



Chief Executive's Department  
Civic Centre  
HARTLEPOOL

7 March, 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, 17 March 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 17 March 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 meetings of the Council held on 18<sup>th</sup> February 2016 and 25<sup>th</sup> February 2016 as the correct record;
- (5) To answer questions from Members of the Council on the minutes of the last meetings 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) Corporate Procurement Strategy And Policy Document And Supporting Revisions To The Contract Procedure Rules – Report of Finance and Policy Committee
  - (2) Closure of the Assisted reproduction Unit at the University Hospital of Hartlepool – Outcome of the Joint Health Scrutiny Committee – Report of Audit and Governance Committee (*to follow*)



(10) To consider any other business specified in the summons to the meeting, and to receive questions and answers on any of those items;

(1) Constitution Review - Report of Monitoring Officer (*to follow*)

(11) To consider reports from the Policy Committees:

(a) proposals in relation to the Council's approved budget and policy framework; and

(1) Community Safety Plan 2014-17 (Year 3) – Report of Finance and Policy Committee

(2) Council Plan 2016/17 – Report of Finance and Policy Committee

(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. "That the council's budget and decision making procedure be amended to include a 'child poverty assessment' that will offer guidance on the potential impact of budget measures and other key decisions (as defined by article 13 of the constitution) on the level of child poverty in the borough."

Signed:

Councillors Brash, Riddle, Atkinson, Gibbon and Thompson

2. "That this council facilitates debate upon the issue of UK membership of the EU in light of the forthcoming referendum."

Signed:

Councillors Brash, Riddle, Atkinson, Gibbon and 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 and the Police and Crime Panel – None.



# **COUNCIL**

## **MINUTES OF PROCEEDINGS**

### **18 FEBRUARY 2016**

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
James	Lauderdale	Lawton
Lindridge	Loynes	Martin-Wells
Dr Morris	Richardson	Riddle
Robinson	Simmons	Springer
Tempest	Thomas	Thompson

**Officers:** Gill Alexander, Chief Executive  
Peter Devlin, Chief Solicitor  
Andrew Atkin, Assistant Chief Executive  
Chris Little, Chief Finance Officer  
Denise Ogden, Director of Regeneration and Neighbourhoods  
Alastair Rae, Public Relations Manager  
Amanda Whitaker, David Cosgrove, Democratic Services Team

#### **124. APOLOGIES FOR ABSENT MEMBERS**

Councillors Brash and Sirs

#### **125. DECLARATIONS OF INTEREST FROM MEMBERS**

The following Members declared personal interests in the agenda item relating to Expenditure Relevant to Member's Interests (minute number 137 refers):-

Councillor Simmons, Griffin, Cook, Clark, Thomas, Lauderdale, Thompson, Ainslie, Barclay, Christopher Akers-Belcher, Cranney and Stephen Akers-Belcher.

**126. BUSINESS REQUIRED BY STATUTE TO BE DONE BEFORE ANY OTHER BUSINESS**

None

**127. MINUTES OF PROCEEDINGS**

The Minutes of Proceedings of the Council held on the 21 January 2016, having been laid before the Council.

RESOLVED - That the minutes be confirmed.

The minutes were thereupon signed by the Chairman.

**128. QUESTIONS FROM MEMBERS OF THE COUNCIL ON THE MINUTES OF THE PREVIOUS MEETING OF THE COUNCIL**

With reference to minute 123(d), the Chief Solicitor responded to a request for an update on timescales in terms of the outcome of the investigation. Members were advised that following the Council meeting, the Chief Solicitor had given an indication of the sentiments expressed at the meeting to Cleveland Fire Authority and would update the Member further in due course.

**129. BUSINESS REQUIRED BY STATUTE**

None

**130. ANNOUNCEMENTS**

The Ceremonial Mayor announced that the Civic Dinner would be held on Friday, 26 February 2016 at 7 pm at the Flagship restaurant in Hartlepool College of Further Education and that the Mayoress at Home would be held on Thursday, 3 March 2016 at 2 pm in the Baltic Room at the Historic Quay.

Council was advised also that the Ceremonial Mayor would be holding an Afternoon Tea on Tuesday 8<sup>th</sup> March, commencing at 3pm at the Hartlepool Enterprise Centre in celebration of International Women's Day.

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

None

132. TO RECEIVE REPORTS FROM THE COUNCIL'S COMMITTEES

None

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

None

134. REPORT FROM THE POLICY COMMITTEES

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

1. Medium Term Financial Strategy 2016/17 to 2018/19 – Report of Finance and Policy Committee

Council received a presentation by the Chair of Finance and Policy Committee which highlighted the salient features of the Committee's report. Members were provided with details of the Local Government Finance Settlement announcement, including the introduction by the Government of the 2% Social Care precept, and the impact on the MTFS approved by Council in December 2015. It was highlighted that the Council's 2016/17 resources would be nearly £8.3m less than they were in 2015/16, reflecting the Government grant cut of nearly £4.5m and Power Station Business Rates reduction of £3.8m. The recommended Council Tax increase of 3.9%, including the 2% Adult Social Care precept, would generate nearly £1.3m. The remaining reduction in resources of £7m would be bridged from a combination of savings, housing growth and use of reserves. The report enabled Council to consider the final recommendations from the Finance and Policy Committee in relation to the 2016/17 Budget and Council Tax level.

The detailed report considered by Finance and Policy Committee on the 11<sup>th</sup> January 2016 had been appended to the report and enabled Council to approve the 2016/17 Council Tax for Hartlepool Council services. An appendix issued with the agenda provided detailed supporting information for the 2016/17 budget.

It was noted that details of the statutory 2016/17 Council Tax calculations, including the Council Tax levels approved by the Police and Crime Commissioner, Cleveland Fire Authority and Parish Councils, would be reported to Council on 25<sup>th</sup> February 2016.

Details of the final budget proposals referred by the Finance and Policy Committee following their meeting on 11<sup>th</sup> January 2016 were presented for the approval of Council as follows:-

- Note the Government Grant cuts for 2016/17 to 2018/19 are higher than forecast and this increases the forecast deficit for the next three years to

between £16.285m and £18.332m, depending on Council Tax levels for these years;

- Note the significant change in Government policy to end the Council Tax freeze regime and introduction of a Social Care precept of 2% in addition to the existing 1.9% Council Tax threshold for 2016/17;
- Note the Government will implement regulations requiring Authorities which implement the 2% Social Care precept to identify this amount separately on the Council Tax bill. This approach underlines the Government's commitment that the Social Care precept is part of the arrangement for addressing Social Care pressures and will help Councils explain the increase to the public;
- Note that as a result of the actual 2016/17 grant cut being higher than forecast, the Council faces an additional budget deficit of £2.1m;
- Approve the following proposal to reduce the additional budget deficit from £2.1m to £570,000:

	£'m
Additional Deficit – impact of higher grant cut	2.100
Less – Use of Uncommitted 2015/16 Outturn resources	(1.278)
Less – Increase in 2016/17 Council Tax Base	(0.252)
Net Deficit	0.570

- Approve a 2016/17 Council Tax of 1.9%, plus a 2% Social Care precept and note that this will enable £85,000 of the 2015/16 uncommitted Outturn resources to be allocated to support the 2017/18 budget;
- To note that for the majority of Hartlepool households (i.e. the 72% of households living in a Band A or B property) will have to pay no more than an additional 83p per week. For 96% of Local Council Tax Support scheme households the weekly increase will be no more than 10p per week.
- Approve a one-off budget allocation of £0.3m to fund one-off costs of implementing the 2017/18 and 2018/19 Savings Programme and authorise the Chief Executive, in consultation with the Chair of Finance and Policy Committee to determine and procure the support required to deliver the change and savings programme, up to a total limit of £0.3m.
- Approve the proposal that the one-off savings programme cost of £0.3m will be funded from an increase in the 2016/17 Capital receipts target.
- Note the additional advice provided by the Chief Finance Officer on the robustness of the budget proposals provided in section 12, including advice that the recommended 2016/17 Council Tax increase (including the 2% Social Care precept) provides the most sustainable basis for the 2016/17 budget and the Council's longer term financial position as this is the only option to increase resources on a recurring basis.

- Note that at this stage it is not clear what advantages, or disadvantages may arise from applying for a formal four year settlement from the Government. It is therefore recommended that a further report is submitted on this issue once more information is available to enable a final decision to be made.

The Chair, Councillor C Akers-Belcher, moved the above recommendations detailed in the Council report. The motion was seconded by Councillor Richardson.

Following the presentation by the Chair of Finance and Policy Committee, Members debated issues arising from the report.

During the debate, the following amendment was moved by Councillor R Martin-Wells and seconded by Councillor Loynes:-

“That the proposed 2016/17 Council Tax of 1.9% not be approved and be compensated by increasing the Local Council Tax Support Scheme to 20% and that the Mill House Leisure Centre be sold to the private sector with consequential savings arising from the transfer to the private sector”.

Members continued to debate the rationale for the proposed increase in Council Tax. During the debate concerns were expressed at the implications of the amendment with particular regard to the increase in the Local Council Tax Support Scheme.

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

Those in favour:

Councillors Gibbon, Hind, Loynes, Martin-Wells, Morris and Springer.

Those against:

Councillors Ainslie, C Akers-Belcher, S Akers-Belcher, Atkinson, Barclay, Beck, Belcher, Clark, Cook, Cranney, Fleet, Griffin, Hall, Jackson, James, Lauderdale, Lawton, Lindridge, Richardson, Riddle, Robinson, Simmons, Tempest, Thomas and Thompson.

Those abstaining:

None.

The vote 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, Griffin, Hall, Jackson, James, Lawton, Lindridge, Richardson, Robinson, Simmons, Tempest and Thomas.

Those against:

Councillors Atkinson, Gibbon, Hind, Lauderdale, Loynes, Martin-Wells, Morris, Riddle, Springer and Thompson.

Those abstaining:

None.

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

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

None

#### 135. MOTIONS ON NOTICE

None

#### 136. TREASURY MANAGEMENT STRATEGY

The Chief Executive advised Council that the Local Government Act 2003 required the Council to 'have regard to' the CIPFA Prudential Code and to set prudential indicators for the next three years to ensure that the Authority's capital investment plans were affordable, prudent and sustainable. The Act therefore required the Council to determine a Treasury Management Strategy for borrowing and to prepare an Annual Investment Strategy, which sets out the Authority's policies for managing its investments and for giving priority to the security and liquidity of those investments. The Secretary of State had issued Guidance on Local Government Investments which came into force on 1<sup>st</sup> April, 2004. This guidance had recommended that all Local Authorities produce an Annual Investment Strategy that is approved by full Council, which is also included in this report.

Members were advised that the Council was required to nominate a body to be responsible for ensuring effective scrutiny of the Treasury Management Strategy and policies, before making recommendations to Council. This responsibility had been allocated to the Audit and Governance Committee. The recommended Treasury Management Strategy had been considered by the Audit and Governance Committee on the 10<sup>th</sup> December 2015 and that report was appended to the report. The Audit and Governance Committee had carefully scrutinised the proposed Treasury Management strategy and had approved that the recommended strategy be referred to full Council. At the time

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

RESOLVED – That the report be noted and the recommendation from the Audit and Governance Committee of the following detailed recommendations for the 2016/17 Treasury Management Strategy and related issues be approved:-

Borrowing Strategy 2016/17

- (i) Core borrowing requirement – following the securing of exceptionally low interest rates approve that the remainder of the under borrowing is netted down against investments.
- (ii) To note that in the event of a change in economic circumstances that the Chief Finance Officer may take out additional borrowing if this secures the lowest long term interest cost.
- (iii) Borrowing required for business cases – Approve the continuation of the strategy of fully funding the borrowing for individual project costs in order to secure fixed long term interest rates in line with the approved business case.

Investment Strategy 2016/17

- (iv) Approve the use of Government Treasury Bills/Gilts and the appointment of King and Shaxson as custodian.
- (v) Approve the Counterparty limits as set out in paragraph 8.11 of Appendix 1.

Minimum Revenue Provision (MRP) Statement

- (vi) Approve the MRP statement outlined in paragraph 9.2 of Appendix 1.

Prudential Indicators 2016/17

- (vii) Approve the prudential indicators outlined in Appendix 2.

## 137. EXPENDITURE RELEVANT TO MEMBERS' INTERESTS

The Chief Executive reported that further to requests by Members, information had been appended to the report which provided details of any contracts for

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

The Chief Executive referred Members to appendix 4 and advised that the interest of Councillor Thomas in relation to Hartlepool Voluntary Development Agency had been inadvertently omitted from the appendix. Members were assured that documentation had been updated to correct the error.

RESOLVED – That the report be noted.

### 138. SPECIAL URGENCY DECISIONS

Council was informed that there were no special urgency decisions taken in the period November 2015 to January 2016. .

RESOLVED – That the report be noted.

### 137. PUBLIC QUESTION

#### 1. Question from Mr Latimer to Chair of Finance and Policy Committee

*“Are you willing to accept the accuracy of the Department of Communities and Local Government's figures for 2015-16 on national council tax levels? Specifically, are you prepared to acknowledge as accurate the figures in Table 8 of the department's data which show that the actual amount of money households in Hartlepool with two adults have been asked to pay in council tax during the current financial year is the 9th highest level of council tax asked of any household in the country and that even those living in a Band 'A' property in Hartlepool are currently paying the 9th highest Band 'A' rate in England.”*

The Chair of the Finance and Policy Committee advised that he had never questioned the DCLG figures. The Chair advised that the Department for Local Government and Communities published a range of comparative Council Tax information. As only 7% of households were in Council Tax Band D the Council had always argued that the DCLG “average council tax per dwelling” provided a more accurate comparison.

Members debated issues arising from the question. The Chair was asked if he would accept that no one paid average council tax and the press release which had been issued was therefore inaccurate. The Chair reiterated that the figure was a calculation compiled by the Department for Communities and Local Government.

During the debate, the Chief Solicitor clarified Council Procedure Rules in terms of a point of order and a personal explanation. It was confirmed that the ruling of the Chair of Council would be final.

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

*“Following your assertion in the Hartlepool Mail on the 22nd January. For council tax purposes, can he please tell me which band property an individual needs to purchase in order to pay the 55th lowest council tax in the country?*

*As the department of communities and local government states that Hartlepool is the 9th highest over all of 326 authorities, and the 3rd highest Unitary Authority in the country.*

reference: <https://www.gov.uk/government/statistics/council-tax-levels-set-by-local-authorities-in-england-2015-to-2016>”

The Chair of Finance and Policy Committee referred to his answer to the previous public question. He confirmed that the Department for Local Government and Communities published a range of comparative Council Tax information. It was reiterated that as only around 7% of households were in Council Tax Band D the Council had always argued that the DCLG “average council tax per dwelling” provided a more accurate comparison. It was highlighted also 26% of households paid less than the DCLG “average council tax” for Hartlepool of £901.

3. Question from Mr Holt to Chair of Regeneration Services Committee

*“I am part of a campaign group that wishes to see a statue of the alien from the Alien franchise installed in the town centre as a key part of Hartlepool Borough Council's Vision strategy, as a tribute to director Ridley Scott. We have a petition of 743 supporters backing the campaign on the website Change.org:*

*<https://www.change.org/p/hartlepool-borough-council-prospective-hartlepool-mp-candidates-let-s-have-a-massive-statue-of-the-alien-from-the-aliens-series-in-hartlepool>*

*Ridley Scott studied at the West Hartlepool College of Art, his first film Boy and Bicycle was filmed in Hartlepool around Seaton Carew.*

*We believe that this statue would bring many of the millions of fans of the series to our town to get a photograph with this iconic creation and it would likely receive positive international attention.*

*Our campaign group hopes that the idea gets the backing of Hartlepool Borough Councillors. Will the Council give its cross-party support and cooperation so this idea can become a reality for our town?”*

The Chair of the Regeneration Services Committee responded that he considered that it was a good idea to honour Ridley Scott especially given the plans for Church Street and for the College of Art and Design. However, it was highlighted that it would be appropriate to consider the proposal in further detail including the cost of the statue. The Chair suggested that he and the Vice Chair meet Mr Holt to discuss the proposal further together with the Assistant

Director, Regeneration and representatives of Cleveland College of Art and Design. The Chair added that he would contact Mr Holt to progress that meeting.

### 138. 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. Question from Councillor Riddle to Chair of Finance and Policy Committee

*“On Friday the 22nd of January, The Hartlepool Mail reported ‘figures published in a recent council financial report showed that when it comes to the average level of council tax per property, Hartlepool ranks 271 out of 326 local authority areas during 2015/16 – making it the 55th lowest average council tax in the country’.*

- i. Could you tell me who specifically compiled the data in the report please?*
- ii. Could you explain specifically what you mean by ‘average council tax’?*
- iii. Who specifically pays average council tax?*
- iv. The Department of Communities website current ranks Hartlepool as 9th highest in the entire country and 3rd highest of the unitary authorities for council tax rates. Are they wrong? If so will you be contacting them to change their statistics?*
- v. What was the purpose of issuing a HBC official press release claiming our council tax is the 55th lowest in the country?”*

The question was withdrawn at the meeting.

- 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

Council noted the minutes of the Police and Crime Panel held on the 10<sup>th</sup> December 2015 which had been circulated with the agenda.

The meeting concluded at 8.30 p.m.

CEREMONIAL MAYOR

# **COUNCIL**

## **MINUTES OF PROCEEDINGS**

### **25 February 2016**

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
Barclay	Beck	Belcher
Brash	Clark	Cook
Cranney	Gibbon	Griffin
Hall	Jackson	James
Lauderdale	Lindridge	Loynes
Martin-Wells	Richardson	Riddle
Robinson	Simmons	Tempest
Thomas	Thompson	

**Officers:** Gill Alexander, Chief Executive  
Peter Devlin, Chief Solicitor  
Andrew Atkin, Assistant Chief Executive  
Chris Little, Chief Finance Officer  
Steve Hilton, Public Relations Officer  
Amanda Whitaker, Denise Wimpenny, Democratic Services Team

#### **139. APOLOGIES FOR ABSENT MEMBERS**

Councillors Atkinson, Hind, Lawton, Dr Morris, Sirs and Springer

#### **140. DECLARATIONS OF INTEREST FROM MEMBERS**

None

#### **141. BUSINESS REQUIRED BY STATUTE TO BE DONE BEFORE ANY OTHER BUSINESS**

None

#### **142. MINUTES OF PROCEEDINGS**

The Minutes of Proceedings of the Council held on the 18<sup>th</sup> February 2016 were

not available for consideration at the meeting.

RESOLVED - That the minutes be deferred for consideration at the next Ordinary meeting of Council.

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

None

144. BUSINESS REQUIRED BY STATUTE

None

145. ANNOUNCEMENTS

None

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

None

147. TO RECEIVE REPORTS FROM THE COUNCIL'S COMMITTEES

None

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

None

149. REPORT FROM THE POLICY COMMITTEES

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

None

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

None

## 150. MOTIONS ON NOTICE

None

## 151. FORMAL COUNCIL TAX SETTING 2016/2017 – INCORPORATION OF FIRE AUTHORITY, OFFICE OF THE POLICE AND CRIME COMMISSIONER AND PARISH COUNCIL PRECEPTS

Further to minute 134 of the Council meeting held on 18 February 2016, the Chief Executive presented a report which enabled Council to set the overall level of Council Tax following the notification by precepting authorities of their approved 2016/17 Council Tax levels.

Members were reminded that the determination of the overall Council Tax level was a statutory function, which brought together the individual Council Tax levels determined by this Council, Cleveland Fire Authority, the Office of the Police and Crime Commissioner and where applicable Parish Councils. In order to ensure there was clear accountability for decisions made by precepting Authorities, Members were advised that the Council Tax bills for Hartlepool residents would clearly show that Hartlepool Council increased its own tax by 3.9% (inclusive of the 2% Adult Social Care Precept) and would show the relevant percentage increases for the Fire Authority and the Office of the Police and Crime Commissioner approved by these organisations as follows:

- i) The decision by the Fire Authority on 12<sup>th</sup> February 2016 to approve a 1.9% Council Tax increase for 2016/17;
- ii) The decision of the Office of the Police and Crime Commissioner on 4<sup>th</sup> February 2016 to approve a 1.99% Council Tax increase for 2016/17.

The Table included in the report showed the statutory Council Tax calculations, incorporating the 2016/17 Council Tax levels approved by the Council, the Office of the Police and Crime Commissioner and Cleveland Fire Authority, which this Council was required to approve as a Billing Authority:

The statutory calculations incorporating the 2016/17 Council Tax levels approved by the Office of the Police and Crime Commissioner, Cleveland Fire Authority and the parish Precepts were shown in Appendix B, Table 3.

The Chief Executive highlighted that tabled at the meeting was information which supplemented the statutory calculations detailed in Appendix B in terms of a summary of percentage council tax increases 2016/17 for a band A property and the weekly increase in Council Tax for Hartlepool Borough Council and the total weekly increase in Council Tax.

Council was requested to

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

Members debated issues arising from the report including the rationale for convening this Council meeting due to the restricted business included on the agenda. Discussion followed on the merits of the precepts set by the Office of the Police and Crime Commissioner and Cleveland Fire Authority when contrary views were expressed on support for the precept set by the Office of the Police and Crime Commissioner.

Clarification was sought from the Chief Solicitor that the impending vote related only to the statutory calculations incorporating the 2016/17 Council Tax levels approved by the Office of the Police and Crime Commissioner, Cleveland Fire Authority and the parish Precepts. Whilst confirming the accuracy of that statement, the Chief Solicitor advised that the vote could be construed otherwise i.e. as approval of each component part of the overall level of Council Tax as the Regulations did refer to consideration of the calculation as a 'budget decision' which required a recorded vote.

Councillor Brash advised that based on the advice received from the Chief Solicitor, he would be voting against the recommendations as he did not support all the components of the Council Tax increase; he was against the 1.9% element of the increase in council tax for Hartlepool Council.

In accordance with Council Procedure Rule 17.5 of the Constitution and based on the clarification provided by the Chief Solicitor, a recorded vote was taken:-.

Those in favour:

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

Those against:

Councillors Brash, Gibbon, Loynes, Martin-Wells, Riddle and Thompson

Those abstaining:

None.

## 152. PUBLIC QUESTION

None

153. QUESTIONS FROM MEMBERS OF THE COUNCIL

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

None

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

None

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

None

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

The minutes of the meeting held by Cleveland Fire Authority held on 11 December 2015 were noted.

With reference to minute 128 of the meeting held on 18 February, 2016, a further update was requested on the outcome of the investigation. Members were advised that, since the last Council meeting, the Chief Solicitor had now spoken with the Independent Person and following that had written to the Members involved. The issue continued to be ongoing. However, the Chief Solicitor provided assurance that he would report to Members in due course.

The meeting concluded at 7.20 p.m.

CEREMONIAL MAYOR

# **COUNCIL**

**17<sup>th</sup> March 2016**



**Report of:** Finance and Policy Committee

**Subject:** CORPORATE PROCUREMENT STRATEGY AND  
POLICY DOCUMENT AND SUPPORTING  
REVISIONS TO THE CONTRACT PROCEDURE  
RULES

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

1.1 Non Key decision.

**2. PURPOSE OF REPORT**

2.1 To present Council with an updated Procurement Strategy and Policy document and amended Contract Procedure Rules for review, comment and/or endorsement.

**3. BACKGROUND**

3.1 The Council currently has a number of procurement related strategy documents, namely the Commissioning & Procurement Strategy 2014, the Sustainable Procurement Strategy 2011-2014 and the Council's E-Procurement Strategy.

The attached Procurement Strategy and Policy Document aims to replace all of these documents, amalgamating their contents and bringing the information up to date.

The new Procurement Strategy and Policy Document is based on the contents of its predecessors, however, it also references the recent National Procurement Strategy for Local Government in England 2014, detailing where elements dovetail between the two documents.

In addition to the Procurement Strategy and Policy document, revised Contract Procedure Rules (CPR's) are also attached. The CPR's have been amended largely to address issues raised in the Strategy and Policy

document, although there are a few minor amends which are explained later in this report.

#### **4. PROPOSALS**

##### **4.1 Procurement Strategy & Policy document 2015 - 2018**

The attached document has been developed following a review of several existing strategic procurement documents, the aim of the review being to update and amalgamate the existing documentation.

The strategic aims and principles of the Procurement function are fairly static, and haven't changed from those described in the earlier documentation referred to above. These are detailed in sections 2, 3 and 4 of the attached document.

Section 5 of the document explains the roles of the various parties involved in the management and governance of the Council's procurement activities.

Section 6 explains what procurement 'on the ground' looks like in the Council, highlighting a wide range of issues which impact on or form part of the procurement process. Examples include the Council's VCS Strategy, tactical procurement strategies, Contract Procedure Rules, evaluation of tenders, to name a few.

Section 7 describes how the Council supports its delivery of its procurement strategies and policies through the use of e-procurement systems. E-procurement is embedded across the Council with over 200 staff being trained and having access to the Council's e-quotation system.

Finally, Section 8 of the document explains how the Corporate Procurement Team support income generation across the Council, from bid writing to disposal of surplus equipment.

##### **4.1.1 Changes**

During the review process a proposal to change the threshold at which formal written quotations were required was considered.

It is now proposed that the threshold be raised from the current £2000 level, to a new level of £5000. In practical terms this means that where previously, for expenditure over £2000, council officers would have to use the e-quotation system and invite a minimum of 3 companies to quote, they would now only have to undertake this process where the expenditure was in excess of £5000.

An analysis of other Council's procurement thresholds demonstrated that this proposal is consistent with the majority of practices in place amongst the other north eastern councils.

A further change which has been incorporated into this document is the new EU public procurement thresholds which come into effect from 1<sup>st</sup> January 2016.

In addition to reviewing thresholds, a further element was added to the document, this being the requirement that officers must submit a CPR exemption form in the event that they wish to use a third party provider when an in-house service provider is available. This amendment provides flexibility for officers where it can be demonstrated that in-house services are not the optimum solution to their requirement. It also provides an audit trail and visibility of these decisions by reporting any such exemptions on a quarterly basis to Finance & Policy Committee.

#### 4.2 Revised Contract Procedure Rules

In order to ensure that the Procurement Strategy and Policy document and the Contract Procedure Rules (CPR's) are synchronised, there are a number of complimentary changes proposed for the CPR's and these are detailed below.

<b>Change</b>	<b>Amendment to CPR's</b>
1. Changes to EU Procurement thresholds	Paragraph 5(2) of the Introduction has been amended to refer to the 'prevailing' thresholds' as opposed to specific figures. This will remove the need to amend the CPR's every time the thresholds change (highlighted).
2. Correction of cross-reference	Part A 1(ii) contained an inaccurate cross-reference. This has now been corrected (highlighted).
3. Goods for resale	Certain trading arms of the Council have found it difficult to apply the requirements of the CPR's when purchasing products for resale, e.g. Plants for resale at Inspirations garden centre. As a result of discussions on this matter, it is proposed that such items are removed from the scope of the CPR's. Part C(3)(i) has been redrafted to reflect this proposal (highlighted).
4. Increase in threshold from £2000 to £5000	There are multiple changes to Part C(4) to reflect this proposed change (highlighted).
5. Post contract variations and negotiations	The issue of what action can be taken by officers in the event of there being no acceptable tenders submitted in response to an invitation to tender is not currently covered in the CPR's. It is proposed that Part G (19)(iii)(a) be amended to permit negotiations with suppliers in the event that no acceptable tenders have been received. This flexibility may lead to the development of acceptable responses without having to undertake a time consuming second process.

## 5. RISK IMPLICATIONS

### 5.1 There are no risk implications in relation to this proposal.

**6. FINANCIAL CONSIDERATIONS**

- 6.1 There are no direct financial considerations in relation to this proposal.

**7. LEGAL CONSIDERATIONS**

- 7.1 The Legal Team have confirmed that any changes to the CPRs and Strategies must be compliant with the Public Contract Regulations.

The Legal Team have also highlighted that as the proposed amendments to the CPR's represent a constitutional change they cannot be adopted without approval from Council.

**8. CHILD AND FAMILY POVERTY**

- 8.1 There are no child and family poverty implications in relation to this proposal.

**9. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 9.1 There are no equality and diversity considerations in relation to this proposal.

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

- 10.1 There are no Section 17 considerations in relation to this proposal.

**11. STAFF CONSIDERATIONS**

- 11.1 There are no staff considerations in relation to this proposal.

**12. ASSET MANAGEMENT CONSIDERATIONS**

- 12.1 There are no asset management considerations in relation to this proposal.

**13. RECOMMENDATIONS**

- 13.1 That Council approve the proposed changes to the Constitution and Corporate Procurement documentation.

**14. REASONS FOR RECOMMENDATIONS**

- 14.1 Several existing strategy documents require refreshing and there is a degree of duplication across their content, therefore development of a single

document is more efficient and will prevent the possibility of inconsistencies. In order to be able to enact these changes, there will need to be changes made to the CPR's and these require Council approval.

## **15. BACKGROUND PAPERS**

### **15.1 APPENDIX A - CORPORATE PROCUREMENT STRATEGY AND POLICY DOCUMENT.**

#### **APPENDIX B – REVISED CONTRACT PROCEDURE RULES**

## **16. CONTACT OFFICER**

16.1 Denise Ogden  
Director of Regeneration and Neighbourhoods  
Civic Centre  
Victoria Road  
Hartlepool  
TS24 8AY  
Email [denise.ogden@hartlepool.gov.uk](mailto:denise.ogden@hartlepool.gov.uk)  
Tel: 01429 523301

# Procurement Strategy & Policy document 2015 – 2018

### Contents

1. INTRODUCTION.....	4
2. VISION FOR PROCUREMENT .....	5
3. STRATEGY AND POLICY OBJECTIVES .....	5
4. PRINCIPLES.....	5
5. PROCUREMENT AT HARTLEPOOL BOROUGH COUNCIL .....	6
5.1 Implementation Responsibility and Accountability (NPS C) .....	6
5.1.1 Corporate Management Team .....	6
5.1.2 Members.....	6
5.1.3 Heads of Service, Managers and Team Leaders.....	6
5.1.4 Corporate Procurement Team.....	6
6. EFFICIENT AND EFFECTIVE PROCUREMENT .....	7
6.1 In-house Teams (NPS B) .....	7
6.2 Voluntary and Community Sector (VCS) Strategy (NPS B) .....	8
6.3 Public Health Contracts (NPS C) .....	9
6.4 Tactical Procurement Strategies (NPS A) .....	9
6.5 Procurement Policies, Procedures and EU Directives (NPS D).....	10
6.6 Analysis Of Spend (NPS A) .....	10
6.7 Contract Specification (NPS A) .....	11
6.8 Evaluation of Tenders (NPS A).....	11
6.9 Price / Quality Evaluation (NPS D).....	11
6.10 Capital Assets and High Risk Procurement Projects (NPS A).....	12
6.11 Collaboration and Shared Procurement (NPS A).....	12
6.12 Risk (NPS A).....	13
6.13 Business Continuity (NPS A) .....	13
6.14 Sustainability and Social Goals (NPS B) .....	14
6.15 Public Services (Social Value) Act 2012 (NPS B) .....	14
6.16 Localism Act 2011 – “Right To Challenge” (NPS B).....	15
6.17 Developing the Local Economy and Voluntary Sector (NPS B) .....	16
6.18 Equality and Supplier Diversity (NPS B) .....	16
6.19 Local Suppliers (NPS B) .....	17
6.20 Contract and Supplier Management (NPS A) .....	17
6.21 Training and Development (NPS C) .....	17
7. e-PROCUREMENT POLICY (NPS D).....	17

Figure 1 - Procurement Processes .....18

Figure 2 - Advertising requirements .....19

8. INCOME GENERATION .....20

Income Generation (NPS D) .....20

Disposals (NPS D) .....20

## 1. INTRODUCTION

Improving the way in which Councils across the country buy goods and services is a key factor in modernising local government and achieving the necessary reductions in the Council's cost base, never more so than in the current economic climate.

