					
2010	393	315	80%	78	20%
2011	338	292	86%	46	14%
2012	386	350	91%	36	9%
2013	448	394	88%	54	12%
2014	772	693	96%	29	4%

Source: Ministry of Justice Coroner Statistics - <https://www.gov.uk/government/news/new-coroners-data-tool-launched>.

In addition to the workload, recruitment through open competition would require that the successful candidate be appointed under the terms of the Coroner's and Justice Act, 2009. As such, such an appointment would be subject to a mandatory retirement age of 70. In contrast, any slot-in appointment would be on the basis of the pre-existing appointment, and would not, therefore, be subject to any specified retirement age.

There is a lack of clarity around the position where a Senior Coroner is removed from office as a result of a merger. External legal advice has been sought which details that compensation may not be due, but if it is, it may rest with the Ministry of Justice or it may rest with the relevant authority. The MoJ position, backed by a different legal opinion, is that compensation, if payable, would be payable by the relevant authority. The compensation due for loss of office might be substantial. What is clear is that there are no statutory provisions governing compensation on a merger. The result of this is an element of risk to an Authority and the high likelihood of litigation on the matter.

The salary of a Senior Coroner is, legislatively, a matter for the relevant authority to negotiate with the Senior Coroner with the final arbiter being the Lord Chancellor. An open competition reduces the risk of a challenge to the salary or the success of that challenge. This is particularly important as at present there is national pressure on salaries with a report by Price Waterhouse Cooper suggesting national salary levels of Coroner's that would result in a circa £100,000 increase to the Teesside Senior and Assistant Coroner costs.

The opportunities and risks associated with each option are detailed in the table 2.

Table 2 - Opportunities and Risks associated with options available	
Opportunities	Risks
Appointment to new role via slot-in of Senior Coroner for Hartlepool	
Avoids uncertainty regarding possibility of compensation being payable and avoids risk of litigation.	<p>Previous legislative rules will apply rather than those contained in the 2009 Coroner's and Justice Act, specifically no requirement to retire at 70. The risk being that the issues which previously faced the Teesside Coroner's Service which were extremely difficult to address, could re-occur.</p> <p>High risk of successful challenge regarding salary offered and potential cost increase in salary costs (circa £100,000) per annum.</p> <p>Limited / no experience of managing a coroner's service of this size with:</p> <ul style="list-style-type: none"> • circa 2,500 reported deaths and circa 500 inquests per year (based on 2015 numbers); • multi-agency support team associated

	<p>with above workload; and</p> <ul style="list-style-type: none"> • prison deaths. <p>Cannot demonstrate that the best candidate for the job secures the role and consequently may not secure the best outcome for the service and the residents of the area.</p> <p>Does not take into account the Chief Coroner's specific guidance, issued to Teesside and Hartlepool.</p>
Open Competition	
<p>Market can be tested to ensure the best person for the job</p> <p>Moves the jurisdiction to the new rules as per the Coroner's and Justice Act, 2009; Post holder will be required to retire at 70</p> <p>Greater certainty regarding level of remuneration (avoiding increased costs of circa £100,000)</p> <p>Takes into account the Chief Coroner's specific guidance issued regarding the circumstances in this area.</p>	<p>Risk of litigation associated with decision not to 'slot-in' and / or compensation payable. The main risk is that litigation will occur rather than its likelihood of success which is deemed by external Leading Counsel to be low. To date every merger of Coroner Areas has occurred with a 'slot-in' of the remaining Coroner.</p>

7. FURTHER CONSULTATION

7.1 Additional consultation has been undertaken on Middlesbrough Borough Council's proposed Addendum to the Business Case with the other local authorities, Cleveland Police, the Acting Senior Coroner for Teesside and the Senior Coroner for Hartlepool.

7.2 Local Authority views

Middlesbrough, Stockton and Redcar & Cleveland local authorities are of the view that it is essential that the conditions that enabled the previous issues to occur within the Teesside Coroner's Service are addressed and the area is moved to a new legislative footing. This can only be done via an external competition. Therefore the addendum to the Business Case recommending 'open competition' appears to be favoured by those Councils'. Hartlepool Borough Council have expressed the view that the current Senior Coroner for Hartlepool has provided a

good service to Hartlepool and that he should be 'slotted' into the new role in the merged area and do not therefore support an external appointment process.

7.3 Cleveland Police

Cleveland Police have stated that the relevant authority must ensure that there is no reoccurrence of the issues that previously beset the Teesside Coroner's Service, stating "we are keen to see the appointment of a suitable senior coroner who can sustain the improvements and further develop the service provided to local communities". They also expressed the view that regardless of appointment route taken the processes between the two coroner areas must remain aligned.

7.4 Acting Senior Coroner for Teesside

The response received support for a full time Senior Coroner role, with a 0.8 FTE Assistant Coroner support model and

- an external advert for the Senior Coroner; and
- support to a merger, but recognition of the legislative issues and states that if a merger is not likely to occur then an external appointment to the permanent Senior Coroner role for the Teesside service should take place as soon as possible.

7.5 Senior Coroner for Hartlepool

The summarised views from the Senior Coroner for Hartlepool are:

- a full time Senior Coroner role is supported;
- a merger is only supported if he is slotted into the role of Senior Coroner in the new area if not a merger is not supported; and
- he has the necessary skills for the role and the Chief Coroner's argument is "very weak" therefore a slot-in should be the approved way forward.

8. SUMMARY

- 8.1 Regardless of whether or not a merger proceeds, back office functions and support from the two services can be further aligned in the interests of both efficiency and effectiveness. Consequently, if a merger does not go ahead partners will continue to be offered one streamline service. Middlesbrough Borough Council are the 'relevant authority' for the present Teesside Coronial Area and have through their Executive Member made a recommendation that the appointment of a Senior Coroner should proceed through open competition as opposed to 'slotting in' of the existing Senior Coroner for Hartlepool in any amalgamation. This is subject to the Ministry of Justice providing an indemnity. It is most probably the case that the Ministry of Justice will not provide an indemnity and therefore the resulting position from the Local Authorities perspective would be to postpone any merger/ amalgamation until there was certainty over the legal position should the

existing Senior Coroner lose his office through any merger/ amalgamation being enforced through the Ministry. Hartlepool Borough Council has previously affirmed its position that it would support the 'slotting in' of the existing Senior Coroner. That position is contrary to the decision made recently through Middlesbrough Borough Council's Executive and may also run contrary to the position of Redcar & Cleveland and Stockton Borough Councils. The Committee are therefore requested whether they reaffirm their previous position, or not.

- 8.2 The Addendum to the Business Case for merging the Teesside and Hartlepool coroner areas notes the opposition of Hartlepool Borough Council to open competition and its support to the 'slotting in' of the existing Hartlepool Senior Coroner through any amalgamation. That aside, there appears to be universal support as to the overall structure, in that there should be the appointment of a Senior Coroner as 1 FTE as opposed to the previous suggestion of a 0.8 FTE. It is also a recommendation that the Council supports this structure as detailed within the Addendum. That Addendum and the formal decisions from each Authority will then be forwarded to the Ministry of Justice for their determination. It will be for the Ministry of Justice to determine whether or not to progress a merger, at this time. Hence, the Local Authorities cannot progress any course of action until the Ministry of Justice confirm what action (if any) they intend to take. If the Ministry of Justice subsequently provide notification that they would not seek to confirm an amalgamation then it is likely that the Teesside Coroner's service would advertise for the position of a Senior Coroner in accordance with the Chief Coroner's Guidance Note: Number 6 (**Appendix 2**). The contents of this guidance note have previously been made known and canvassed before the Committee.

9. FINANCIAL CONSIDERATIONS

- 9.1 As detailed in the report.

10. LEGAL CONSIDERATIONS

- 10.1 The Coroners and Justice Act, 2009, provided for a number of structural changes to the coroners service. As previously identified the Lord Chancellor can make an order 'setting up' but also 'altering the boundaries of coroner areas for England and Wales.' The only proviso, is for a coroner area to correspond with the boundaries of one or more local authority. However, this also reflects the intention 'to move towards fewer, larger coroner areas over time, each of which supports a full time coroner caseload.' This follows the earlier recommendations contained in the Luce Review (2003) and as reflected in the recommendations within the initial Business Case, which then supported the 'slotting in' of the existing Senior Coroner for Hartlepool in any amalgamation of the Hartlepool and Teesside coronial areas. The attached Addendum received from Middlesbrough Borough Council as the 'relevant authority' departs from this earlier recommendation of appointment to that of

‘open competition’ in any amalgamation. This clearly runs contrary to the wishes of this Council and the Committee may wish to consider a report proceeding before Council so that all members are aware of the emerging issues and to allow for a formal debate.

- 10.2 The ‘relevant authority’ through their Executive Member have recommended ‘open competition’ in the appointment of a Senior Coroner but only if, the Ministry of Justice provides an ‘indemnity’ should there be ‘any challenge to the appointment process’. It is unlikely that the Ministry would comply with that request. There is therefore the potential that a merger of these two coroner areas may not proceed at the present time. If that is the case, Middlesbrough Borough Council could request that they be allowed to move to the appointment of a Senior Coroner for the Teesside area, given that a vacancy in the office of a Senior Coroner are normally anticipated to be filled within a relatively short time period (three months) and there have already been numerous ‘extensions’ of time, whilst the position on any amalgamation has sought to be clarified. There is the added complication that where a relevant authority seeks to appoint a ‘new’ Senior Coroner, this would require the consent of the Lord Chancellor and the Chief Coroner.
- 10.3 There is also the potential for the Lord Chancellor to alter coroner areas as mentioned, albeit after consultation, but without the formal consent of the local authorities affected. Previously the Ministry of Justice have indicated that they would wish to see mergers where there is ‘local support’. This could well give rise to the scenario of potential legal or other action being taken by an individual who was essentially displaced from office and consequently the further recommendation supported by the Executive Member of Middlesbrough Borough Council seeking the ‘legal certainty regarding the position of a Senior Coroner who loses office’ through the postponement of any proposed merger. Undoubtedly, the position on the appointments process since the initial discussion of a proposed merger has changed considerably including the views expressed by the Chief Coroner. The one constant has been this Council’s support to the existing Senior Coroner for Hartlepool being ‘slotted in’ to the role of Senior Coroner in any amalgamation. Further, it will be a concern to this Council that matters have not progressed in the way initially suggested and the potential for this Council to become embroiled, dependent on the outcome of events, in potential action to which mention has been made of seeking indemnities.

11. CHILD AND FAMILY POVERTY

- 11.1 There are no direct considerations as it has been agreed that inquests would still take place within Hartlepool.

12. EQUALITY AND DIVERSITY

- 12.1 A full impact assessment will be required should the Lord Chancellor decide to proceed with an amalgamation of these two coroner areas. The earlier

Business Case and the attached Addendum do feature the responsiveness of the coroner service and its likely future demand, but the position remains uncertain. Whilst the Equality Act, 2010, seeks in relation to certain 'protected characteristics' to protect employees from discrimination, harassment and victimisation, the Coroners and Justice Act, 2009, revised the position as to the retirement age of 'new' Coroner's which conflicts with the situation of coroners engaged prior to the introduction of the Act. In that case, a coroner who was appointed prior to the 2009 Act coming into force and is subsequently 'slotted in' through a merger of areas, will not be subject to the mandatory retirement age introduced by the Act. This could potentially have a discriminatory impact by reason of a person being associated with a particular age group or the same age group and suffering from that discrimination.

- 12.2 It is primarily this difference and the potential outcome of a recruitment of a coroner which leads to a 'loss of office' of an existing Senior Coroner which has led Middlesbrough Borough Council seeking an indemnity from the Ministry of Justice, as reported. Any interference with a protected characteristic, will only be permissible if the same is objectively justified and is a 'proportionate means of achieving a legitimate aim'. The wider policy objectives and their intended effect will need to be properly addressed, together with a detailed appraisal of options to be considered against their wider social and economic impact, including that relating to equalities.