It is recognised that the Council's approach to procurement can have a positive effect by reducing operating costs and by ensuring our procurement decision making processes consider a broad range of issues and principles, not just price.

The Council believes that its procurement activity can make a positive contribution in terms of equality and diversity, a successful local economy and a thriving voluntary sector.

The positive effect of the procurement function has also been recognised by the Local Government Association and they have produced a '*National Procurement Strategy for Local Government in England*'.

This strategy is built around four particular themes which apply across the whole of Local Government. These themes are:

- Theme A - Making Savings (NPS A)
- Theme B - Supporting Local Economies (NPS B)
- Theme C - Demonstrating Leadership (NPS C)
- Theme D - Modernisation (NPS D)

It is Hartlepool Borough Council's intention to apply the appropriate elements of the National Procurement Strategy to its own procurement practices and to augment these with other local procurement priorities, creating a compilation which supports both national and local aims and objectives.

Further details of the above themes are provided in Annex A.

Where this Procurement Strategy and Policy document links to the National Procurement Strategy, the elements are annotated with a reference to the relevant theme referred to above.

The purpose of this Strategy and Policy document is to describe our approach to developing procurement within the Council to better achieve our objectives and to meet the pressing needs of the Council in terms of reducing its cost base and increasing its levels of income generation.

## 2. VISION FOR PROCUREMENT

The Council's vision for its Corporate Procurement Service is:

*'To support the delivery of cost-effective high quality services which underpin the Council's corporate priorities, through a strategic and systematic approach to procurement and business development'*

## 3. STRATEGY AND POLICY OBJECTIVES

The objectives of the Corporate Procurement Service are to:

- Continue to develop a category management focused approach to procurement
- Deliver a common, corporate process of strategic sourcing and business development, making use of partnership and collaborative working where appropriate
- Drive out inefficiencies and reduce costs both in and through the procurement process, making use of e-procurement solutions where possible
- Increase the proportion of spend against contracted and approved suppliers
- Enhance governance and skills within procurement, ensuring that procurement processes are legitimate and that maximum benefit is derived through knowledge of applicable legislation
- Support the required increase in income generation
- Support the local economy within the constraints of public procurement legislation

## 4. PRINCIPLES

The principles which underpin our procurement activities are:

- We will require that all procurement activity supports our corporate priorities
- We will enact our commitment to strategic, effective, consistent and co-ordinated procurement, which recognises and reflects local circumstances.
- We will promote and deliver sustainability, local economic development and equality and diversity objectives through procurement activities.
- We will maximise procurement collaboration with other public bodies and partnering arrangements with suppliers where this supports the best interests of the Council and local economic development
- We will enhance our procurement relationship with the voluntary and community sector
- We will ensure that procurement is undertaken by suitably skilled and experienced staff
- We will ensure that all procurement is operated in a legal and professional manner with the highest standards of governance, probity, transparency, openness, accountability and fairness

- We will encourage a varied and competitive supply market
- We will ensure an efficient procurement process through maximising the use of electronic procurement ('e-procurement')
- We will develop and operate an efficient, effective and successful process in relation to commercial bid development, tender submission and contract management (through service delivery departments)

## **5. PROCUREMENT AT HARTLEPOOL BOROUGH COUNCIL**

### **5.1 Implementation Responsibility and Accountability (NPS C)**

#### **5.1.1 Corporate Management Team**

The Corporate Management Team, through the Director of the Regeneration and Neighbourhoods Department as the corporate lead for Procurement, is responsible for owning, leading, driving and challenging services to implement the Council's procurement strategy and policies.

#### **5.1.2 Members**

To provide political commitment to the strategy and policies, the Finance and Policy Committee has lead responsibility for procurement and will ensure that procurement is recognised and proactively considered in the political processes of the Council and its partners.

#### **5.1.3 Heads of Service, Managers and Team Leaders**

Operational responsibility for procurement of a value less than £60k (or £100k for Works) rests with individual managers throughout the Council. They manage and undertake procurement activity in line with the strategy and policies, and acting within the Contract Procedure Rules (CPR's) specified in the Council's Constitution. They are expected to implement any good practice guidance provided by the Corporate Procurement Team and to contribute to the sharing of information around good practice, to improve the procurement performance of the Council.

Departmental procurers are also responsible, as budget holders and Client managers, for development of specifications, development of contract conditions particular to the service/products/works required, and following contract award, for the ongoing management of the contract.

#### **5.1.4 Corporate Procurement Team**

The team has responsibility for managing all tender activity and all EU tenders.

The team advises and supports service areas on issues around smaller value quotes.

The team provides an interface between the Council and the collaborative procurement partners it engages with.

The team is responsible for ensuring that all Council spend is compliant with Public Procurement Regulations and the Council's own Contract Procedure Rules (CPR's).

The Corporate Procurement team are also responsible for the development of contract conditions for corporate contracts, and following award, for the management of corporate contracts.

In addition to procurement activities, the team also provides bid management services for areas of the Council tendering to win business with other organisations, and a service to maximise income from the disposal of redundant equipment.

## 6. EFFICIENT AND EFFECTIVE PROCUREMENT

Procurement covers the process of acquiring goods, services and works either from third parties or through in-house sources and covers the entire cycle from identifying needs through to the end of a contract. It is important that the Council sets clear rules for the procurement of these goods, services and works to ensure that procurement is carried out with openness, integrity and accountability, that the probity and transparency of the process is evidenced and that the Council is fulfilling its responsibilities.

Although there is a Corporate Procurement Team, procurement activities are devolved across the Council's Departments.

The decision making process with regard to the various procurement routes is detailed in Annex B.

It is important to note there is an explicit requirement that, where they exist, in-house services are used for the provision of goods, services and works. As a result of the services being delivered by in-house resources, there is no procurement process to follow, a potential cost saving in itself.

There is a common thread of social value questions to be built into relevant procurement projects and this should be taken into account during the whole contract life cycle. Social value should be measured throughout the contract.

### 6.1 In-house Teams (NPS B)

Within Hartlepool Borough Council the primary procurement route for all goods, services and works is via in-house teams.

Procurers must always ask the question – “Does the Council have an in-house provider?”

The Council has a variety of in-house teams that provide materials and other goods (via a stores service and corporate procurement) as well as professional and technical services including operational delivery teams.

The benefits of the in-house route include:-

- Retention and growth of jobs
- The ability to grown our own expertise
- The recovery of Council overheads

Use of third-party providers when an in-house provider exists is permitted, however this will require the submission and approval of a Contract Procedure Rules exemption request.

The purpose of requiring the submission of a Contract Procedure Rules exemption request is to provide a checkpoint before the external provider is engaged. The CPR exemption request form is required to provide details as to why use of a non-Council provider will deliver improved value for money.

This process also provides an opportunity for the in-house service provider to review its own offering in the light of competitor information.

Where there are considerations other than value for money to take into account, the CPR exemption approval process will allow senior management to advise the applicant of these and, if appropriate, direct them to use the relevant in-house service.

As with all granted CPR exemptions, details will be reported retrospectively to Finance & Policy Committee on a quarterly basis.

### **6.2 Voluntary and Community Sector (VCS) Strategy (NPS B)**

The Council procures a range of services from the Voluntary and Community Sector (VCS) and has sought to describe its relationship with the sector through the development of its VCS strategy.

The Council adopted its VCS strategy in late 2012, combining the former Hartlepool Compact and Voluntary Sector Strategy into one comprehensive document. Developed in partnership with public sector partners and the VCS, the document clearly outlines the Council’s commitment to working with the VCS and the implications that this may have in terms of capacity, skills, training and resources.

The shared undertakings outlined within the 3 objectives of the strategy form the basis of the working relationship between partners whilst informing the procurement processes that the Council adopts. These objectives are as follows:

- **Have a say**

To ensure that voluntary and community sector organisations are able to comment on and influence public sector strategies and service delivery plans, in order to develop more reliable and robust policies and strategies that better reflect the community's needs and wishes.

- **Take Part and Deliver**

To improve the relationship between public sector partners and the VCS within Hartlepool in managing and using resources to achieve a strong and prosperous VCS that contributes to the delivery of good public services within the town.

- **Strengthen and Develop**

To ensure a strong and diverse VCS that promotes inclusion across the town as well as a clearer understanding of community groups within the sector as a whole. The VCS is able to get involved, build capacity and develop, strengthening the local communities that they serve.

### 6.3 Public Health Contracts (NPS C)

The Council has responsibility for Public Health contracts, an activity which is managed and organized by the Council's Director of Public Health with support being provided by the Council's Corporate Procurement Team.

### 6.4 Tactical Procurement Strategies (NPS A)

There are a variety of tactical procurement strategies which the Council can employ. The choice of which strategy to pursue affects the procurement route to be followed, the scope of a contract, the scale of a contract etc.

All of these decisions impact upon the suppliers in the marketplace and can either encourage, discourage or even prevent suppliers from bidding for Council work.

As a result of the importance of these decisions, officers are required to record details of and the rationale behind the procurement strategy to be employed. As a minimum, the details must include the following:

- Scope of the contract
- Reasons for tender packaging and structure of lots
- Basis of any price/quality split to be used in the evaluation process
- Contract extensions

To ensure that records of these decisions are available for review, this information will be retained for audit purposes and in the event that the relevant Policy Committee requests a review of the procurement process.

### 6.5 Procurement Policies, Procedures and EU Directives (NPS D)

Procurement is governed by the Council's Contract Procedure Rules. In respect of major procurements the following principles will be observed:

- We will provide potential suppliers with clear requirements specifications at the earliest possible stage, and ensure these are understood.
- For high value purchases (over the EU procurement thresholds) we will always publish our tender evaluation criteria at the tender stage to make clear to prospective suppliers how we intend to select the preferred supplier. We will keep up to date with legislation and provide continuous learning opportunities for procurement staff.
- The EU Remedies Directive came into force on 20 December 2009 and affects all procurement activity after that date. The directive provides rights for an unsuccessful tenderer to pursue the Council for damages if the Council has failed to comply with the EU Procurement legislation. The Council's constitution requires that any tender exercises exceeding the EU threshold be managed by the Corporate Procurement Team in order to reduce any contractual or procurement related risks to the Council.
- We will offer to provide feedback to all parties to a tendering process explaining why they were not successful.
- The Council will work collaboratively with other regional and sub regional procurement groups in order to be able to deliver best value to the Council taxpayer.
- The Council utilise its e-procurement system and will continue to expand its use and functionality wherever possible.

### 6.6 Analysis Of Spend (NPS A)

Expenditure analysis is an ongoing activity to focus the Council's procurement activities. This includes identifying opportunities to aggregate spend and implement contractual solutions for ad hoc areas of spend which are currently 'below the radar'. Implementation of procurement arrangements in these areas will offer opportunities to develop new supply arrangements with local suppliers and support the local economy, where appropriate and possible.

### 6.7 Contract Specification (NPS A)

In order to achieve maximum benefits from contracts with third parties, the Council will focus on improving the specification for contracts and the terms and conditions applicable to contracts.

The Council will utilise specialist advice on the drafting of its major contracts and, where appropriate, it will consider innovative contractual arrangements which provide the flexibility to respond to changing needs over the term of the contract.

### 6.8 Evaluation of Tenders (NPS A)

Evaluation of tenders will be conducted in accordance with the latest EU directives, relevant case law and Crown Commercial Services (CCS) guidance and will be based strictly on the criteria and the respective weightings published in the tender documentation.

The use of evaluation criteria will be proportional to the size of the procurement. For lower cost requirements simplified criteria will be applied, however, depending on the complexity and level of risk associated with the contract, it may be deemed necessary to use more sophisticated criteria.

Wherever possible the Council will seek to award contracts on a competitive, most economically advantageous basis and, where appropriate, an evaluation and comparison of whole life costs will be performed and considered in making award recommendations.

### 6.9 Price / Quality Evaluation (NPS D)

Where the Council elects to use a price/quality evaluation split, this will be defined prior to the procurement commencing and an agreed marking mechanism will be developed which describes the ratio. Decisions taken with regard to the price/quality split ratio will be appropriate and justifiable.

Price/quality evaluation strategies must ensure a high level of transparency in relation to the following:-

- Scope of the contract
- Reasons for tender packaging and structure of lots
- Basis of any price / quality split to be used in the evaluation process
- The links with social value to quality - the Council's Contract Procedure Rules require that this information be recorded and available for review by the relevant Policy Committee if required.

To illustrate, the list below provides some examples of quality measures which could be used in a tender evaluation, as appropriate to the tender:-

- Responsiveness

- Quality targets
- Service levels
- Location
- Retain and grow jobs
- Training and apprenticeships
- Local employment
- Customer benefit
- Community benefits – residents and businesses

Price/quality splits in tender evaluation will be carefully considered to get the right balance, particularly where the price is fixed.

Where price is fixed the tender evaluation must ensure the quality measures are heavily weighted possibly 100% of the evaluation so long as a threshold in meeting price and financial requirements is met. An allowance will need to be considered in the event a tendered offer produces a saving on the fixed price.

Tender instructions will be formed in conjunction with the Corporate Procurement Team.

### **6.10 Capital Assets and High Risk Procurement Projects (NPS A)**

In the event that the Council does not have the necessary in-house expertise to manage the procurement of major capital assets and/or high risk service projects, it will appoint subject matter experts to advise it on the procurement as required to ensure optimal value for money and risk management.

The Council recognises that procurement should not end with the provision of the capital asset or award of the service contract but involves the whole-life cost and it will use whole-life cost analysis to support bid analysis and comparison, where appropriate, including disposal costs.

### **6.11 Collaboration and Shared Procurement (NPS A)**

Hartlepool Borough Council (HBC) is a member of NEPO (the North East Procurement Organisation), along with the majority of other North East regional Councils. In addition, HBC works closely with the other Councils in the Tees Valley sub region, through the Tees Valley Joint Procurement Group (TVJPG).

NEPO is a shared resource funded through Local Authority subscriptions. It provides a range of services to its members including management of the region's e-procurement portal, which is used extensively across HBC, and a range of contracts for generic goods and services used by Council's across the region, e.g. gas and electricity, food, stationery etc.

NEPO's business model provides a rebate to member Councils based upon the amount of expenditure each Council has made against NEPO contracts.

On a less formal basis, HBC also works with other Council's in the Tees Valley through the TVJPG. This collaboration takes the form of a monthly meeting at which the respective Council's Heads of Procurement meet and develop ideas and opportunities for collaborative contracts. Typically the contracts will be frameworks developed by one of the group with an allowance included for other authorities in the sub region to use the arrangement should it suit their purposes to do so.

There is no direct funding provided to this group and attendance at meetings and subsequent contracting activities are absorbed within existing resources.

### 6.12 Risk (NPS A)

The Council will make sure that any risk to the Authority or the community it serves is properly recognised in all its procurement dealings. It will identify risks, evaluate their potential consequences and effectively manage those risks accordingly at every stage of procurement.

The Council will consider potential risks prior to any procurement activity, to ensure that the appropriate sourcing strategy is chosen.

In terms of the Council's procurement process, most risks can be categorised in four areas, as follows:

- Strategic – e.g. long term impact of bad decision or poor implementation.
- Procedural – e.g. failure to comply with legislation, internal procedures, processes, codes.
- Legal – e.g. illegal or unethical practices or lack of documentation.
- Operational – e.g. poor contract management, failure to deliver, terms do not meet requirements/expectations.

It is important that these risks are recognised where they exist and measures taken to mitigate them.

### 6.13 Business Continuity (NPS A)

Business continuity is the process of preparing for and responding to a disaster event or situation that could have a serious impact on the delivery of the Council's services. All contracts for key service provision, or which support in house services which are named in the Council's Business Continuity arrangements, will be required to have approved business continuity plans in place which will ensure continuity of service in the event of normal service disruption.

Depending upon the service being tendered, the Council will include a condition that bidders must provide details of their business continuity plans. Failure to have such plans in place may result in the rejection of an offer.

### 6.14 Sustainability and Social Goals (NPS B)

Hartlepool Borough Council recognises its responsibility to carry out its procurement activities sustainably: providing value for money and in an environmentally and socially responsible manner. Sustainable procurement safeguards the long-term interests of the communities in Hartlepool.

The Council has determined a Sustainable Procurement Policy Statement which was endorsed by the then Portfolio Holder on 18<sup>th</sup> May 2010 and is included as **Annex C**.

We recognise our role in encouraging our suppliers and contractors to minimise any negative impacts of their activities and to promote economic and community regeneration associated with the products and services they provide.

In addition, where relevant and suitable, the Council will endeavour to secure commitment from bidders to offer training, apprenticeships etc. in the event they are awarded a contract. This approach has proved successful with construction type contracts.

### 6.15 Public Services (Social Value) Act 2012 (NPS B)

The Council's CPR's incorporate the requirements of the Public Services (Social Value) Act 2012.

The Act's purpose is to require public authorities to have regard to 'economic, social and environmental well-being' in connection with public services contracts and for connected purposes.

Hartlepool Borough Council considers, prior to undertaking the procurement process, how any services procured (whether covered by the Public Contracts Regulations 2015 or otherwise) might improve the economic, social and environmental wellbeing in areas which we exercise our functions. Furthermore we consider how we can secure such improvements as part of the procurement process and during service delivery.

Recording the project procurement strategy, coupled with the record keeping requirements of the Social Value Act will enable the Authority to evidence its :

- Consideration of the contract size/structure/available in-house provision, the structure of local supply markets and capabilities of 3<sup>rd</sup> sector/VCS organisations
- Decision making process in relation to devising the procurement strategy
- Structuring of the price/quality split to reflect the needs of the service and the locality

- Consideration of how what is being proposed to be procured might improve the economic, social and environmental wellbeing of the relevant area (and this is the Authority's own area (or combined areas if it is a joint procurement) in which it 'primarily exercised its functions')
- Consideration of how, in conducting the procurement process, it might act with a view to securing that improvement (although the Act makes it clear, in order to remain in line with EU law, that anything under this limb must be relevant and proportionate in respect of the proposed contract)
- Consideration of whether there is a need to undertake any consultation
- Considerations around letting smaller contracts and/or breaking down into constituent parts
- Considerations around letting smaller contracts with less onerous application procedures

By requiring the primary procurement route of the Council to be via in-house teams Social Value is promoted "at home".

### **6.16 Localism Act 2011 – "Right To Challenge" (NPS B)**

Once a decision has been made to procure a service following acceptance of a challenge submitted under the 'Community Right to Challenge' legislation, the Council's Contract Procedure Rules come into effect.

As with all other procurement activities undertaken by the Council, the procurement procedure will be selected by assessing the value of the contract to be awarded.

Given the possible nature of the services subject to challenge, care will be taken to ensure that evaluation criteria are utilised which reflect the Council's obligation to secure Best Value and meet the requirements laid down in the Public Services (Social Value) Act 2012, i.e. to consider how the procurement can promote or improve the social, economic or environmental well-being of the authority's area.

In addition, care will be taken to ensure that Third Sector and Voluntary & Community Sector organisations are not excluded from bidding for services as a result of the Council incorporating requirements which are not proportional to the value of the service and any associated risks relating to public safety, service delivery, service continuity etc.

In addition to the above, any planned procurement activity will take into account any pre-existing contractual obligations the Council may have. This may

result in decisions being required on whether to extend or terminate an existing contract.

### **6.17 Developing the Local Economy and Voluntary Sector (NPS B)**

For the purpose of this strategy document, the term 'local supplier' refers to any company whose presence in the Borough of Hartlepool provides significant local benefits to the community, through employing staff, offering training opportunities and demonstrates a commitment to the local economy.

HBC is keen to support its local supply base and provides training workshops for local suppliers which can range from tendering workshops to sessions about certain elements of procurement.

HBC also provides support to local business organisations and has worked on several occasions with the Federation of Small Businesses (FSB).

### **6.18 Equality and Supplier Diversity (NPS B)**

As a Council, we deliver services to customers and value our employees equally, irrespective of their ethnicity, gender, age, religion or belief, disability, sexual orientation or any other irrelevant factor. We recognise and value difference and respect our staff and service users as individuals.

To ensure that the Council procures works, services and goods in a way which promotes equality and diversity, we strive to:

- have a fair and accessible procurement process
- make sure that where contractors deliver services on our behalf, they do so in a way which meets the needs of all our residents and/or employees

By being proactive in these two areas, the Council will help to achieve its vision of creating an ambitious, healthy, respectful, inclusive, thriving and outward-looking community, in an attractive and safe environment, where everyone is able to realise their potential.

We will also be meeting our statutory duties to eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010 against individual's relevant protected characteristics.

The Council will ensure a fair and accessible procurement process by continuing to:

- simplify the guidance available to potential suppliers about how we procure goods, works and services
- make information about the Council's procurement opportunities more accessible including, for example, attending 'Meet the Buyer' events and updating information on the website

- engage with suppliers and provide training to them where appropriate.

When we use contractors to deliver services on our behalf, we will make sure that they do so in a way which meets the needs of all our residents and/or employees by:

- seeking information from tenderers about their equality and diversity policies and practices
- including equality and diversity clauses as a standard feature in contracts to ensure contractors meet relevant statutory duties

### **6.19 Local Suppliers (NPS B)**

The Council sees the promotion of the local economy in the procurement process (where possible) as a priority.

The Council's contract procedure rules include a requirement that, wherever possible, a minimum of two local suppliers are to be given the opportunity to submit quotations for Council requirements.

### **6.20 Contract and Supplier Management (NPS A)**

Contract management is the management of contracts made with customers, vendors, partners, or employees. Contract management includes negotiating the terms and conditions in contracts and ensuring compliance with those terms and conditions, as well as documenting and agreeing any changes that may arise during the contract's implementation or execution. It can be summarised as the process of systematically and efficiently managing contract creating, execution, and analysis for the purpose of maximising financial and operational performance and minimising risk.

The Council implements a range of contract management practices, with the majority of effort being focussed on high value/high risk contracts. Some contract management arrangements incorporate governance and reporting arrangements extending through to the Council's corporate management teams.

### **6.21 Training and Development (NPS C)**

There is a continuous need for training in existing and any revised/new processes to ensure consistency and compliance and to meet the objectives and principles of the Strategy.

## **7. e-PROCUREMENT POLICY (NPS D)**

- 7.1 The Council recognises the importance of electronic procurement (e-procurement) in delivering lower transaction costs for both the Council and our suppliers, reducing off-contract spend and minimising paperwork, thereby providing efficiencies and environmental benefits.

## 9 (1) APPENDIX A

- 7.2 The Council's approach to the sourcing element of e-procurement is based around three approaches, the use of each being determined by the value of the contract to be executed.
- 7.3 Figure 1 below highlights current processes:-
- 7.4 Staff have the option of using non-electronic means for securing quotations on requirements with a value of less than £5000, although electronic systems may be used if so desired.
- 7.5 For any expenditure in excess of £5000 and up to tender level, departmental staff are required to use the Council's 'Quick quote' system for quotation level procurement activity. For any activity in relation to tender level contract values the management of the tender process is handed to the Corporate Procurement Team who will utilise the Council's e-tender system.

Contract Value	Process Required		
	Goods, Materials and Services (excluding Social and other specific services)	Social and other specific services	Works
£0 - £5,000	Informal process - reasonable enquiries required	Informal process - reasonable enquiries required	Informal process - reasonable enquiries required
£60,000	At least 3 formal, written quotations	At least 3 formal, written quotations	At least 3 formal, written quotations
£100,000	At least 4 tenders	At least 4 tenders	
£164,176	EU procedures		At least 4 tenders
£589,148			
£4,104,394		EU 'light touch' procedure	EU procedures

**Figure 1 - Procurement Processes**

- 7.6 Complementary solutions to assist with increasing our use of e-procurement tools (such as e-auctions or other procurement portal processes) will also be utilised, where appropriate.
- 7.7 Barring a few notable exceptions, the Council's Integra finance system is used for all ordering.
- 7.8 'Quick quote' functionality is the Council's standard quotation gathering process.
- 7.9 Purchasing cards in all their forms (embedded, physical and pre-loaded) will be used, where appropriate, to reduce transaction costs particularly for high volume, low value and ad-hoc purchases.
- 7.10 All tenders will be recorded in the Council's corporate contracts register and all tenders will be advertised in accordance with the rules laid down in Figure 2.

Contract Value	Places Advertised		
	Goods, Materials and Services (excluding Social and other specific services)	Social and other specific services	Works
£0 - £25,000	No advertising requirements	No advertising requirements	No advertising requirements
£60,000	No advertising requirements BUT if any form of advertising takes place e.g. via a 'request for quotation' process the opportunity MUST be advertised on CONTRACTS FINDER	No advertising requirements BUT if any form of advertising takes place e.g. via a 'request for quotation' process the opportunity MUST be advertised on CONTRACTS FINDER	No advertising requirements BUT if any form of advertising takes place e.g. via a 'request for quotation' process the opportunity MUST be advertised on CONTRACTS FINDER
£100,000	7 days notice in: - one or more local newspapers circulating in the district, and/or - on the procurement pages of the Council's website, and/or - on the Council's chosen procurement portal AND - on CONTRACTS FINDER, and where deemed appropriate, - a trade journal	7 days notice in: - one or more local newspapers circulating in the district, and/or - on the procurement pages of the Council's website, and/or - on the Council's chosen procurement portal AND - on CONTRACTS FINDER, and where deemed appropriate, - a trade journal	7 days notice in: - one or more local newspapers circulating in the district, and/or - on the procurement pages of the Council's website, and/or - on the Council's chosen procurement portal AND - on CONTRACTS FINDER, and where deemed appropriate, - a trade journal
£164,176			
£589,148			
£4,104,394	As above plus Advertisement in the OJEU (where appropriate)	As above plus Advertisement in the OJEU (where appropriate)	As above plus Advertisement in the OJEU (where appropriate)

Figure 2 - Advertising requirements

## 8. INCOME GENERATION

### **Income Generation (NPS D)**

- 8.1 The generation of cashable savings will help the Council reduce its costs but an alternative and complementary approach is to seek out opportunities to create new income streams through the delivery of services.
- 8.2 To support this, the Corporate Procurement Team (CPT) is now delivering a valuable business development role by identifying income generation opportunities and supporting Council departments in their pursuit of these.
- 8.3 The CPT will support areas of the Council who are looking to generate an income through the delivery of goods and services to other public and private sector organisations and companies. The CPT currently identifies and reviews opportunities which arise in the marketplace and advises the Council's trading areas of the existence of these opportunities.
- 8.4 Where required, the service will go beyond this 'flagging' of opportunities, by providing support, assistance and sometimes leadership in the completion of quotation or tender documentation.

### **Disposals (NPS D)**

- 8.5 In addition, the CPT is also maximising Council income by supporting Departments in their equipment disposal activities. This is being executed efficiently, making use of current e-auction facilities to advertise disposals UK wide, generating the maximum possible interest and the maximum return e.g. sale of redundant sports equipment.

Themes identified in the National Procurement Strategy (NPS) for Local Government in England 2014

The following provides additional detail in respect of the themes identified in the current National Procurement Strategy:

**Theme A - Making Savings (NPS A)**

The NPS proposes the implementation of the following activities in pursuit of making savings:

1. Category Management
2. Partnering and Collaboration
3. Contract and supplier management
4. Performance and Transparency
5. Risk and Fraud Management
6. Demand Management

**Theme B - Supporting Local Economies (NPS B)**

The NPS proposes the following activities in order to support local economies:

1. Promoting and utilising economic, environmental and Social Value
2. Improving access to procurement opportunities for SME's and VCSE's

**Theme C - Demonstrating Leadership (NPS C)**

The NPS proposes:

1. Increased engagement, involvement and collaboration within the sector to develop a 'single cohesive voice'
2. Recognition of the role procurement has to play within local authorities, thereby developing 'Commitment from the top'
3. Development of a strategic commissioning process
4. Building better procurement competencies across the sector through the delivery of Procurement Training to staff

**Theme D - Modernisation (NPS D)**

The NPS proposes:

1. Increased commercialisation and income generation
2. Encourage and support Supplier Innovation
3. Increased use of technology to deliver benefits

# Procurement Route Map



# Hartlepool Borough Council Sustainable Procurement Policy Statement

## Statement of Intent

Hartlepool Borough Council recognises its responsibility to carry out its procurement activities sustainably: providing value for money and in an environmentally and socially responsible manner. Sustainable procurement safeguards the long-term interests of the communities in Hartlepool and this policy supports the delivery of Hartlepool's Community Strategy. We recognise our role in encouraging our suppliers and contractors to minimise any negative impacts of their activities and to promote economic and community regeneration associated with the products and services they provide.

In addition to the above, the Council will strive to:

### **People, Education and Awareness**

- Educate, train and encourage internal purchasers to review their consumption of goods/services
- Educate and train internal purchasers on how to assess the sustainability of suppliers and supplies of goods and services
- Communicate the sustainable procurement policy to all staff, suppliers and stakeholders

### **Policy, Strategy & Communications**

- Consider the costs and benefits of environmentally and socio-economically preferable goods/services
- Consider environmental and socio-economic risks to the organisation and endeavour to continually improve performance related to sustainability in the supply chain
- Work in partnership with other organisations to optimise sustainability through procurement activities
- Specifically recognise the child poverty issue and maximise our contribution to tackling it

### **Procurement Process**

- Promote best practice in sustainable procurement
- Ensure that where appropriate suppliers sustainability credentials are, as far as legally practicable, considered in supplier selection and contract award decisions
- Ensure the opportunity for suppliers to propose sustainable solutions is provided in all specifications
- Specify, wherever possible and practicable, the use of goods which are environmentally friendly
- Where locally produced products are not practical or possible we will seek to minimise the distance goods are transported prior to their use

### **Engaging Suppliers**

- Educate our suppliers regarding the Council's Sustainable Procurement Policy and accompanying Strategy
- Encourage suppliers to offer sustainable solutions and to use local subcontractors where possible
- Address barriers to entry in order that Small and Medium Sized Enterprises and local suppliers are encouraged to bid for the Council's business, including the Third Sector
- Work with existing and future key suppliers to maximise the potential for sustainability throughout the supply chain

### **Measurement and Results**

- Measure and report upon our progress and performance in relation to our sustainable procurement activities



# CONTRACT PROCEDURE RULES

## CONTENTS

### Rules

Introduction.....	31
<b>Part A – Scope of Contract Procedure Rules .....</b>	<b>41</b>
1. Application of Contract Procedure Rules	
<b>Part B – Selected Tenderers Lists .....</b>	<b>42</b>
2. Compilation of Selected Tenderers Lists	
3. Adoption/Development of Corporate or Collaborative Framework ..	43
Agreements	
<b>Part C – Procurement Procedures .....</b>	<b>44</b>
3. Note	
4. Informal Procedure - Contracts under £5,000	
5. Formal Quotations Procedure - Works Contracts £5,000 - £100,000	
Goods, Materials or Services Contracts £5,000 - £60,000	
(In-House bid contracts £5,000 - £100,000).	
<b>Part D – Best Price Procedures .....</b>	<b>45</b>
6. Tender Procedure - Works Contracts over £100,000, Goods, Materials	
or Services Contracts over £60,000, (In-House bid contracts over	
£100,000).	
7. Public Notice provisions	
8. Selected tenderers provisions	
9. Acceptance of tender	
<b>Part E – Price/Quality Procedures .....</b>	<b>47</b>
10. Price/Quality Contracts Provisions	
<b>Part F – Strategic Partnerships .....</b>	<b>47</b>
11. Strategic Partnership Contracting Provisions	
<b>Part G – General Provisions .....</b>	<b>48</b>
12. Opening of Tenders	
13. Tenders to be returned in sealed envelopes	
14. Agreed Marking Mechanism	
15. Contracts to be in writing	

- 16. Liquidated Damages and Performance Bonds
- 17. Vetting and Signature of contracts
- 18. Tenderers withdrawal
- 19. Post contract variations and negotiations
- 20. Extensions to Contracts

**Part H – Glossary** ..... 52

- 21. Interpretation

### INTRODUCTION

#### 1. Contracts covered by the rules

- i) The following procedure rules apply to contracts entered into by the Council whether under authority exercised by Full Council, a Policy Committee or a relevant Officer. The contracts to which they are applicable are contracts for the acquisition of goods, materials or services or for the execution of works, with certain exemptions set out in the rules.
- ii) The rules do not represent a total procedure package – rather they stipulate a number of requirements that must be complied with within any contract letting procedures adopted. For further details of the procedures to be followed in the procurement of goods and services, reference should be made to the Procurement Guidance (Officers Guide to Procurement), which gives a wider explanation of the Council's procurement policies and practices. Where significant expenditure is contemplated, the rules establish requirements in the context of three contract-letting concepts –
  - Best Price basis - lowest price where price to be paid by Council; highest price where price to be received by Council;
  - Price/Quality – contractor to be selected on basis of combination of price and quality, buyer of goods/services to be selected on basis of combination of price and benefits to Hartlepool residents;
  - Strategic Partnerships – arrangements to be developed between the Council and its strategic partners (including other public sector organisations), to exploit common resources, potential economies of scale, support local infrastructure or to secure continuing service provision.

#### 2. Procurement Exercises undertaken as a result of a successful challenge under the Localism Act 2011

- i) Once a decision has been made to procure a service following acceptance of a challenge submitted under the 'Community Right to Challenge' legislation, the Council's Contract Procedure Rules come into effect.
- ii) As with all other procurement activities undertaken by the Council, the procurement procedure will be selected by assessing the value of the contract to be awarded – as described later in these rules.
- iii) Given the possible nature of the services subject to challenge, care will need to be taken to ensure that evaluation criteria are utilised which reflect the Council's obligation to secure Best Value and meet the

requirements and principles laid down in the Public Services (Social Value) Act 2012, i.e. to consider how the procurement can promote or improve the social, economic or environmental well-being of the Authority's area.

- iv) In addition, care will be taken to ensure that Third Sector and Voluntary & Community Sector organisations are not excluded from bidding for services as a result of the Council incorporating requirements which are not proportional to the value of the service and any associated risks relating to public safety, service delivery, service continuity etc.
- v) In addition to the above, any planned procurement activity will take into account any pre-existing contractual obligations the Council may have. This may result in decisions being required on whether to extend or terminate existing contracts.

### **3. Central Purchasing Contracts and Framework Agreements**

- i) Where goods or services are to be acquired of a nature in respect of which a central contract or framework agreement has been established by the North East Procurement Organisation (NEPO), via a national, regional or other public sector collaborative arrangement the Council's Procurement Unit, or is a contract designated as the Council's preferred channel, such goods and services will be purchased through that contract or framework agreement unless the Chief Officer, following consultation with the Council's Corporate Lead for Procurement considers a special exemption can be made.
- ii) Goods or services for which the Council has; accepted a tender submitted to NEPO or the Council's Procurement Unit or, where they can be secured through a contract or framework agreement which has been designated as the Council's preferred channel (as detailed in 3(i) above), are outside the scope of the Contract Procedure Rules and will be obtained from the relevant supplier in accordance with the applicable procedures.

### **4. Select Lists**

- i) Where goods, services or works are to be acquired of a nature in respect of which a Select List has been established or adopted by the Council, such goods, services or works will be purchased through that arrangement unless the Chief Officer, following consultation with the Council's Corporate Lead for Procurement considers a special exemption can be made.
- ii) Goods or services for which the Council has accepted a tender submitted via a Select list are outside the scope of the Contract

Procedure Rules and will be obtained from the relevant supplier in accordance with the procedures defined for using the Select List.

### 5. Strategic Partnerships

- i) Where goods or services are to be acquired of a nature in respect of which the Council has established a Strategic Partnership with another provider, such goods and services will be acquired through that Strategic Partnership. Only in exceptional circumstances and following consultation with the Council's Corporate Lead for Procurement and the Chief Solicitor, will exemptions be made.
- ii) Strategic Partnerships of the kind intended in these Contract Procedure Rules are likely to be of a lengthy duration and as a result, will typically represent a monetary value well in excess of the threshold detailed in the prevailing Public Contracts Regulations.
- iii) The Public Contracts Regulations impose specific requirements in relation to the setting up of strategic partnerships (as opposed to letting contracts through the normally required competitive procurement routes) with the main considerations revolving around structural control, economic dependency, and the pursuit of objectives in the public interest.
- iv) This is a highly complex area and as such, any Council activities identified as possibly suitable for the creation of a Strategic Partnership must be referred to the Council's Legal Division for consideration.

### 6. The Rules and an In-house Provider

- i) These rules do not apply when a decision is taken to have work executed by an in-house provider such as Neighbourhood Services, without competitive process provided that the service is not subject to a challenge under the 'Community Right to Challenge' legislation.
- ii) Should such a challenge exist, contracts will not be awarded until the outcome, either successful or unsuccessful of the challenge has been ascertained.
- iii) In such circumstances, the provider being a department or division of the Council, there is no contract as it is a fundamental principle of contract law that a party cannot contract with itself. Even where a competitive process has taken place and the work is awarded to the in-house provider on the basis of their bid, there is no contract.
- iv) This has the consequence that, when it is necessary for the in-house provider to have some part of the work done by an outside contractor, the contract with the outside contractor is a 'contract', rather than a

'sub-contract' (requiring specific contract provision regulating the relationship between the in-house provider and the external contractor which is outside the scope of this commentary). For the purposes of their bid as part of a competitive process, the in-house provider may wish to include elements of cost for an external contractor and provision is made for a higher limit for informal/quotations/tender procedures to be followed in such circumstances. Costs established through these informal/quotation/tender procedures can then be used as the basis of the contract with the external contractor without further tendering procedures being followed. In these rules, such contracts are referred to as "In-house Bid Contracts".

### **7. Recording of decision making process with regard to Procurement Strategy**

- i) As part of their specification writing and tender preparations, procurers must record details of and the rationale behind the procurement strategy to be employed. As a minimum, the details must include the following:
  - ☐ Scope of the contract
  - ☐ Reasons for tender packaging and structure of lots
  - ☐ Basis of any price/quality split to be used in the evaluation process
- ii) This information is to be retained for audit purposes and in the event that the relevant Policy Committee requests a review of the procurement process followed.
- iii) Considerations which will inform decisions around the procurement strategy to be employed are likely to include: -
  - Value of contract and method of payment
  - Nature of project - e.g. is the work involved of a specialist nature where the contractor's techniques, design talents, contacts with government departments, national agencies etc are likely to be material to any choice
  - Length of contract and any extension arrangements
  - Frequency of need for services/work
  - Importance of adherence to budget and cost monitoring
  - Client input and contract management throughout the project
  - In the event of the contract arising as a result of a successful challenge under 'Community Right to Challenge' legislation the

Council will consider its obligations and stated preferences in relation to delivery of services and the opportunities the contract may provide to support and develop the Third and Voluntary Sectors in the locality.

### **8. Roles and Responsibilities**

- i) Responsibility for decision making and action under contract letting procedures and for monitoring of the application of the contract procedures will be spread over the Council, in the interests of both efficiency and probity.

The role of Members Policy Committees or the Council

- ii) Most contracts will relate to 'policy' functions and regulations, provided that those functions may only be discharged by Full Council, a Policy Committee or a relevant Officer, as the case may be. In respect of contracts relating to their policy functions, Policy Committees of the Council will have the responsibility:
- To determine the policy aims of the project, or service to be acquired
  - To establish the level of expenditure for the project or service.
  - To waive any element of the Contract Procedure Rules in the case of an individual project / service or class or group of contracts / services and to delegate such decisions to the Director of Regeneration and Neighbourhoods in consultation with the Chief Finance Officer and Chief Solicitor where deemed appropriate

### **The Finance and Policy Committee**

- iii) In order to ensure monitoring in the award of contracts, the Committee will review outcomes after the completion of a tender procedure. In respect of any tender the Committee will have the responsibility:
- The same functions under 8(ii) above in its role as a Policy Committee.
  - To receive and examine quarterly reports on the monitoring and outcome of contract letting procedures including outputs, values, value for money considerations and performance (incorporating if necessary provider comparative analysis) where lowest/highest price is not payable/receivable.
  - To receive and examine reports on any exemptions granted to these Contract Procedure Rules

iv) **The Audit and Governance Committee**

To monitor contracts (at the discretion of the Committee) subject to the formal quotation and tendering procedures.

**The Role of Officers - The Chief Officer/Officer Team**

v) The Chief Officer/Officer Team will have the responsibility:

- To prepare the specification and procurement strategy in accordance with section 7 of this introduction.
- To approve use of selected tendering lists or frameworks, if none available, to determine the tendering list for the contract.
- To advertise/issue invitations for expressions of interest, where appropriate.
- To determine a marking mechanism for each contract or for categories of contracts.
- To select contractors for participation in contracts procedures.
- To evaluate proposals and contractors and allocate scores.
- To approve the successful contractor.
- To open all tenders in conjunction with Democratic Services and the Corporate Procurement Unit.

vi) The relevant Chief Officer must:-

Record the outcome of all tenders indicating:-

- Contract Name and Reference number;
- Description of Goods / Services being procured;
- Department / Service area procuring the Goods / Services;
- Bidders;
- Prices (separate to Bidders details to preserve commercial confidentiality);
- Identity of successful Bidder.

And report the above information to the Finance and Policy Committee on a quarterly basis.

vii) It is presumed that Officers responsible for procuring goods, works and services under these rules are familiar with the powers delegated to Officers under the Council's delegation scheme, at least to the extent that those powers enable an Officer to take action without a specific authority from Members. Where an Officer is given power to take

action (eg to incur expenditure for which budgetary provision has been made), that power includes the power to enter into any contract necessary to secure the goods, works or services involved. In the interests of transparency, the requirement for the outcome of a Tender letting procedure to be reported to the Finance and Policy Committee applies to contracts undertaken by an Officer under delegated powers, but the responsible Officer, rather than the Chief Solicitor would sign such a contract.

### **9. Electronic Procurement (e-Procurement)**

- i) It is the Council's policy that, whenever possible, procurement shall be carried out electronically. All procurement carried out, on any e-procurement system approved by the Chief Solicitor and the Council's Corporate Lead for Procurement, is subject to these Rules.

### **10. The Public Services (Social Value) Act 2012**

- i) The Public Services (Social Value) Act places a number of statutory obligations on the Council, in relation to certain elements of its procurement practices.
- ii) The Act does not apply to below threshold contracts or any works or supplies contracts. However, it is likely that 'mixed' contracts involving services will be subject to similar analysis as is currently undertaken in terms of the dominant value test.
- iii) As the Act covers service contracts as defined in the Regulations the duty appears to extend to Part B service contracts since these service contracts are covered by the Regulations albeit the requirements for the procurement of such contracts are less onerous.
- iv) The Act also includes an amendment to section 17 of the Local Government Act 1988 (exclusion of non-commercial considerations in the case of local and other public authority contracts) which basically enables the Council to consider non-commercial matters when awarding business, provided this is done in pursuit of the duties imposed by the Public Services (Social Value) Act 2012.
- v) The Council confirms that it will consider the following when proposing to procure or make arrangements for procuring services and will ensure that the Council's Key Social Values, as described in the Sustainable Community Strategy or Council Plan, are taken into account:
  - How what is being proposed to be procured might improve the economic, social and environmental wellbeing of the relevant area (and this is the Authority's own area (or combined areas if it is a joint procurement) in which it 'primarily exercised its functions');

- How, in conducting the procurement process, it might act with a view to securing that improvement (although the Act makes it clear, in order to remain in line with EU law, that anything under this limb much be relevant and proportionate in respect of the proposed contract);
  - Whether they need to undertake any consultation about the two limbs of the duty as set out above.
- vi) Where appropriate, tender documentation will include a reference to the Act and will provide the opportunity for bidders to propose the delivery of 'Social Value' as part of their submission with such proposals being considered and scored as part of the tender evaluation process.
- vii) Whilst the 'Public Services (Social Value) Act 2012' places a requirement on the Council to consider the issues described above, the Council is committed to the principles of the Act in all of its procurement activities, regardless of the value of the procurement or the nature, ie not solely service contracts to the exclusion of supply and/or works contracts, and will endeavour to apply these principles in a relevant and proportionate way.

### **11. Prompt Payments in the Supply Chain**

- i) The Council is keen to ensure that prompt payment of valid invoices takes place throughout its supply chains.
- ii) The Council has a good record in paying its suppliers promptly and it has expressed the aim of ensuring this good performance is extended throughout its supply chains.
- iii) To achieve this aim, the Council has amended its contractual terms and conditions to impose the following payment related obligations on its suppliers:

#### **Purchase Order Terms and Conditions:**

Where the supplier enters into a sub-contract, the Council expects that all sums due by the supplier to the sub-contractor are paid within a specified period not exceeding 30 days from the receipt of the invoice.

Standard Terms and Conditions for the Purchase of Goods and  
Standard Terms and Conditions for the Purchase of Services

Where the Contractor enters into a sub-contract they must ensure that a provision is included which:

- Requires payment to be made of all sums due by the Contractor to the sub-contractor within a specified period not exceeding 30 days from the receipt of a valid invoice as defined by the sub-contract requirements and provides that, where the Council has made a payment to the Contractor in respect of the services and the sub-contractor's invoice relates to such services then, to that extent the invoice must be treated as valid and, provided the Contractor is not exercising a right of retention or set-off in respect of a breach of contract by the sub-contractor to the Contractor, payment must be made to the sub-contractor without deduction;
- Notifies the sub-contractor that the sub-contract forms part of a larger contract for the benefit of the Council and that should the sub-contractor have any difficulty in securing the timely payment of an invoice, that matter may be referred by the sub-contractor to the Council.

Construction related contracts will be amended to incorporate clauses which conform to the principles outlined in the above clauses.

### **12. Hartlepool Living Wage**

- i) The Council has adopted the 'Hartlepool Living Wage' (HLW) and seeks to encourage its supply chain to do the same.
- ii) In pursuit of this aim, the Council has determined that all tender documentation will include a clause which reiterates the Council's position, documents the prevailing rate of the HLW and encourages other businesses to do likewise.
- iii) In addition, all tender and quotation exercises must include the following questions
  - 'Do you pay your employees the Hartlepool Living Wage
  - 'Do you intend to pay your employees the Hartlepool Living Wage?
  - 'Would you consider paying your employees the Hartlepool Living Wage?'
- iv) Responses to these questions will be compiled and statistics retained for reporting purposes.

### **13. Blacklisting**

- i) The Council operates a policy of not contracting with organisations who undertake 'blacklisting' in relation to their employees on the basis of their trade union membership or union activities.
- ii) This policy is enacted through the content of Pre-qualification and Business questionnaires, and the Council's contract terms and conditions.

- iii) The questionnaires referred to above contain the following warranty which bidding organisations are required to offer:

‘The organisation (or its directors or any other person who has powers of representation, decision or control of such organisation) confirms that:-

Being an organisation, it has not complied or disseminated any ‘blacklist’ which is intended to discriminate against workers on the grounds of their Trade Union membership or union activities.

It is understood that such activities are expressly prohibited by law and that should the organisation engage in such practices, the Council has the right to exclude the organisation from tendering for any Council contracts.

Furthermore the organisation warrants that they have not been convicted of any offence under the Employment Relations Act 1999 (Blacklists) Regulations 2010.

- iv) The Councils’ contract terms and conditions incorporate the following clause:

‘Subject to the provisions of the Force Majeure clause in these terms and conditions the Council may terminate this contract with immediate effect by notice in writing to the Contractor/Supplier at any time if the Contractor/Supplier or any subsidiary company of the Contractor/Supplier is convicted of any offence under the Employment Relations Act 1999 (Blacklists) Regulations 2010.

#### **14. General**

- i) In the event of conflict between this Introduction and the following Contract Procedure Rules, the latter shall prevail.
- ii) These rules are made in pursuance of Section 135 of the Local Government Act 1972 and any statutory modification or amendment thereto.

## PART A - SCOPE OF CONTRACT PROCEDURE RULES

### 1 Application of Contract Procedure Rules

- i) These rules apply to every contract for the supply of goods, materials or services or for the execution of works, so far as they are relevant to a contract of the type determined by Council, except as provided in (ii) below.
- ii) With the exception of (viii) below, these rules do not apply to contracts with professional persons or contractors for the execution of works or the provision of services in which the professional knowledge and skill of these persons or contractors is of the primary importance, or where the contract is for the provision of caring services to children or vulnerable persons.
- iii) No exemption from any of the rules shall be made otherwise than by direction of a Policy Committee or the Council or in any case of urgency, the Chief Officer after consultation with the Monitoring Officer. Requests for an exemption from the rules must be documented using the template available on the Council's intranet. On completion of the template, a copy must be sent to the Corporate Procurement Team. The request will be checked for completeness and passed for review to:
  - the Chief Solicitor or representative
  - the Director of Regeneration and Neighbourhoods (as Corporate lead for Procurement) or representative
  - the Chief Finance Officer or representative
  - the Commissioning Officer requesting the exemption

A record of any granted exemption from any of the provisions of these procedure rules shall be reported to the Finance and Policy Committee on a quarterly basis and shall specify the case or urgency by which the exemption shall have been justified.
- iv) Any granted exemption to these Contract Procedure Rules shall remain valid for a maximum period of 12 months. Officers will not be able to rely upon the granted exemption beyond this point and a procurement process must be undertaken in accordance with these Contract Procedure Rules, wherever possible.
- v) For the purposes of any financial limit referred to in the rules, if the application of the rules to a particular contract cannot be identified until after opening of any tender, the value of the contract shall be as estimated by the Chief Officer.
- vi) Reference in these rules to any decision, authority or action of the Council, a Policy Committee or an Officer shall be deemed to include reference to a decision approval or action of the responsible body or Officer prior to as well as after the adoption of these rules.

- vii) The letting of any contract shall also comply with any legislation or regulations relevant to the contract, Health and Safety Regulations, the European Directive on public procurement and the Council's Financial Regulations.
- viii) In respect of any contract to which, for whatever reason, the procedures set out in these rules do not apply, there shall be followed a procedure which:
  - ☐ ensures a level of competition consistent with the nature and value of the contract
  - ☐ is transparent and auditable
  - ☐ provides value for money, and
  - ☐ records the reasons for choosing the successful contractor

### **PART B - SELECTED TENDERERS LISTS**

#### **2 Compilation of Select Tenderers Lists**

- i) This rule applies where a decision has been made that a list shall be kept of persons to be invited to tender for contracts for the supply of goods, materials or services of specified categories, values or amounts, or for the execution of specified categories of work.
- ii) The list shall include, where possible, a minimum of four persons, wherever practicable two of which should be local to Hartlepool, and shall;
  - ☐ be approved by the Chief Officer;
  - ☐ contain the names of all persons included in it subject to their approval by the Chief Officer/Head of Department, the appropriate technical officer (being satisfied that they have the capacity to undertake the contracts envisaged), the Health, Safety and Wellbeing Manager or Chief Executive's nominee (being satisfied that they have adequate Health and Safety arrangements) and the Chief Finance Officer (being satisfied that they are financially sound); and
  - ☐ indicate whether a person whose name is included in it is approved for contracts for all or only some of the specified values or amounts of categories.
- iii) At least four weeks before the list is first compiled, notices inviting applications for inclusion in it shall be published:

- a. in one or more local newspapers circulating in the district, and/or
  - b. on the procurement pages of the Council's website, and/or
  - c. in one or more newspapers or journals circulating among such persons as undertake contracts of the specified values or amounts or categories.
- iv) The list may be amended by the appropriate Chief Officer as required from time to time and shall be reviewed as follows:
- ☐ Review to be carried out at intervals not exceeding 4 years, where an update of the list is carried out and notices inviting applications for inclusion in the list shall be published in the manner provided by paragraph (iii) of this section.
  - ☐ Update to be carried out at intervals not exceeding 2 years, where each person whose name appears in the list shall be asked whether s/he wishes his/her name to remain therein.

Any such amendment or update shall be approved by the Chief Officer.

### **3. Adoption / Development of Corporate or Collaborative framework agreements**

- i) This rule applies where a decision has been made to adopt or develop a framework agreement corporately and where the agreement is to be used exclusively with no 'off-contract' purchases being made.
- ii) When developing / adopting framework agreements for corporate use, the agreement must include a number of suppliers appropriate to the nature and subject of the framework agreement.
- iii) The maximum duration of any such framework agreement is 4 years. This limit refers to the duration of the framework agreement and not any contracts implemented via the framework agreement. The duration of Framework Agreements may not be extended beyond the 4 year limit.
- iv) Procurement processes and public notice provisions for developing framework agreements are the same as those detailed in Part B section 2
- v) Any exemptions relating to the use of alternative procurement routes to approved Corporate framework agreements (for goods / works / services covered by approved Corporate framework agreements) are to be requested from the Council's Corporate Lead for Procurement and will be reported to the Finance and Policy Committee on a quarterly basis.

## PART C - PROCUREMENT PROCEDURES

### 3 NOTE:

- i) The requirements detailed in this Part C do not apply to contracts which have been determined should be let under the Selected Tenderer or Corporate framework provisions (see Part B) or which relate to the following matters: -
  - (a) Purchase by auction;
  - (b) Work to be executed, or goods materials or services to be purchased, which are a matter of urgency;
  - (c) The work to be executed or the goods, materials or services to be supplied consist of repairs to or parts for existing machinery or plant;
  - (d) The goods, materials or services to be purchased are such that a substantial proportion of the price is likely to be attributable to haulage;
  - (e) The purchase of goods, materials or services which are obtainable only from a limited number of contractors, but in such case a reasonable number of contractors shall be invited to submit tenders;
  - (f) Purchase or repair of patented or proprietary article or articles sold only at fixed price;
  - (g) The goods, materials or services to be purchased are such that effective competition is prevented by government control;
  - (h) The prices of the goods, materials or services to be purchased are controlled by a trade organisation or for other reasons there would be no genuine competition.
  - (i) The purchase of goods, materials or services which are acquired for re-sale to the public by a trading arm of the Council.
- (ii) Purchase of second-hand goods.
- iii) NOTE: All quotations / tenders referred to in sections 4, 5 and 6 below are to be sought from pre-determined frameworks or existing contracts, where such arrangements exist.
- iv) Where such arrangements do not exist, a minimum of two local suppliers (where available) must be invited to submit a quotation in respect of the processes outlined in sections 4 & 5. This is not possible with section 6 (Tenders) as these are advertised, however steps should be taken to communicate opportunities to local businesses.

**4. Informal Procedure –**

**i) Contracts under £5,000**

For a contract for less than £5,000, robust enquiries shall be made to determine that the price is fair and reasonable and records retained to evidence such enquiries.

**5. Formal Quotations Procedure –**

**i) Works contracts £5,000 - £100,000  
Goods materials or Services Contracts £5,000 - £60,000 (In-house bid contracts £5,000 - £100,000)**

In respect of contracts:

- ☐ for the execution of works over £5,000 and up to £100,000 (for In-house bid contracts see 'The rules and an In-house provider' in these Contract Procedure Rules): or
- ☐ for the supply of goods materials or services over £5,000 and up to £60,000 (£100,000 for In-house bid contracts)

at least three documented quotations shall wherever possible be obtained. All quotations are to be secured using the Council's prescribed system and process of quotation gathering, the default position being a requirement to use the Council's e-procurement system.

**PART D – BEST PRICE PROCEDURES**

**6. Tender Procedure –**

**i) Works contracts over £100,000  
Goods materials or Services Contracts over £60,000 (In-house bid contracts over £100,000)**

Except for contracts described in Rule 3, no contracts which exceed £100,000 in value or amount for the execution of any works, or £60,000 (£100,000 in the case of an In-house bid contract) in value or amount for the supply of goods, materials or services shall be made unless public notice has been given in accordance with the Public Notice provisions (see Rule 7).

**7 Public Notice provisions**

- i) At least seven calendar days public notice shall be given
  - ☐ in one or more local newspapers circulating in the district, and/or
  - ☐ on the procurement pages of the Council's website,

- and/or
- ☐ on the Council's chosen procurement portal and/or
- ☐ wherever the value or amount of the contract exceeds £100,000 in the case of execution of any works or exceeds £60,000 in the case of supply of goods, materials or services, and where deemed appropriate, in one or more newspapers or journals circulating among such persons as undertake such contracts,

expressing the nature and purpose of the contract, inviting tenders for its execution and stating the last date (not less than 14 days after appearance of the public notice) when tenders will be received.

- ii) After the date specified in the public notice, invitations to tender for the contract shall be sent to not less than four of the persons who applied for permission to tender, selected by the Chief Officer in the approved manner, either generally or in relation to a particular contract or category of contract or, if fewer than four persons have applied and are considered suitable, to all such persons.

### **8. Selected tenderers provisions**

- i) This rule applies where it has been determined that the invitation to tender for a contract is to be limited to persons whose names appear on a Selected Tenderers list compiled under Rule 2. An invitation to tender for that contract shall be sent to at least four of those persons included in the list as being approved for a contract for that value or amount or of that category, or, if there are fewer than four such persons, to all such persons. If there are four or more such persons, the persons to whom invitations are sent shall be selected by the Chief Officer in the manner approved, either generally or in relation to a particular contract or to a category of contracts.

### **9 Acceptance of tenders**

- i) A tender –
  - ☐ other than the lowest tender if payment is to be made by the Council or
  - ☐ other than the highest tender if payment is to be received by the Council,

shall have the reason for its acceptance recorded and notified to the Finance and Policy Committee on a quarterly basis.

**PART E - PRICE/QUALITY CONTRACTS**

**10. Price/Quality Contracts Provisions**

- i) This rule applies when it has been determined by the Chief Officer, that the contractor shall be chosen on the basis of a combination of price and performance and for which a price/quality ratio has been determined.
  - (a) Where there is a relevant Select List of Contractors or framework for the nature of work or service involved in the project, the Chief Officer shall invite the appropriate contractors from the list to indicate whether they are interested in undertaking the proposed works.
  - (b) Where there is no Select List of Contractors or framework the rules defined in sections 3, 4 or 5 are to be applied.
- ii) An Agreed Marking Mechanism (see Rule 14) shall be applied to calculate the Price/quality Score of each tender.
- iii) The tender with the highest Price/Quality Score will usually be accepted.

**PART F – STRATEGIC PARTNERSHIPS**

**11. Strategic Partnership Contracting Provisions**

- i) There are a wide range of possibilities with regard to the establishment of Strategic Partnerships however care must be taken to consider the possible impact of public procurement regulations when considering any such course of action.
- ii) Examples of public-public co-operation arrangements which may be exempt from the Public Procurement regulations are:
  - a) Public tasks performed by own resources

Under the procurement rules, a contracting authority remains free to perform the public tasks conferred on it by using its own administrative technical and other resources, without being obliged to call on outside entities not forming part of its own structure. The procurement rules do not apply where a contracting authority performs a public task by using its own resources in such a way that no contract for financial interest is concluded, because the situation is internal to one and the same legal person.

The possibility of performing public tasks using own resources may also be exercised in co-operation with other contracting authorities provided this does not involve remuneration or any exchange of reciprocal rights and obligations, there is no service provision within the meaning of EU public procurement law.

However, where contracting authorities conclude contracts for financial interest with one another, the case law indicates that this may in certain circumstances (despite the general principle) fall outside the scope of the procurement rules. Where contracting Authorities co-operate with a view to jointly ensuring the execution of public interest tasks, then this may involve the award of contracts without triggering the obligation to apply EU public procurement law.

- iii) Clearly the possibilities for establishing Strategic Partnerships without undertaking a competitive procurement exercise do exist, although, as stated earlier, this is a very complex area and any such proposals must initially be passed to the Council's Legal Division for consideration.

### **G - GENERAL PROVISIONS**

#### **12. Opening of tenders**

- i) Written tenders shall be opened at one time and only in the presence of: -
  - The relevant Chief Officer or representative
  - An Officer from Democratic Services
  - An Officer from the Corporate Procurement Unit
- ii) Electronic tenders shall be opened at one time and only in the presence of: -
  - The relevant Chief Officer or representative
  - An Officer from Democratic Services
  - An Officer from the Corporate Procurement Unit
- iii) Paragraph (i) and (ii) of this Provision shall not apply to tenders obtained for the In-house Provider for the purpose of compiling a bid as tender for submission by the In-house Provider, which tenders shall be opened by the relevant Chief Officer or their nominated Officers.
- iv) Paragraph (i) and (ii) of this Order shall not apply to tenders which are received through the execution of an e-auction. In such an event, the following will take place:

- a) The relevant Chief Officer and Democratic Services representative will be advised of the e-auction event dates and times by the Corporate Procurement Unit and arrangements made to accommodate relevant Officers at the live auction event should they wish to attend.
- v) The outcomes of all (written and electronic) tenders are to be recorded indicating:-
  - Contract Name and Reference number
  - Description of Goods / Services being procured
  - Department / Service area procuring the Goods / Services
  - Bidders
  - Prices (separate to Bidders details to preserve commercial confidentiality)
  - Identity of successful Bidder

This information will be reported to the Finance and Policy Committee on a quarterly basis.

### **13 Tenders to be returned in sealed envelopes** (except in the event of the Council's approved e-procurement system being used)

- i) Every notice of invitation to tender shall state that no tender will be received except in a plain sealed envelope which shall bear the word "Tender" - followed by the subject to which it relates - but shall not bear any name or mark indicating the identity of the sender. Envelopes shall be returned to the Chief Executive and once received shall remain in the custody of the Chief Executive or his/her nominee until the time appointed for their openings.
- ii) The Chief Executive or the Chief Officer of the In-house Provider (as the case may be) shall keep a record of all tenders received.

### **14. Agreed Marking Mechanism**

- i) No Price/Quality procedure shall be commenced unless there has been an Agreed Marking Mechanism developed.

Bidders shall be informed of the elements to be marked and of the comparative importance of each element as a percentage of the available marks.

### **15. Contracts to be in writing**

- i) Every contract, other than those for goods / services which are classified as exempt, shall be the subject of a Council purchase order and shall specify:

- (a) the work, materials, matters or things to be furnished, had or done;
  - (b) the price to be paid, with statement of discounts or other deductions; and
  - (c) the time or times within which the contract is to be performed.
- ii) Where the value of the contract exceeds the financial limits which require a tender process to take place (see Rule 6) the contract must be the subject of a formal written contract signed in accordance with Rule 17.

### **16. Liquidated Damages and Performance bonds**

Every contract which exceeds £100,000 in total value or total amount over its lifetime and is either for the execution of works or for the supply of goods, materials or services, shall, unless the Chief Officer otherwise decides after consultation with the Chief Solicitor, provide for liquidated damages to be paid by the contractor in case the terms of the contract are not duly performed, and the Council shall also require and take sufficient security for the due performance of any such contract. In the case of any such contract for the execution of works such security shall be provided by requiring the retention of a proportion of the contract sums payable until the work has been satisfactorily completed and maintained and, unless the Chief Officer, after consultation with the Chief Solicitor considers it unnecessary in any particular case, additional provision of a bond for due performance.