13. SECTION 17 – CRIME AND DISORDER ACT

- 13.1 There are no section 17 implications to be considered in this report.

14. RECOMMENDATIONS

- 14.1 The Committee is recommended to;
1. Note the contents of this report.
 2. Consider whether they wish to depart from their decision on the 28th August, 2015 wherein it was recommended the proposed 'slotting in' of the Hartlepool Senior Coroner in any amalgamated coroner area, as opposed to appointment through 'open competition'.
 3. Subject to the above, that if there is acceptance to the principle that a Senior Coroner position should be 1 FTE and that the model of coroner support is that of a 0.8 FTE Assistant Coroner (as a designated deputy) that any additional support is decided by the relevant authority in conjunction with the other authorities.

15. REASONS FOR RECOMMENDATIONS

- 15.1 The Committee has previously acknowledged the commitment of the existing Senior Coroner for Hartlepool and that this should be reflected in any appointment to the position of Senior Coroner following any merger of the Hartlepool and Teesside Coroner areas. That is contrary to the decision taken by the Executive Member of Middlesbrough Borough Council on the 4th

December and which may also be reflective on the positions of Redcar & Cleveland and Stockton Borough Councils' respectively. However, Middlesbrough Borough Council as the 'relevant authority' for the Teesside Corner area has stipulated that any pursuit of an open competition for the role of Senior Coroner through a merger should only proceed if the Ministry of Justice were willing to provide a suitable indemnity, for any claims arising where an existing Coroner was not appointed to the Senior Coroner position through an amalgamation. If the Ministry of Justice determines that they would not wish to proceed with a merger of these two coroner areas then this would still allow the two areas to work together to offer a more streamline service but preserving two separate coronial areas. Whilst this is not ideal it would at least acknowledge the positions of the respective authorities and still allow close collaborative working to take place.

16. BACKGROUND PAPERS

- 16.1 Committee reports 21st July, 2014, 18th August, 2014 and 28th August, 2015 (exempt).

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CHIEF CORONER

GUIDANCE No. 6

THE APPOINTMENT OF CORONERS

INTRODUCTION

1. This Guidance is designed to assist local authorities in making coroner appointments under the Coroners and Justice Act 2009. It also sets out the way in which the Chief Coroner is likely to exercise his consent under the Act.
2. The Chief Coroner wishes to emphasise that the appointments process is essentially a matter for the local authority. Each appointment will be their appointment.
3. Nevertheless, local authorities need to bear in mind that with the implementation of the 2009 Act (from 25 July 2013) all appointments of coroners need the consent of the Chief Coroner and the Lord Chancellor.
4. It should be noted that local authorities 'appoint' coroners but they do not 'employ' them. This is an important distinction. Once appointed a coroner becomes and remains an independent judicial office holder. Local authorities pay the coroner's salary or fees and agree other terms and conditions (the Chief Coroner is consulting on a template as guidance). But there is no contract of employment between local authority and coroner. Coroners should not be equated in financial or other terms with chief officers.
5. To be eligible for any coroner appointment under the 2009 Act a person must satisfy the judicial-appointment eligibility condition on a five-year basis and be under the age of 70: paragraph 3 of Schedule 3.
6. All references in this guidance are to the Coroners and Justice Act 2009.

Local authorities make all appointments

7. All appointments of coroners - senior coroners, area coroners and assistant coroners - must now be made by the relevant local authority for the coroner area: section 23, paragraphs 1 and 2 of Schedule 3. Previously, under the Coroners Act 1988, the coroner appointed deputy and assistant deputy coroners. Under the 2009 Act, however, it is now the local authority which must make all appointments.

8. Where the coroner area consists of more than one local authority, the relevant authority (formerly known as the lead authority) must consult the other authority or authorities before making a senior coroner appointment: paragraph 1(2) of Schedule 3. For the meaning of 'relevant authority' see paragraph 3, Schedule 2.

Consents

9. The Chief Coroner must consent to the appointment of all coroners: section 23, paragraphs 1(3) and 2(5) of Schedule 3.
10. Similarly, the Lord Chancellor must consent to all coroner appointments: *ibid*.

The Chief Coroner's role

11. In order to be able to decide whether to give his consent or withhold it the Chief Coroner will involve himself in every appointment process.
12. The Chief Coroner will be involved directly in the appointment process for senior coroners, either himself or through a nominee.
13. The Chief Coroner's nominee will be an experienced senior coroner chosen by the Chief Coroner to fulfil this role. There will be a small number of nominees who will act as the Chief Coroner would himself act in the process and who will report to the Chief Coroner.
14. The Chief Coroner's role in the appointment of area or assistant coroners will be more flexible (see below).

THE APPOINTMENT OF SENIOR CORONERS

15. The senior coroner is the coroner in charge of the coroner service for his or her coroner area. Where a senior coroner vacancy arises the relevant authority must appoint a senior coroner: paragraph 1(1) of Schedule 3.
16. Where a vacancy occurs in the office of senior (or area) coroner for an area, the relevant local authority must notify the Chief Coroner and the Lord Chancellor in writing as soon as practicable, and make the appointment usually within three months: paragraph 5, Schedule 3.
17. The Chief Coroner, his nominee (where there is one) and the Chief Coroner's office will be available to assist local authorities throughout the appointment process. Local authorities should not use other coroners to assist them with the process as this is likely to complicate matters and may confuse the process.
18. If the Chief Coroner's nominee is used, the relevant authority will pay the nominee's reasonable expenses. These would include overnight accommodation and a 'backfill' payment to the nominee's local authority to cover the time spent on the appointment process. However, the nominee will not receive a fee because he or she will always be a full-time salaried coroner.

Advertisements

19. The relevant authority must advertise the post widely and not just in the local area. It is vital that all experienced coroners should be made aware of the vacancy and the appointments process.
20. As a minimum requirement the local authority must advertise locally, through local media outlets, and where possible on the local authority website in a way which reaches all potential applicants. This is probably best achieved by notifying, immediately before advertising, both the Chief Coroner and the Coroners' Society of England and Wales that the advert is about to be posted. In this way the Chief Coroner can notify all coroners and the Coroners' Society will copy the advert to their website and circulate emails.
21. The local authority's advertisement should allow for an application period of at least three weeks.
22. The advertisement should refer to the job description, eligibility for the post, and terms and conditions of appointment, either directly or indirectly by reference to other documents which can be easily obtained. It should also explain how the application form can be obtained and who can be contacted for further information.

Applications

23. Although the content of the application form is a matter for the local authority, if necessary the Chief Coroner's office can provide a specimen application form as well as advertisement and job description.
24. Where the applicant is not a full-time coroner, it is important that the applicant's coroner experience is provided in detail. The form should therefore require the applicant to state:
 - (a) how many days worked as coroner;
 - (b) the nature of the work;
 - (c) the division of time between office and court;
 - (d) the extent of experience in completing Forms 100A and 100B;
 - (e) the number and type of inquests conducted;
 - (f) the number of long inquests and their subject matter; and
 - (g) the number of Article 2 inquests conducted.

The sift

25. The local authority (through appointed officers) will choose from the written applications who they wish to interview. It is suggested that about 4-6 candidates is a good number to interview. That kind of number allows for all interviews to be concluded and discussed in one day.
26. After the sift the written applications of all candidates will be shown to the Chief Coroner who will then consider the sift for two purposes:
 - first to see if a good candidate has not been included for interview, in which case the Chief Coroner will recommend that that candidate should also be interviewed; and

- secondly, to indicate whether a candidate selected for interview is not appointable, for example for lack of coroner experience for the particular post, and, if so, the Chief Coroner will advise the local authority accordingly.

Interviews

27. The candidates selected at the sift will be interviewed by the local authority. Interviews will take the form of a short presentation prepared by candidates in advance and questions.
28. Normally, the local authority will appoint officers to conduct the interviews, although sometimes a councillor may also sit on the interview panel. Some local authorities delegate the appointment power to senior officers. Others look to the officers to make a recommendation after interview to council leaders. Some others have a two-stage process with officers interviewing first in order to select one or two candidates to put forward for a second round of interviews with elected council members. These are matters for the local authority in question. However, the Chief Coroner will advise on the process to be adopted if asked to do so.
29. The Chief Coroner or his nominee will be able to assist the local authority on the presentation topic and questions for the candidates, particularly on technical questions. The Chief Coroner or nominee will assist in providing possible answers or indicators for those questions.
30. All candidates at interview will be asked the same questions.
31. The Chief Coroner, or his nominee, will attend the interviews but will not ask questions or intervene during the interviews. The chair of the interviewing panel will explain this to each candidate.

Decision after interviews

32. After all the interviews are completed the interview panel(s) will discuss the relative merits of the candidates and come to a decision.
33. The Chief Coroner or his nominee will be present during any discussion but will not have a vote in the decision (because a vote and a consent or withholding of consent might be taken to be double-counting in the process). Usually, when the Chief Coroner is present, he will indicate at the time that he will or will not give his consent (with reasons). This will be repeated in writing, with more explanation if required, as soon as reasonably practicable.
34. In the event that the panel declines to appoint any candidate the post will have to be re-advertised.

Appointment

35. Local authority practices vary at this point: see paragraph 28 above.
36. Once a candidate is proposed for appointment the formal written consent of the Chief Coroner and, separately, the Lord Chancellor, must be obtained. The Local Authority will need to write to the Lord Chancellor c/o the Coroners, Burials, Cremation and Inquiries Team at the Ministry of Justice (4th Floor, 102 Petty France, London SW1H 9AJ), giving detail of the appointment process.

Announcement

37. The local authority will liaise with the Chief Coroner's office (chiefcoronersoffice@judiciary.gsi.gov.uk) about the timing of the local authority's announcement of the new senior coroner to allow the Chief Coroner's office to inform all coroners and the Coroners' Society immediately after the announcement has been made.

THE APPOINTMENT OF AREA AND ASSISTANT CORONERS

38. The term area coroner will not be used widely. It is likely to refer to a deputy coroner who is a full-time salaried coroner.
39. Assistant coroners must also be appointed by the local authority: section 23, paragraph 2 of Schedule 3.
40. There is no longer a statutory requirement for the Chairman of the local authority to approve such appointments and it will be for each relevant authority to determine who should sign off coroner appointments for their area. Elected members may well choose to delegate this function to officers.
41. The Chief Coroner and the Lord Chancellor must consent to the appointments of all new assistant coroners: paragraph 2(5) of Schedule 3.
42. The Lord Chancellor may by order require the appointment for any coroner area of a minimum number of assistant coroners: paragraph 2(1)(b) of Schedule 3. At present each coroner area must have at least one assistant coroner: Coroners and Justice Act 2009 (Coroner Areas and Assistant Coroners) Transitional Order 2013.
43. In the meantime senior coroners and local authorities might like to consider that a maximum of about four actively working assistant coroners, perhaps with different areas of expertise, and where possible living locally, should be an appropriate number. In smaller coroner areas this may be too many, and local authorities might like to consider, after discussion with senior coroners, sharing arrangements with neighbouring areas.
44. Area and assistant coroners should be appointed for an initial term of 12 months and thereafter for a renewable term of three years.
45. Senior coroners and local authorities should not retain assistant coroners who have not worked in the jurisdiction for three years. If they are not needed they should be stood down and training space can be filled by active coroners.
46. The Chief Coroner will also develop a list of judge coroners (including certain retired judges) and retired senior coroners who may on request by the Chief Coroner be nominated by the Lord Chief Justice to conduct particularly difficult and complex cases. The Chief Coroner will also develop a list of specialist legal practitioners for similar purposes. All of those in both lists will be a possible (but not exclusive) resource for individual inquests.
47. The appointment process for assistant coroners will inevitably have to be more flexible than the process for appointing senior coroners, if only because there are likely to be many more assistant coroner appointments.