### **17. Vetting and Signature of contracts**

#### **i) Contract Vetting**

- a) Contracts which are subject to the requirements of Part D – TENDER PROCEDURES are to be referred to the Corporate Procurement Unit for vetting.
- b) The Corporate Procurement Unit must refer all contracts which are subject to the requirements of Part D – TENDER PROCEDURES and which incorporate additional terms and conditions to those contained in the Council's approved standard contractual documentation to the Council's Legal Services Department for vetting.

#### **ii) Contract Signature**

- a) Except for contracts entered into by an Officer in exercise of delegated powers, the Chief Solicitor shall be the agent of the Council to sign on behalf of the Council all contracts agreed to be entered into by or on behalf of Policy Committees or the Council.

- b) Contracts which are for a value of £100,000 or more shall be executed under the Council's seal by the Chief Solicitor (or in his/her absence by a person authorised by him/her).

### 18. Tenderers withdrawal

- i) In the event of any person or firm withdrawing a tender, or declining to sign a form of contract upon being called on to do so after his/her or their tender has been accepted (whether accepted subject to the Council's approval or not), no further tender from such a person or firm shall, unless the Finance and Policy Committee or the Council otherwise resolve, be considered for a period of three years.

### 19. Post contract variations and negotiations

- i) Except for a variation –
  - (a) which does not substantially affect the nature of the works services goods, materials or services to be supplied to the Council and does not increase the payment to be made by the Council, or
  - (b) is made in accordance with paragraph (ii)

a contract shall not without the authority of the relevant Policy Committee or the Council depart from the description of the works, goods, materials or services for which the quotation or tender was received.
- ii) This paragraph applies where all of the tenders received exceed the budget allocated for the project and the Chief Officer and the Head of Service relevant to the contract consider that amendments may be made to the specification or procurement process which would result in a price in accordance with the budget. All Tenderers shall each be provided with a schedule of variations / revised instructions and invited to submit a revised bid.
- iii) Apart from discussions with contractors for the purpose of clarification of any element of a tender, or for the correction of arithmetic or other details, (but NOT the resolution of any qualified bids) negotiations following receipt of tenders shall only take place in the following circumstances: -
  - (a) where a single tender **or no acceptable tenders** have been received and the Chief Officer considers that negotiation may lead to more favourable terms **or an acceptable offer** to the Council, or
  - (b) when tenders cannot readily be evaluated and compared without discussion with the tenderers or

- (c) with the approval of the Chief Finance Officer and the Chief Solicitor and the Monitoring Officer (if different) and any negotiations shall be conducted in accordance with paragraph (iv)
- iv) Discussion with tenderers for the purpose of negotiations under paragraph (iii) shall
  - be attended by not less than 2 Council Officers
  - be at a pre-determined time during normal office hours
  - be the subject of a comprehensive written record, signed by the Council Officers in attendance and submitted to the Council's Corporate Lead for Procurement for approval.

### 20 Extensions to contracts

- i) Extensions to contracts are limited to no more than 12 months following conclusion of the original contract period (such period to include all extensions already allowed for in the original contract). In the event that an extension in excess of 12 months is required, the decision to implement such an extension must be approved by the relevant Chief Officer and the Council's Corporate Lead for Procurement.

Requests for a contract extension, as described above, must be documented using the template available on the Council's intranet. On completion of the template, a copy must be sent to the Corporate Procurement Team. The request will be checked for completeness and passed for review to:

the Chief Solicitor or representative,

the Director of Regeneration and Neighbourhoods (as Corporate Lead for Procurement

the Chief Finance Officer or representative

and;

the Commissioning Officer requesting the exemption

- ii) In the event that a contract extension, as described above, represents a value greater than the applicable EU procurement threshold, then the available extension period will be limited to a time period which represents a level of expenditure below the applicable EU procurement threshold.

## PART H - GLOSSARY

### 21. Interpretation

Unless the context otherwise indicates, the following terms used in these rules have the meanings stated: -

**"Agreed Marking Mechanism"** is the mechanism which (before the issue of any invitation to tender or attend interview) has been agreed

between the Chief Officer and the Council's Chief Internal Auditor for the allocation of marks making up the Price/Quality Score (see also Rule 14).

**“Chief Officer”** is the Chief Officer of the Council who is responsible for letting and supervising the completion of a contract or of contracts of a particular nature. (Director or Assistant Director)

**“Electronic Procurement (e-Procurement)”** is a fully electronic procure-to pay process from initial requisition and ordering through to invoicing and payment, and can include e-Auctions, e-Purchasing, e-Tendering and Procurement Cards.

**“e-Auctions”** is the means of carrying out purchasing negotiations via the Internet. A real time event that occurs online allowing multiple suppliers in different geographic locations to place and modify bids simultaneously.

**“e-Tendering”** is systems or solutions to enable the tendering process to be conducted via the Internet. Including advertisement of requirement, documentation production, supplier registration, electronic exchange of documents between supplier and buyer, opening of tenders, evaluation of submissions, contract award and publication.

**“Policy Committee”** is a Committee of the Council acting together in accordance with the Council's Delegation Scheme currently applicable.

**“Price/Quality Score Matrix”** is a matrix showing in respect of all contractors each element of their Price/Performance Score and their total scores.

**“Price/Quality Contract”** is a contract for which the contractor is to be chosen on the basis of a combination of price and performance.

**“Price/Quality Ratio”** is the comparative importance of price and performance of the product or service expressed as a percentage ratio.

**“Procurement Cards”** are charge cards which work in a similar way to credit cards and can be used to purchase goods and services. Can be open to use by any suppliers or have controls placed upon them by the issuer to limit their use to certain suppliers and/or commodities. They are usually used to process low-value, high-volume transactions.

**“Public Services (Social Value) Act 2012”** is an Act which places a number of statutory obligations on the Council, in relation to certain elements of its procurement practices, specifically to consider:

- ☐ How, what is being proposed to be procured might improve the economic, social and environmental wellbeing of the relevant

## 9 (1) APPENDIX B

area (and this is the Authority's own area (or combined areas if it is a joint procurement) in which it 'primarily exercised its functions')

- How, in conducting the procurement process, it might act with a view to securing that improvement (although the Act makes it clear, in order to remain in line with EU law, that anything under this limb must be relevant and proportionate in respect of the proposed contract);
- Whether they need to undertake any consultation about the two limbs of the duty as set out above.

**COUNCIL**  
17 March 2016



**Report of:** Audit and Governance Committee

**Subject:** ASSISTED REPRODUCTIVE UNIT AT THE  
UNIVERSITY OF HARTLEPOOL HOSPITAL (UHH)

**1. PURPOSE OF REPORT**

- 1.1 To inform Council of the Audit and Governance Committee's recommendations following consideration of the North Tees and Hartlepool NHS Foundation Trust's (the Trust) decision to cease the University Hospital of Hartlepool's Assisted Reproductive Unit (ARU), with effect from the 31<sup>st</sup> March 2016.

**2. BACKGROUND**

- 2.1 As Members are aware, following a review of the service provided at the ARU, the Trust announced that the way in which it provided fertility services was to change. The Trust indicated that it would:
- No longer be providing licensed fertility treatments;
  - Continue to provide some general infertility treatments and ensure that patients continued to receive treatment; and
  - Be looking at alternative service models for the provision of services in the future.
- 2.2 The resulting decision to close the ARU was identified by the Audit and Governance Committee as a matter of significant concern to the residents of Hartlepool. The Audit and Governance Committee subsequently enacted its powers within the Health and Social Care Act 2012 to scrutinise the Trusts decision and a chronology of subsequent events / meetings is attached at **Appendix A**.
- 2.3 The Trust had indicated that the decision in relation to the ARU had been taken on the basis that they were unable to recruit sufficient embryologists to continue to provide the current service safely. The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 stipulates that the relevant NHS body, or health service commissioner, is not required to consult on a proposal for the substantial development/variation of a health service when the decision has been taken because of a risk to the safety or welfare of patients or staff. On this assumption, the Trust was not

required to consult on its decision, nor was there a requirement for the creation of a Joint Health Scrutiny Committee to take the issue forward.

2.4 On this basis, the Audit and Governance Committee met on the 5 February (reconvened on the 26 February 2016), minutes attached at **Appendix B**, and agreed that:-

- i) A letter be sent to the Secretary of State for Health from the Chair of the Audit and Governance Committee to:
  - a) Request that the closure of the ARU be postponed (and arrangements previously in place for the provision of embryologists be continued) to allow the full and proper investigation of the decision (background, reasons and justification) with the full involvement of the Trust);
  - b) Notify him of the Trust's contempt for the Council and disregard for Overview and Scrutiny in their failure to attend as required under Regulation 27 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013;
  - c) Request that Monitor investigate the Trust's actions in relation to:-
    - The closure of the ARU (given the flaws identified in the Trusts recruitment argument);
    - Further seek to investigate previous decisions taken by the Trust to close / move services from University Hospital of Hartlepool (UHH) (including Accident and Emergency) on the grounds of clinical safety, as the Committee questioned the robustness of evidence previously provided to support decisions, with recognition that independent advice / reviews had been involved in some instances;
    - The Trust's competency / capability to continue to provide health services, with reference to the outcome of the recent Care Quality Commission (CQC) Inspection and issues identified in relation to leadership at the UHH (*i.e. Medical care - leadership - Inadequate, Maternity and Gynaecology - leadership - requires improvement, Services for Children and Young People - leadership – requires improvement, Outpatients and Diagnostic Imaging - leadership - requires improvement*); and
  - d) A meeting be requested between the Secretary of State for Health, Hartlepool's MP and Council representatives (including Audit and Governance Committee Chair and Vice Chair) in relation to the ARU issue and the wider issue of the Trust's competency / capability to continue to provide health services. This supported by the view expressed in the recent CQC report in relation to the provision of service (*i.e. Medical Care - designated as requiring improvement*

*across three of the four headings (safety, effectiveness, caring, responsive) and inadequate in terms of management).*

- ii) Contact each member of the Council of Governors for the Trust to require their attendance at a meeting of the Audit and Governance Committee (in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013) to explain why they feel the Trust can ignore a formal request to attend a meeting of the Committee.
- 2.5 In response to the Trust's request for a Joint Scrutiny Committee (supported by the Hartlepool and Stockton NHS Clinical Commissioning Group (CCG), and with assurances that they are "entirely open to alternatives to the closure of the ARU and would be happy to explore any viable options that are raised during the consultation process", the Audit and Governance Committee also agreed that it would take part in a Joint Health Scrutiny Committee. This being in accordance with the requirements of the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations, as they relate to consultations on proposals for substantial variations to, or development of, services.
- 2.6 The Joint Health Scrutiny Committee met on the 15 March 2016, and was advised that both Durham County Council and Stockton Borough Council had declined to participate in the Joint Committee process on this issue. Reasons for their decisions being:-
- Stockton Borough Council – "We note and encourage the efforts by the Trust to provide a solution for the service, potentially involving a network of embryologists in the region, preferably with James Cook Hospital. However there is no timescale to this and given the clearly stated issues around clinical safety and the clear intention to suspend the services at the end of March, we are not clear on what a consultation would achieve. We will therefore be declining the opportunity to take part in the Joint Committee."
- Durham County Council – "As to the suggestion by the Trust that this consultation be undertaken through a Joint Committee comprising Hartlepool BC, Stockton-on-Tees BC and Durham County Council, I feel that given the very small numbers of County Durham residents affected by the proposal and the fact that there are other options available for residents to access ARU services both within County Durham and the region in general, Durham County Council's Adults Wellbeing and Health Overview and Scrutiny would decline the opportunity to participate in any joint Committee arrangement."
- 2.7 In addition to this, following the Councils application to the High Court, and Order stipulating that the Trust "Shall take no further step to facilitate the closure of the Assisted Reproductive Unit at the University Hospital, Hartlepool until the court is able to consider the matter further" the Trust refused to attend the Joint Health Scrutiny Committee meeting. The grounds for the decision not to attend being that:

- It would be inappropriate to attend given the legal proceedings now issued;
- Attendance could be construed as a step to facilitate the closure of the ARU; and
- It may be 'appropriate' to reschedule the joint scrutiny committee meeting in future, but this will obviously depend on our client's consideration of its legal position and further developments in relation to the Claim. At this point in time, however, our client requires some time to consider its legal position before taking any further action.

- 2.8 In the absence of the Trust, the Joint Committee received an update from the CCG in relation to its identification of two independent embryologists (and a third clinician), through the Clinical Senate, to undertake a review of the ARU service and any proposed changes to the pathway and provider, looking at issues of safety and sustainability of service. This review was now ongoing and assurances were given that the Audit and Governance Committee would be fully involved in the process, including the identification of witnesses / sources of evidence for consideration by the independent clinical experts. The Committee was also assured that consideration of the matter was not funding related.
- 2.9 The Joint Committee was adjourned, with no date set for it to be reconvened, and progress reported to the Audit and Governance Committee on the 15 March 2016. The Audit and Governance Committee noted the update from the Joint Health Scrutiny Committee and, in accordance with the powers contained within the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, agreed to reaffirm its recommendation to Full Council that the Trust's actions, and decision, in relation to the closure of the ARU be referred to the Secretary of State for Health.
- 2.10 In addition to this, the Audit and Governance Committee asked that in light of the behaviour of the Trust in relation to not only the proposed closure of the ARU, but also its contempt for this Council considers the removal of the Trust's representation on the Council's Health and Wellbeing Board.

### **3. RECOMMENDATIONS**

- 3.1 That Council:
- i) Approves the Audit and Governance Committee's recommendations that the Trust's actions, and decision, in relation to the closure of the ARU be formally referred to the Secretary of State for Health; and
  - ii) Considers the removal of the Trust's representation on the Council's Health and Wellbeing Board.

3.2 That Council supports the Audit and Governance Committee's recommendations that:

- i) A letter be sent to the Secretary of State for Health from the Chair of the Audit and Governance Committee to:
  - a) Request that the closure of the ARU be postponed (and arrangements previously in place for the provision of embryologists be continued) to allow the full and proper investigation of the decision (background, reasons and justification) with the full involvement of the Trust);
  - b) Notify him of the Trust's contempt for the Council and disregard for Overview and Scrutiny in their failure to attend as required under Regulation 27 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013;
  - c) Request that Monitor investigate the Trust's actions in relation to:-
    - The closure of the ARU (given the flaws identified in the Trusts recruitment argument);
    - Further seek to investigate previous decisions taken by the Trust to close / move services from University Hospital of Hartlepool (UHH) (including Accident and Emergency) on the grounds of clinical safety, as the Committee questioned the robustness of evidence previously provided to support decisions, with recognition that independent advice / reviews had been involved in some instances;
    - The Trust's competency / capability to continue to provide health services, with reference to the outcome of the recent Care Quality Commission (CQC) Inspection and issues identified in relation to leadership at the UHH (*i.e. Medical care - leadership - Inadequate, Maternity and Gynaecology - leadership - requires improvement, Services for Children and Young People - leadership – requires improvement, Outpatients and Diagnostic Imaging - leadership - requires improvement*); and
  - d) A meeting be requested between the Secretary of State for Health, Hartlepool's MP and Council representatives (including Audit and Governance Committee Chair and Vice Chair) in relation to the ARU issue and the wider issue of the trust competency / capability to continue to provide health services. This supported by the view expressed in the recent CQC report in relation to the provision of service (*i.e. Medical Care - designated as requiring improvement across three of the four headings (safety, effectiveness, caring, responsive) and inadequate in terms of management*); and

- e) Contact each member of the Council of Governors for the North Tees and Hartlepool NHS Foundation Trust to require their attendance at a meeting of the Audit and Governance Committee (in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013) to explain why they feel the Trust can ignore a formal request to attend a meeting of the Committee.

#### **4. REASONS FOR RECOMMENDATIONS**

- 4.1 To update Members and progress the Council's interim position in relation to the Trust's decision to cease licensed fertility services through the ARU, pending the outcome of legal proceedings.

#### **5. BACKGROUND PAPERS**

The following background paper was used in preparation of this report:-

- (a) Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations

#### **6. CONTACT OFFICER**

Contact Officer:- Joan Stevens – Scrutiny Manager  
Chief Executive's Department - Corporate Strategy  
Hartlepool Borough Council  
Tel: 01429 284142  
Email: joan.stevens@hartlepool.gov.uk

## APPENDIX A

### CHRONOLOGY OF EVENTS

#### 11 January 2016:

- Council notified of the closure of the ARU on the 31 March 2016

#### 5 February 2016 (Audit and Governance Committee):

- The Trust was called to attend the meeting, in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013;
- The Trust failed to attend, expressing concern regarding the process undertaken for the selection of the 'clinical expert' invited to the meeting, their independence and lack of appropriate focus on the issues at hand;
- The Trust requested an adjournment to enable appropriate representative expertise and preferably, a joint Scrutiny meeting to be called to consider the wider implications of the service and the options for alternative commissioning of this service in the future; and
- The Audit and Governance Committee made a number of recommendations, outlined in the minutes attached at **Appendix B**, and agreed to adjourn the meeting for a reasonable period to allow the identification of an independent expert to be pursued by the CCG through the Clinical Senate.

#### 16 February 2016:

- Letter received from solicitors acting for the Trust, urging the Committee not to refer the matter to the Secretary of State and this would be 'premature, because consultation between the trust, the relevant CCGs, and the relevant local authorities (Hartlepool, Stockton and Durham) had not yet taken place, as required by regulation 23 and regulation 30(5) of the Regulations'. The Trust made it clear that it was entirely open to alternatives to the closure of the ARU, and would explore any viable options raised during the consultation process.
- The Trust's letter was considered by the Council and it was felt that the Trust's position was inconsistent. On the one hand, the Trust was talking for the first time about consultation. On the other hand, the Trust had not stated that the decision to close the ARU had been revoked.

#### 17 February 2016:

- The Council sent a letter before action to the Trust. In that letter, the Council stated that it was pleased that the Trust now recognises that consultation over the future of the ARU should be carried out and asked that the Trust confirm that it would:

- Rescind the decision to cease providing licensed fertility treatment at the ARU from the end of March 2016;
- Inform affected staff of this decision, and cease consulting with the trade unions and staff (as this will no longer be necessary) and withdraw any notices of termination that may have been issued; and
- Confirm that the Trust will consult with affected local authorities in accordance with the regulation 23(2), and will not cease the licensed treatment services at the ARU until after the conclusion of the consultation process.

**19 February 2016:**

- The Trust responded to the Council's letter before action and did not confirm that it would rescind the decision to close the ARU; or that it would withdraw the notices of termination. The Trust indicated that it would continue to provide the current level of service until appropriate engagement could be carried out, but that the local authority consultation and user/stakeholder engagement must be completed so that a decision can be taken before 30<sup>th</sup> March 2016.

**24 and 25 February 2016:**

- Confirmation received from Durham and Stockton Councils that they decline the opportunity to participate in a Joint Committee arrangement.

**26 February 2016 (Audit and Governance Committee - Reconvened):**

- The Committee agreed to convene a Joint Committee with the other local authorities affected by the decision, with the expectation that this should take place within a period of about fourteen days; and
- The Committee made a number of further recommendations, outlined in the minutes attached at **Appendix B**.

**4 March 2016 - Court Application filed.**

**14 March 2016:**

- High Court Order, ordering that the Trust take no further step to facilitate the closure of the ARU until the court is able to consider the matter.

**15 March 2016 (Joint Health Scrutiny Committee):**

- The Trust was called to attend the meeting, in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013;
- The Trust failed to attend, indicating that it would be inappropriate to attend given the legal proceedings now issued and that attendance could be construed

as a 'step to facilitate the closure of the ARU and that it may be appropriate to reschedule the Committee pending consideration by the Trust of its legal position;

- The Committee was updated by the Clinical Commissioning Group of its activities in the identification of two independent embryologists (and a third clinician) to undertake a review of the ARU service and any proposed changes to the pathway and provider.
- The Joint Committee was adjourned, with no date set for it to be reconvened.

**15 March 2016 (Audit and Governance Committee):**

- The Committee noted feedback from the Joint Health Scrutiny Committee and reaffirmed the recommendations approved by the Audit and Governance Committee held on the 5 March 2015 (reconvened on the 26 March 2016), as outlined in **Appendix B**, for consideration by Full Council.

**17 March 2016 (Full Council)**

# **AUDIT AND GOVERNANCE COMMITTEE**

## **MINUTES AND DECISION RECORD**

### **5 February 2016**

The meeting commenced at 10.00 am in the Civic Centre, Hartlepool.

**Present:**

Councillor: Ray Martin-Wells (In the Chair)

Councillors: Jim Ainslie, Sandra Belcher and Rob Cook

In accordance with Council Procedure Rule 5.2 (ii), Councillor Paul Beck was in attendance as substitute for Councillor Stephen Akers-Belcher and Councillor Jim Lindridge was in attendance as substitute for Councillor Trisha Lawton.

Standards Co-opted Members:  
Norman Rollo

Parish Council Representatives:  
John Cambridge (Headland)

Also Present: Councillors Alan Clark, Brenda Loynes, David Riddle and Sylvia Tempest.  
Gina Wells, DAC Beachcroft LLP  
Iain Wright, MP for Hartlepool  
Dr Mohamed Menabawey  
Karen Hawkins, Hartlepool and Stockton Clinical Commissioning Group  
Gregg Canning, Royal College of Nursing  
Ros Kennedy, British Medical Association  
Mike Hill, UNISON

Officers: Louise Wallace, Director of Public Health  
Peter Devlin, Chief Solicitor  
Alastair Rae, Public Relations Manager  
Ed Turner, Public Relations and Communications Assistant  
Joan Stevens, Scrutiny Manager  
Angela Armstrong, Principal Democratic Services Officer

## **103. Apologies for Absence**

Apologies for absence were received from Councillor Stephen Akers-Belcher and Trisha Lawton along with Parish Council representative Brian Walker and Independent Person Clare Wilson.

## **104. Declarations of Interest**

Councillor Ray Martin-Wells declared a personal interest in minute 105.

## **105. Assisted Reproduction Unit – Service Provision** *(Scrutiny Manager)*

The Committee received, as part of its agenda documentation, a briefing report outlining the background to, and issues behind, the North Tees and Hartlepool NHS Foundation Trust's (FT) decision to close the Assisted Reproduction Unit at the University Hospital of Hartlepool (UHH) on clinical safety grounds.

The Chair informed the Committee that the management of the Trust had declined to appear in front of the Committee. The Trust's legal representative was in attendance to make a request on behalf of the Trust for an adjournment of the meeting on the following grounds:

- 1) The appropriateness, in terms of role and relevance, of the Committee's invited expert witness, Dr Mohammed Menabawey; and
- 2) The impartiality of the clinical expert in attendance.

The legal representative added that the issues affecting the Assisted Reproduction Unit related to recruitment and retention of specialist embryologists and that the Trust considered that there was little the clinical expert in attendance could add to that. In addition, the Trust had expressed concerns that as an ex-employee of the Trust, the clinical expert in attendance was not impartial. The Trust also had concerns that undue process had been undertaken in selecting the clinical expert in attendance, contrary to established NHS operating practices. In addition, it was highlighted that the clinical expert in attendance was retired and not licensed to practice at the current time and it was suggested that an independent clinical expert be appointed to advise the Committee by the Clinical Senate.

The Chair questioned why representatives from the Trust were not able to attend this meeting and explain those concerns to the Committee. The legal representative reiterated that she had been instructed to attend to request an adjournment of the Committee meeting and the identification of an independent expert through the Clinical Senate. The Chair expressed his concern at the non attendance of representatives from the Trust and sought a vote from the Committee on whether the meeting should be adjourned. By a show of hands, the Committee voted unanimously to refuse the request of the Trust to adjourn the Committee and receive evidence from those individuals who had made time to attend the meeting.

The Chair reiterated that the decision by the Trust not to attend this Committee and participate in the public debate about the future of fertility

services at the town's hospital was the worst example of arrogance that he had experienced. The Chair commented that everyone in this Chamber had given up their time to come together to discuss a hugely important issue and for the Trust's senior representatives to turn their backs on the very people they were employed and paid to serve was a massive slap in the face, wholly inexcusable and quite astonishing. The Chair added that for far too long the Trust had continued with the downgrading and removal of services from the University Hospital of Hartlepool and had shown total contempt for the views of local people, there was very little in the way of accountability and clearly by their non-attendance at this meeting, they did not like to face challenge.

The Chair concluded that despite the fact that the Trust was not in attendance, it was considered absolutely vital that the meeting press ahead so that the Committee can debate this hugely important issue which affected everyone in Hartlepool and the surrounding communities.

Members were fully supported of the Chair and the above comments and echoed their disappointment at the non-attendance of representatives from the Trust which showed contempt for the huge public attendance at this meeting as well as to all the other residents of the Town. A Member highlighted the statutory duty of the Local Authority to work closely with Trust in relation to child protection and added that it was becoming increasingly difficult to trust and work alongside them. It was suggested that an Extraordinary Council be called in order to ensure a full debate with all Elected Members on the future working arrangements with the Trust.

The MP for Hartlepool was in attendance and informed the Committee that the Chief Executive of the Trust had emailed him about the proposed closure of the Assisted Reproduction Unit due to the fact that the Trust had been unable to recruit enough embryologists to provide all aspects of the service safely. As a result of this, the MP had asked a parliamentary question to the Secretary of State for Health to clarify why there were problems recruiting embryologists. The Secretary of State confirmed that the Fertility and Embryology Authority had advised that they were not aware of any issues concerning the availability of embryologists in the United Kingdom. It was noted that the issue of clinical safety had been utilised previously as the rationale to remove other services from Hartlepool and the MP proposed that all previous decisions to remove services from Hartlepool be re-examined to ascertain if the issue of clinical safety had been a proven reason for the removal of those services.

The MP added that the people of Hartlepool were rightly concerned as yet another service was being removed from the UHH and suggested that the Trust should be operating a two hospital model. In conclusion, he added that there were serious questions over the leadership, management and governance of the Trust.

The Chair informed the Committee that a report had been produced on 27 November 2015 by the Fertility and Embryology Licensing Authority which

confirmed that an appropriate complement of staffing was important to undertake this type of work in such a hi-tech environment and that the staffing levels in Hartlepool at the time were suitable for the activities undertaken. It was acknowledged that the Unit was currently not fully staffed but the staffing levels were reviewed regularly with consultations and treatment cycles adjusted accordingly. In summary, the Licensing Authority had concluded that it was satisfied that the Unit was fit to undertake treatment and the license therefore continued. With this in mind, the Chair indicated at this point that he would have liked to ask senior representatives from the Trust what had changed in the service provision at the Assisted Fertility Unit since the production of this report that had led to the decision to remove that service from the Unit at Hartlepool as this questioned the medical competency of the Trust along with its capability to continue to provide effective health services.

The representative from Hartlepool and Stockton NHS Clinical Commissioning Group indicated that they were supportive of the request to adjourn the meeting to enable an independent source of clinical expertise to be identified by the Clinical Senate to attend a future meeting of the Committee. Assurance was provided to the Committee that the CCG's priority was to ensure the safest possible service was provided for local people and they continued to work with all partners to secure future services. However, the representative from the CCG confirmed they were unable to ignore concerns raised in relation to clinical safety. The CCG highlighted that the Clinical Senate had indicated that it would take 6-8wks to identify an independent expert to attend Committee but the Chair indicated that this was not a reasonable timescale as the Unit would have closed during this time, staff would have been made redundant and the purdah period prior to the Local Government Elections would have commenced. The Chair indicated that the meeting would be reconvened before the closure of the Unit and asked the CCG to progress the request for an independent expert through the Clinical Senate.

The Chair introduced Dr Mohamed Menabawey who had been appointed to work for the Trust at the UHH in 1988. Dr Menabawey provided the Committee with an outline of his extensive experience and responsibilities including the securing of a license for the Assisted Fertility Unit in Hartlepool when it was first opened. Dr Menabawey added that he left the employ of the Trust to become a Director of one of the largest fertility centres in London. He added that he had retired from private practice two years ago and had proceeded to establish two IVF Units in Cairo and Iraq. In view of the above, Dr Menabawey was astonished to note that the Trust questioned his expertise in the field of assisted fertility. The Chair sought the view of the Committee, who by a show of hands, unanimously accepted Dr Menabawey as an expert in the field of assisted fertility. The Trust's legal representative commented that the Trust were concerned at the impartiality of Dr Menabawey as a former employee of the Trust and reiterated that independent experts were usually appointed by the Clinical Senate.

Dr Menabawey indicated that there was no evidence of a shortage of qualified embryologists as there were many national and international organisations to recruit from. The Chair commented that he was concerned that the Trust was not in attendance due to Dr Menabawey's attendance as the Committee had invited him for his expertise in the assisted fertility field of medicine. Dr Menabawey added that he was sad to note that after working for the Trust very successfully for over 20 years, the Trust did not feel able to accept his expert opinion. He added that there were numerous offers of assistance to enable the Assisted Fertility Unit to continue to operate in Hartlepool including Darlington and Gateshead Fertility Units. The Chair questioned why the current consultant operating at the Unit in Hartlepool was not one of the representatives originally identified to attend the meeting as it would have been useful to hear his opinion on the current and potential future operating arrangements of the Unit. Members were fully supportive and appreciative of Dr Menabawey and of his attendance at this meeting to provide his expert opinion on the operation of Assisted Fertility Units.

A representative from UNISON addressed the Committee and highlighted that the sad reality of the request to adjourn the meeting was that the workforce currently employed within the Assisted Fertility Unit may be redundant by the time this issue can be debated if the Trust press ahead with the timescale to close the Unit on 31 March 2016. The UNISON representative informed the Committee that they had undertaken extensive consultation with staff of the Unit details of which were included within a comprehensive report which showed that there were opportunities to recruit qualified embryologists and that the Unit was fit for purpose. However, the UNISON representative added that he was currently unable to disclose the content of the report as it was subject to some technical checks. It was highlighted that the Assisted Fertility Unit was held in high regard as it provided an excellent service with the Annual International Conference of the London Woman's Clinic held in Hartlepool. The Unit was also recognised by the Licensing Authority, HFEA as part of a national training programme for embryologists. The representative from UNISON also questioned whether patients utilising the Unit had been consulted and advised of the proposed closure in relation to the transfer of notes and the movement of materials, ie sperm and eggs. The Chair commented that there were many questions that would be directed at the Trust if they had been in attendance but it was hoped that this opportunity would be provided should they choose to attend a future meeting.

In response to a number of queries raised by the UNISON representative, the CCG representative confirmed that the proposed closure of the Assisted Fertility Unit had been driven by the Trust through the provider variation proposals due to the difficulties being experienced recruiting appropriately trained staff to sustain the service. The representative from the CCG reiterated that patient safety was taken very seriously hence the request for an independent review and confirmed that work was ongoing with other providers across the North Tees and Hartlepool area to secure service provision for the future. In response to a question from the MP, the

representative from the CCG indicated that the cost of writing to all patients who had utilised the Assisted Fertility Unit since it opened in 2008 to seek consent to move any materials stored within the Unit had not been explored. The Chair requested that these costings be provided at a future meeting of this Committee where this issue will be discussed further. Dr Menabawey provided further detail on the technical side of the services provided within an Assisted Fertility Unit.