48. Where possible the local authority should hold an open competition, making sure that the advertisement for the post is widely publicised (see paragraphs 19-20 above). It may be necessary in appointing assistants to advertise more widely than just amongst coroners in order to attract good applicants, for example in legal periodicals.
49. In the main the process for appointing assistant coroners should be similar to the process for appointing senior coroners. The main differences are as follows:
- First, the local authority should always involve the senior coroner in the process, seeking the senior coroner's advice and assistance on (a) the need for and type of assistant coroner appointments, (b) the sift in selecting candidates for interview, and (c) as a member of the interview and decision panel.
 - Secondly, because of the likely number of appointments, the Chief Coroner will not be able to be directly involved, either himself or through a nominee, in all cases. He may only be able to exercise his consent on the basis of written materials, personal knowledge of candidates and in discussion with the senior coroner and the local authority. Where the Chief Coroner or his nominee has not been able to be present during the interviews, the local authority should make a written report for the Chief Coroner about the application and interview process and the reasons for proposing the successful candidate(s). But in all cases the Chief Coroner's consent will not be a foregone conclusion. Each proposed appointment will be carefully scrutinised.

**HH JUDGE PETER THORNTON QC
CHIEF CORONER**

24 July 2013

**ADDENDUM TO
BUSINESS CASE FOR MERGING THE
TEESSIDE AND HARTLEPOOL
CORONER AREAS**

DATE: November 2015
AUTHOR: Karen Whitmore
Version 11

**ADDENDUM TO THE BUSINESS CASE FOR MERGING THE TEESSIDE
AND HARTLEPOOL CORONER AREAS**

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EXECUTIVE SUMMARY AND RECOMMENDATIONS

Summary

1. A business case supporting the merger of the Teesside and Hartlepool Coroner areas was submitted to the Ministry of Justice (MoJ) in September 2014. The MoJ consulted on this document in February 2015 and asked the relevant authority, in consultation with the other local authorities, to respond to the outcome of the consultation.
2. There have also been several key changes to the wider context, since the original business case was drafted in July 2014, which mean that the recommendations in the business case should be reassessed.
3. The improved outcomes identified in the original business case have been delivered:
 - the timeliness of inquests has improved substantially and this improvement has been maintained throughout 2015;
 - the majority of the savings predicted have been delivered;
 - a streamlined service is now offered to partners by both coroner services; and
 - police support continues to be provided to both services from one location; and
 - accessibility to coroner services continue to be provided locally from Middlesbrough and Hartlepool, with a website, for the Teesside Service, being established to further improve accessibility.
4. There has been a significant increase in workload resulting from the Cheshire West Judgement; consequently the Teesside Coroner's Service now requires a full-time senior coroner; this would also be required in the new merged area. Therefore the previously identified saving of £25,000, on coroner salary / fees, is unlikely to be achieved.
5. There is a new risk which is that pressure will be applied to increase the senior coroner's salary in line with the recommendations contained in a national report prepared by Price Waterhouse Cooper. This report recommends that the national rates for coroner pay are as follows: senior coroners to be paid £135,000 and assistant coroners £104,000 per annum. However, in legislation negotiation of fees is a local issue for agreement between the relevant authority and the coroner for the area, although the ultimate decision-maker, if agreement cannot be reached, is the Lord Chancellor.
6. It is possible that some additional slight improvements in the efficiency of both services and their resilience may be possible by merging the two areas. However, the main service improvements, performance improvements and costs savings have already been achieved by introducing new streamlined processes and commissioning of services within the Teesside Coroner's Service.
7. The model of coroner support, 1 FTE senior coroner supported by a dedicated assistant coroner with a small number of additional ad hoc assistant coroner days, has proved to be efficient and effective.
8. The risks and opportunities associated with the two options for the appointment of a senior coroner for the new area have been given further consideration, and Leading Counsel's

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opinion sought. There are risks associated with both options; however, on balance an external competition provides the greater likelihood of securing the best outcome for the area with mitigation of the main risk (compensation), should this risk arise, being addressed via the option of an assistant (or an area) coroner role.

9. Hartlepool Council is the Relevant Authority for the Hartlepool Coroner's Service. Hartlepool Council have stated that do not support an external advert rather that the Senior Coroner for Hartlepool should be slotted into the Senior Coroner role in the new merged area. Consequently there is no longer an agreed business case in respect of the appointment process for the new role.
10. The lack of legislative certainty regarding compensation for a senior coroner who loses offices as a result of a merger needs addressing and this can only be done by the MoJ. Consequently the MoJ were asked to indemnify local authorities against any costs associated with litigation and compensation for loss of office (should this be payable). The MoJ have stated that an indemnity will not be possible. Therefore the recommendation is to postpone the merger until the appropriate legislation is in place to enable this risk to be accurately assessed.

Recommendations

11. It is therefore recommended that:

- the senior coroner position should be full-time;
- that the model of coroner support (1 FTE senior coroner + 0.8 FTE assistant coroner is retained);
- that the senior coroner for the new area is appointed via external competition, following MoJ agreement to indemnify the local authorities against the costs of litigation and compensation (should a scenario arise where compensation is payable); if no indemnity is forthcoming then it is recommended that the merger is postponed until legislation is in place governing the payment of compensation;
- if the MoJ decide a merger should occur without the above occurring; and a scenario arises whereby a claim for compensation is brought against the local authorities that this is dealt with by the Relevant Authority for the new coroner area with any associated costs / compensation being discussed and agreed between four authorities in accordance with the formula for funding the service; and
- that the detail of the support provided to the senior coroner, by either an assistant (or area) coroner, is to be decided by the Relevant Authority (in liaison with the other authorities) once the outcome of the senior coroner appointment process is known.
- further revisions to the Business Case and its addendum, which do not fundamentally alter the direction set, are delegated to the Assistant Director – Organisation and Governance.

BACKGROUND

12. On 30th April 2014 the Senior Coroner for Teesside, Mr Michael Sheffield, retired. In line with Ministry of Justice guidance; Middlesbrough Council liaised with all relevant stakeholder and drafted a business case, approved by all four local authorities, which supports the merger of the Teesside and Hartlepool Coroner areas.
13. The business case was submitted to the Ministry of Justice on 9th September 2015. The Ministry of Justice raised several queries with Middlesbrough between September 2014 and January 2015.
14. In February 2015, the Ministry of Justice undertook formal consultation on the business case. There were 18 responses to this consultation; all were in support of a merger but the Chief Coroner's response included some concerns regarding the details of the proposals in the business case. The Ministry of Justice shared those concerns.
15. March / April 2015 - Following discussions with the Ministry of Justice it was accepted that progress on the merger would not be possible until after the national and local elections. The Ministry of Justice's stated position being: "...we do not feel we can recommend a merger to ministers in the form proposed given the Chief Coroner's views on the desirability of an open competition and full-time position...."
16. May 2015, national and local elections resulted in changes in the political make-up at councils within the Teesside and Hartlepool Coroner's areas; within Middlesbrough a new mayor of Middlesbrough was elected.
17. June to October 2015 informal discussions between the local authorities, Cleveland Police, the Acting Senior Coroner for Teesside and the Senior Coroner for Hartlepool.
18. October 2015 – addendum to the business case drafted, which considers the responses to consultation and wider changes that have occurred, for approval by the four local authorities; prior to submission to the Ministry of Justice.

PROGRESS MADE AGAINST THE ORIGINAL BUSINESS CASE

19. The original business case was drafted in July 2014; since that date there has been significant progress in delivering the benefits outlined in the business case without a merger of the Teesside and Hartlepool Coroner areas.
20. The benefits outlined in the original business case were assessed against the key criteria as follows:
- Improved outcomes for customers; measured by:
 - timeliness of inquests
 - accessibility of the service
 - cost effectiveness
 - Streamlined processes for partners
 - Responsiveness to future demand.

Improved outcomes for customers

Timeliness of inquests

21. The historic under-performance issues previously associated with the Teesside Coroner's service have been successfully addressed. The backlog of cases, which once stood at over 400, have all been concluded. The service now runs with between 70 to 95 open cases, as is appropriate for a service of this size. The average time taken to complete inquests in 2014 (excluding backlog cases) was circa seven weeks which was amongst the best in the country. Including backlog cases it was 33 weeks which was a significant improvement on the previous year which had an average time of 50 weeks. In 2014 the Teesside Coroner's service dealt with 2,298 reported deaths and concluded circa 700 inquests.
22. Hartlepool Coroner's service continues to perform well with the average time for inquests in 2014 being three weeks which was the best performance in the country. This excellent achievement is partly attributed to the closure of the hospital and the consequent reduction in the number of complex cases. In 2014 the Hartlepool Coroner's service dealt with 235 reported deaths and concluded 29 inquests.

Accessibility

23. The Teesside and Hartlepool Coroner's services are both supported by officers from Cleveland Police who are based in Middlesbrough Town Hall, with Hartlepool also having an office in Hartlepool. The physical accessibility of the service remains unchanged. However the establishment of a Teesside Coroner Service website with information about inquests has improved access to information for residents.

Cost effectiveness

24. The savings predicted in the original business case and progress against them is shown in table 1. The expected savings have been delivered by introducing streamlined processes, no other, significant savings, are likely to occur as a result of the areas merging. Although a merger may result in cost avoidance by Hartlepool e.g. the Teesside Coroner's Service utilises an electronic case management system in a merged area this could also be utilised by Hartlepool thus avoiding costs to Hartlepool

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Coroner's Service associated with buying and maintaining an electronic case management system.

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Table 1 – Savings predicted in the original business case		
Area for saving	Predicted saving	Update
Efficiencies arising from the procurement of undertakers circa	£30,000	Overachieved £65,000 saving
Efficiencies arising from the implementation of the new operating model due to fewer inquests and post-mortems, a higher number of documentary only and straight through inquests and greater use of discontinuance	£160,000*	New model implemented and savings achieved*.
Reduction in administration costs arising from merger	£15,000	Not achieved. Coroner time savings no longer achievable due to increase in workload arising from the Cheshire West judgement.
Reduction in coroner payments arising from the new coroner model which the merger will facilitate	£25,000	
Total	£230,000	£225,000 achieved*

* The savings achieved have been offset by an increase in the number of reported deaths and inquests due to a change in legislation (Cheshire West ruling by the Supreme Court) this is explained in more detail later in the report and also an increase in hospital based costs e.g. mortuary services and toxicology investigations and reports.

25. The cost of the Teesside and Hartlepool Coroner services, for 2013/14, 2014/15 are provided in Table 2. This shows the significant increase in costs to the Teesside Coroner's service, in 2014/15 which was a direct consequence of addressing the backlog of over 400 cases. The budget set for 2015/16 (see Table 2) is based on that required for the new streamlined operating model and the predicted workload for 2015/16.

Table 2 – Costs of the Coroners Service 2013/14 – 2015/16				
	2013/14	2014/15⁽¹⁾	2015/16 (budget)	Difference
Teesside	£962,488	£1,066,574	£890,300	-£176,274
Hartlepool	£182,000	£208,000 ⁽²⁾	£208,000	-
Total	£1,144,488	1,274,574	£1,098,300	-£176,274

(1) 2014/15 budget figures for Teesside are skewed due to the backlog of over 400 cases dealt with during this financial year.

(2) Comparison is actual spend 2014/15 and predicted 2015/16 spend as budget set included savings expected from the merger which did not occur.