Members were very concerned that the closure of this Unit was yet another step towards the full closure of the University Hospital of Hartlepool which may impact on the recruitment and retention of staff to a Hospital which was being systematically closed. It was important to get the message out there that the UHH was a very good hospital and was sustainable. The Chair proposed that a letter be forwarded to the Secretary of State, the content of which to be agreed between the Chair and Scrutiny Manager, requesting the Secretary of State for Health to suspend the proposed closure of the Assisted Fertility Unit at the University Hospital of Hartlepool and to refer the circumstances surrounding this proposed closure for a full investigation by Monitor. This was supported unanimously by the Committee. The MP also supported this proposal adding that the investigation should also re-examine previous decisions taken on clinical safety grounds to remove services from the UHH, including Accident and Emergency. The MP also offered to attend any future meetings arranged with the Secretary of State to discuss these issues further. The Chief Solicitor reminded Members that guidance issued by the Department of Health enabled health scrutiny to strengthen the voice of local people and was concerned at the absence of representatives of the Trust during these discussions. It was noted that the Statutory Health Scrutiny function of the Committee may require any member, employee of a responsible person to attend and answer questions as deemed necessary in relation to the discharging of a relevant function such as health scrutiny and there was a duty upon that member, employee of a responsible person to comply with such a request. The Chief Solicitor suggested therefore that the Committee may wish to adjourn and reconvene at a later date with a further invitation extended to senior representatives from the Trust along with an independent expert, to be identified by the Clinical Senate, to attend the reconvened meeting at the earliest opportunity.

The Chair thanked everyone for attending and for being patient and respectful in challenging circumstances. An invitation was extended to everyone to the reconvened meeting when this was arranged, including Dr Menabawey.

### **Recommended**

- i) To adjourn the meeting for a reasonable period to allow the identification of an independent expert to be pursued by the CCG through the Clinical Senate. All those in attendance today were to be invited to attend the reconvened meeting (including the existing clinical

lead from the Unit who the Trust refused to invite to this meeting).

- ii) That a letter be sent to the Secretary of State for Health, from the Chair and Vice Chair of the Audit and Governance Committee:
- To request that the closure of the fertility unit be postponed (and arrangements previously in place for the provision of embryologists be continued) to allow the full and proper investigation of the decision (background, reasons and justification) by the Audit and Governance Committee (with the full involvement of the Trust);
  - To notify the Secretary of State for Health of the Trust's contempt for the Council and disregard for Overview and Scrutiny in their failure to attend as required under Regulation 27 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013;
  - To request Monitor to investigate the Trust's actions in relation to:
    - The closure of the Unit (given the flaws identified in the Trusts recruitment argument);
    - Previous decisions taken by the Trust to close / move services from University Hospital of Hartlepool (including Accident and Emergency) as the Committee questioned the robustness of evidence previously provided to support decisions taken on the grounds of clinical safety.
    - The Trust's competency / capability to continue to provide health services, with reference to the outcome of the recent CQC inspection and issues identified in relation to leadership at the UHH (**Medical care** - leadership - Inadequate, **Maternity and Gynaecology** - leadership – requires improvement, **Services for Children and Young People** - leadership – requires improvement, **Outpatients and Diagnostic Imaging** - leadership – requires improvement).
  - That the Secretary of State for Health meet with Hartlepool's MP and Council representatives (including Audit and Governance Committee Chair and Vice Chair) in relation to the fertility issue and the wider issue of trust competency / capability to continue to provide health services, supported by the view expressed in the recent CQC report in relation to the provision of service (i.e. Medical Care - designated as requiring improvement across all headings (safety, effectiveness, caring, responsive) and inadequate in terms of leadership.

## **106. Any Other Items which the Chairman Considers are Urgent**

None.

## **107. Adjournment of Meeting**

The meeting stood adjourned at 3.35 pm to be reconvened at a later date.

The meeting reconvened at 10.00 am on Friday 26 February 2016  
in the Civic Centre, Hartlepool.

### **Present:**

Councillor Ray Martin-Wells (In the Chair)

Councillors: Jim Ainslie, Stephen Akers-Belcher, Sandra Belcher, Rob Cook and  
Trisha Lawton

Standards Co-opted Members:  
Clare Wilson

Parish Council Representatives:  
John Cambridge (Headland)

Also Present: Councillors Christopher Akers-Belcher (Leader), Paul Beck, Kevin  
Cranney, Marjorie James, Jim Lindridge, Brenda Loynes, David  
Riddle, Paul Thompson  
Gina Wells, DAC Beachcroft LLP  
Dr David Emerton, Hartlepool and North Tees NHS Foundation Trust  
Iain Wright, MP for Hartlepool  
Dr Mohamed Menabawey  
Ali Wilson, Hartlepool and Stockton Clinical Commissioning Group  
Gregg Canning, Royal College of Nursing  
Mike Hill, UNISON

Officers: Louise Wallace, Director of Public Health  
Peter Devlin, Chief Solicitor  
Alastair Rae, Public Relations Manager  
Ed Turner, Public Relations and Communications Assistant  
Joan Stevens, Scrutiny Manager  
Angela Armstrong, Principal Democratic Services Officer

## **108. Apologies for Absence**

Apologies for absence were received from Norman Rollo, Independent  
Person and Brian Walker, Parish Council representative.

## **109. Declarations of Interest**

There were no further declarations of interest made at this meeting.

**110. Assisted Reproduction Unit – Service Provision**  
(Scrutiny Manager)

The Committee received, as part of its agenda documentation, additional supplementary information to inform the discussions on North Tees and Hartlepool NHS Foundation Trust's (Trust) decision to close the Assisted Reproduction Unit at the University Hospital of Hartlepool (UHH) on clinical safety grounds (with effect from 31 March 2016).

The Chair sought an explanation from the Trust's representative of why senior representatives from the Trust, who had been invited, had not attended when this meeting was first convened on 5 February 2016 and why were also not in attendance at this reconvened meeting. The Legal representative of the Trust confirmed that their position at the original meeting had been to seek an adjournment to allow the matter to be considered by a Joint Health Scrutiny Committee. In addition to this, the Trust's representative who was in attendance at the reconvened meeting was here to answer questions and it was hoped that along with the various correspondence between the Council and the Trust, this matter could be progressed. The Chair indicated his disappointment and disgust that, despite a discussion with the Trust's senior representatives who had requested that this meeting did not reconvene during half term week to assist their attendance, the senior representatives who had been invited had failed to attend. With this in mind, and in recognition of the Trust's continued contempt for the Committee, the Chair sought a view on requiring all 33 members of the Council of Governors for the North Tees and Hartlepool NHS Foundation Trust to attend a meeting of the Audit and Governance Committee to explain why they feel they could ignore a formal request to attend a meeting of the Audit and Governance Committee. This proposal was agreed unanimously by the Committee.

In response to a question from the Chair, the representative from the Trust reiterated their insistence that the proper route for consideration of this matter would be through a Joint Scrutiny Committee consisting of representatives from Hartlepool, Stockton and Durham Councils and the Trust would prefer to answer questions through this body. The Chair confirmed that Durham County Council and Stockton on Tees Borough Council had already declined in writing to participate in a Joint Committee. The Chair sought clarification of how meaningful the consultation with a Joint Scrutiny Committee would be, as he was aware that the notice had been given to employees of their impending redundancy due to the closure of the Assisted Fertility Unit was going ahead on 31 March 2016. Attention was also drawn to the letter sent by the Trust to the Trade Union refusing to maintain the status quo of the Unit to allow it to continue to operate while the ongoing grievance is investigated. The representative from the Trust confirmed that consultation with employees was ongoing in view of its commitment to keep staff fully briefed and added that there was some flexibility on the proposed closure date of 31 March 2016. The representative added that the Trust was trying to achieve the model of care that was best for

patients, clinically safe, sustainable and as local as possible. The uncertainty for employees was recognised by the Trust and they were working with other providers with the aim of keeping unlicensed services local as well as licensed where it was possible to do so. The Chair questioned how engagement and consultation could be meaningful without a predetermined outcome when employees were still being issued with redundancy notices due to the proposed closure of the Unit on 31 March. The Legal representative from the Trust indicated that the Trust was willing to be flexible with the proposed date of closure of the Unit to enable engagement with patients, stakeholders and a Joint Committee and reassured Members that the Trust was aware of its obligations to its employees.

The Chair referred to correspondence sent to the Council on behalf of the Trust and sought clarification on the CCG's responsibilities. The representative from the Trust indicated that the CCG's operating in areas affected by the proposals would be involved in a meeting of a Joint Committee should this go ahead as well as working closely with the Trust to look at alternative options of moving forward with a sustainable service. The representative from the Trust reiterated that the Trust were willing to be flexible with the proposed closure date of Unit of 31 March 2016 provided the Unit could be operated by appropriately qualified medical and embryology staff. In view of the above comments in relation to the CCG's involvement, the Chair sought clarification on when the Trust had informed the CCG of its proposal to close the Unit. The representative from the CCG informed the Committee that an informal telephone call had been received from the Chief Operating Officer of the Trust which indicated that the service was in a dire position and closure of the Unit was being considered. The representative from the Trust confirmed this. The CCG representative added that as the proposed was closure was due to concerns over safety through the lack of appropriately qualified clinicians, the CCG was unable to stop the proposed closure. However, the usual process would be for the Trust to submit a variation proposal and, to date, the CCG had not received this. In response to a question from the Chair, the representative from the Trust confirmed that the current service could continue whilst the appropriately qualified embryologist from Newcastle was able to support it.

A Member expressed his disappointment and disgust that the senior representatives of the Trust, who had been invited, had not attended to answer the questions/concerns of the Members and the public in attendance. The MP for Hartlepool reiterated that the whole stance of the Trust had been disgraceful and contemptuous to the Committee and the member of the public in attendance adding that the service provided at the Unit was either safe or unsafe and should not be used as a bargaining chip.

The Chair referred back to agreement by the Committee at the end of the meeting on 5 February 2016, that the Council would be willing to participate in a Joint Scrutiny Committee, subject to assurances that the

Trust would, in view of the ongoing engagement/consultation being undertaken:-

- (a) Rescind the decision to cease providing licensed fertility treatment at the ARU as of the end of March 2016;
- (b) Inform affected staff of this decision, and cease consulting with the trade unions and staff (as this would no longer be necessary) and withdrawn any notices of termination that may have been issued; and
- (c) Confirm that the Trust will consult with affected local authorities in accordance with the regulation 23 (2) of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (“the 2013 Regulations”), and will not cease the licensed treatment services at the ARU until after the conclusion of the consultation process.

The Chair was exasperated that the Trust had not responded to the Committee’s requests before the reconvened meeting, as requested, and had instead in its response of the 25 February, demanded that the Council:

- Not initiate Judicial Review proceedings;
- Not refer the matter to the Secretary of State; and
- Refer the matter immediately to a Joint Committee, whose activities would be completed before 30 March.

In the absence of prior notification, the Chair sought clarification as to the Trust’s position on the Committee’s request and was advised by the Legal representative from the Trust that redundancy notices will not be withdrawn. The Trust was aware of its obligations to its employees and she would take this request back to the Trust and that the licensed treatment would be maintained whilst the additional support currently being provided by an embryologist from Newcastle Hospital continued. It was reiterated that further engagement/consultation with a Joint Committee may enable more viable long term solutions to be identified. The Legal representative from the Trust confirmed that the Trust would look at all options available to them to ensure effective advertising was undertaken when recruiting appropriate qualified staff to operate the Unit.

As it appeared that the Trust had a predetermined view and was therefore issuing redundancy notices prior to a full and meaningful engagement/consultation process, the Chair sought the Committee’s view on:-

- A formal referral of the Trust’s actions, and decision, in relation to the closure of the ARU to the Secretary of State, with approval of this course of action through an Extraordinary meeting of Council, in accordance with the requirements of the Council’s Constitution.

This was unanimously agreed by the Committee.

- In view of the timescales involved and the proposed closure of the Unit on 31 March 2016, the issuing a 'letter before action' to the Trust and instruction of the Chief Solicitor to instigate formal legal proceedings in the High Court to stop the closure of the Unit. This was unanimously agreed by the Committee.

A Member expressed his disappointment that the invited senior representatives of the Trust had failed to attend this meeting and considered that sending a Legal representative could be deemed as intimidation tactics. In view of this appalling behaviour, it was proposed that the Trust's representation on the Council's Health and Wellbeing Board be removed. The Chief Solicitor suggested that consideration of this proposal be deferred to the Extraordinary meeting of Council requested above to enable the full consideration of the legal implications of this proposal. A discussion ensued during which Members of the Committee considered that the proposed closure of this Unit was a deliberate attempt to increase the number of services removed from the University Hospital of Hartlepool (UHH) and therefore result in the operation of the hospital as a whole being less viable.

In response to a Member question on the issue of decision making within the Purdah period, the Chief Solicitor responded that it would be preferred if all matters relating to a Joint Committee could be concluded before the Purdah period commenced on 24 March 2016. The Chief Solicitor clarified that the purdah period commenced on the date notice of the Local Government Elections was given, which in this case was 24 March 2016, and ended on the day of the Local Government Elections on 5 May 2016. The Purdah period was to ensure Local Authority resources were not utilised to promote specific organisations and political parties.

The Leader of the Council expressed his disappointment that Stockton Borough Council were not willing to participate in a Joint Committee when they had previously agreed to do that. He added that it was abhorrent of the Trust to absolve themselves of the formal obligation to consult and engage with stakeholders including its employees and the residents of Hartlepool. The Leader continued by indicating his full support for any legal action required to ensure services continue to be provided within the Unit along with the request to remove the Trust's representation from the Council's Health and Wellbeing Board.

As an expert in the field of assisted fertility, Dr Menabawey had been invited to attend the Committee and commented that even if only the licensed element of treatment was removed from the services provided within the Unit, this would render the remainder of the services provided there as not sustainable. Dr Menabawey referred to the excellent service that had been provided by the Unit for a number of years which was reinforced by a report produced on 27 November 2015 by the Fertility and Embryology Licensing Authority which confirmed that an appropriate

complement of staffing was important to undertake this type of work in such a hi-tech environment and that the staffing levels in Hartlepool at the time were suitable for the activities undertaken and it was satisfied that the Unit was fit to undertake treatment and the license therefore continued. Dr Menabawey commented that he did not feel that the advertising for appropriately qualified embryologists undertaken recently had been as effective as it could have been.

The MP for Hartlepool commented that the non attendance of the senior representatives of the Trust for a second time was utterly contemptuous of the highest possible order. He continued to indicate his support for the request for a Joint Committee, however as highlighted earlier in the meeting, neither Stockton on Tees Borough Council nor Durham County Council were willing to participate. The MP expressed his concern that whilst the threat of redundancy was held over employees of the Unit, there was a strong chance they would be looking for alternative employment in order to protect their careers and livelihoods and this would affect the staffing levels at the Unit. It was highlighted to the Committee that the MP for Hartlepool raised a question in the House of Commons on the apparent shortage of appropriately qualified embryologists in the United Kingdom where he was informed that there was not a shortage of embryologists. In view of this, the MP questioned the effectiveness of the recruitment process undertaken by the Trust to recruit appropriately trained embryologists. With this in mind, the MP strongly urged that the Extraordinary meeting of Council requested earlier in this meeting consider referring this issue to the Secretary of State for Health.

The UNISON representative addressed the Committee and expressed the union's disappointment that senior Trust representatives had failed to attend this reconvened meeting of the Committee. In addition, he added that it was disgraceful that it was proposed to close the Unit on 31 March 2016 which did not leave sufficient time for meaningful engagement/consultation to be undertaken with either employees or stakeholders.

A representative from the Royal College of Nursing (RCN) addressed the Committee by indicating that he had a number of questions that he would have liked to put to the senior representatives of the Trust had they been present at the meeting. However, he highlighted that discussions with the Trust had only commenced on the 11 February at the insistence of the Royal College and felt strongly that discussions/engagement/consultation should have commenced before the closure decision was taken. There was also frustration that other Trusts/bodies did not have the same problem in recruiting embryologists and the Trust had refused to retain the status quo (as indicated earlier in the meeting) whilst the ongoing grievance lodged by the Trade Unions was being investigated. The RCN shared the Committee's concerns that the proposed closure of the Unit was destabilising the current operation of the Unit when the provision of appropriately trained embryologists

would bring about the stability the Unit needed. The representative from the RCN went on to question the effectiveness of the recruitment process that had been undertaken as it was this reason given for the proposed closure and not the level of service provided from within the Unit.

The Chair sought clarification from Members on the creation of a Joint Committee with Stockton on Tees Borough Council and Durham County Council would be useful to this process. The Committee agreed unanimously that further approaches be made to Stockton on Tees Borough Council and Durham County Council to create a Joint Committee to look at the effect on the surrounding areas of the proposed closure of this Unit.

A discussion ensued during which the representative from the CCG indicated that the CCG needed to work with the Trust to understand what the issues were and what the service needed to be completely reinstated and sustainable. The CCG had made every effort to secure the advice of an independent expert via the Clinical Senate but had unfortunately been unable to identify anyone at the current time. The CCG had given a commitment to continuing to source an independent expert via a wider catchment of Clinical Senates and was awaiting responses. Dr Menabawey sought clarification on this issue as the Human Fertilisation and Embryology Authority (HEFA) which was established through an Act of Parliament and therefore governed by Parliament which meant it did not require the opinion of an independent expert. In addition the HEFA had undertaken the inspection of the Unit in November 2015 which involved clinicians and had granted the continuation of the license to practice the provision of assisted fertility. Dr Menabawey added that it was only the failure to recruit an appropriately qualified embryologist that made the service level unsafe according to the Trust, if an appropriate embryologist was recruited this would not be the case.

The Scrutiny Manager read out to the Committee a submission from a representative from the Save our Hospital campaign who was unable to attend due to ill-health. The Chair opened up the discussion to the members of the public who were in attendance including a doctor who had previously been employed as a consultant at the University Hospital of Hartlepool.

A lengthy discussion took place during which it was noted that the University Hospital of Hartlepool had been an excellent performing hospital across a number of service areas until recent years. This change had been brought about by the methodical transfer of services from this hospital to other hospitals in the north east region. In addition, it was the view of a number of people that there were difficulties recruiting posts to the UHH as employees were reluctant to move their careers to a hospital where service provision was constantly reducing. The Committee's attention was drawn to the recruitment process which was currently only undertaken on the NHS jobs website. It was considered that this limited the field of applicants, as the majority of

higher qualified specialised clinicians used the specialist recruitment process that was undertaken in professional magazines and websites and not the NHS jobs website. In response to a question from a member of the public, the representative from the CCG confirmed that where a proposal was submitted to remove or change a service, potentially through a variation proposal, the CCG engaged specialist clinician advice and reviewed all the information presented to them before a decision was taken.

There were several residents in the public gallery who wished to convey their thanks to the Assisted Fertility Unit and its team as they had helped them achieve a family. However, it was noted that some people who had undertaken treatment at the Unit would have frozen embryos and eggs stored within the Unit and clarification was sought on what would happen to these as there had been no correspondence with any of the patients. The representative from the Trust gave a guarantee that all materials stored in Hartlepool would remain there through a robust agreement and should anything need to be transferred anywhere, full consultation through a very strict procedure would be undertaken with all patients. An unreserved apology was given to anyone for the breakdown in communication which had led to people not receiving any communication from the Trust informing them of the proposed changes to the way the Unit operated. The MP for Hartlepool commented that it was unforgiveable that people who had frozen embryos and eggs stored within the Unit had not been contacted as this should be dealt with in the most sensitive and appropriate way.

A number of concerns were expressed by members of the public in attendance as they considered the non attendance of senior Trust representatives at this public meeting as an absolute contemptuous and immoral stance. The public in attendance were supportive of the Committee's proposal to refer this matter to the Secretary of State for Health and seek further retribution through the Courts, however, it was recognised that the reduction in service provision at the UHH had been ongoing for some time. The Chair commented that on this occasion, the Committee were in the fortunate position of having the advice and guidance on an expert in this particular field on medicine which had assisted the Committee in reaching informed recommendations. Further discussion ensued on the potential of purchasing services from other Trusts outside the North Tees and Hartlepool NHS Foundation Trust area.

## **Recommended**

- 1) The Committee requiring the complete Council of Governors for the North Tees and Hartlepool NHS Foundation Trust to attend a meeting of the Audit and Governance Committee to explain why they feel they could ignore a formal request to attend a meeting of the Committee.
- 2) The Trust's actions and decision in relation to the closure of the

ARU be formally referred to the Secretary of State, with approval of this course of action sought through an Extraordinary meeting of Council, in accordance with the requirements of the Council's Constitution;

- 3) In view of the timescales involved and the proposed closure of the Unit on 31 March 2016, the Chief Solicitor be instructed to instigate formal legal proceedings in the High Court to stop the closure of the Unit on 31 March 2016.
- 4) That consideration be given to the removal of the Trust's representation on the Council's Health and Wellbeing Board.
- 5) That Stockton on Tees Borough Council and Durham County Council be approached again to seek confirmation of their views on participation in a Joint Committee to look at the effect on the surrounding areas of the proposed closure of the Assisted Fertility Unit.

## **111. Any Other Items which the Chairman Considers are Urgent**

None.

Meeting concluded at 11.45 am

CHAIR

# COUNCIL

17 March 2016



**Report of:** Monitoring Officer

**Subject:** PERIODIC REVIEW OF THE COUNCIL'S CONSTITUTION

## 1. INTRODUCTION AND BACKGROUND

1.1 The Council's Constitution at Article 15 ('Review and Revision of the Constitution') stipulates that the Monitoring Officer '*will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect*'. Following the Council meeting on the 21<sup>st</sup> January, 2016, a number of motions as presented to that meeting were referred to the Monitoring Officer in line with the above requirements. Associated with that mechanism for review and revision, there is a protocol wherein, amongst other matters, the Monitoring Officer can address issues raised by both Members and Officers, but also the public and other relevant stakeholders. With this in mind, a press release was published on the Council's website on Thursday 4<sup>th</sup> February with a subsequent article appearing in an edition of the Hartlepool Mail on the 12<sup>th</sup> February, inviting representations from the general public on matters that should be reviewed or otherwise revised within the Council's Constitution. There was also publication on various other social media platforms as well as internal communication inviting representations to be made.

1.2 No representations were received from the general public and therefore the matters raised within this report have either come through Elected Members or Officers of the Borough Council or a result of constitutional changes or otherwise in relation to Outside Bodies and Organisations. As in previous reports submitted to Council on this topic, Council are reminded that the Constitution must contain;

- A copy of the Council's Standing Orders (now termed 'Procedure Rules') for the time being,
- A copy of the Council's Code of Conduct,
- Such information as the Secretary of State shall direct, and
- Such other information (if any) as the Council considers appropriate.

1.3 As can be seen, there is a general discretion to include such information which the Council deems to be appropriate and certainly there has been an expansion of information within the Council's Constitution, notably under Part

5 'Codes and Protocol's'. Other than the above, the Council in operating a 'Committee based' form of governance must comply with the requirements contained within the Local Authorities (Committee Systems) (England) Regulations 2012 and the general principles upon delegation which were established under Section 101 of the Local Government Act, 1972. The vast majority of Local Authorities (and now even emerging Combined Authorities) have based their constitutions upon the guidance issued by the then DETR 'New Council Constitutions: Modular Constitutions for English Local Authorities' (December 2000). As previously indicated,

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

- 1.4 In relation to those items for consideration contained within this report, Council are reminded of Council Procedure Rule 24.2 in that;

*'any motion to add to, vary or revoke these procedure rules will when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council unless the proposed addition, variation or revocation is for the purpose of compliance with any statutory provision'.*

## 2. ITEMS FOR CONSIDERATION

- 2.1 A number of items require the consideration of Council particularly in respect of Part 7 of the Council's Constitution in order to facilitate appointments to 'Outside Organisations and Other Bodies' early in the municipal year. In addition items have been identified relating to the efficient running of the Council, which have been canvassed with the Chief Executive Officer as Head of Paid Service and the Council's Corporate Management Team, as noted within the report. Items have also be raised through a number of motions to Council on 21<sup>st</sup> January 2016 which relate to the review (in its entirety) of the 'Rules of Procedure' governing meetings of full Council. The items in relation to these 'Rules of Procedure' would benefit from wider dialogue , including that with newly elected members through a Members Seminar. It is therefore recommended that such items be referenced to a Members Seminar to be held to further investigate these 'Rules of Procedure' and to consider whether they prohibit or otherwise detract from effective governance and engagement between elected Members and the public. Such a seminar, would essentially replicate the informal meetings convened when the Council first looked towards a review of its Constitution with the advent of a Committee System. It will also provide an opportunity for that wider consideration of Rules of Procedure.
- 2.2 For information, the items received by the Monitoring Officer for Council's consideration in relation to Rules of Procedures are as follows;
- i) That supplementary questions for members of the public be reinstated in their previous form.

- ii) That the requirement for signatories to call in a policy committee decision be reduced to 5 Members.
- iii) That this Council believes the current rules around debate within the context of 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.
- iv) That the 7 clear working days rule for submission of motions and questions is not practicable and that Council should resolve to shorten that period to 3 days.
- v) That “all constitutional matters, in the first instance, be referred to the Monitoring Officer, automatically as part of his 6 monthly constitutional review and it should be articulated in the Council’s Constitution. The Monitoring Officer be requested at the same time to take soundings from Members on how best to deal with Motions to Council. This will still ensure that Members make Constitutional decisions in line with the reports presented by the Council’s Monitoring Officer on a 6 monthly basis”.

### 2.3 Appointments to Outside Organisations and other Bodies

A number of items require Council consideration to facilitate appointments or otherwise to outside bodies and organisations early in the new municipal year. Members are requested to approve or otherwise note the following recommendations in respect of Part 7 of the Council’s Constitution, as follows;

1. To approve the deletion of the present reference to the Industrial Communities Alliance (present nominations being the Leader and designated substitute being the Chair of Regeneration Services Committee) and also the Director of Regeneration and Neighbourhoods.
2. Cleveland Fire Authority – on the 24<sup>th</sup> July, 2015, the Cleveland Fire Authority resolved to change its composition of Elected Members from the present 23 to 16. The Cleveland Fire Services (Combination Scheme) Order, 1995 requires each constituent authority to appoint representatives to the Authority “*as is proportionate to the number of local government electors in its area in relation to the number of such electors in each of the other constituent authorities’ areas*”. Hence, this will mean that the current number of appointments to the Fire Authority will move from 4 to 3 representatives, which appointments will be confirmed at the Fire Authority Annual meeting to be held on 10<sup>th</sup> June, 2016. Members are asked to note this position and that political balance will still apply in respect to the 3 appointments from the Council to serve upon the Cleveland Fire Authority.
3. Tees Valley Combined Authority – The Tees Valley Combined Authority Order, 2016, will establish following the exercise of the Secretary of State’s powers a Combined Authority for the Tees Valley area, under the Local

Democracy, Economic Development and Construction Act, 2009. For the purpose of Part 7 of the Constitution, Council are asked to note the following;

- Council must appoint one of its Elected Member to be a Member of the Combined Authority. This will be the Leader / Elected Mayor of the constituent councils' together with a substitute Member (Deputy Leader / Deputy Elected Mayor).
- One voting representative nominated by each constituent authority (or substitute Member as appropriate) to the Tees Valley Transport Committee.
- One voting representative nominated by each constituent authority (or substitute Member as appropriate) to the Audit and Governance Committee.
- The Combined Authority must appoint an Overview and Scrutiny Committee with at least 3 Members of each of the constituent councils' being represented upon the Overview and Scrutiny Committee and this representation "*so far as reasonably practicable is to reflect the balance of the political parties at the time being prevailing amongst Members of the constituent councils'.*" Members are also asked to note that presently the Order to establish the Combined Authority does not allow for substitute Members to sit on the Overview and Scrutiny Committee.

## 2.4 Formats and Remit of the Local Joint Consultative Committee

Following a request to consider the scope and arrangements around the Local Joint Consultative Committee (LJCC) there appears below a series of options as discussed between Members and Trade Unions in the context of the LJCC. The Consultative Committee is essentially an advisory body primarily focused around disputes in the workplace and policies and agreements as they affect the workforce. The current remit for the LJCC is attached (**Appendix 1**), it is suggested that the remit (see "functions" of the LJCC) be extended to incorporate the following;

- *"To provide a forum for the consideration of those matters, as appropriate, which are key to the longer term development to the Authority". It has also been suggested that the overall "make up" of the Committee to be further considered by Council with a favoured option being that as shaded in the tabulation below;*

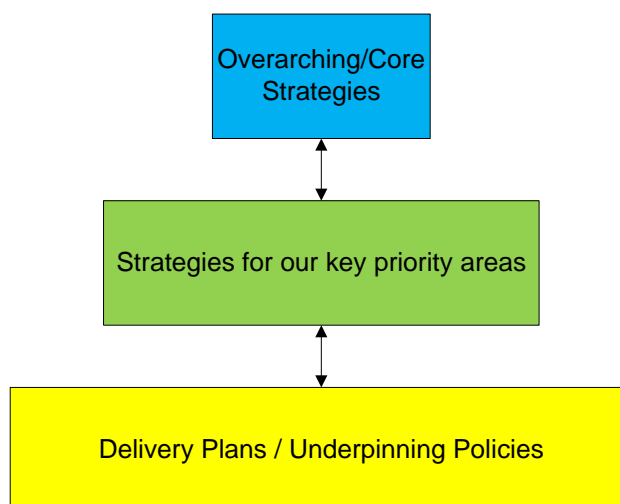
	Current	Option	Alternative
Meeting Frequency	Quarterly	Bi Monthly	Monthly
Councillors	9	7	7
Trade Union members	Equal to the number of Councillors	7	7
Officers	Assistant Chief Executive	Chief Executive, Assistant Chief Executive and Chief Finance Officer (core) plus Directors as appropriate	All of CMT for each meeting

Currently the agenda for the LJCC is set by the Chair and Vice Chair with suggestions for inclusion (based on the current remit) from officers. It is therefore proposed that in future (and as part of informal pre-meeting arrangements) that in line with current arrangements that the agenda would be set by officers in conjunction with the Chair (a Councillor) and Vice Chair (Trade Union representative). It is also recommended that the minutes of the LJCC should be referred for information through to the Finance and Policy Committee when they have been formally agreed.

**Recommended:** That Council approve the preferred format for the Local Joint Consultative Committee, its amended remit and that minutes are forwarded to the Finance & Policy Committee for consideration.

## 2.5 Proposed changes to the policy framework and other plans and strategies as listed within the functions section of each of the five Policy Committees.

Article 4.04 of the Council's Constitution lists those matters forming the "Policy Framework" of the Council. For the most part, these are high level strategies which ordinarily require formal approval of Council, often through legislative requirements. The Councils Corporate Management Team have undertaken a review of the Councils Strategies and Plans based upon the following hierarchy wherein those plans and strategies are developed and following necessary Council approvals implemented through the Policy Committees as outlined in the accompanying appendix (**Appendix 2**).



Whereas those overarching / core strategies are still clearly recognised within the definition of “policy framework” those plans as identified as “delivery plans / underpinning policy” in view of their regularity of change, such documents will not necessarily be named within the Constitution but will be reported to the relevant Policy Committee as and when required.

**Recommended:** That Part 3 of the Constitution through the list of “Other Strategies and Plans” be removed for each Policy Committee and the Policy Framework list should be updated to read as per **Appendix 2**.