26. The cost to each authority in 2014/15 and 2015/16 is shown in Tables 3 and Table 4. The impact on each authority of the costs of the merged service is shown in Table 5. The total cost of the merged service is predicted to remain the same as no further significant savings are expected as a result of the merger; although there may be some minor administrative savings. The costs however are redistributed across the authorities with the costs to the three authorities within the Teesside Coroner's area increasing and the costs to Hartlepool decreasing.

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Table 3 - The cost, per authority, of the Coroner's Services 2014-15			
2014/15	Budget contribution	Population Mid-2013	Cost
Middlesbrough	29.74%	138,744	£317,199
Redcar and Cleveland	29.05%	134,998	£309,840
Stockton	41.21%	192,406	£439,535
Total	100%	466,148	£1,066,574
Hartlepool	100%	91,200	£ 208,000

Table 4 - The cost, per authority, for the Coroner's Services 2015/16			
2015/16	Budget contribution	Population (Mid-2014)	Cost
Middlesbrough	29.74%	139,119	£264,775
Redcar and Cleveland	29.05%	135,042	£258,632
Stockton	41.21%	194,119	£366,893
Total	100%	466,148	£890,300
Hartlepool*	100%	92,590	£208,000*

* The budgeted cost for Hartlepool included the reduction expected from the merger therefore the budgeted figure + the saving dependent upon the merger has been included in the table.

Table 5 – Cost, per authority, for the combined Coroner's Service 2015/16				
2015/16	Budget contribution	Population (mid-2014)	Cost	Difference
Middlesbrough	24.90%	139,119	£273,463	+£8,688
Redcar and Cleveland	24.17%	135,042	£265,449	+£6,817
Stockton	34.74%	194,119	£381,576	+£14,683
Hartlepool	16.57%	92,590	£182,002	-£25,998
Total	100%*	558,738	£1,098,300*	

*Due to rounding figures are not exact budget contribution total = 100.38%; the 0.38% equating to the £4,873 difference in the cost total

Streamlined processes for partners and responsiveness to future demand

27. The new operating model introduced into the Teesside Coroner's Service has streamlined processes and is now similar to that operated by the Hartlepool Coroner's Service. This has resulted in a more streamlined service to partners, further slight improvements may be possible as a consequence of the merger.

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28. Future demand is likely to increase as demonstrated by the impact of the Cheshire West (Deprivation of Liberty) judgement. The increase of the senior coroner role to full-time will help mitigate this increase. The impact of the Cheshire West Judgement will need to be kept under review if the number of inquests continues to rise this will impact upon the level of (all) resources required i.e. council, police and coroner.

KEY CHANGES SINCE THE BUSINESS CASE WAS SUBMITTED

29. The original business case was drafted in July 2014. Since that date there have been several key changes, as follows:

- a. a better understanding of the impact on the Coroner's Service of the Cheshire West (deprivation of liberty) judgement;
- b. the opportunity to see the coroner support model proposed in the business case in operation (albeit in a slightly different format);
- c. the Chief Coroner's response to the consultation on the original business case and additional guidance issued to Middlesbrough in respect of the merger; and
- d. changes to the political administrations at some councils.

IMPACT OF CHANGES ON THE BUSINESS CASE

Impact of the Cheshire West Judgement

30. In March 2014 the Supreme Court handed down a ruling (**Cheshire West**) that clarified the definition of “deprivation of liberty”; this resulted in an increase in the number of cases in which residents are deemed to be “deprived of their liberty”. This has impacted directly on the number of deaths reported to the coroner (which is likely to continue to rise) as all deaths of those ‘deprived of liberty’ should be reported to the coroner and should be subject to an inquest.
31. Consequently in the calendar year to date there has been a rise in reported deaths (an additional 137 in the period January 2015 – September 2015) and 361 inquests during this nine-month period which is in excess of the number undertaken during 2014. It is estimated that in 2015 there will be circa 500 inquests compared to 296 (excluding backlog cases) undertaken in 2014.
32. The impact of the Cheshire West judgement is likely to see both the number of reported deaths and the number of inquests rise throughout 2015 and 2016 before the rate of increase reduces. The level of reported deaths and inquests will remain at a much higher level than was the previous norm.
33. This significant increase in workload has resulted in the need for a full time senior coroner position in the Teesside Coroner’s Service and this need will continue in a merged service. The number of reported deaths and inquests undertaken by the Hartlepool Coroner’s Service has reduced and may continue to do so as a result of the closure of the hospital, this has also resulted in a reduction in the number of complex cases dealt with by the Hartlepool Coroner’s Service.

Opportunity to see the new coroner support model in operation

34. A new, streamlined business model, which complies with the Coroners and Justice Act 2009 has been in operation, in the Teesside Coroner’s Service, for over a year. This has resulted in a significant improvement in the timeliness of inquests. In 2014 inquests (excluding backlog cases) were concluded, on average, in 7 weeks. This performance has continued throughout 2015 indicating that the new business model is working well.
35. The new model includes: more inquests held as ‘straight through’ inquests i.e. opened and concluded at the same time; more inquests undertaken based on the paperwork only, reducing the need to call witnesses, there has also been a reduction in the number of jury inquests. This new streamlined business model is working very well, and savings have been delivered in line with those predicted. However, the savings have been offset by the increase in workload attributable to the Cheshire West judgement.
36. The model of coroner support in operation is: 1.4 FTE for Teesside (split 1 FTE senior coroner and 0.4 FTE assistant coroner) this has worked well. The Senior Coroner for Hartlepool continues to deliver the service to Hartlepool with circa 0.4 FTE. Overall, this gives a total of 1.8 FTE Coroner support for the Teesside and Hartlepool Coroner areas, supplemented with a small number of ad hoc assistant coroner days.
37. The opportunity to see the coroner support model in operation has demonstrated that having one full-time senior coroner overseeing the service and liaising with key partners

has worked well. The full-time position enables adequate time for liaison with key stakeholders and addressing service improvement issues in addition to ensuring that the core coroner work is delivered. This combined with the additional workload generated by Cheshire West supports an amendment to the business case to increase the senior coroner's position to full time from the 0.8 FTE originally proposed.

The Chief Coroner's response to the consultation and additional guidance

38. The Chief Coroner has responded to the consultation on the business case and has issued additional guidance to Middlesbrough in respect of the merger. The Chief Coroner's consultation response states:

"Proposed coroner model

The Chief Coroner does not support the proposal to appoint a 0.8 FTE senior coroner to the new coroner area. As acknowledged in the business case put forward by the local authorities, the Chief Coroner is of the view that there should be a reduction in the number of part-time coroner areas. He considers that the combined number of reported deaths for Teesside and Hartlepool, 2,738 in 2013, requires a full-time senior coroner to enable proper leadership of the coroner service.

The size of the merged area would not normally require an area coroner. Instead, the senior coroner should be supported sufficiently by the five assistant coroners, all of whom should be paid a fee and offered a minimum of 15 sitting days per year. The issue of whether there needs to be an area coroner could, however, be left open for discussion.

If an area coroner is appointed that person will become the deputy to the senior coroner. Otherwise, the new senior coroner and the relevant authority should agree which of the assistant coroners will act as deputy when the senior coroner is unavailable or incapacitated. However, the deputy should not be used to ensure that there is a full-time service where there is a part-time senior coroner. Where a full-time service is required, a full-time senior coroner should be appointed.

Appointment of the new senior coroner

The Chief Coroner notes the proposal to appoint the present senior coroner for Hartlepool, Malcolm Donnelly, as senior coroner for the new coroner area upon its creation. Although it is open to the relevant authority to appoint a senior coroner from one of the old coroner areas to the newly merged coroner area in accordance with the Chief Coroner's Guidance No 14: Mergers of Coroner Areas, the Chief Coroner is of the view that the circumstances in the present case do not necessarily lend themselves to this particular option. The current area of Hartlepool is small, with 340 deaths reported in 2013. The estimated number of deaths in the newly merged area is approximately eight times this amount at 2,738, which would represent a considerable increase in workload for the existing senior coroner for Hartlepool. Under these circumstances, the Chief Coroner would like to encourage Middlesbrough Council and Hartlepool Borough Council to consider an open competition in line with ... the Additional Note relevant to this topic which is attached."

39. The relevant paragraphs of the Additional Note state:

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“The Chief Coroner advised that Option 1 should usually be the preferred option ... The word ‘usually’ means that Option 1 will not always be the right option. As the Chief Coroner has stated ‘the relevant provisions of the 2009 Act do not provide automatic inheritance of the newly formed coroner area for the remaining coroner (where there is only one remaining)’ (paragraph 25). In some circumstances, therefore, Option 2 may be the better option. The Chief Coroner has made it clear that it is a matter for the relevant authority which option to choose ... Where, therefore, the remaining senior coroner has had only limited experience as a senior coroner or where the merged area will be considerably larger (in terms of numbers of reported deaths) than the remaining coroner’s current area, the relevant authority may wish to consider the following points:

- The extent of the experience of the remaining senior coroner. Whether that experience is a sufficient guide to their appointing him/her as senior coroner of a much larger coroner area or taking on a very different area profile, for example prisons for the first time.*
- Whether the public will have sufficient confidence in that person in the light of their experience.*
- The likelihood that a good field of candidates will apply if a competition is held, so that the best candidate for the post can be appointed.” - His Honour Judge Peter Thornton QC; Chief Coroner*

The Ministry of Justice supported the view of the Chief Coroner, advising the Relevant Authority, in April 215, that:

- “As you are aware we are very keen to progress a merger of the Teesside and Hartlepool Coroner areas. However, we do not feel that we can recommend to Ministers a merger in the form that has been proposed in the business case, given the Chief Coroners views on the desirability of an open competition in this instance and the proposed 0.8FTE Senior Coroner post...” - MoJ*

Consideration of the issues raised by the Chief Coroner during consultation

40. The need for a full-time senior coroner post, due to the increase in workload, is accepted; this is further supported by the Chief Coroner’s views.
41. The Chief Coroner’s view is that the senior coroner should be supported by the 5 assistant coroner’s all working ad-hoc. This model of coroner support was in operation when performance in the Teesside Coroner’s Service was poor. This model contributed to the poor performance in the area at that time. The new coroner support model is in operation (albeit in a slightly amended format to that originally envisaged) and has proven exceptionally effective. Consequently it is proposed to retain the proposal for 0.8 FTE assistant coroner support with a small number of additional ad-hoc assistant coroner days (if required).
42. The original business case proposed that the Senior Coroner for Hartlepool, Mr Donnelly, would be ‘slotted in’ to the senior coroner role in the new area. The basis for this view was:
 - a. to comply with the Chief Coroner’s guidance note 14;
 - b. due to the acceptance, at face value, of the Ministry of Justice’s position that compensation would be a matter for the Relevant Authority; and

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- c. (incorrect) information that the new rules governing appointments would apply to the new role, in a slot-in scenario, thus the senior coroner would be required to retire at age 70.

43. The Chief Coroner raises valid points in relation to the relative size of the current Teesside and Hartlepool Coroner areas (the former dealing with significantly more reported deaths than the latter), the institutions contained within them (the former contains two substantial hospitals and two prisons as opposed to no such facilities in the latter), and the likelihood of attracting the best candidate for the role through open competition (not excluding the possibility that either the Acting Senior Coroner for Teesside or the Senior Coroner for Hartlepool might be that 'best candidate').
44. An analysis of the workload of the Teesside and Hartlepool Coroner areas is provided in Table 6. This clearly illustrates the point being made by the Chief Coroner regarding size of workload.

Table 6 - Caseload statistics for the Teesside and Hartlepool Coroner areas

Total deaths reported					
Year	Total	Teesside		Hartlepool	
		Number	Percent	Number	Percent
2011	3,046	2,659	87%	387	13%
2012	2,971	2,635	89%	336	11%
2013	2,738	2,398	88%	340	12%
2014	2,533	2,298	91%	235	9%
Inquests					
2011	338	292	86%	46	14%
2012	386	350	91%	36	9%
2013	448	394	88%	54	12%
2014	772	693	96%	29	4%

Source: Ministry of Justice Coroner Statistics - <https://www.gov.uk/government/news/new-coroners-data-tool-launched>.