## 2.6 Appointment of Band 15 posts

In considering changes to the Chief Officer pay policy Finance and Policy Committee agreed that there should be the opportunity for member involvement in all Band 15 band 15 appointments. Section 112 of the Local Government Act 1972 specifies that “*a Local Authority shall appoint such officers as they think necessary for proper discharge by the Authority as such of their or another Authorities functions as fall to be discharged by them.....*” Through the provisions of the Local Government and Housing Act, 1989, every relevant Local Authority must appoint a Head of Paid Service and “*to provide that officer with such staff, accommodation and the resources as are, in his opinion, sufficient to allow his duties....to be performed*”. Further, Section 7 of the 1989 Act requires every appointment of a person to paid office or employment under a Local Authority “*shall be made on merit*”. The Nolan Committee sought to regulate through Codes and Protocols the relationship between officers and Elected Members. Accordingly, the Local Government Act 2000, made provision for Codes of Conduct both for Elected Members and officers, although, the Code of Conduct for officers has developed through initiatives of Local Authorities as the initial obligation underlined the 2000 Act, was never implemented. Nevertheless, the principles remain that all officers are employed by and are accountable to the Local Authority and necessary procedures should be in place to govern the relationship between officers and Members. With this in mind, the Local Authorities (Standing Orders) (England) Regulations, 2001 specified that appointments (and certain dismissals) would

only be by Members through a Committee or Sub Committee in the following circumstances;

- Appointment of the Head of Paid Service
- Appointment of statutory Chief Officers
- Appointment of non statutory Chief Officers
- Appointment of Deputy Chief Officers
- Appointment of assistants for political groups.

This was addressed through guidance issued under the Local Government Act 2000 to English Local Authorities and how they should establish their constitutions. Hence in the Council's Officer Employment Procedure Rules under 10.1 headed "Other Officer Appointments" (namely those outside the above categories) the following is specified;

*"Appointments of all other officers (other than those specified in paragraph 2.12 (vi) is the responsibility of the Head of Paid Service or his/ her nominee, and may not be made by Councillors".*

Finance and Policy Committee, in raising this, suggested that consideration be given to the involvement of the relevant Committee Chair or Vice Chair in the process. Any appointment would be through the Head of Paid Service and I have discussed this with the Head of Paid Service who is satisfied that through enabling such involvement in the interview (should the relevant Chair or Vice Chair wish to be so involved) subject to the appointment being the responsibility of the Head of Paid Service or his / her nominee.

**Recommended:** That a revision to the Officer Employment Procedure Rules include a notation allowing an invitation for the Chair or Vice Chair of a relevant Committee to attend or otherwise be consulted on a Band 15 appointment, but that such appointment is the responsibility of the Head of Paid Service or his/her nominee.

### 3. SUMMARY OF RECOMMENDATIONS

#### 3.1 It is recommended that;

##### 3.1.1 A Members Seminar to be held to seek views on items relating to Rules of Procedure prior to Council determination of any revisions including;

- i) - Supplementary questions
- ii) - Signatories to refer a matter to Council
- iii) - Rules around debate
- iv) - Submission of questions
- v) – Constitutional review mechanism

##### 3.1.2 A revision to the Officer Employment Procedure Rules includes a notation allowing an invitation for the Chair or Vice Chair of a relevant Committee to attend or otherwise be consulted on a Band 15 appointment, but that such

appointment is the responsibility of the Head of Paid Service or his/her nominee.

3.1.3 Members approve or otherwise note the following in respect of Part 7 of the Council's Constitution, as follows;

1. To approve the deletion of the present reference to the Industrial Communities Alliance (present nominations being the Leader and designated substitute being the Chair of Regeneration Services Committee) and also the Director of Regeneration and Neighbourhoods.
2. The current number of appointments to the Fire Authority will move from 4 to 3 representatives, which appointments will be confirmed at the Fire Authority Annual meeting to be held on 10<sup>th</sup> June, 2016. Members are asked to note this position and that political balance will still apply in respect to the 3 appointments from the Council to serve upon the Cleveland Fire Authority.
3. Tees Valley Combined Authority – The Tees Valley Combined Authority Order, 2016, will establish following the exercise of the Secretary of State's powers a Combined Authority for the Tees Valley area, under the Local Democracy, Economic Development and Construction Act, 2009. For the purpose of Part 7 of the Constitution, Council are asked to note the following;
  - Council must appoint one of its Elected Member to be a Member of the Combined Authority. This will be the Leader / Elected Mayor of the constituent councils' together with a substitute Member (Deputy Leader / Deputy Elected Mayor).
  - One voting representative nominated by each constituent authority (or substitute Member as appropriate) to the Tees Valley Transport Committee.
  - One voting representative nominated by each constituent authority (or substitute Member as appropriate) to the Audit and Governance Committee.
  - The Combined Authority must appoint an Overview and Scrutiny Committee with at least 3 Members of each of the constituent councils' being represented upon the Overview and Scrutiny Committee and this representation "*so far as reasonably practicable is to reflect the balance of the political parties at the time being prevailing amongst Members of the constituent councils'.*" Members are also asked to note that presently the Order to establish the Combined Authority does not allow for substitute Members to sit on the Overview and Scrutiny Committee.

3.1.4 Council approve the preferred format for the Local Joint Consultative Committee, its amended remit and that minutes are forwarded to the Finance & Policy Committee for consideration.

- 3.1.5 Council approve that Part 3 of the Constitution, through the list of “Other Strategies and Plans” be removed for each Policy Committee and the Policy Framework list should be updated to read as per **Appendix 2**.

## **LOCAL JOINT CONSULTATIVE COMMITTEE**

### **REMIT**

**APPROVED – 2 NOVEMBER 2011**

---

**1. TITLE**

The Hartlepool Council and Staff Joint Committee will be called the “Local Joint Consultative Committee”.

**2. REPRESENTATION**

The Local Joint Consultative Committee shall comprise nine members of the Hartlepool Borough Council to be appointed annually by the Local Authority and an equal number of Hartlepool Borough Council employees appointed by the Hartlepool Joint Trade Union Committee. It is expected that both the Local Authority and the HJTUC sides will call on the services of their full time professional/technical officers always provided that both sides mutually agree. The members shall retire annually and shall be eligible for re-appointment.

If a member of the Local Joint Consultative Committee ceases to be a member or officer of Hartlepool Borough Council or a representative of Hartlepool Joint Trades Union Committee he/she shall thereupon cease to be a member of the Local Joint Consultative Committee; any vacancy shall be filled by Hartlepool Borough Council or the Hartlepool Joint Trade Union Committee.

**3. CHAIRPERSON**

The Chair and Vice-Chair shall be appointed by the Local Joint Consultative Committee at their first meeting in each year. The Chair is to be an elected member and appointed by the Local Authority and the Vice-Chair to be appointed from the HJTUC side. The Chair of the meeting shall not have a casting vote. Meetings will be chaired alternately by the Chair and Vice-Chair.

**4. OFFICERS**

The secretarial work of the Local Joint Consultative Committee shall be carried out by Democratic Services.

**5. FUNCTIONS**

The functions of the Local Joint Consultative Committee shall be:-

- (a) To establish regular methods of negotiation and consultation between Hartlepool Borough Council and its officers in order to prevent organisational differences and to adjust them should they arise.
- (b) To consider any relevant matter referred to it by a Council Committee or by the Hartlepool Joint Trade Union Committee.
- (c) To make recommendations to the relevant Council Committees as to the application of the terms and conditions of service and the training and development of Local Government officers employed by Hartlepool Borough Council.
- (d) The Local Joint Consultative Committee may refer any appropriate matter for advice from the North East Provincial Council. It may also decide to advise the North East Provincial Council of any recommendation of the Local Joint Consultative Committee which is approved by Hartlepool Borough Council and which appears to be of more than purely local interest.

**6. RULES AND REGULATIONS**

- (i) The Local Joint Consultative Committee shall meet as and when required but not less than quarterly. The Chair or Vice-Chair may direct the Secretary to call a meeting at any time. A meeting shall be called within fourteen days of the receipt of a requisition signed by not less than one-third of the members of either side. The matters to be discussed at any meeting of the Local Joint Consultative Committee shall be stated upon the notice summoning the meeting, provided that any other business may be considered if admitted by a majority vote of those present at such meeting.
- (ii) The quorum of the Local Joint Consultative Committee shall be three representatives of each side.
- (iii) No resolution shall be regarded as carried unless it has been approved by a majority of the members present on each side of the Local Joint Consultative Committee, and in the event of (a) of the Local Joint Consultative Committee being unable to arrive at an agreement, or (b) of Hartlepool Borough Council disagreeing with the recommendations of the Local Joint Committee, the matters in dispute shall, where this is in accordance with the Constitution of the North Eastern Provincial Council, be referred to that Council.
- (iv) The proceedings of any meetings of the Local Joint Consultative Committee shall be reported to the appropriate Council Committee or direct to Council as may be determined locally, but before submission the report shall be signed by the Chair and Vice-Chair of the Local Joint Consultative Committee.
- (v) The Local Joint Consultative Committee will, in reaching any agreements or recommendations, have due regard to the policy and recommendations of the North East Provincial Council.

Therefore it is recommended that in Part 3 of the Constitution the list of Other Strategies & Plans should be removed for each Policy Committee and the Policy Framework list should be updated to read as follows:

**Finance & Policy Committee** (pg. 18 & 19)

**Policy Framework**

Community Engagement & Cohesion Strategy  
Community Safety Plan  
Council Plan  
Health & Social Care Plan  
Health & Wellbeing Strategy  
Medium Term Financial Strategy  
Sustainable Community Strategy  
Workforce Strategy

**Adult Services Committee** (pg. 21)

**Policy Framework**

Vision for Adult Social Care

**Children's Services Committee** (pg. 24)

**Policy Framework**

Child & Family Poverty Strategy  
Children & Young People's Plan  
Early Years & School Infrastructure Plan  
Education Improvement Strategy  
Youth Justice Strategic Plan

**Regeneration Services Committee** (pg. 27 & 28)

**Policy Framework**

Culture, Leisure & Heritage Strategy  
Economic Regeneration Strategy  
Housing Strategy  
The plans and strategies which together comprise the Local Plan

**Neighbourhood Services Committee** (pg. 30 & 31)

**Policy Framework**

Cleaner & Greener Strategy  
Climate Change Strategy  
Local Transport Plan

**COUNCIL**  
**17<sup>th</sup> March 2016**



**Report of:** Finance and Policy Committee

**Subject:** COMMUNITY SAFETY PLAN 2014 - 17 (YEAR 3)

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

1.1 Part of the Budget and Policy Framework.

**2. PURPOSE OF REPORT**

2.1 To consider the Community Safety Plan 2014-17 (Year 3).

**3. BACKGROUND**

3.1 In accordance with the Crime and Disorder Act 1998, and Crime and Disorder Regulations 2007, the Safer Hartlepool Partnership is required to produce a three year Community Safety Plan to set out how it intends to tackle crime and disorder, substance misuse and re-offending in Hartlepool with a refresh of the plan being undertaken on an annual basis.

**4. COMMUNITY SAFETY PLAN 2014-17 (YEAR 3)**

4.1 The Community Safety Plan (Year 3) (attached at **Appendix A**) provides an overview of progress made during 2015-16 with an update on end of year performance. It describes some of the Partnership activity undertaken to reduce crime and improve safety during the last 12 months, and incorporates the 2016-17 annual priorities.

4.2 In developing the plan a strategic needs assessment has been undertaken which alongside local intelligence and analysis has included consultation with the local community (statutory, voluntary and community, and private sector) through the Safer Hartlepool Partnership Face the Public Event; the Safer Hartlepool Partnership on-line survey; and Cleveland Police Public Confidence Survey September 2015.

4.3 The Community Safety Plan (Year 3) was agreed by the Safer Hartlepool

Partnership on 22<sup>nd</sup> January and was considered by the Audit and Governance Committee on 11<sup>th</sup> February, and the Finance and Policy Committee on 15<sup>th</sup> February 2016.

## **5. RISK IMPLICATIONS**

- 5.1 There are no risk implications associated with this report.

## **6. FINANCIAL CONSIDERATIONS**

- 6.1 It is estimated that the total cost of crime in Hartlepool during the last 12 months amounts to more than £95 million.

## **7. STAFF CONSIDERATIONS**

- 7.1 There are no staff considerations associated with this report.

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

- 8.1 The Community Safety Plan (Year 3) provides an agreed plan of action between statutory partners in relation to how they will discharge their Section 17 considerations within the Borough.

## **9. LEGAL CONSIDERATIONS**

- 9.1 Under the Crime and Disorder Act 1998, Community Safety Partnerships (CSPs) have a statutory responsibility to develop and implement strategies to reduce crime and disorder, substance misuse and re-offending in their local area. Part of this statutory responsibility is to produce an annual Community Safety Plan.

## **10. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 10.1 Based on the needs identified in the Partnerships strategic assessment, the Community Safety Plan (Year 3) sets out how the Safer Hartlepool Partnership will aim to protect and improve the safety of vulnerable individuals, groups and localities in Hartlepool.

## **11. CHILD AND FAMILY POVERTY**

- 11.1 There are no child poverty implications associated with this report.

## **12. ASSET MANAGEMENT CONSIDERATIONS**

- 12.1 There are no Asset Management Consideration associated with this report.

### **13. RECOMMENDATIONS**

- 13.1 It is recommended that Council adopts the Safer Hartlepool Partnership Community Safety Plan 2014-17 (Year 3).

### **14. REASON FOR RECOMMENDATIONS**

- 14.1 As a Responsible Authority, the Local Authority has a statutory duty to develop and implement a three year strategy aimed at reducing crime and disorder, substance misuse, and re-offending behaviour.

### **15. BACKGROUND PAPERS**

#### **SHP STRATEGIC ASSESSMENT REPORT & COMMUNITY SAFETY PLAN REPORT – 22<sup>nd</sup> January 2016.**

[https://www.hartlepool.gov.uk/meetings/meeting/3414/safer\\_hartlepool\\_partnership](https://www.hartlepool.gov.uk/meetings/meeting/3414/safer_hartlepool_partnership)

#### **A&G COMMUNITY SAFETY PLAN REPORT – 11<sup>th</sup> February 2016.**

[https://www.hartlepool.gov.uk/meetings/meeting/3333/audit\\_and\\_governance\\_committee](https://www.hartlepool.gov.uk/meetings/meeting/3333/audit_and_governance_committee)

#### **F&P COMMUNITY SAFETY PLAN REPORT – 16<sup>th</sup> February 2016.**

[https://www.hartlepool.gov.uk/meetings/meeting/3319/finance\\_and\\_policy\\_committee](https://www.hartlepool.gov.uk/meetings/meeting/3319/finance_and_policy_committee)

### **16. CONTACT OFFICER**

Denise Ogden  
Director of Regeneration and Neighbourhoods  
Civic Centre  
Victoria Road  
Hartlepool  
TS24 8AY  
Email [denise.ogden@hartlepool.gov.uk](mailto:denise.ogden@hartlepool.gov.uk)  
Tel: 01429 523301

Clare Clark  
Head of Community Safety and Engagement  
Civic Centre  
Victoria Road  
Hartlepool  
TS24 8AY  
Email [clare.clark@hartlepool.gov.uk](mailto:clare.clark@hartlepool.gov.uk)  
Tel: 01429 523100



# Safer Hartlepool Partnership Plan 2014 – 2017

## Year 3



# Contents

Foreword.....	Page 3
The Safer Hartlepool Partnership.....	Page 4
Hartlepool in Context .....	Page 5
Partnership Activity 2015/16.....	Page 6
Strategic Assessment 2014/15.....	Page 9
Key findings from the Strategic Assessment.....	Page 10
Public Consultation.....	Page 11
Partnership Priorities 2016/2017.....	Page 12
Key activities over the next 12 months.....	Page 13
Measuring Performance.....	Page 14
Safer Hartlepool Partnership Performance 2015/16 (Appendix 1).....	Page 16
Delivering the 2016/17 Priorities (Appendix 2).....	Page 17

## Foreword

I am pleased to introduce the Safer Hartlepool Partnership Annual Plan which is based on the findings of the Partnership's Annual Strategic Assessment and consultation with the public through our on-line survey and our annual "Face the Public" event. The Plan outlines the Partnership's strategic objectives and priorities for 2016-17 and will be refreshed next year to incorporate new objectives and priorities as they emerge.

Since becoming Chair of the Safer Hartlepool Partnership in May 2013, I have been impressed by the strength of partnership working and the dedication and continued support of those organisations that are responsible for the Partnership including; the Council, Police, Fire Authority, Clinical Commissioning Group, Probation and the Cleveland Police and Crime Commissioner.

By working together, over the last year recorded anti-social behaviour has reduced by 5.2%, equating to 392 less incidents than in the previous assessment period. .

During 2015-16 the Safer Hartlepool Partnership has also successfully supported and delivered numerous partnership initiatives that have contributed to improved safety in Hartlepool and some of these successes are outlined in this plan.

However crime has increased during this reporting period, and over the coming year there are a number of factors that will present the Safer Hartlepool Partnership with challenges including; an enduring poor economic climate; Welfare Reform; the emergence of new types of serious and organised crimes; and further significant cuts to public expenditure following the Governments Comprehensive Spending Review in November 2015. Ministry of Justice plans to close Hartlepool Magistrates Court and County Court if they go ahead will also inevitably impact on the ability to access justice in the town.

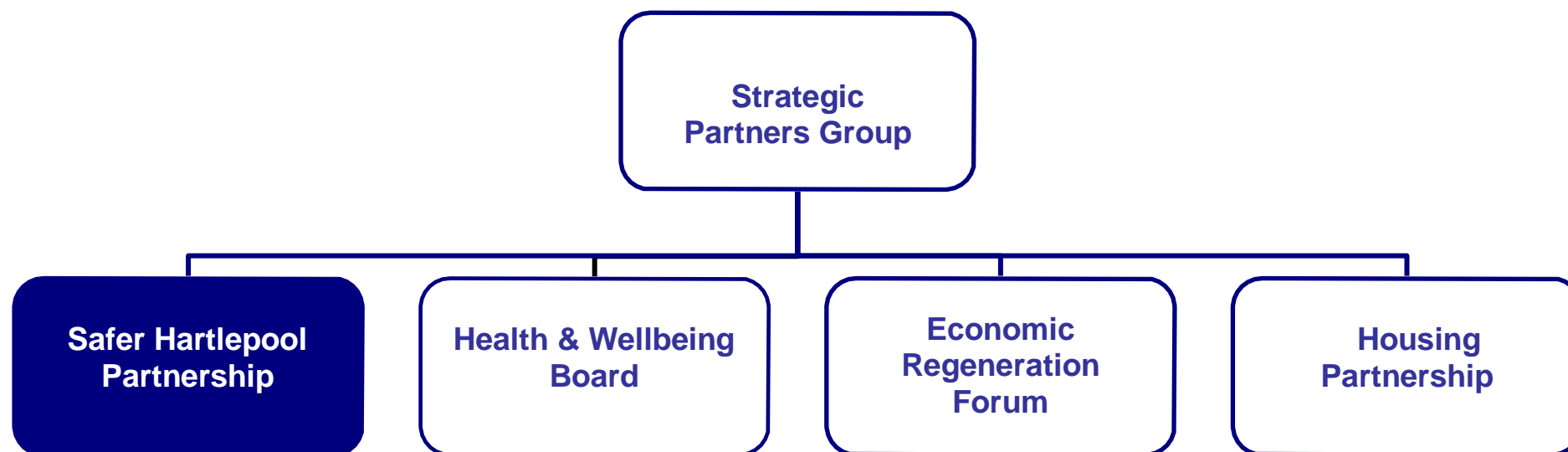
Whilst the year ahead will be full of challenges I am confident that this Partnership Plan will help us to make Hartlepool a safer place to live, work, and socialise.

**Councillor Christopher Akers-Belcher**  
**Chair of the Safer Hartlepool Partnership**



## The Safer Hartlepool Partnership

The Safer Hartlepool Partnership is Hartlepool's statutory Community Safety Partnership and is one of the four<sup>1</sup> themed partnerships of the Hartlepool Strategic Partners Board. The aim of the Safer Hartlepool Partnership is to make Hartlepool a safer place to live, work and socialise by addressing crime and anti-social behaviour, substance misuse and to reduce re-offending.



The Partnership is responsible for delivering the following: *Community Safety Plan; annual Youth Justice Plan; Substance Misuse Plan (Drugs and Alcohol); CCTV Strategy; Domestic Violence Strategy; Social Behaviour Plan; Prevent Action Plan; Cohesion Strategy; Troubled Families Programme*. The Partnership is also responsible for the delivery of the community safety outcomes within the *Sustainable Communities Strategy* and the *Hartlepool Plan*. These local strategies and plans will have regard to the Cleveland Police and Crime Plan and appropriate national strategies and plans, to ensure that national policy is followed.

<sup>1</sup> The themed Partnerships are: The Safer Hartlepool Partnership, The Health and Well Being Board, the Housing Partnership and the Economic Regeneration Forum

## Local Context

Hartlepool is the smallest unitary authority in the North East region and the third smallest in the country comprising of some of the most disadvantaged areas in England. Issues around community safety can be understood by a number of contextual factors:

### Population

- Hartlepool has a stable population rate, maintained by low levels of migration.
- Hartlepool has become more diverse in recent years, although a very small proportion of the population are from the Black Minority Ethnic (BME) community.
- 56% of the population in Hartlepool live in six of the most deprived wards in the country, where crime and anti-social behaviour rates are high.

### Health & Wellbeing

- There is a higher prevalence of long term health problems, including mental health.
- Alcohol related hospital admissions in Hartlepool are significantly worse than the regional and national.
- Hartlepool has 40% greater need in relation of mental illness compared to England.
- The number of Class A drug users in Hartlepool is more than double the national average.

### Deprivation

- Hartlepool has pockets of high deprivation where communities experience multiple issues: higher unemployment, lower incomes, child poverty, ill health, low qualification, poorer housing conditions and higher crime rates.
- Hartlepool is the 18<sup>th</sup> most deprived local authority area out of 326 local authorities.
- Residents living in more deprived and in densely populated areas have high perceptions of crime

### Housing

- The percentage of long term empty properties in Hartlepool is higher than the Tees Valley average.

### Geography

- Community safety problems are not evenly spread and tend to be concentrated in geographic hotspots, particularly in the most deprived wards in Hartlepool.

### Unemployment

- Unemployment rates in Hartlepool are above the regional average and double the national average.
- The unemployment rate of young people aged 18-24 years remains above the national average.

## Partnership Activity 2015– 2016

Over the last year, the Partnership has delivered a number of projects and initiatives against the strategic priorities in the Partnership Plan 2015 - 2016, and developed new services which have been designed to reduce crime, disorder, anti-social behaviour, substance misuse and re-offending. Examples are listed below:

### Strategic Objective: Reduce Crime & Repeat Victimisation

- **Crime Prevention & Target Hardening** - We have continued to offer crime prevention advice and promote safety measures throughout the year, with seasonal campaigns addressing specific crime types and issues.
- **Serious and Organised Crime** - We have set up a local 'Organised Crime Disruption Panel to disrupt the activities of known organised crime groups in Hartlepool. Front line staff across organisations working in Hartlepool have also been trained to recognise the signs of crimes such as modern day slavery and human trafficking and how to report it.
- **Dedicated Victims Service** - Over the last year we have provided support to 593 victims including 315 victims of crime, and 105 victims of anti-social behavior with the remainder being indirect victims such as those living in high crime and disorder areas and living in the fear of crime. 354 homes have also benefited from improved security across Hartlepool, providing reassurance to victims and reducing their risk of repeat victimisation. Over 88% of victims who have received this service also report increased feelings of safety.
- **Domestic Violence and abuse** – In March this year we launched Operation Encompass to ensure timely information sharing between schools, police, and social care, to improve early intervention and support for children who have witnessed domestic abuse. We have also improved refuge provision for those made homeless by domestic abuse through a dispersed properties scheme.



## Strategic Objective: Reduce the harm caused by drug & alcohol misuse

- **Drug and Alcohol Treatment and Support** – The Partnership has commissioned a range of community based specialist services to support those who misuse substances. To improve access and increase engagement this service now includes an outreach element. Overall these services have helped more than 900 people on their journey to recovery.
- **Awareness Campaigns** – The Partnership is driving forward campaigns to promote responsible drinking and highlight the dangers of drug misuse - campaigns include Dry January, Substance Misuse Week, and Foetal Spectrum Disorder.
- **Education and awareness**- The Partnership has provided education and awareness in relation to the dangers of alcohol to young people through healthy life style work in schools.
- **Enforcement** - The Partnership has continued to monitor sales of underage drinking, undertaking test purchasing where required, and delivered mandatory training to licensees around irresponsible drink promotions.



160122 RND Community Safety Plan 2014-17 (Year 3)

## Strategic Objective: Create confident, cohesive and safe communities:

- **Respect Your Neighbourhood Campaign** - Throughout the year we have delivered eleven multi-agency Neighbourhood Action Days to tackle environmental crime.
- **Targeted Youth Outreach Activities** - Have been delivered in anti-social behaviour hotspot areas to ensure young people remain safe and are diverted into positive activities.
- **Selective Licensing of landlords** – Following consultation we have identified further streets to extend selective licensing of landlords to more areas of the town.
- **Supported a number of Voluntary Sector Groups** - such as the Asylum Seeker Group, and Crime Prevention Panel to promote crime prevention messages and cultural diversity, and raise awareness of services available for victims of hate crime and domestic abuse.
- **Anti-social Behaviour Awareness Day (ASBAD)** – More than 1,500 secondary school pupils have taken part in the annual ASBAD event with interactive sessions on topics such as alcohol awareness, making hoax calls, and bullying.
- **Hate Crime** – We undertook an investigation into the levels and impact of hate crime through the Councils Overview and Scrutiny Committee, and a hate crime action plan will be delivered this year.
- **Operation Impact** - Introduced intensive police patrols in anti-social behaviour hotspot areas, and made extensive use of new powers under new anti-social behaviour legislation including dispersal orders.

## Strategic Objective: Reduce offending and re-offending

Reducing offending and re-offending has been one of the main focuses of the Partnership during 2015/16. In response to high rates of reoffending in Hartlepool the Partnership has introduced a new strategy which aims to break the cycle of re-offending behaviour and improve public safety. The strategy aims to strengthen the ability of the Partnership to work together to provide local solutions to reoffending set against the broader context of the national Transforming Rehabilitation Strategy. Current activities aimed at reducing offending and reoffending include:

- **Triage Programme** - This scheme diverts young offenders into positive activities and support, instead of charging them and taking them to court. The initiative continues to reduce the numbers of young Hartlepool people entering the criminal justice system in Hartlepool and the success of the scheme is now being replicated across the Cleveland area.
- **Integrated Offender Management (IOM)** – This multi-agency approach to reducing re-offending has benefited from further development work this year with a multi-agency hub comprising of a Police Sergeant, HMP Prison Officers, a Community Rehabilitation Company Officer, Restorative Justice Co-ordinator, and Performance Officer co-located at Holme House Prison. The hub aims to improve ‘through the gate services’ ensuring a smooth transition for offenders into the community to reduce the risk of further offending behaviour.
- **Troubled Families Programme – Think Family / Think Community** – This government funded initiative entered its second phase during 2015. The programme aims to reduce youth offending, reduce anti-social behaviour, increase education attendance and get people into work. Due to the local success of the programme the government has committed funding to enable work to be undertaken with a further 143 families over the forthcoming year.



## Strategic Assessment 2015

The ninth Safer Hartlepool Strategic Assessment was completed in December 2015 and contains information to aid the Partnership's understanding of the priority community safety issues in Hartlepool. The Assessment forms part of an intelligence-led approach to community safety, which enables a more focused, resource-effective and partnership-orientated delivery of options to help:

- Better understand the patterns and trends relating to crime, disorder and substance misuse issues affecting the Borough;
- Set clear and robust strategic priorities for the Partnership;
- Develop interventions and activities that are driven by reliable intelligence-led evidence.

The Strategic Assessment covers the twelve month period October 2014 to September 2015 and contains analysis of data obtained from both statutory and non-statutory partner agencies including: the Hartlepool Borough Council, Cleveland Police, Cleveland Fire Brigade, North Tees & Hartlepool NHS Foundation Trust, Housing Hartlepool, and Harbour Support Services. Additional information has also been obtained from community consultations and meetings.

RESTRICTED



**Safer Hartlepool Partnership**

**Strategic Assessment 2015**

## Key findings from the Strategic Assessment period include:

### Strategic Objective: Reduce Crime & Repeat Victimisation

- Recorded crime in Hartlepool has increased by 36% and remains above the national average.
- Acquisitive crimes, particularly domestic burglary offences, have increased.
- Repeat victimisation is evident in most crime categories; however it is even higher in violence offences, particularly domestic related violence.
- In the current economic climate there is potential that the numbers of repeat and vulnerable victims will increase.

### Strategic Objective: Reduce the harm caused by drug & alcohol misuse

- Alcohol specific hospital admissions for adults and under 18's in Hartlepool are significantly higher than the national average.
- The number of people dependant on drugs in Hartlepool is twice the national average.
- There is a clear link between Class A drug misuse and the occurrence of acquisitive crime.
- The number of individuals accessing drug treatment has remained stable since the previous assessment period.

### Strategic Objective: Create confident, cohesive and safe communities

- The number of anti-social behaviour incidents recorded in Hartlepool have reduced by 5%.
- Our most disadvantaged communities and neighbourhoods suffer from disproportionate levels of anti-social behaviour.
- Anti-social behaviour in all its forms act as visible signs of disorder in the community and is closely linked to perceptions of safety and satisfaction with their local area.

### Strategic Objective: Reduce offending and re-offending

- Adult re-offending continues to be a significant factor, with more than 90% of repeat offenders being aged 18 years or over.
- Re-offenders have greater needs in respect of housing, education, training, employment and substance misuse.
- The number of young people entering the criminal justice system for the first time has reduced by 29% in comparison to the previous assessment period.

## Public Consultation

To ensure that the Partnership is focusing on the issues that residents consider to be a priority, findings from local community consultations have been taken into consideration when setting the strategic objectives and priorities.

### Face the Public

Consultation in the lead up to and at the Safer Hartlepool Partnership 'Face the Public' event held in October 2015 raised the following issues:

- How to sustain Neighbourhood Policing; the vital links with the community; and strong multi-agency partnership working.
- The importance of tackling anti-social behaviour and looking after the local environment to improve quality of life.
- Improving safety on the streets and safety 'on-line'.
- Working with offenders and the importance of drug and alcohol treatment services.
- The need to ensure continued support for victims of crime and anti-social behaviour.

### Safer Hartlepool Partnership On-line Survey

During September and October 2015 the Partnership undertook an on-line survey. Accessed via the Safer Hartlepool Partnership website, more than 200 people responded. As part of the survey participants were asked:

**“Which of the Safer Hartlepool Partnership priorities is the most important to you?”**

From the four choices available, the majority of respondents identified creating confident, strong and safe communities as the most important priority, as below:

- Create confident, strong and safe communities (41%)
- Reduce crime and repeat victimisation (25%)
- Reduce offending and re-offending (18%)
- Reduce the harm caused by drug and alcohol misuse (16%)

When participants were presented with a list of anti-social behaviour issues, and asked to tell us which they felt were a very or fairly big problem in their local area the following five issues were identified:

**Rubbish or litter lying around**

**Speed and volume of road traffic**

**Groups hanging around the streets**

**People being drunk or rowdy in public places**

**People using or dealing drugs**

## Partnership Strategic Objectives 2014-2017

Based on the findings in the annual Strategic Assessment and consultation with the local community, the Partnership will retain the following four strategic objectives during the lifetime of the three year plan:

Strategic Objectives 2014 - 2017	
Reduce crime and repeat victimisation	Reduce the harm caused by drug and alcohol misuse
Create confident, cohesive and safe communities	Reduce offending and re-offending

## Partnership Priorities 2016-2017

To reflect community priorities evidenced in the community consultation process, during 2016/17 our key focus will be to: **“Create confident, cohesive and safe communities”** by concentrating on the following areas of concern:

Annual Priorities 2016 - 2017	
<b>Re-offending</b> - reduce re-offending through a combination of prevention, diversion and enforcement activity.	<b>Acquisitive Crime</b> – reduce acquisitive crime through raising awareness and encouraging preventative activity with a particular focus on domestic burglary.
<b>Domestic Violence and Abuse</b> – safeguard individuals and their families from violence and abuse and implement programmes to tackle those identified as ‘high risk’.	<b>Anti-social behaviour</b> –. reduce anti-social behaviour through a combination of diversionary, educational, and enforcement action and increase restorative interventions.
<b>Substance misuse</b> – reduce the harm caused to individuals, their family and the community, by drug and alcohol misuse and alcohol related violence.	<b>Vulnerable Victims</b> - work together to identify and support vulnerable victims and communities experiencing crime and anti-social behavior.