45. In addition to the workload, recruitment through open competition would require that the successful candidate be appointed under the terms of the 2009 Act. As such, such an appointment would be subject to a mandatory retirement age of 70. In contrast, any slot-in appointment would be on the basis of the pre-existing appointment, and would not, therefore, be subject to any specified retirement age. Open competition would, therefore, bring a degree of certainty to the senior coroner's position, which would ensure that the previous situation could not recur. Given the serious problems which occurred in the Teesside Coroner's Service for circa 15 years prior to the retirement of the previous Senior Coroner, this is a situation that the Teesside Coroner's Service should ensure does not happen again.
46. The Coroner's and Justice Act 2009 s.15 states that the salary for the senior coroner is to be agreed by the senior coroner and the relevant authority but that if agreement cannot be reached then the matter may be referred to the Lord Chancellor for determination. There is currently significant pressure from the Coroner's Society for standardised salaries for coroners these are suggested at a level far in excess of that previously recommended by the LGA and that paid by Teesside and Hartlepool local authorities. An open competition, by its nature, represents an offer and acceptance of

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salary and therefore significantly mitigates the risk of disagreement, again bringing greater certainty to the costs of the service. A slot-in brings the risk of challenge to the salary, and on the basis of inequity of the parties bargaining power has a far greater likelihood of success which could result in increased salary costs in respect of the senior coroner and assistant coroners' fees which could amount to an additional £100,000 per year (source PWC).

47. However, it should be noted that there is a potential compensation issue for a current Senior Coroner who loses that role. Paragraph 36 of Guidance Note 14 states: *"As a result of the process of merger, in particular in relation to option (2), one or more senior coroners from the old coroner areas may no longer hold the position of senior coroner. It is arguable that the displaced senior coroner (or senior coroners) is entitled to remain a salaried coroner (with no reduction in salary) but not entitled as of right to continue to hold the office of senior coroner. Be that as it may one of the alternatives in the process is to offer a displaced senior coroner from an old area a new position as area coroner in an enlarged merged area."*
48. Clarification was sought from the Ministry of Justice on the compensation issue in April 2015. The relevant authority requested sight of any legal authority indicating that compensation was a matter for the local authorities. The Ministry of Justice responded advising that:
- 'Unfortunately the legal advice we received on the Coroners and Justice Act does not deal specifically with who would be liable to meet a compensation claim. It does, however, acknowledge that such a claim is a significant risk and notes that there is no statutory compensation mechanism to deal with this in the 2009 Act. As a result the departments view has been that compensation would be a matter for the local authority as ultimately it is the local authority's decision as to whether to run an open competition..... Given the uncertainty and potential financial risks surrounding an open competition, Ministers may be willing to approve a merger without an open competition... However, we will need to include in our advice the Councils consideration and response to the Chief Coroners point.'* - MoJ
49. It became evident at this point that the Ministry of Justice had altered their position due to the uncertainty and potential financial implications of open competition. Open competition was a matter for the local authorities and a merger may be approved on that basis and on consideration and response to the Chief Coroners concerns.
50. The Ministry of Justice have now shared selected extracts of the legal opinion that they sought on this matter. This suggests that responsibility for payment may sit with the Relevant Authority.
51. The 2009 Coroners and Justice Act, which provide the statutory basis for mergers, is silent on this issue; whilst this could be an oversight it is perhaps more likely that the legislation is silent as it was envisaged that no compensation for loss of office was payable.
52. When Local Government reorganisation occurred in 1965 and 1972 the legislation included provision for compensation of a coroner for loss of office. In local government reorganisation payment fell to the local authorities. However, the driver to merge coroner areas is the Coroner and Justice Act 2009 which states that the number of coroner areas should reduce; logically this would mean that compensation should be a matter for the MoJ. In addition the ultimate decision-makers with respect to whether or

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not a merger occurs is the MoJ who either recommend or don't recommend this action to ministers for approval. A fundamental principle regarding compensation is that it is payable by the decision-maker. The decision of whether or not to slot-in a displaced coroner is merely a mitigating action to the decision taken by the MoJ to merge the areas.

53. The previous statutory provisions, which do not apply in this scenario, allowed for compensation to be paid however this was only where the senior coroner did not seek to mitigate his loss hence it is probable that this risk could be mitigated by offering an assistant (or area) coroner role. It is clear that similar clarification on whether compensation is payable and if so statutory provision detailing what compensation is due, is required. A request will be made to the Ministry of Justice asking that this is addressed.
54. Middlesbrough Council sought external legal advice on this matter; Leading Counsel's advice in relation to compensation suggests that compensation may not, in any event, be payable, as there are no provisions in the Coroners and Justice Act 2009 for such compensation; and if, contrary to that position, compensation is payable, the liability for such payment would fall to the organisation which takes the action that abolishes the office of Senior Coroner for Hartlepool, i.e. the MoJ. In such circumstances, and given that coroners are not employees of the authorities, there might remain a relationship akin to a contract for services, which would need to be lawfully terminated; however, Leading Counsel's view is that a court would be likely to conclude that there is an implied term entitling the authorities to terminate on reasonable notice in circumstances where the office is abolished.
55. Both options for appointment of a senior coroner to the new area have opportunities and risks associated with them; these are summarised in the Table 7.

Table 7 - Opportunities and Risks associated with options available	
Opportunities	Risks
Slot-in	
Avoids uncertainty regarding compensation payable.	<p>Previous legislative rules will apply rather than those contained in the 2009 Coroner's and Justice Act, specifically no requirement to retire at 70. The risk being that the issues which previously faced the Teesside Coroner's Service which were extremely difficult to address, could re-occur.</p> <p>High risk of successful challenge regarding salary offered and potential cost increase in salary costs.</p> <p>Limited / no experience of managing a coroner's service of this size with:</p> <ul style="list-style-type: none"> • circa 2,500 reported deaths and circa 500 inquests per year (based on 2014 and 015 numbers) • multi-agency support team associated with above workload • prison deaths <p>Cannot demonstrate that the best candidate for the job secures the role and consequently may not secure the best outcome for the service and the residents of the area.</p>

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	Does not take into account the Chief Coroner's specific guidance, issued to Teesside and Hartlepool.
Open Competition	
<p>Market can be tested to ensure the best person for the job</p> <p>Moves the jurisdiction to the new rules as per the 2009 Coroner's and Justice Act; Post holder will be required to retire at 70</p> <p>Greater certainty regarding level of remuneration, with reduced risk that this will be successfully challenged</p> <p>Meets Chief Coroner's specific guidance issued regarding the circumstances in this area.</p>	<p>Compensation issue - High level of uncertainty, as the matter is not governed by the Coroners and Justice Act 2009 and there are no associated compensation regulations detailing:</p> <ul style="list-style-type: none"> • If compensation is due • Who is liable for compensation • How compensation would be calculated • Whether payment of compensation would be mitigated by an offer of a role on similar terms. <p>Leading Counsel's view - Compensation for loss of office may not be payable at all and if it is then it is a matter for the MoJ. Hartlepool Council may be liable for ending a contract for services if adequate notice is provided there may be no financial liability or liability is likely to amount to circa 3 months' salary. MoJ legal opinion is that the Relevant Authority may be liable to pay compensation.</p> <p>There is a high risk of becoming embroiled in litigation which occurs due to this being the first merger in which a displaced coroner is not 'slotted in' to the new role. Regardless of the outcome of the litigation this is likely to impact upon council and coroner resources.</p>

56. In light of the above, it is considered that, in order to secure the widest possible field of candidates and thereby be in a position to appoint the best candidate possible, recruitment through external advertisement is now the preferred option. This also provides greater certainty in respect of succession planning, vacation of office at age 70 and the terms of office including salary agreed. Whilst ensuring that the public receive the best service possible and ensuring that there is no reoccurrence of the issues that beset the Teesside Coroner's Service previously.

57. It is proposed that the detail of the support provided to the senior coroner by either an assistant (or area) coroner is to be decided by the relevant authority (in liaison with the

Appendix 1

other authorities) once the outcome of the senior coroner appointment process is known.

58. It is also proposed the MoJ are asked to indemnify the local authorities against the risk of compensation. If the MoJ are unwilling to indemnify the local authorities then it is proposed that the merger is postponed until appropriate legislation is introduced to govern the compensation issue and allow an accurate assessment of the financial risk.
59. The main risk is that litigation will occur as this will be the first merger, nationally, where a sitting senior coroner is not 'slotted-in' to the new role. Consequently it is possible that the Coroner's Society may decide to challenge this decision to provide clarity regarding the position in respect of senior coroners in areas that may merge in the future.
60. The MoJ have the legislative authority to merge the authorities without the agreement of all (or any) parties and they could choose to do so although to date this has not occurred. Should this occur it fundamentally weakens the MoJ argument that the decision making organisation is the Relevant Authority as it is the act of merger which results in the removal of the senior coroner offices in respect of both Teesside and Hartlepool and which results in the displacement of the Senior Coroner for Hartlepool.
61. If, the decision is taken by the MoJ to insist on a merger without the above in place then it is recommended that should a claim for compensation be brought against the local authorities that this is dealt with by the Relevant Authority for the new coroner area and any associated costs / compensation is discussed and agreed between the four authorities in accordance with the formula for funding the service.

Changes in political makeup of councils

62. Following the elections on 7 May 2015, the political composition of all four of the local authorities has changed, including the election of a new Mayor of Middlesbrough Council.
63. In such circumstances, it is perhaps understandable that each new administration will wish to consider the position afresh (or, at least, in light of new information) and satisfy itself as to the most appropriate way forward. Given the Chief Coroner's consultation response, and the subsequent discussions with the Ministry of Justice, it is appropriate that this Addendum be the subject of a further formal resolution from each authority.

CONCLUSION AND RECOMMENDATIONS

64. Having considered the progress made against the original business case, the wider contextual changes and the Chief Coroner's view it is evident that the proposals in the original business case should be reassessed.
65. There is an obligation to ensure that the best person for the role is appointed to safeguard the service improvements that have occurred to date, and secure performance in the long term. It is imperative that advantage is taken of the opportunity to move the new coroner area to the new legislative arrangements thus ensuring, as far as is possible, that the previous issues associated with the Teesside Coroner's Service do not reoccur in the new, merged, area.
66. In light of the: progress made in delivering key actions in the original Business Case, the wider contextual changes and the Chief Coroner's responses to consultation; it is recommended that:
- the senior coroner position should be full-time;
 - that the model of coroner support (1 FTE senior coroner + 0.8 FTE assistant coroner is retained);
 - that the senior coroner for the new area is appointed via external competition, following MoJ agreement to indemnify the local authorities against the costs of litigation and compensation (should a scenario arise where compensation is payable); if no indemnity is forthcoming then it is recommended that the merger is postponed until legislation is in place governing the payment of compensation;
 - if the MoJ decide a merger should occur without the above occurring; and a scenario arises whereby a claim for compensation is brought against the local authorities that this is dealt with by the Relevant Authority for the new coroner area with any associated costs / compensation being discussed and agreed between four authorities in accordance with the formula for funding the service; and
 - that the detail of the support provided to the senior coroner, by either an assistant (or area) coroner, is to be decided by the Relevant Authority (in liaison with the other authorities) once the outcome of the senior coroner appointment process is known.

COUNCIL

21 January 2016



Report of: Chief Executive

Subject: BUSINESS REPORT

1. TIMING OF COUNCIL MEETINGS

The views of the Neighbourhood Forums were sought as to the timings of full Council meetings. The Council's Constitution provides that meetings 'shall unless otherwise directed or determined by the Council be held at the Civic Centre, Hartlepool commencing at 7.00pm.' Although, meetings did alternate between 2.00pm and 7.00pm this was some years previous to the present arrangements.

On the 7 October the Forums met and the South and Central Forum were of the view that the timings of Council meetings should be left at the 7.00pm start time, although there were some suggestions of a slightly earlier time (6.00pm being mentioned). The North and Coastal Forum similarly suggested the retention of the 7.00pm commencement time, but there were suggestions of returning to an alternative format of afternoon/evening meetings, particularly with seasonal influences with afternoon meetings being more conducive in the autumn/winter months and evening meetings over the spring/summer.

Members will recall that the view was expressed, at the Council meeting, that wider consultation should be undertaken also. Arrangements were made for a survey to be undertaken, the results of which are summarised below:-

What would be your preferred time of day for a full council meeting to be held?

Answer Options	Response Percent
Morning	9.0%
Afternoon	14.4%
Evening	53.2%
Alternating between Morning, Afternoon and Evening	23.4%

The view of Council is requested.

COUNCIL
21 January 2016



Report of: Chief Executive

Subject: BUSINESS REPORT (2)

2. OUTSIDE BODY APPOINTMENTS

Council is requested to note that Councillor Clark has resigned from the Tees Valley Local Access Forum. It is suggested that a replacement Member be sought when all outside body appointments are reviewed, prior to the Annual meeting of Council.

Council is advised also that Councillor Cook has resigned from Housing Hartlepool. I have been advised that it is proposed that Councillor James replace Councillor Cook. Council is requested to approve the change in representation.

3. RESPONSE TO MOTION

At the meeting of Council, held on 12 November 2015, it was agreed that letters should be sent to outline the opposition of this Council to Transatlantic Trade and Investment Partnership proposals.

Response letters are attached. Any further responses will be circulated to Members

Council are requested to note the responses.



Foreign &
Commonwealth
Office

Councillor Mary Fleet
Ceremonial Mayor
Hartlepool Borough Council
Civic Centre
Hartlepool, TS24 8AY



Department
for Business
Innovation & Skills

The Rt Hon Lord Maude of Horsham
Minister for Trade and Investment

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www.gov.uk/ukti

Our ref: MCB2015/29015

Your ref: MF

18 January 2016

Dear Cllr Fleet,

Thank you for your letter of 10 December to Greg Clark, on behalf of Hartlepool Borough Council, about the free trade agreement currently being negotiated between the EU and US, also known as the Transatlantic Trade and Investment Partnership (TTIP). I am replying as this matter falls within my portfolio.

The Government is working with its EU partners to open markets around the world as increased trade and investment are two of the main drivers for growth, which is the best way to ensure British workers can enjoy better living standards. Businesses which export are more productive, resilient and pay higher wages.

A trade and investment agreement between the EU and US is a once-in-a-generation opportunity to create the largest free trade area in the world. It would bring huge economic benefits on both sides of the Atlantic, increasing trade and investment, creating jobs, reducing prices and increasing choice for consumers.

Economic Benefits / Impact on Jobs

An independent assessment of the potential economic impact of this deal on the UK was carried out by the Centre for Economic Policy Research (CEPR). The CEPR study predicts GDP growth of £10 billion annually in the long term in the most ambitious scenario modelled. This translates to additional disposable income of about £400 per year for an average UK household. That is why we are pushing for a broad agreement that eliminates the vast majority of tariffs on trade between the two markets and reduces other unnecessary barriers to trade such as customs delays and duplicate regulatory tests. The CEPR report for the UK is available on the TTIP page of the Gov.UK website (in the 'Potential impact of TTIP' section). The web address is given at the end of this letter.

CEPR studies (the CEPR carried out other assessments including one for the European Commission on the impact of TTIP on the EU as a whole) assume no long term change in overall employment levels. Instead, the potential labour market impacts come through (i) changes in wages and (ii) shifts in employment between sectors. The studies project that the labour market impact will be positive in

both the EU and US as real wages of both skilled and unskilled workers will increase. In the ambitious scenario only around 0.7% of jobs are estimated to shift between sectors in the long run, which compares with the average annual turnover in jobs in EU manufacturing of around 3.7%.

Regulatory Standards

The Government has made clear that this trade deal will not lower standards of consumer, environmental or employment protection, on either side of the Atlantic. We will retain our high levels of food safety. EU rules on using growth-promoting hormones in meat production, GM food, chemicals and pesticides will still have to be respected by US companies if they wish to sell in the EU. On labour standards, both the EU and US traditionally include clauses committing to high labour standards within their trade agreements, and we can expect this approach to be maintained and possibly enhanced within TTIP. In particular, TTIP will not limit each party's right to regulate labour protections consistent with internationally agreed standards and agreements.

One of the main aims of the negotiations is to reduce the barriers and costs created by regulatory differences between the EU and the US without lowering levels of protection. This means avoiding the unnecessary duplication of regulatory processes so that, for example, products manufactured in the EU and sold in the US (and vice versa) will only have to be tested once. It also means that different regulations in the EU and the US which achieve the same outcome will be mutually recognised.

Where we can reduce the levels of duplication that businesses have to go through in meeting regulations or testing products, this will particularly benefit small and local businesses which do not have the same resources as larger companies to overcome such barriers. Reducing the cost to businesses of meeting the necessary regulatory standards will also deliver benefits to consumers as businesses pass on savings to their customers and offer a greater range of goods and services.

With regard to chemicals, however, the former European Commissioner for Trade, Karel De Gucht, confirmed in a letter to environmental campaigners that current EU and US regulations differ significantly, so neither full harmonisation nor mutual recognition seem feasible at present. Commissioner De Gucht's letter and the EU's negotiating position on chemicals is published on the European Commission's website: <http://trade.ec.europa.eu/doclib/press/index.cfm?id=1159>

Public Services

Public services are under no threat whatsoever from this deal or any other trade and investment agreement. Over several decades the UK and EU have signed numerous trade agreements. These treaties have helped both UK and EU businesses grow and create high quality jobs. They have also ensured that it remains for the UK to decide how our public services are run. The agreement with the US will be no different. Decisions on how to deliver public services for the best outcomes for UK citizens are and will be made by UK governments, not our trade partners. The Prime Minister, the European Commission and the US Government have all confirmed this.

In January 2015 the European Commissioner for Trade, Cecilia Malmström, wrote to the UK Government specifically about the impact of this trade deal on the NHS, reiterating that the EU negotiating position is to ensure that EU countries will be free to decide how they run their public health systems and that the NHS is not at risk from this agreement. Commissioner Malmström's letter is published on the TTIP page of the Gov.UK website (in the 'Public concerns' section).

Commissioner Malmström and US Trade Representative, Ambassador Froman, also agreed a joint statement which set out that:

"US and EU trade agreements do not prevent governments, at any level, from providing or supporting services in areas such as water, education, health and social services. Furthermore, no EU or US trade agreement requires governments to privatise any service, or prevents

governments from expanding the range of services they supply to the public. Moreover, these agreements do not prevent governments from providing public services previously supplied by private service suppliers; contracting a public service to private providers does not mean that it becomes irreversibly part of the commercial sector.”

This statement can be found on the European Commission's website at:
[http://europa.eu/rapid/press-release STATEMENT-15-4646_en.htm](http://europa.eu/rapid/press-release_STATEMENT-15-4646_en.htm)

It follows that the EU-US trade deal will not affect the UK's ability to determine how public services are provided. It will remain up to the Government and, where appropriate, devolved administrations and local authorities to decide how to run public services, whether private companies should be involved in providing them under contract and, if so, to what extent.

In July 2015 the EU published its second offer to the US on trade in services. The exemptions and reservations for key publicly funded services in the draft text ensure that the UK's ability to decide how these are provided is protected. As demonstrated by the public statements cited above, both the European Commission and the US Government are well aware that this is non-negotiable.

Investment Protection and Investor-State Dispute Settlement (ISDS)

There have been some misunderstandings about what investment protection provisions in trade and investment treaties offer investors and what actions ISDS tribunals can take. The inclusion of such provisions in the EU-US free trade agreement will not prevent the Government or local authorities from taking regulatory action to protect the public or the environment, nor will they force the Government or local authorities to change laws, open markets or privatise public services.

Investment protection provisions protect overseas investors from discrimination and unfair treatment. These provisions can help to create a positive investment climate, one of the key drivers of growth. ISDS provisions provide a mechanism for international investors to seek legal redress if they think the investment protection provisions in a treaty have been breached. We want to ensure that UK investors abroad are treated fairly and not discriminated against, and we offer the same guarantees to foreign investors here.

However, ISDS tribunals cannot override Parliament, strike down or overturn laws. They can only determine whether a state has breached the guarantees set out in a treaty, whether a foreign investor is entitled to compensation and, if so, what amount. The UK already has over 90 bilateral investment treaties with other countries and, to date, there has not been a single successful ISDS case brought against the UK. Conversely, many UK investors overseas who have suffered discrimination, expropriation and lack of due legal process have relied on ISDS.

The European Commission has published its proposal for investment protections in the trade agreement with the US: <http://trade.ec.europa.eu/doclib/press/index.cfm?id=1364>. This includes various possible measures to ensure these provisions are fair and transparent. The UK will continue to work with the Commission on the details of these latest proposals. We need investment protections that ensure UK investors are treated fairly overseas by foreign governments. But the UK will make sure that governments can continue to regulate lawfully in the public interest and that public services remain protected.

Transparency and Consultation

The Government supports greater transparency in trade negotiations and we are pleased therefore that the European Commission has adopted a more open approach for TTIP. It has published a number of EU proposals for legal text in the agreement, position papers, and a series of factsheets setting out the EU's aims for this agreement. The Commission's published documents, reports, press releases and transcripts of press conferences are available on its website (the web address is given at the end of this letter).

There continues to be extensive consultation on this trade agreement. The European Commission has run four online public consultations to get stakeholder views on various elements of the deal, including on ISDS. The Commission is holding regular meetings with an advisory group, as well as civil society groups throughout the negotiations.

In the UK, the Department for Business, Innovation and Skills (BIS) also holds regular meetings with organisations representing those with a particular interest in this trade deal. These meetings help to inform the Government's approach to the negotiations and include representatives from business representative bodies, the Trades Union Congress and non-governmental organisations such as War on Want and Friends of the Earth.

Parliamentary Oversight

Parliament oversees the negotiations for this trade agreement via regular updates from Ministers. It has been debated in the House of Commons on five occasions and once in the House of Lords. It has also been considered by four Parliamentary committees (House of Commons European Scrutiny Committee / Business, Innovation and Skills Committee / Environmental Audit Committee / House of Lords EU Committee). The Government's response to committee reports on this trade deal can be found on the TTIP page of the Gov.UK website (in the 'How Parliament is involved' section).

We expect that the agreement will be a mixed one, covering areas of both EU and Member State competence. In that case, it will be subject to agreement by each EU Member State, the EU Council and the European Parliament. As part of this process the agreement will be subject to Parliamentary scrutiny before it is ratified by the UK. The text will also be published online at the same time.