## Key activities over the next 12 months include:

**Partnerships** - we will review and implement new ways of partnership working investigating the use of new technology to manage anti-social behaviour cases and share information. We will continue to develop multi-agency partnership working in neighbourhoods, particularly those neighbourhoods experiencing high levels of crime, anti-social behaviour and environmental issues.

**Crime Prevention** – to reduce the opportunity for acquisitive crime to occur we will increase the use of technology to promote crime prevention advice and key safety messages, and continue to deliver our home and personal security service.

**Substance Misuse** - we will address the impact of drug and alcohol misuse on the broader community working in partnership with the police to target hotspot locations, and ensure appropriate treatment and recovery support services are in place for individuals and their families.

**Anti-social behaviour** – we will identify persistent offenders; making effective use of enforcement tools to protect the community and environment. We will ensure the effective resolution of anti-social behaviour, and increase the use of our restorative justice and mediation service to prevent escalation of behaviours negatively impacting on quality of life.

**Vulnerable Victims** – we will improve the identification of vulnerable victims; strengthen support pathways and links with safeguarding, protecting those at risk of exploitation.

**Domestic Violence & Abuse** – we will undertake an in depth needs analysis, and develop and implement a new strategy for tackling domestic abuse, exploring ways of supporting victims and their families, and making use of programmes to promotes healthy relationships and reduce abusive behaviours.

**Offenders** – we will continue to work with offenders and those at risk of offending, investing in families through early help services to prevent offending behaviour, and working with “Through the Gate” services to ensure offenders are fully reintegrated back into the community by providing support and improving access to stable accommodation.

**Community Engagement** – we will maintain vital links with the community ensuring pathways are in place for local residents to raise issues of concern, work with diverse communities, and maximize the work of the voluntary sector.

## Measuring Performance

Partnership performance monitoring will be undertaken on a quarterly basis to assess progress against key priorities drawn from the strategic assessment and identify any emerging issues. Performance management reports will be provided to the Safer Hartlepool Partnership.

The following performance indicators will be monitored over the next 12 months:

Strategic Objective	Performance Indicator
Reduce crime & repeat victimisation	Total recorded crime rate per 1,000 population
	Domestic burglary rate per 1,000 household
	Vehicle crime rate per 1,000 population
	Robbery rate per 1,000 population
	Shoplifting rate per 1,000 population
	Violent crime (including sexual violence) rate per 1,000 population*
	% of violent crime (including sexual violence) that is domestic related
	% of repeat cases of domestic violence (MARAC)
	Violent crime (including sexual violence) hospital admissions for violence per 100,000 population*
Reduce the harm caused by drug and alcohol misuse	Drug offences per 1,000 population
	% of people who think drug use or dealing is a problem
	% of opiate drug users that have successfully completed drug treatment*
	% of non-opiate drug users that have successfully completed drug treatment*
	% of alcohol users that have successfully completed alcohol treatment
	Alcohol related hospital admissions rate per 100,000 population*
	Number of young people known to substance misuse services

\*Indicators link to the Public Health Outcome Framework

Strategic Objective	Performance Indicator
Create confident, cohesive & safe communities	Anti-social behaviour incidents per 1,000 population
	Public order offences per 1,000 population
	Criminal damage rate per 1,000 population
	Deliberate fires rate per 1,000 population
	Number of reported hate crimes & incidents
	% of the population affected by noise - number of complaints about noise
	% of people who feel safe during the day
	% of people who feel safe after dark
	% of people who think rubbish or litter lying around is a problem
	% of people who think groups hanging around the streets is a problem
	% of people who think people being drunk or rowdy in a public place is a problem
	% of people who think vandalism, graffiti and other deliberate damage to property is a problem
	% of people who think noisy neighbours or loud parties is a problem
	% of people who think abandoned or burnt out cars are a problem
	% of people who think that they belong to their local area
	% of people who feel that they can influence decisions that affect their local area
	% of people who believe that people from different back grounds get on well together
	% of people who think that people in the area pull together to improve the local area
Reduce offending & re-offending	Rate of first-time entrants to the Youth Justice System per 100,000 population*
	Re-offending levels - percentage of offenders who re-offend*
	Re-offending levels - average number of re-offences per offender*
	Re-offending rate of Prolific & Priority Offenders
	Re-offending rate of High Crime Causers
	% of Troubled Families who have reduced their offending behaviour

\*Indicators link to the Public Health Outcome Framework

## Safer Hartlepool Partnership Performance 2015/16

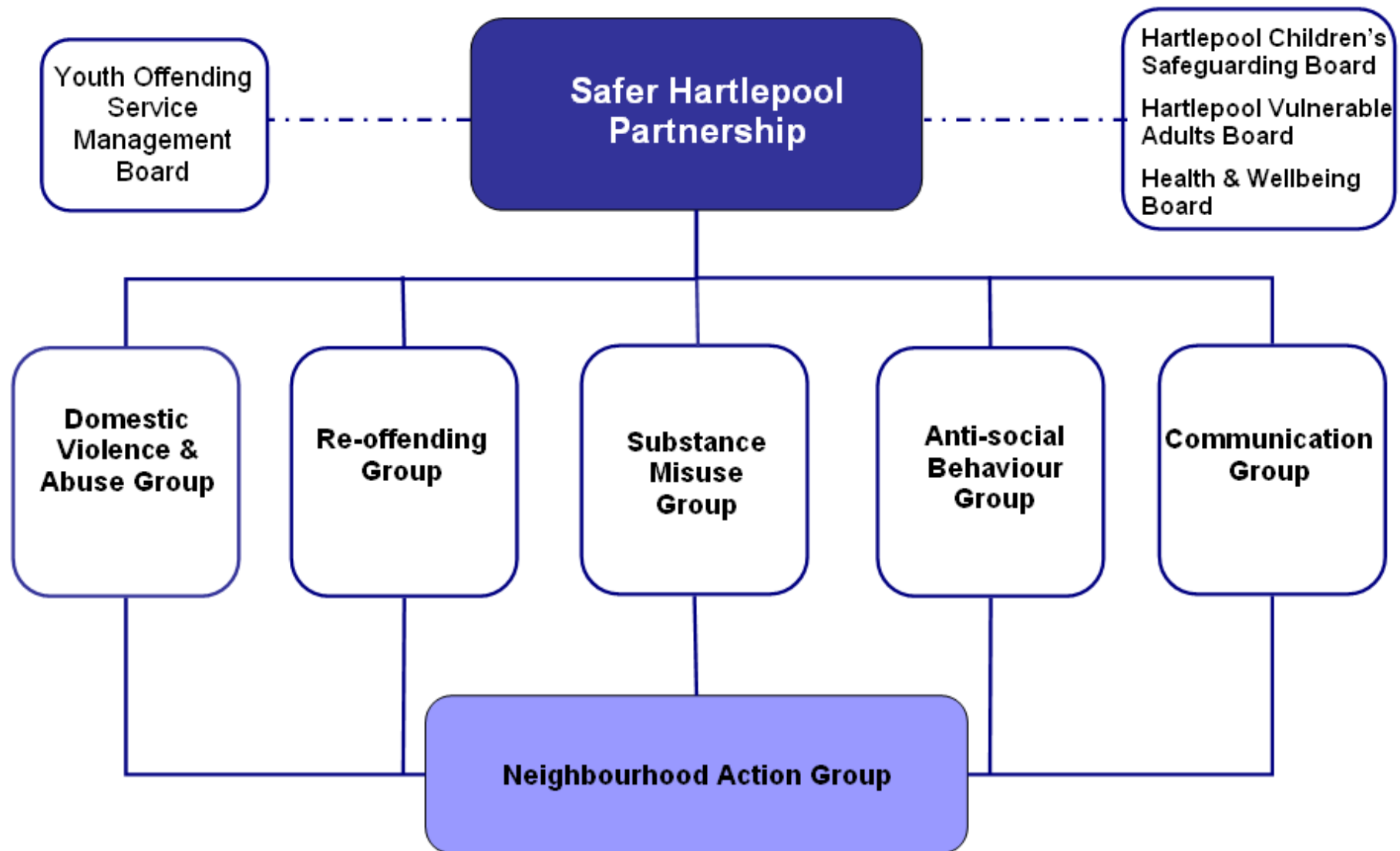
## Appendix 1

To be published in April 2016

## Delivering the 2016/17 Priorities – Delivery Structure

## Appendix 2

The responsibility for delivery of each of the priorities has been allocated to a dedicated theme group of the Safer Hartlepool Executive Group.





thirteen



# COUNCIL

17<sup>th</sup> March 2016



**Report of:** Finance and Policy Committee

**Subject:** COUNCIL PLAN 2016/17

## 1. PURPOSE OF REPORT

- 1.1 To seek Councils approval for the Council Plan 2016/17.

## 2. BACKGROUND

- 2.1 The Council Plan is the Councils top level plan. It sets out how the Council will help achieve the vision set out in Hartlepool's Community Strategy:

*"Hartlepool will be a thriving, respectful, inclusive, healthy, ambitious and outward looking community, in an attractive and safe environment, where everyone is able to realise their potential".*

- 2.2 As in previous years, the Council Plan is structured around an outcome framework which covers the eight Community Strategy themes and an additional organisational development theme.
- 2.3 The actions, performance indicators and targets set out in the Council Plan will be regularly reviewed through the Council's performance management framework with progress reported quarterly to Members.

## 3. DECISION MAKING ROUTE FOR THE PLAN

- 3.1 The Council Plan is part of the Council's Budget and Policy Framework and therefore requires approval by full Council. The Plan has been through the following stages before being presented to full Council for approval:
- Finance and Policy Committee agreed the outcome framework 21<sup>st</sup> September 2015.
  - Draft proposals were considered by the relevant Policy Committees:
    - Neighbourhood Services Committee – 25<sup>th</sup> January 2016
    - Regeneration Services Committee – 29<sup>th</sup> January 2016

- Children's Services Committee – 9<sup>th</sup> February 2016
- Adult Services Committee – 15<sup>th</sup> February 2016
- Finance & Policy Committee – 15<sup>th</sup> February 2016
- Finance and Policy Committee considered the feedback from Policy Committees along with the final draft of the Council Plan 2016/17 on the 14<sup>th</sup> March 2016.

3.2 Unfortunately, due to the timing of meetings at this point in the 2015/16 municipal year the papers for Council will be issued prior to consideration of the final draft of the Council Plan 2016/17 by Finance & Policy Committee on 14<sup>th</sup> of March. If there are any changes to the Plan following the discussion at Finance & Policy Committee then a supplementary paper will be circulated to Council in advance of the meeting on the 17<sup>th</sup> of March.

#### 4. HARTLEPOOL'S APPROACH TO THE COUNCIL PLAN

- 4.1 The Council Plan 2016/17, attached as **Appendix 1**, sets out how the Council propose to deliver the priority outcomes. The plan contains the key actions, risks, Performance Indicators and targets, where available, which will be used to monitor progress throughout 2016/17.
- 4.2 The Council Plan also contains the equality objectives that have been identified for publication in April (**section 6 of Appendix 1**). The Council has a legal duty to publish a set of equality objectives in April at least every 4 years. Since the first objectives were published in April 2012 the Council has used the relevant outcomes and actions from our Council Plan in order to demonstrate that equality is a core part of our work.
- 4.3 As in previous years the timetable for producing the Council Plan means that some target information for the Performance Indicators cannot be included at this stage as the information is not yet available. Any outstanding targets will be presented to Finance & Policy Committee for agreement within the regular performance monitoring reports that they will receive in 2016/17.

#### 5. RECOMMENDATIONS

- 5.1 That Council approves the Council Plan 2016/17.

#### 6. REASONS FOR RECOMMENDATIONS

- 6.1 Council is responsible for approving the annual Council Plan as set out in the Budget and Policy Framework.

#### 7. BACKGROUND PAPERS

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

**8. CONTACT OFFICER**

Andrew Atkin  
Assistant Chief Executive  
Corporate Strategy Division  
Tel: (01429) 523040  
E-mail: [Andrew.Atkin@hartlepool.gov.uk](mailto:Andrew.Atkin@hartlepool.gov.uk)



# Hartlepool Borough Council Council Plan 2016/17





## Contents

1. Introduction	2
2. Organisational Structure	4
3. Performance and Risk Monitoring and Reporting	8
4. Priorities	9
5. Actions, Performance Indicators and Risks	11
6. Equality Objectives	75



## 1. Introduction

This document is Hartlepool Borough Council's (HBC's) Council Plan for 2016/17. It sets out the Council's overall Service Planning arrangements. The Plan addresses the key priorities and issues facing the Council, and includes key actions, performance indicators and identified risks from departments. The Plan has been prepared in parallel with the development of the Council's 2016/17 budget and the Council's Medium Term Financial Strategy.

Hartlepool is the only Council in the Tees Valley to have frozen Council Tax for the last five years. It had been hoped that Council Tax for the Council's services could have been frozen for a sixth successive year. However, this has not been possible owing to the following significant changes in the funding available for Council services:

- Government grant is being cut for the sixth successive year and the grant cut next year is nearly **£4.5 million, a cut of nearly 15%**;
- The Valuation Office Agency has reduced the Rateable Value of the Power Station by 48%. This reduces the Council's share of Business Rates income by £3.8million per year;
- The Government has abolished the grant paid for the last five years to Councils which froze Council Tax. This grant helped Councils manage the financial impact of freezing Council Tax;
- The Government has implemented regulations to enable a new Adult Social Care Council Tax Precept of 2%, which in essence transfers the responsibility of paying for adult social care from national taxpayers to local taxpayers.

The new Adult Social Care Council Tax precept is a fundamental change in the Government's Council Tax Policy and is designed to partly address the significant financial pressures of caring for vulnerable and frail older people. These pressures include the financial impact of the National Living Wage, which will increase the Council's costs by £500,000 in 2016/17 and by 2019/20 will cost the Council an additional £2.5 million per year.

The Local Government Finance Settlement issued by the Government assumes that all Social Care authorities will increase Council Tax by 3.9%.

As a result of the Government grant cut and reduction in Business Rates received from the Power Station the Council's income in 2016/17 will be nearly

**£8.3 million** less than it was in 2015/16 – a cut in funding of **10%**. In view of this significant reduction in recurring income and the shift in the Government's Council Tax policy we have considered the level of Council Tax carefully and decided to implement an increase of 3.9%. This increase will raise an additional **£1.276 million** (including £655,000 from the 2% Adult Social Care Precept).

The Council had been planning for a significant reduction in funding, although the actual cut next year is higher than forecast. To manage the actual reduction the Council will implement a range of savings, increase Council Tax, allocate increased Council Tax income from housing growth and use reserves. The use of reserves does not provide a permanent solution to the reduction in funding and is designed to provide a longer lead time to develop a permanent strategy. Detailed plans will be developed during 2016/17 to address the financial challenges facing the Council in 2017/18 and 2018/19.

#### Summary of 2016/17 Funding cuts and strategy for managing these reductions



As part of the approach for managing the Government grant cuts over the last 5 years the Council has adopted a long-term strategy to manage its resources, including monies held in reserves. The Council's approach is essential in a period of significantly reducing Government funding and is designed to avoid the need for unplanned cuts, which would be more difficult to achieve and have a more damaging impact on services. Reserves can only be spent once, so it essential that robust plans are in place to manage these resources.

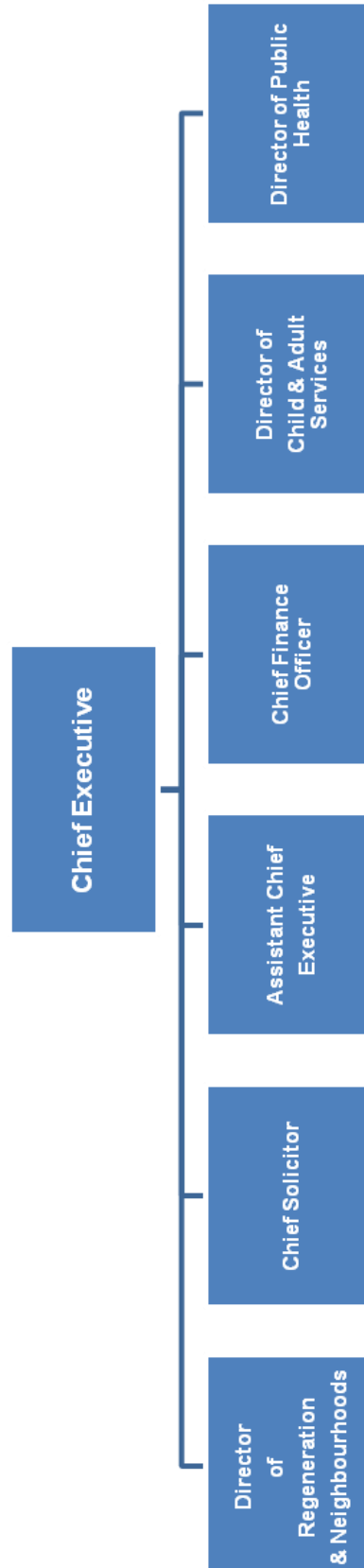
The Council's service planning framework is based on having **a clear set of outcomes** that the Council is working towards achieving within these budget constraints. For each outcome the Council has identified: -

- a number of **actions**, which when completed, will help to achieve the outcome;
- **performance indicators** as the basis for making and measuring progress towards achieving the outcome;
- the significant **risks** that could affect progress towards its achievement.



## 2. Organisational Structure

### Corporate Management Team





### 3. Departmental Structures

#### Chief Executives Department 2016/17

Chief Finance Officer	Chief Solicitor	Assistant Chief Executive
<ul style="list-style-type: none"><li>• Financial Management (Corporate)</li><li>• Audit and Governance</li><li>• Accountancy</li><li>• Financial Management</li><li>• Benefits (inc fraud and control) and means tested services</li><li>• Revenues Collection</li><li>• Payments/Payroll</li><li>• Insurances</li><li>• Social Fund</li></ul>	<ul style="list-style-type: none"><li>• Legal</li><li>• Elections</li><li>• Land Charges</li><li>• Members Services</li><li>• Scrutiny</li><li>• Democratic Services</li></ul>	<ul style="list-style-type: none"><li>• Public Relations</li><li>• ICT</li><li>• Policy/Performance/Partnerships</li><li>• Complaints/Consultation</li><li>• PA's</li><li>• Workforce Development</li><li>• Human Resource Business Partners and Human Resources Business Teams</li><li>• Organisational Development</li><li>• Customer Services/Hartlepool Connect</li><li>• Registrars</li><li>• Equality/Diversity</li><li>• Departmental Administration Function</li><li>• Health, Safety and Wellbeing</li></ul>
Section 151 Officer	Monitoring Officer	

## Child and Adults Department 2016/17

Director of Child & Adult Services		
Assistant Director Children's Services	Assistant Director Education	Assistant Director Adult Services
<ul style="list-style-type: none"> <li>• Children's Social Care</li> <li>• Special Educational Needs and Disabilities</li> <li>• Local Safeguarding Children Board</li> <li>• Youth Support Services</li> <li>• Early Intervention and Prevention Services</li> <li>• Principal Social Worker (Child and Adults)</li> <li>• Workforce Development</li> </ul>	<ul style="list-style-type: none"> <li>• School Improvement Service</li> <li>• Educational Psychology</li> <li>• School Capital (in partnership with R&amp;N)</li> <li>• School Admissions and School Place Planning</li> <li>• Children's Strategic Commissioning</li> <li>• Post 16 Further Education</li> <li>• Management Information</li> <li>• Virtual School Head</li> </ul>	<ul style="list-style-type: none"> <li>• Adults Social Care</li> <li>• Adults Strategic Commissioning</li> <li>• Safeguarding Adults Board</li> <li>• Early Intervention and Reablement</li> <li>• User Property and Finance</li> <li>• Management Information</li> <li>• Departmental Development and Complaints</li> </ul>

## Regeneration and Neighbourhoods Department 2016/17

<b>Director of Regeneration and Neighbourhoods</b>	<ul style="list-style-type: none"> <li>• Support Services</li> <li>• Strategic Procurement and Reprographics</li> </ul>
<b>Assistant Director (Neighbourhoods)</b>	<b>Assistant Director (Regeneration)</b>
<ul style="list-style-type: none"> <li>• Building Design &amp; Construction</li> <li>• Emergency Planning</li> <li>• Services Direct</li> <li>• Community Safety &amp; Engagement</li> <li>• Operations</li> <li>• Technical Services</li> </ul>	<ul style="list-style-type: none"> <li>• Learning &amp; Skills</li> <li>• Building Control</li> <li>• Culture and Information</li> <li>• Planning Services</li> <li>• Economic Regeneration</li> <li>• Housing Services</li> <li>• Estates &amp; Regeneration</li> <li>• Heritage &amp; Countryside</li> </ul>

## Public Health Department 2016/17

<b>Director of Public Health</b>
<ul style="list-style-type: none"> <li>• Health Improvement</li> <li>• Commissioning and Clinical Quality</li> <li>• Drugs and Alcohol service delivery</li> <li>• Sports and Recreation</li> <li>• Public Protection</li> </ul>



### 3. Performance and Risk Monitoring and Reporting

The action plan detailing how the Council will meet its main priorities for the forthcoming year will be monitored regularly, and reported to Senior Officers and Councillors quarterly to update them on progress and highlight any key areas of achievement and concern.

Throughout the year, in certain circumstances, it may become necessary to either remove or amend an outcome or specific action, performance indicator or risk from the plan. This could be for a number of reasons, such as changing priorities or a delay in implementing a particular scheme through unforeseen circumstances. Any amendments to the plan will only be made with full agreement of the Corporate Management Team and Elected Members through the Finance and Policy Committee.

The Council has a responsibility to put in place proper arrangements to manage risks and maintain a sound system of internal control – the Council does this through its Risk Management Framework. The Council seeks to reduce the impact and likelihood of risks that will impact on the achievement of the outcomes being sought by the Council in this plan.



## 4. Priorities

- **Overall Aim/Vision**

*The Council's overall aim remains:*

***“To take direct action and work in partnership with others, to continue the revitalisation of Hartlepool life and secure a better future for Hartlepool people”.***

*The Council's aim is based on the long term vision of the Community Strategy which was reaffirmed by the Council in 2013:*

***“Hartlepool will be a thriving, respectful, inclusive, healthy, ambitious and outward looking community, in an attractive and safe environment, where everyone is able to realise their potential.”***

The Council has adopted the eight themes from the Sustainable Community Strategy:

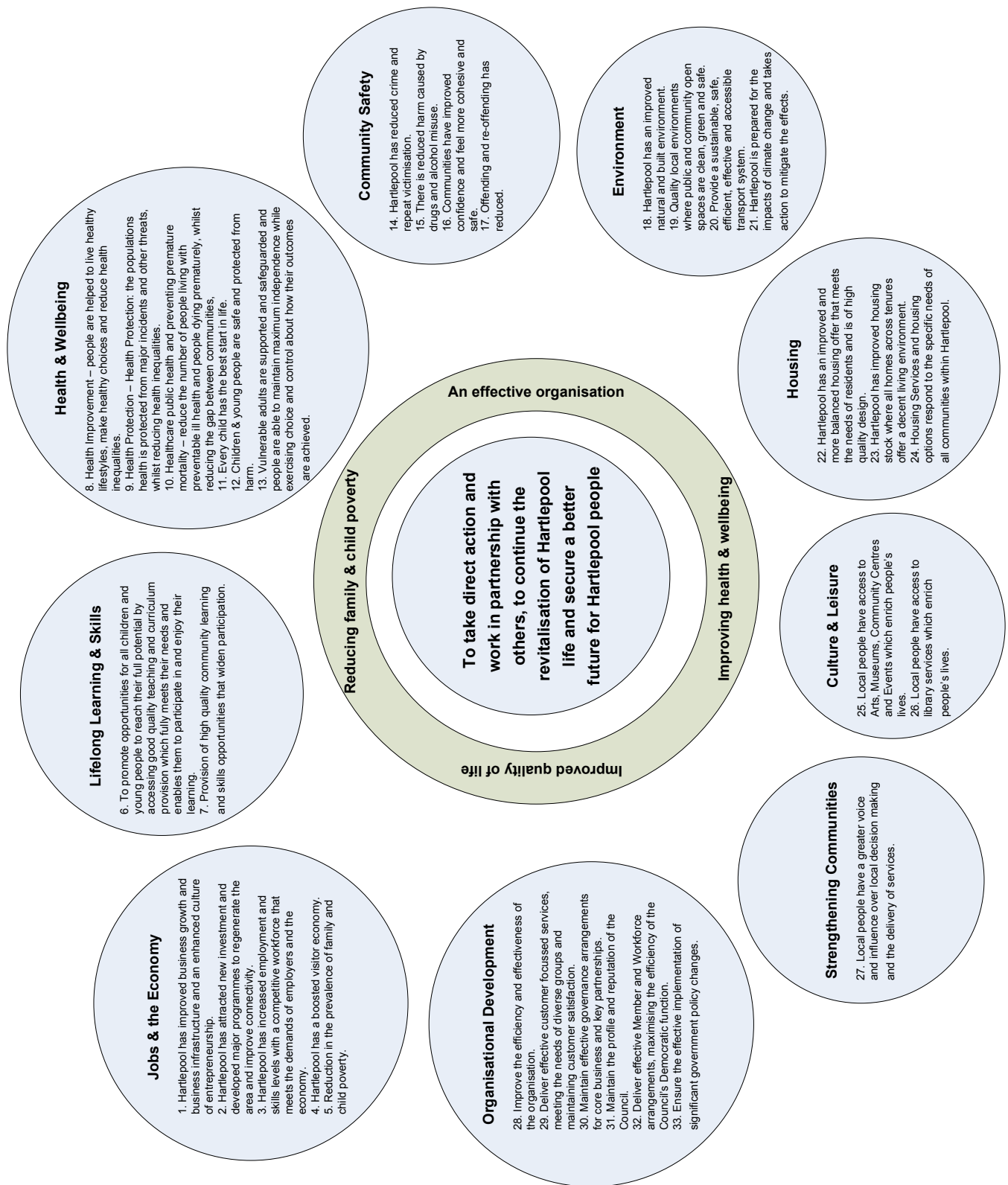
- Jobs and the Economy
- Lifelong Learning and Skills
- Health and Wellbeing
- Community Safety
- Environment
- Housing
- Culture and Leisure
- Strengthening Communities

The Council has a ninth theme, which covers what the Council is doing to sustain its capacity to deliver excellent, value for money services in the future:

- Organisational Development

- **Council Priorities**

The Council has identified a number of key outcomes that it will contribute towards in 2016/17. These outcomes work towards delivering the Council's overall aim through the nine themes. This group of outcomes also support the Council's ongoing work to tackle family and child poverty and the interrelationships between the various outcomes. The following chart demonstrates how the proposed outcomes contribute to the Council's overall aims:





## 5. Actions, Performance Indicators and Risks

The annual plan is set out in the following pages. This plan details what the Council will be doing to work towards achieving their agreed outcomes, the Performance Indicators (PIs) it will use to assess progress and the key risks it has identified to achieving those outcomes.

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	1. Hartlepool has improved business growth and business infrastructure and an enhanced culture of entrepreneurship	<b>Theme:</b>	Jobs & the Economy
<b>Lead Dept:</b>	RND	<b>Other Contributors:</b>	

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Develop and promote Queens Meadow and Port estate enterprise zones to attract new business.	March 2017	Economic Regeneration Manager

### SECTION 3 PERFORMANCE INDICATORS & TARGETS

Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
NI 171	New business registration rate – the proportion of new business registration per 10,000 resident population (aged 16+)	Principal Economic Regeneration Officer	Targeted	Financial Year	37.0	60	60
RND P085	Business stock (Business units in Hartlepool) per 10,000 resident population (aged 16+)	Principal Economic Regeneration Officer	Targeted	Financial Year	300	330	330

\* This longer-term target is based on the current position and may be subject to change.

### SECTION 4 RISKS

Code	Risk	Assignee
RND R050	Fragility of economic recovery compared to other parts of the UK	Economic Regeneration Manager

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	2. Hartlepool has attracted new investment and developed major programmes to regenerate the area and improve connectivity	<b>Theme:</b>	Jobs & the Economy
<b>Lead Dept:</b>	RND	<b>Other Contributors:</b>	

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Complete identified actions associated with the delivery of the Seaton Masterplan	March 2017	Estates & Regeneration Manager
Complete identified actions associated with the delivery of the town wide Masterplan	March 2017	Estates & Regeneration Manager
Develop a delivery plan for the short and long term future of Jacksons Landing	July 2016	Estates & Regeneration Manager
Develop a derelict buildings action plan which will seek to secure the long-term future of key buildings including the Odeon, Wesley Chapel and Longscar Hall	July 2016	Estates & Regeneration Manager
Prepare proposals to improve connectivity between Stockton Street and Marina Way	July 2016	Technical Services Manager

### SECTION 3 PERFORMANCE INDICATORS & TARGETS

Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
RND P089	Value of funding attracted to support regeneration delivery	Principal Economic Regeneration Officer	Targeted	Financial Year	£400k	£2m	£2m

\* This longer-term target is based on the current position and may be subject to change.

#### SECTION 4 RISKS

Code	Risk	Assignee
RND R029	Inability to achieve external funding to support the delivery of long term regeneration targets	Economic Regeneration Manager
RND R060	Failure to deliver current regeneration programmes	Economic Regeneration Manager
RND R071	Failure to deliver local economic objectives as a result of shifts in policies and priorities of external partners.	Economic Regeneration Manager

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	3. Hartlepool has increased employment and skills levels with a competitive workforce that meets the demands of employers and the economy	<b>Theme:</b>	Jobs & the Economy
<b>Lead Dept:</b>	RND	<b>Other Contributors:</b>	

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Deliver a range of skills / employability programmes including the Youth Employment Initiative (YEI)	July 2018	Principal Employment Officer

### SECTION 3 PERFORMANCE INDICATORS & TARGETS

Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
NI 151	Overall employment rate	Economic Regeneration Manager	Targeted	Financial Year	63%	65%	66%
RPD P054	Youth Unemployment rate (Hartlepool) The proportion of economically active 18 to 24 year olds who are unemployed	Economic Regeneration Manager	Targeted	Financial Year	8%	3%	3%
NEW	Number of adults participating in skills programmes	Learning & Skills Manager	Targeted	Academic Year	600	600	700

\* This longer-term target is based on the current position and may be subject to change.