More information

Further information about the negotiations for the EU-US free trade agreement is available on the Gov.UK website at: www.gov.uk/bis/ttip and the European Commission's website at: <http://ec.europa.eu/trade/policy/in-focus/ttip/>

Thank you, again, for passing on Hartlepool Borough Council's concerns. I hope this response reassures the Council that we are getting the balance right on this trade deal and that the ongoing negotiations will deliver a trade and investment agreement which benefits the UK economy, workers and consumers. If you have any further questions or comments about the negotiations then please contact Edward Barker, Head of the BIS Transatlantic and International Unit, at ttip.team@bis.gsi.gov.uk



FRANCIS MAUDE



EUROPEAN PARLIAMENT

Member of the European Parliament

Office of Jude Kirton-Darling MEP and Paul Brannen MEP

Labour Central

Kings Manor

Newcastle Union Tyne

NE1 6PA

20th January 2016

Councillor Mary Fleet
Ceremonial Mayor
Hartlepool Borough Council
Civic Centre
Hartlepool
TS24 8AY

Dear Councillor Mary Fleet,

I am writing to you regarding the recent negotiations surrounding the Transatlantic Trade and Investment Partnership (TTIP) and the involvement of the European Parliament. As a Member of the Trade Committee in the European Parliament and one of your MEPs for the North East I have been heavily involved in the debate surrounding the deal. I am writing to you to provide some background information on the current status of the negotiations.

TTIP is aiming to provide a comprehensive trade deal between the US and the EU. If negotiations are successful then it will result in the largest ever bi-lateral trade deal. For businesses in the North East TTIP could lower the cost of exporting to the US and create opportunities for UK companies to grow and create more jobs. However, it is also extremely important to ensure British public services and our social model is not up for discussion.

Labour MEP's have been committed to influencing negotiations by securing the common position of the European Parliament on TTIP. Labour's position is that public services should be protected from privatisation, that standards of workers' rights should go up and not down and that companies should not have the right to sue governments in international courts (known as Investor State Dispute Settlements), but should use national legal systems instead.

Any agreement would have to be negotiated by the European Commission on behalf of the European Union's member states. The European Parliament and the European Commission are then responsible for ratifying any deal. A vote from all 28 member states is required. It is currently extremely likely that TTIP will be qualified by the European Commission as it is a 'mixed agreement'. Therefore, the UK Parliament will probably have to vote on it.

The continuous hard work and negotiations of Labour MEPs is helping to reach the best TTIP not only for the UK but the EU as a whole. I have also enclosed with this letter some further information regarding the TTIP negotiations.

Should you have any questions or require any further information please don't hesitate to contact our office,

Yours Sincerely

Jude Kirton-Darling

Member of the European Parliament for the North East of England

The Transatlantic Trade and Investment Partnership

Briefing 20th January 2016 - office of Jude Kirton-Darling MEP

1. Background

1.1 Context

TTIP stands for "Transatlantic Trade and Investment Partnership". It is a project for a comprehensive trade deal between the EU and the US.

Currently, trade relations between the EU and the US are subject to the rules of the World Trade Organisation (WTO), which date back to 1994. The WTO relies on a set of multilateral agreements, which apply to most countries in the world (currently 162). An ambitious reform of the WTO known as the Doha Round was attempted from 2001, but negotiations collapsed in 2008 and the process has been at a standstill since.

Countries that have wanted to develop trade further had therefore to bypass the WTO and resort to bilateral or plurilateral trade deals. The EU has in recent years done trade deals with countries such as Korea, Colombia, Peru and Canada. Negotiations are on-going with many others, such as India or ASEAN countries. TTIP takes place in this context.

If negotiations with the US are successful, the resulting agreement would be the largest ever bilateral trade deal as the EU and the US account together for over half of all global production, and a quarter of all global trade (24% of world export and 27% of world import).

1.2 Scope

The TTIP negotiations cover 24 chapters, divided in three broad pillars: market access, regulatory cooperation and rules. The first of these pillars touches upon traditional trade issues that are trade in goods and services, as well as rules of origins and public procurements.

The second pillar aims at shaping TTIP as a 'living agreement' through which processes would be set up to make future domestic regulations trade-friendly. This pillar would be divided in 10 sectoral chapters (food safety, chemicals, pharmaceuticals, vehicles, etc.) as well as a chapter on technical barriers to trade and a chapter on regulatory cooperation dedicated mostly to institutional issues.

The third pillar concentrates on rules in other fields, primarily investment (including Investor State Dispute Settlement - ISDS), intellectual property rights, energy and Trade and Sustainable development (i.e. labour and environmental standards).

1.3 Process

Trade policy is an exclusive competence of the EU. Therefore, any trade agreement is negotiated by the European Commission on behalf of the 28 member states, and on the basis of a binding mandate adopted by the Council of the European Union (trade). The TTIP mandate was adopted by the Council on 17 June 2013, and published on 9 October 2014.

In practice officials from the Trade Directorate General (DG TRADE) of the European Commission are responsible for all trade negotiations. They answer to the Trade Commissioner (Cecilia Malmström) who is politically responsible before the European Parliament and member States' Trade Ministers.

The European Parliament and the European Council are responsible for ratifying any trade deal. In addition, the vote of all national Parliaments of the 28 EU member states may be required for certain types of agreements, when they contained measures of shared competence between the Union level and the National level. Due to its scope, it is extremely likely that TTIP will be qualified by the European Council as such a 'mixed agreement'. Therefore the UK Parliament will most probably also have to vote on it.

1.3 Transparency

Trade negotiations are usually conducted in secrecy as each side's negotiating power partly depends on its ability to keep some information away from the other side. This confidentiality imperative has been implemented in a very rigid way by the European Commission although greater disclosure was achieved on TTIP compared to other trade negotiations, as a result of pressure from MEPs and civil society. For instance, the Commission negotiating mandate was eventually disclosed a little over a year after it was adopted. The Commission had requested the document to be declassified earlier, but it was ultimately the call of trade ministers.

Labour MEPs have repeatedly pressed the European Commission for greater disclosure of documents to the public, as well as unlimited access by MEPs and national MEPs. In particular, we first asked for the publication of the proposals ('offers') that were made by the EU to the US, in particular on services, as there are no tactical reasons to continue keeping them away from the public.

The new EU Trade Commissioner committed at her confirmation hearing in the European Parliament to increase overall transparency, and announced a set of specific measures in this respect on 25 November 2014. As a result, all EU proposals to the US have been published on the Commission's website, while documents incorporating US positions (whether US proposals or consolidated text) have remained to date confidential.

On 6 January 2015, the European Ombudsman adopted a decision calling on the Commission to upgrade its disclosure policy with respect to TTIP, notably with respect to common negotiating documents.

On 2 December 2015, following 11 months of negotiations with the US and constant campaigning by Labour MEPs, it was announced that all MEPs would have access to consolidated documents in a dedicated reading room, subject to strong confidentiality measures. These documents were previously only available to a handful of MEPs from the European Parliament's Trade Committee. The Trade Commissioner also confirmed that similar reading rooms would be set up in all EU capitals, although the practical details on how to access these reading rooms remain unclear.

2. Labour MEPs and European Parliament's positions

Labour MEPs have been committed to influencing the negotiations by securing a common position of the European Parliament on TTIP. This was achieved on 8 July 2015 with the adoption by the European Parliament of a resolution setting out its view on all aspects of TTIP. While the resolution reflects long standing positions of Labour MEPs, such as a call for a full carveout of all public services from the scope of application of TTIP, the inclusion in the agreement of binding and enforceable labour rights and strong safeguards with respect to food, health and safety safeguards, the resolution failed to explicitly exclude ISDS. For this reason, Labour MEPs decided by near unanimity to vote against the resolution.

The European Parliament resolution calls for ISDS to be replaced a "new system for resolving disputes between investors and states" which is "subject to democratic principles and scrutiny". The text did not however address the issue of having a separate judicial system available only to foreign investors. The European Commission attempted to respond to the European Parliament's demand by publishing a proposal for a new mechanism on 16 September called Investment Court System, which would be used as a reference for TTIP and all future trade negotiations. Labour MEPs are yet to take a final view on this proposal, but have expressed strong reservations.

2.1 Op-eds and blogs

- "TTIP is yet to be written, we need to seize the pen", Jude Kirton-Darling, Labour List, 18 November 2014
- "We need and approach you can trust on TTIP", Jude Kirton-Darling and Ian Murray, New Statesman, 24 December 2014
- "Steering TTIP in the right direction", Jude Kirton-Darling, Labour List, 30 March 2015
- "People's concerns over TTIP must be heard", Jude Kirton-Darling, New Statesman, 29 May 2015

2.2 Press release

- "Greater TTIP transparency is a welcome step, but more remains to be done", 2 December 2015
- "TTIP: Commission must kill off ISDS once and for all, say Labour MEPs", 11 November 2015
- "Commission's EU trade strategy 'step in right direction' but we need to see real action on transparency", 14 October 2015
- "TTIP: Labour MEPs vote to keep out public services and protect workers' rights and environmental standards", 8 July 2015



HÜCKELHOVEN

ZUKUNFT ZWISCHEN RHEIN UND MAAS

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Councillor Mary Fleet
Ceremonial Mayor
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DER BÜRGERMEISTER

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Dienststelle/Zimmer
Schulverwaltungs- und Sportamt / 1.38

Gebäude
Rathausplatz 1

Auskunft erteilt
Frau Selvi

Ihre Zeichen, Ihre Nachricht vom

Mein Zeichen
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HÜCKELHOVEN
18.01.2016

Your e-mail from 23rd Dec. 2015

Dear Mrs Fleet,

In the above mentioned e-mail you asked us, as your twin town partner, to discuss in the Borough of Hückelhoven the impact the Transatlantic Trade Investment Partnership (TTIP) has on the public sector.

We have already had this motion put forward by our left-wing party "DIE (the) LINKE" on the agenda of our council meeting from the 29th Oct. 2014. But as this is no matter of the local jurisdiction of the local boroughs the topic of the TTIP was taken off the agenda again. The TTIP is a matter of the Federal Republic of Germany and has no special local reference to the town Hückelhoven.

I am sorry that I cannot give you a positive response or support on this issue.

Yours sincerely

Heinen

Öffnungszeiten Rathaus:
Montag bis Freitag
Montag
Donnerstag

08.30 - 12.00 Uhr
14.00 - 16.00 Uhr
14.00 - 17.30 Uhr

Öffnungszeiten Stadtbüro:
Montag, Dienstag, Mittwoch
Donnerstag
Freitag
1 Samstag im Monat

08.00 - 16.00 Uhr
08.00 - 19.00 Uhr
08.00 - 14.00 Uhr
09.00 - 12.00 Uhr

Gläubiger ID DE33ZZZ00000034974

Kreissparkasse Heinsberg
Volksbank Erkelenz
Raiffeisenbank Erkelenz
Deutsche Bank Hückelhoven
Postbank Köln
VR-Bank Rur-Wurm eG

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CLEVELAND FIRE AUTHORITY

MINUTES OF ORDINARY MEETING

16 OCTOBER 2015



PRESENT:	CHAIR:- Councillor Jan Brunton – Middlesbrough Council HARTLEPOOL BOROUGH COUNCIL Cllrs Stephen Akers-Belcher, Rob Cook, Marjorie James MIDDLESBROUGH COUNCIL Cllrs Ronald Arundale, Shamal Biswas, Teresa Higgins, Naweed Hussain, Tom Mawston REDCAR & CLEVELAND BOROUGH COUNCIL Cllrs Norah Cooney, Ray Goddard, Bob Norton, Mary Ovens STOCKTON ON TEES BOROUGH COUNCIL Cllrs Gillian Corr, John Gardner, Paul Kirton, Jean O'Donnell, Stephen Parry, Mick Stoker, William Woodhead AUTHORISED OFFICERS Chief Fire Officer, Director of Corporate Services, Legal Adviser and Monitoring Officer, Deputy Treasurer BRIGADE OFFICERS Democratic & Administration Manager
APOLOGIES FOR ABSENCE:	Councillor Ray Martin-Wells – Hartlepool Borough Council Councillors Billy Ayre, Mary Lanigan – Redcar & Cleveland Borough

36. DECLARATIONS OF MEMBERS INTEREST

It was noted no Declarations of Interests were submitted to the meeting

37. MINUTES

RESOLVED – that the Minutes of the Cleveland Fire Authority Ordinary Meeting on 24 July 2015 be confirmed.

38. MINUTES OF COMMITTEES

RESOLVED – that the Minutes of the Special Executive Committee on 7 August 2015, Tender Committee on 11 September 2015 and Executive Committee on 25 September 2015 be confirmed.

39. COMMUNICATIONS RECEIVED BY THE CHAIR

- Department of Communities and Local Government – Directorate Changes, Public Consultation on Emergency Response
- Sarah Benioff – Introduction by new Director covering Fire, Resilience and Emergencies
- FBU / Gill Gittins – MTFA Training – Action Short of Strike
- Clair Alcock – Taxation of the ill health part of an injury claim

RESOLVED – that the communications be noted.

40. REPORTS OF THE CHIEF FIRE OFFICER

40.1 Public Consultation on Emergency Services

The CFO updated Members on the Government's recent consultation document on proposals to increase joint working between emergency services for the purpose of improving effectiveness and delivering savings to the public.

The CFO reported that the government was consulting on a series of measures to transform the delivery of local fire and police services and drive greater collaboration between the police, fire and rescue and NHS ambulance services, which included:

- introducing a new duty on all three emergency services to actively consider collaboration opportunities with one another to improve efficiency and effectiveness;
- enabling Police and Crime Commissioners to take on the duties and responsibilities of fire and rescue authorities, where a local case is made;
- where a Police and Crime Commissioner takes on the responsibilities of a fire and rescue authority, enabling him or her to create a single employer for police and fire staff, facilitating the sharing of back office functions and streamlining management;
- in areas where a Police and Crime Commissioner has not become responsible for fire and rescue services, enabling them to have representation on their local fire and rescue authority; and
- abolishing the London Fire and Emergency Planning Authority and giving the Mayor of London direct responsibility for the fire and rescue service in London, as will be the case in Greater Manchester.

The CFO outlined the key proposals contained within the consultation document at Appendix A and the associated 16 questions that the Authority was required to respond to by 23 October 2015.

The CFO reported that on 25 September 2015, the Executive Committee had considered the Public Consultation document and agreed to establish a working group to enable a thorough consideration of the issues raised. The working group of Executive Members approved the draft response, as attached at Appendix B, for further discussion at this meeting.

Councillor Biswas acknowledged the aim of the consultation to encourage collaboration between the Emergency Services to save lives. However he commented that it felt more like a private sector take-over than a public sector approach.

Councillor Stoker moved the CFA response to the public consultation which Councillor Kirton then seconded.

Councillor Akers-Belcher pointed out that Councillor James had indicated she wished to speak. The Chair highlighted that if Councillor James asked her question it would be contrary to Labour Group policy. Councillor Akers-Belcher asked for a legal opinion to outline the constitutional reason for refusing Councillor James to speak.

40.1 Public Consultation on Emergency Services continued

Councillor Kirton pointed out that the response had been agreed and seconded and that Councillor James was also a member of the Executive Committee which had formulated the response and had not been present at the CFA Labour Group meeting that day.

Councillor Akers-Belcher raised a point of order and asked if the Chair was going to allow Councillor James to speak. He informed the Chair that the Hartlepool Members would be leaving the meeting and not participating in the discussion any further.

Councillor Akers-Belcher requested a meeting with the Legal Adviser and Monitoring Officer (LAMO) to make a formal complaint.

(2.12pm) Hartlepool Councillors Akers-Belcher, Cook and James left the meeting.

The LAMO pointed out that Councillor Akers-Belcher had made reference to the Authority's constitution and clarified to Members that it was not a 'constitution' as such. He reported that instead, the Authority had governance arrangements which were conducted within adopted procedure rules and the control, power and prerogative lay firmly with the Chair, who has to proceed with the overall consensus of the meeting. In this instance the meetings should record that Councillors Akers-Belcher, James and Cook had disassociated themselves from the meeting and could not therefore be considered as agreeing to the recommendation. He would contact those members following the request that had been made.

RESOLVED:-

- (i) That the content of the report be noted.**
- (ii) That the CFA response to the public consultation be approved.**

40.2 Regulation of Investigatory Powers (RIPA) Policy

The Chief Fire Officer (CFO) updated Members on the Authority's arrangements in place to comply with the Regulation of Investigatory Powers Act 2000, as outlined in the RIPA Policy at Appendix 1. He reported that the Office of Surveillance Commissioners (OSC) had responsibility for providing an effective oversight of the conduct of public authorities and an OSC inspector had visited the Authority on 9 April 2015 to review its management of surveillance activities.

The CFO reported that the inspection was passed with the OSC noting the commitment of the Authority to comply with relevant legislation. The OSC recommended that the Authority reviewed its RIPA Policy to align with the newly revised OSC RIPA guidance.

The CFO reported that the policy now explicitly confirms the considerations which must be taken into account for applications of directed surveillance activities and the use of a covert human intelligence source. It also includes a new section detailing surveillance investigations involving social media and internet sites.

He reported that at the Executive Committee meeting on 25 September 2015, Members recommended the approval of the policy by the full Fire Authority.

RESOLVED – that the Authority's Regulation of Investigatory Powers (RIPA) Policy, as outlined in Appendix 1, be approved.

40.3 Information, Communication & Technology (ICT) Policy

The CFO confirmed that the ICT Policy, outlined at Appendix 1, and the strategy had been reviewed in line with the Brigade's Policy Framework, brought up to date and re-formatted.

The CFO highlighted the specific objectives which underpin the ICT Policy, which were that the Authority's:

- ICT fully supports existing and future business demand
- ICT developments support and drive improvement
- ICT services are underpinned by fit for purpose technology infrastructure
- All staff are effective in the use of new and emerging technologies
- ICT services are supported by robust information governance.

The CFO outlined the nine key outcomes of the ICT Strategy, as detailed at p2 of the report. These were:

- | | |
|---------------------------------------|---------------------------------|
| - Fire Control | - Operational Risk Information |
| - Emergency Service Networks | - Interoperability and National |
| - Resilience | - Strategic Drivers |
| - Technology & Infrastructure Systems | - New Ways of Working |
| - Information Governance | - Key information systems |

The CFO confirmed that the policy had been recommended for approval by the Executive Committee on 25 September 2015 and aimed to drive forward the Authority's use of ICT to enable more efficient processes and improve service delivery as well as being a key element in the delivery of the Authority's strategic goal of 'organisational excellence'.

Councillor Biswas referred to Section 2.1 on page 5 of the policy and suggested a reference be included to the Authority's responsibility for the finance aspect of ICT. The Deputy Treasurer agreed that this would be considered.

RESOLVED- that the Authority's ICT Policy, as outlined as Appendix 1, be approved.

40.4 Efficiency Policy

The CFO informed Members that changes had been made to the Efficiency Policy to strengthen and signpost the Authority's planning and implementation arrangements relating to efficiency.

The CFO referred Members to Section 3 of the Policy at Appendix 1 and noted that it was an umbrella policy implemented through the Authority's financial, risk; and performance management, procurement, corporate governance framework and associated strategies and plans.

Councillor Norton made an observation that it appeared the Authority was creating policies for the sake of policies and questioned whether it was a good use of resources. The CFO pointed out that it was a requirement of the Auditors that the Authority produce an Efficiency Policy.

RESOLVED- That the Authority's Efficiency Policy, as detailed at Appendix 1, be approved.

40.5 Information Pack – July 2015

40.5.1 Fire & Rescue Service Monthly Bulletins

The CFO informed Members that the annual Bonfire Campaign had been launched on 15 October 2015 and this year the Brigade was using local radio to get the message across that arson is a criminal offence. He reported that the Brigade was working with the Borough Councils to remove fuel off the streets and a dedicated helpline had been set up to report bonfire making activities.

Councillor Biswas suggested the Brigade seek greater exposure and publicity via local media for the campaign. The Chair suggested Members use their own community groups to get the vital safety messages across.

Councillor Ray Goddard asked whether the closure of the tip at Redcar had contributed to the number of deliberate fires in this area. The CFO was not aware that the closure had made a significant impact but agreed to pick this issue up at the next Audit & Governance Committee meeting.

RESOLVED - That the Information Pack be noted.

40.6 Fire as a Health Asset

The Chief Fire Officer gave a presentation on the Fire Service as a Health Asset which covered the following key areas:

- What did Fire Service Reform (FRS) look like?
- Causes of Dwelling Fires, Fire Deaths and Arson
- What did FRS Reform achieve?
- The Challenges for Health
- The main causes of disease are lifestyle related
- Social Determinants (causes) of Health
- Prevention: Causes of Fire/Poor Health overlap
- Prevention is Key
- Opportunities to work together
- Tangible opportunities for intervention
- 30,000+ Opportunities for Intervention – the specifics
- FRS offer to Strategic Health Partners

The CFO advocated that Members make sure their respective Directors of Public Health know what the Brigade can do to help.

Councillor Kirton asked whether all councils had received the presentation. The CFO confirmed that he has been included on the agenda for the Health Board at Stockton. Councillor Stoker suggested the Stockton Safer Partnership was an ideal forum as it has a wide remit.

Councillor Mawston asked whether there was any financial gain from the Brigade delivering these additional health services. The CFO reported that the Brigade could be commissioned to deliver additional services.

40.6 Fire as a Health Asset continued

The CFO reported that only Redcar & Cleveland and Hartlepool Health & Wellbeing Boards had seen the presentation to date. The Chair agreed to take this forward to Middlesbrough and speak with the Mayor.

Councillor O'Donnell asked whether carbon monoxide alarms were included in the safety visits. The CFO confirmed that information was given out and a limited number of carbon monoxide alarms had been donated and distributed. Councillor O'Donnell asked if the Brigade targets advice to those in student accommodation at this time of year. The CFO confirmed that it did.

Councillor Biswas suggested the Brigade might wish to pursue some funding that he believed would be available via the Health & Wellbeing Boards.

RESOLVED – That the 'Fire as a Health Asset' presentation be noted.

41. REPORT OF THE CHAIR OF THE OVERVIEW & SCRUTINY COMMITTEE

41.1 Information Pack

Councillor Cooney, as Chair of the Overview & Scrutiny Committee, advised Members that at the meeting on 21 August 2015, Members agreed a Forward Work Programme for 2015/16 which included scrutinising the Three Watch Duty System and NEAS Trial.

RESOLVED – That the information pack be noted

42. REPORT OF THE CHAIR OF THE AUDIT & GOVERNANCE COMMITTEE

Information Pack

Councillor Stoker advised that the items presented on 28 August 2015 were outlined within the Information Pack. He highlighted the Organisational Performance for April – June 2015 and the 2014/15 Financial Report, which included the 2014/15 Statement of Accounts which had been scrutinised prior to approval by the Executive Committee on 25 September 2015.

RESOLVED – That the information pack be noted

43. ANY OTHER BUSINESS

The Chair informed Members that she had recently met with the Chair of Durham and Darlington Fire and Rescue Authority who had asked for a meeting to discuss the way forward regarding collaboration. She suggested that the Executive Committee meet with the Durham and Darlington Chair and some of its Members to discuss this issue further.

RESOLVED – that the Executive Committee meet with the Chair and some Members from Durham and Darlington FRA to discuss collaboration.

44. **LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION ORDER) 2006**
RESOLVED - “That under Section 100(A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 3 & 4 below of Part 1 Schedule 12A of the Local Government Act 1972 as mended 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 and namely information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

45. **CONFIDENTIAL MINUTES OF COMMITTEES**

RESOLVED – that the Confidential Minutes of the Special Executive Committee on 7 August 2015, Tender Committee on 11 September 2015 and Executive Committee on 25 September 2015 be confirmed.

COUNCILLOR JAN BRUNTON
CHAIR