**SECTION 4 RISKS**

<b>Code</b>	<b>Risk</b>	<b>Assignee</b>
RND R071	Failure to deliver local economic objectives as a result of shifts in policies and priorities of external partners	Economic Regeneration Manager
CAD R047	Failure to fulfil the targets for recruitment set by the Skills and Funding Agency leading to loss of income	Learning & Skills Manager
CAD R048	Failure to reach the minimum levels of performance for the Skills and Funding Agency or Ofsted	Learning & Skills Manager

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	4. Hartlepool has a boosted visitor economy	<b>Theme:</b>	Jobs & the Economy
-----------------	---	---------------	--------------------

<b>Lead Dept:</b>	RND	<b>Other Contributors:</b>	
-------------------	-----	----------------------------	--

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Complete the transfer of the Hartlepool Maritime experience to the Royal Navy museum	April 2016	Estates & Regeneration Manager
Arrange an events programme to mark the launch of the National Museum of the Royal Navy (NMRN) - Hartlepool	September 2016	Head of Culture & Information
Explore options for the development of a new cultural centre, creating a catalyst for the development of further visitor attractions	March 2017	Head of Culture & Information
Explore wider opportunities to create a visitor destination around historic quay following NMRM launch	March 2017	Economic Regeneration Manager

### SECTION 3 PERFORMANCE INDICATORS & TARGETS

Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
RND P092	Visitor numbers	Business and Marketing Officer	Targeted	Financial Year	3.75m	3.8m	3.9m
RND P093	Value of visitor economy	Business and Marketing Officer	Targeted	Financial Year	£152m	£153m	£154m
RND P094	Number of unique visitors to destination Hartlepool website	Business and Marketing Officer	Targeted	Financial Year	100,000	120,000	125,000

NEW	Number of investors visiting the area to assess potential developments	Economic Regeneration Manager	Monitored	Financial Year	N/A (monitored only)		
RND P095a	Number of social media followers (Twitter / Facebook)	Business and Marketing Officer	Targeted	Financial Year	2,500	5,000	6,000
ACS P106b	Number of people visiting Hartlepool Maritime Experience (National Museum for Royal Navy – Hartlepool).	Head of Culture & Information	Targeted	Financial Year	N/A	50,000	60,000

\* This longer-term target is based on the current position and may be subject to change.

SECTION 4 RISKS		
Code	Risk	Assignee
RND P050	Fragility of economic recovery compared to other parts of the UK	Economic Regeneration Manager
RND R071	Failure to deliver local economic objectives as a result of shifts in policies and priorities of external partners.	Economic Regeneration Manager

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	5. Reduction in the prevalence of family and child poverty	<b>Theme:</b>	Jobs & the Economy
-----------------	--	---------------	--------------------

<b>Lead Dept:</b>	CAD	<b>Other Contributors:</b>	CED
-------------------	-----	----------------------------	-----

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Review Child Poverty Strategy – carry out consultation with partners and rewrite Child and Family Poverty Strategy	March 2017	Assistant Director (Children's Services)
Work with partners to establish volunteer and education pathway for parents which includes volunteer programme and volunteer placements	March 2017	Assistant Director (Children's Services)
Implement strategies to tackle food poverty including Free School Meals take up initiatives and holiday hunger pilot initiative	March 2017	Assistant Director (Children's Services)

### SECTION 3 PERFORMANCE INDICATORS & TARGETS

Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
NEW	Proportion of children in low income families	Assistant Director (Children's Services)	Monitored	Financial Year	N/A (monitored only)		
NEW	% of children in workless households	Assistant Director (Children's Services)	Monitored	Financial Year	N/A (monitored only)		
NI 117	Proportion of 16-18 year olds not in employment, education or training	Assistant Director (Children's Services)	Targeted	Financial Year	6%	0%	0%
NEW	Percentage of those eligible who are awarded Free School Meals - Primary Schools	Principal Awards Officer	Targeted	Financial Year	N/A	100%	100%

NEW	Percentage of those eligible who are awarded Free School Meals – Secondary School	Principal Awards Officer	Targeted	Financial Year	N/A	100%	100%
-----	---	--------------------------	----------	----------------	-----	------	------

\* This longer-term target is based on the current position and may be subject to change.

SECTION 4 RISKS		
Code	Risk	Assignee
NEW	Failure to deliver Child and Family Poverty Strategy	Assistant Director (Children's Services)

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	6. To promote opportunities for all children and young people to reach their full potential by accessing good quality teaching and curriculum provision which fully meets their needs and enables them to participate in and enjoy their learning	<b>Theme:</b>	Lifelong Learning & Skills
-----------------	---	---------------	----------------------------

<b>Lead Dept:</b>	CAD	<b>Other Contributors:</b>	
-------------------	-----	----------------------------	--

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Direct resources towards ensuring that every pupil in Hartlepool is attending a good or outstanding school by strengthening leadership and governance across the town and improving the quality of teaching and learning to include effective strategies to improve the recruitment and retention of high quality teachers and leaders.	December 2017	Assistant Director (Education)
Support primary and secondary schools to close the gap in achievement between learners from low income families and children in care ('disadvantaged pupils') and all other children and young people nationally by identifying best practice across Tees Valley and embedding these practices in schools across Hartlepool, and directing additional, targeted funding to support children and young people with identified barriers to greater academic achievement	March 2017	Assistant Director (Education)
Work with schools and colleges to diversify the curriculum across Hartlepool to provide coherent pathways from primary to secondary school and ultimately into high quality post-16 provision and advanced apprenticeships and higher education placements.	March 2017	Assistant Director (Education)
Review and re-commission behaviour, attendance and alternative education provision to re-engage children and young people with challenging behaviour in their education.	March 2017	Assistant Director (Education)

### SECTION 3 PERFORMANCE INDICATORS & TARGETS

Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
CSD P131	Percentage of pupils attending primary schools judged as good or outstanding by OFSTED	Senior School Improvement Officer - Primary	Targeted	Financial Year	100%	89%	100%
CSD P132	Percentage of pupils attending secondary schools judged as good or outstanding by OFSTED	Senior School Improvement Officer - Secondary	Targeted	Financial Year	100%	67%	100%
NEW	Percentage of mainstream secondary schools below -0.5 progress 8 measure	Senior School Improvement Officer - Secondary	Targeted	Academic Year	N/A	0%	0%
NEW	Percentage of mainstream secondary schools above +0.0 progress 8 measure	Senior School Improvement Officer - Secondary	Targeted	Academic Year	N/A	100%	100%
NEW	Achievement gap between disadvantaged pupils in Hartlepool and all pupils nationally at Key Stage 2 national standards in combined reading, writing and mathematics	Senior School Improvement Officer - Primary	Targeted	Academic Year	N/A	TBC**	TBC**
NEW	Achievement gap between disadvantaged pupils in Hartlepool and all pupils nationally at Key Stage 4 in progress 8 residual	Senior School Improvement Officer - Secondary	Targeted	Academic Year	N/A	TBC**	TBC**

\* This longer-term target is based on the current position and may be subject to change.

\*\* It is not possible to set targets at this stage (new measures with no baseline) - to be set following publication of the summer 2016 outcomes.

#### SECTION 4 RISKS

Code	Risk	Assignee
CAD R062	Increase in number of pupils attending primary and secondary schools judged by OFSTED to require improvement or to be inadequate	Senior School Improvement Officer - Primary / Senior School Improvement Officer – Secondary
CAD R063	Reduction in performance at Key Stage 4 to below the national average	Senior School Improvement Officer - Secondary
CAD R064	Widening of gap in achievement of disadvantaged pupils in Hartlepool and that of all pupils nationally in both primary and secondary	Assistant Director (Education)
CAD R066	Alternative education provision in Hartlepool is judged to be inadequate	Assistant Director (Education)
NEW	Failure to recruit good quality teaching staff in Hartlepool schools	Assistant Director (Education)
NEW	Failure to anticipate dips and trends in school performance because of changes in national assessment processes and key performance measures.	Assistant Director (Education)

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	7. Provision of high quality community learning and skills opportunities that widen participation	<b>Theme:</b>	Lifelong Learning & Skills
-----------------	---	---------------	----------------------------

<b>Lead Dept:</b>	RND	<b>Other Contributors:</b>	
-------------------	-----	----------------------------	--

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Carry out targeted development work with disadvantaged groups to increase participation in learning	March 2017	Adult Education Co-ordinator
Develop programmes to increase the participation of learners with mental health needs	March 2017	Principal Officer – Curriculum
Develop a package of training and support which enables adults to participate in volunteering as a way of increasing employability'	March 2017	Principal Officer – Curriculum

### SECTION 3 PERFORMANCE INDICATORS & TARGETS

Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
ACS P053	Number of learners participating in community learning programmes	Learning & Skills Manager	Monitored	Academic Year	N/A (monitored only)		

\* This longer-term target is based on the current position and may be subject to change.

### SECTION 4 RISKS

Code	Risk	Assignee
CAD R047	Failure to fulfil the targets for recruitment set by the SFA leading to loss of income	Learning & Skills Manager
CAD R048	Failure to reach the minimum levels of performance for the SFA or Ofsted	Learning & Skills Manager

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	8. Health Improvement - people are helped to live healthy lifestyles, make healthy choices and reduce health inequalities	<b>Theme:</b>	Health & Wellbeing
<b>Lead Dept:</b>	PHD	<b>Other Contributors:</b>	CED

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Deliver and evaluate the Public Health Communications Strategy	March 2017	Public Relations Manager
Lead a feasibility analysis on the development of Community Hubs as part of the Future Hartlepool Programme	June 2016	Director of Public Health
Ensure implementation and delivery of the National Child Measurement Programme	August 2016	Health Improvement Practitioner
Increase uptake of the NHS Health Check programme over a 5 year period – 2013/14 to 2017/18 through the development of a targeted programme of delivery in the community setting as well as GP practice	March 2018	Head of Health Improvement
Introduce a healthier catering commitment scheme & roll out to relevant businesses	March 2018	Head of Public Protection
Increase sport & physical activity participation	March 2017	Sport & Physical Activity Manager
Work with key partners to consider options for the future provision of a leisure centre in Hartlepool	March 2017	Strategic Health and Recreation Manager
Work with key partners to undertake a feasibility study on the provision of a swimming pool at the Brierton site	March 2017	Strategic Health and Recreation Manager
Deliver a range of service developments to improve customer offer across the Sport & Recreation service	March 2017	Business Development Manager

### SECTION 3 PERFORMANCE INDICATORS & TARGETS

Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
NEW	Cumulative % of the eligible population aged 40-74 offered an NHS Health Check	Head of Health Improvement	Targeted	Financial	60%	80%	100%
PHD 2.13i	Percentage of physically active adults	Sport & Physical Activity Manager	Monitored	Calendar	N/A (monitored only)		
NEW	Percentage of physically inactive adults	Sport & Physical Activity Manager	Monitored	Calendar	N/A (monitored only)		
ACS PO35	GP Referrals – of those participants completing a 10 week programme of referred activity, the percentage going onto mainstream activity participation	Sport & Physical Activity Manager	Targeted	Financial year	70%	70%	70%
NEW	Overall average attendances at Mill House Leisure Centre	Leisure Operations and Development Manager	Targeted	Financial year	N/A	224,000	233,600
NEW	Overall average attendances at Brierton Leisure Centre	Leisure Operations and Development Manager	Targeted	Financial year	N/A	28,000	29,200
NEW	Overall average attendances at Headland Leisure Centre	Leisure Operations and Development Manager	Targeted	Financial year	N/A	98,000	102,200
PHD 2.22	Overall attendances at all Sport & Physical Activity Team programmed activity sessions	Sport & Physical Activity Manager	Targeted	Financial year	N/A	16,000	18,000
NEW	Throughput at all other sport & physical activity, health & exercise & Summerhill programmed sessions (Instructor Coached or staff led)	Sport & Physical Activity Manager	Targeted	Financial year	N/A	20,000	21,000
PHD 2.23	Primary School Swimming – 25m attainment from HBC Programme	Leisure Operations and Development Manager	Monitored	Academic Year	N/A (monitored only)		
PHD 2.24	Level of external partnership funding attracted to support and develop the services	Strategic Health and Recreation Manager	Monitored	Financial year	N/A (monitored only)		

PHD 2.26	Number of hours spent volunteering within the Sport & Recreation service	Sport & Physical Activity Manager	Targeted	Financial year	N/A	600	725
NEW	Number of individuals volunteering within the Sport & Recreation service	Sport & Physical Activity Manager	Monitor	Financial year	N/A (monitored only)		
NEW	Number of community learn to swim participants	Leisure Operations and Development Manager	Targeted	Financial year	N/A	650	750
NEW	Footfall at Summerhill Visitors Centre	Strategic Health and Recreation Manager	Targeted	Financial year	N/A	90,000	95,000
NEW	Number of residents using Carlton	Strategic Health and Recreation Manager	Targeted	Financial year	N/A	9,000	9,500
NEW	Number of day visitors using Carlton	Strategic Health and Recreation Manager	Targeted	Financial Year	N/A	800	900
ACS P108b	Overall attendances at the Borough Hall	Business Development Manager	Targeted	Financial year	N/A	43,000	45,000

\* This longer-term target is based on the current position and may be subject to change.

SECTION 4 RISKS		
Code	Risk	Assignee
PHD R001	Failure of GP practices to offer 100% of eligible population the opportunity for an NHS Health Check over the 5 year period	Head of Health Improvement
CAD R054	Failure to ensure awareness and training of staff regarding safeguarding	Head of Sport and Recreation
CAD R013	Failure to achieve required customer / participation and income levels	Head of Sport and Recreation
CAD R052	Failure to meet the licensing requirements of the Adventurous Activity Licensing Authority	Strategic Health and Recreation Manager

CAD R053	Failure to adhere to the recommended standards regarding pool safety management	Leisure Operations and Development Manager
CAD R055	Failure to establish new partnerships and meet funding conditions of external partners in relation to grant funding, MOU's or SLA's	Head of Sports and Recreation
NEW	Loss of existing external partnerships upon whom there is a reliance for the delivery of key services	Head of Sport and Recreation
CAD R056	Lack of adequate investment in public buildings affecting ability to increase participation and income generate	Head of Sport and Recreation
CAD RO57	Impact of recruitment freeze, gaps in staffing caused by length of time taken in process and use of redeployed staff lacking appropriate skills and experience	Head of Sport and Recreation
CAD RO58	Failure to adhere to the recommendations of the Playing Pitch Strategy	Strategic Health and Recreation Manager

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	9. Health Protection - Health Protection: the populations health is protected from major incidents and other threats, whilst reducing health inequalities	<b>Theme:</b>	Health & Wellbeing
<b>Lead Dept:</b>	PHD	<b>Other Contributors:</b>	

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Ensure the implementation and mobilisation of a new integrated sexual health service for Hartlepool	March 2017	Health Improvement Practitioner
Ensure the uptake of childhood vaccinations	March 2017	Health Improvement Practitioner
Ensure the delivery of school based childhood flu programme	March 2017	Health Improvement Practitioner
Extend air quality monitoring to include particulate PM2.5, which has a serious impact on health	March 2018	Environmental Health Manager(Environmental Protection)
Roll out no cold call zones, undertake work on doorstep selling & scams	March 2018	Trading Standards & Licensing Manager

### SECTION 3 PERFORMANCE INDICATORS & TARGETS

Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
NI 113b	Chlamydia detection rate (age 15-24) Male and Female	Health Improvement Practitioner	Targeted	Calendar Year	2300	2300	2300
PHD 3.03.xv	Flu vaccination coverage ~ at risk groups (children)	Health Improvement Practitioner	Targeted	October – March	30%	40%	40%
PHD 3.03x	Population vaccination coverage – MMR for two doses (5 years old)	Health Improvement Practitioner	Targeted	Financial Year	95%	95%	95%

PHD 3.1	Fraction of mortality attributable to particulate air pollution	Environmental Health Manager (Environmental Protection)	Monitored	Financial Year	N/A (monitored only)		
NI 184	Percentage of food establishments in area which are broadly compliant with food hygiene law	Head of Public Protection	Targeted	Financial Year	97%	97%	97%
PHD 1.14	The rate of complaints about noise	Environmental Health Manager (Environmental Protection)	Monitored	Financial Year	N/A (monitored only)		
PHD 4.8 i	Mortality from communicable diseases (persons)	Environmental Health Manager (Commercial)	Monitored	Financial Year	N/A (monitored only)		

\* This longer-term target is based on the current position and may be subject to change.

SECTION 4 RISKS		
Code	Risk	Assignee
PHD R002	Failure of eligible population to take up the offer of vaccinations	Head of Health Improvement
PHD R003	Failure of population to present to sexual health services	Health Improvement Practitioner
NEW	Risk of pandemic flu outbreaks and other infectious diseases if comprehensive plans not in place	Director of Public Health

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	10. Healthcare public health and preventing premature mortality - reduce the number of people living with preventable ill health and people dying prematurely, whilst reducing the gap between communities	<b>Theme:</b>	Health & Wellbeing
-----------------	--	---------------	--------------------

<b>Lead Dept:</b>	PHD	<b>Other Contributors:</b>	
-------------------	-----	----------------------------	--

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Ensure the core offer of public health advice is provided to the Clinical Commissioning Group (CCG)	March 2017	Head of Health Improvement
Ensure effective treatment options are available and accessible to all substance misusers in the Community	March 2017	Strategic Manager Drugs and Alcohol
Introduce saving our skins (skin cancer awareness) activities with partners & roll out to relevant businesses.	March 2018	Environmental Health Manager (Commercial)

### SECTION 3 PERFORMANCE INDICATORS & TARGETS

Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
ACS P099	Proportion of substance misusers that successfully complete treatment - Opiates	Strategic Manager Drugs and Alcohol	Targeted	Financial Year	11%	11%	11%
NEW	Proportion of substance misusers that successfully complete treatment - Non Opiates	Strategic Manager Drugs and Alcohol	Targeted	Financial Year	50%	50%	50%
NEW	Proportion of substance misusers that successfully complete treatment - Alcohol	Strategic Manager Drugs and Alcohol	Targeted	Financial Year	35%	35%	35%

\* This longer-term target is based on the current position and may be subject to change.

SECTION 4 RISKS		
Code	Risk	Assignee
PHD R004	Failure to engage those with substance misuse problems in effective treatment	Strategic Manager Drugs and Alcohol

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	11. Every child has the best start in life	<b>Theme:</b>	Health & Wellbeing
<b>Lead Dept:</b>	CAD	<b>Other Contributors:</b>	

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Redesign Early Help and social care services in line with Better Childhood Programme	March 2017	Assistant Director (Children's Services)
Carry out self evaluation of Children's centres and develop and implement Children's centre action plan	March 2017	Assistant Director (Children's Services)
Develop SEND strategy to ensure effective support is given to children with additional needs	March 2017	Assistant Director (Children's Services)
Work with partners to develop "Delivering Differently" to identify and implement options for Youth Offer in Hartlepool	March 2017	Assistant Director (Children's Services)

### SECTION 3 PERFORMANCE INDICATORS & TARGETS

Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
CSD P065	Percentage of children achieving a good level of development at age 5	Assistant Director (Children's Services)	Targeted	Academic Year	N/A	2.5% points above national average	2.5% points above national average
NEW	Percentage of under 5's registered at a Hartlepool Children's Centre and living in a hotspot area	Assistant Director (Children's Services)	Monitored	Financial Year	N/A (monitored only)		

NEW	Percentage of under 5s subject to CP plan registered with a Children's Centre	Assistant Director (Children's Services)	Monitored	Financial Year	N/A (monitored only)		
NEW	Percentage of Education, Health and Care Plans issued within 20 weeks.	Assistant Director (Children's Services)	Targeted	Financial Year	N/A	65%	90%
NEW	Percentage of CIN and CP cases that had an early assessment prior to CIN/CP	Assistant Director (Children's Services)	Monitored	Financial Year	N/A (monitored only)		
NI 52a	Percentage take up of school meals – primary	Facilities Management Officer	Targeted	Financial Year	70%	70%	70%
NI 52b	Percentage take up of school meals – secondary	Facilities Management Officer	Targeted	Financial Year	60%	60%	60%

\* This longer-term target is based on the current position and may be subject to change.

SECTION 4 RISKS		
Code	Risk	Assignee
NEW	Failure to meet statutory duties in relation to Children Centres	Assistant Director (Children's Services)
NEW	Failure to meet SEND statutory duties	Assistant Director (Children's Services)
RND R088	Failure to achieve sufficient uptake of school meals.	Services Direct Manager

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	12. Children and young people are safe and protected from harm	<b>Theme:</b>	Health & Wellbeing
<b>Lead Dept:</b>	CAD	<b>Other Contributors:</b>	

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Implement the Better Childhood Programme	March 2017	Assistant Director (Children's Services)
Carry out self evaluation of children's services (based on SIF framework) and develop and implement improvement plan	March 2017	Assistant Director (Children's Services)
Implementation of the Youth Offending Service strategic plan	March 2017	Assistant Director (Children's Services)
Implementation of Multi Agency Children's Hub	March 2017	Assistant Director (Children's Services)
Implement VEMT (Vulnerable, Exploited, Missing and Trafficked) plan	March 2017	Assistant Director (Children's Services)

### SECTION 3 PERFORMANCE INDICATORS & TARGETS

Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
NI 111	Number of first time entrants to the Youth Justice System aged 10-17 per 100,000 (aged 10-17)	Assistant Director (Children's Services)	Monitored	Financial Year	N/A (monitored only)		
NEW	Percentage of referrals that are re-referrals	Assistant Director (Children's Services)	Targeted	Financial Year	N/A	10%	9%

CSD P035	Rate of Child Protection Plans per 10,000 population (children becoming subject of a plan)	Assistant Director (Children's Services)	Monitored	Financial Year	N/A (monitored only)
NEW	Rate of Looked After Children per 10,000 population	Assistant Director (Children's Services)	Monitored	Financial Year	N/A (monitored only)
NEW	Rate of Child in Need cases per 10,000 population	Assistant Director (Children's Services)	Monitored	Financial Year	N/A (monitored only)

\* This longer-term target is based on the current position and may be subject to change.

SECTION 4 RISKS		
Code	Risk	Assignee
CAD R017	Failure to recruit & retain suitable staff in Children's services	Assistant Director (Children's Services)
CAD R019	Failure to plan for future need and ensure sufficient provision to meet demand	Assistant Director (Children's Services)
CAD R020	Insufficient capacity in the independent sector to meet placement demand	Assistant Director (Children's Services)
CAD R021	Increased demand on services due to socio-economic pressures	Assistant Director (Children's Services)
CAD R022	Failure to provide statutory services to safeguard children and protect their well-being	Assistant Director (Children's Services)
CAD R023	Impact of change to funding arrangements across Children's Services	Assistant Director (Children's Services)
CAD R024	Failure to meet statutory duties and functions in relation to Youth Offending Service	Business Unit Manager
CAD R029	Failure to effectively manage risks exhibited by young people and families	Assistant Director (Children's Services)
CAD R030	Failure to deal with sensitive, personal or confidential information in a secure way, resulting in loss of data with associated fines, loss of public confidence and/or damage to reputation	Performance & Information Manager

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	13. Vulnerable adults are supported and safeguarded and people are able to maintain maximum independence while exercising choice and control about how their outcomes are achieved	<b>Theme:</b>	Health & Wellbeing
-----------------	--	---------------	--------------------

<b>Lead Dept:</b>	CAD	<b>Other Contributors:</b>	RND / PHD
-------------------	-----	----------------------------	-----------

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Further develop integrated health and social care services that support people living in their own homes and in care homes, reducing social isolation, avoiding unnecessary admissions to hospital and facilitating timely and safe hospital discharges through implementation of the Better Care Fund plan.	March 2017	Assistant Director (Adult Services)
Deliver reablement services that enable people to maximise their abilities and develop the skills and capacity to retain their independence for as long as possible; working with strategic partners to develop a more integrated model to meet health and social care needs.	March 2017	Head of Service
Monitor the impact of the implementation of the Care Act and review services that support carers to ensure that the requirements of the Care Act are being met and services for carers are being maximised.	March 2017	Assistant Director (Adult Services)
Ensure that local arrangements for safeguarding are compliant with the Care Act, utilising the Local Executive Group to highlight local issues and priorities to the Tees wide Safeguarding Adults Board.	March 2017	Head of Service
Implement the actions identified in the Mental Health Local Implementation Plan and work with partners through the Mental Health Forum to improve outcomes for people with mental health needs.	March 2017	Head of Service
Work with the Clinical Commissioning Group and local providers to improve standards in care home and community based support settings, manage the local market and explore new models of service delivery.	March 2017	Head of Service
Improve pathways and services to meet the needs of individuals with dementia and their families / carers.	March 2017	Head of Service
Complete the development of a new independent living centre that improves outcomes for adults with a disability and / or long term condition.	October 2016	Head of Service

Ensure that people with learning disabilities receive good quality, outcome focused care and support, including those included within the Transforming Care Fast Track work.	March 2017	Head of Service
Through the development of a quality assurance framework, we will review systems, learn lessons from surveys and complaints and develop the workforce to ensure that staff are supported and working safely and effectively	March 2017	Principal Social Worker
Carry out joint working between Public Protection and Adult Safeguarding to help protect elderly and vulnerable people from rogue traders and scams.	March 2019	Trading Standards & Licensing Manager / Head of Service

### SECTION 3 PERFORMANCE INDICATORS & TARGETS

Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
NI 130	Social care clients receiving Self Directed Support	Principal Social Worker	Targeted	Financial Year	95%	95%	95%
NI 131	Delayed Transfers of Care (attributable to social care)	Head of Service	Targeted	Financial Year	0	0	0
NI 135	Carers receiving needs assessment or review and a specific carer's service, or advice and information	Head of Service	Targeted	Financial Year	40%	40%	40%
ACS P051	Access to equipment and telecare: users with telecare equipment	Head of Service	Targeted	Financial Year	1600	1650	1700
ACS P066	Permanent Admissions to residential care – age 65+	Head of Service	Targeted	Financial Year	823.9	807.8 #	TBC
ACS P072	Clients receiving a review	Head of Service	Targeted	Financial Year	75%	75%	75%
ACS P087	% of reablement goals (user perspective) met by the end of a reablement package/episode (in the period)	Head of Service	Targeted	Financial Year	70%	80%	80%
NI 125	Achieving independence for older people through rehabilitation/intermediate care (at home after 91 days)	Head of Service	Targeted	Financial Year	89.2%	89.2% #	TBC

RND P133	Number of minor adaptations completed	Principal Housing Strategy Officer	Monitored	Financial Year	N/A (monitored only)
----------	---------------------------------------	------------------------------------	-----------	----------------	----------------------

\* This longer-term target is based on the current position and may be subject to change

# The target for 2016/17 is part of the Better Care Fund (BCF) plan and needs to be agreed via the BCF planning process with the Hartlepool and Stockton-on-Tees Clinical Commissioning Group. This process will not be complete until March 2016 therefore this target is subject to change until final sign-off. Target for 2017/18 is not available yet.

SECTION 4 RISKS		
Code	Risk	Assignee
CAD R034	Insufficient capacity in the independent sector to meet placement demand within adult social care (particularly in relation to nursing provision) which could lead to an increase in out of borough placements.	Head of Service
CAD R035	Increased demand on adult social care services due to demographic and financial pressures, and changes within partner organisations.	Assistant Director (Adult Services)
CAD R038	Failure to provide statutory services to safeguard vulnerable adults.	Head of Service
CAD R043	Delayed transfers of care from hospital due to reduced capacity and changing working arrangements for hospital discharge.	Head of Service
CAD R060	Failure to work effectively with partners to deliver integrated health and social care services through the Better Care Fund.	Assistant Director (Adult Services)
CAD R061	Increased demand on Adult Social Care Deprivation of Liberty Safeguards (DOLS) due to the national implications of the Cheshire West ruling and subsequent increased activity, expenditure & risk.	Head of Service

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	14. Hartlepool has reduced crime and repeat victimisation	<b>Theme:</b>	Community Safety
<b>Lead Dept:</b>	RND	<b>Other Contributors:</b>	

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Undertake a full assessment of the community safety issues and priorities in Hartlepool to inform development of the Community Safety Strategy 2017 - 2020	March 2017	Community Safety Team Leader
Undertake a needs analysis to inform the development of the Safer Hartlepool Partnership Domestic Violence & Abuse Strategy and re-commissioning of the Councils specialist domestic violence service.	March 2017	Community Safety Team Leader

### SECTION 3 PERFORMANCE INDICATORS & TARGETS

Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
CEDLS P011	Number of authorisations for Directed Surveillance and Covert Human Intelligence Sources granted by the Council under the Regulation of Investigatory Powers Act (RIPA)	Constitutional & Administration Solicitor	Monitored	Financial Year	N/A (monitored only)		
RPD P028a	Number of reported crimes in Hartlepool	Community Safety Research Officer	Monitored	Financial Year	N/A (monitored only)		
NI 32	Number of repeat incidents of domestic violence	Community Safety Research Officer	Monitored	Financial Year	N/A (monitored only)		
NEW	Number of repeat Multi-Agency Risk Assessment Conference cases (MARAC)	Community Safety Research Officer	Monitored	Financial Year	N/A (monitored only)		

\* This longer-term target is based on the current position and may be subject to change.

**SECTION 4 RISKS**

<b>Code</b>	<b>Risk</b>	<b>Assignee</b>
RND R032	Inability to respond to victims in a timely manner due to increased demand and lack of co-ordination on a Tees wide level	Community Safety & Engagement Manager

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	15. There is reduced harm caused by drugs and alcohol misuse	<b>Theme:</b>	Community Safety
<b>Lead Dept:</b>	RND	<b>Other Contributors:</b>	PHD

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Address the impact of drug and alcohol misuse on the broader community working in partnership with the police to target hotspot locations	March 2017	Community Safety Team Leader

### SECTION 3 PERFORMANCE INDICATORS & TARGETS

Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
RND P073	Incidents of drug dealing and supply	Community Safety Research Officer	Monitored	Financial Year	N/A (monitored only)		
RND R074	Number of young people found in possession of alcohol	Community Safety Research Officer	Monitored	Financial Year	N/A (monitored only)		
NEW	Number of alcohol related incidents on trains	Community Safety Research Officer	Monitored	Financial Year	N/A (monitored only)		

\* This longer-term target is based on the current position and may be subject to change.

### SECTION 4 RISKS

Code	Risk	Assignee
	None identified	

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	16. Communities have improved confidence and feel more cohesive and safe	<b>Theme:</b>	Community Safety
<b>Lead Dept:</b>	RND	<b>Other Contributors:</b>	CED

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Deliver and evaluate the Safer Hartlepool Partnership Communications Strategy	March 2017	Public Relations Manager
Establish a Community Resolution Service (Restorative Justice and Mediation) to victims of low level crime and anti-social behaviour in Hartlepool	March 2017	Community Safety & Engagement Team Leader
Implement the counter terrorism Prevent Action Plan ensuring Council compliance with the 'Prevent Duty'	March 2017	Community Safety & Engagement Team Leader

### SECTION 3 PERFORMANCE INDICATORS & TARGETS

Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
RND P107	Number of anti-social behaviour incidents	Community Safety Research Officer	Monitored	Financial Year	N/A (monitored only)		
RND P108	Percentage of residents who feel the Council and Police are tackling the crime and anti-social behaviour issues that matter in their area	Community Safety Research Officer	Monitored	Financial Year	N/A (monitored only)		
NEW	% of people who think people from different ethnic backgrounds get on well together	Community Safety Research Officer	Monitored	Financial Year	N/A (monitored only)		
NEW	% of people who feel unsafe after dark	Community Safety Research Officer	Monitored	Financial Year	N/A (monitored only)		

\* This longer-term target is based on the current position and may be subject to change.

SECTION 4 RISKS		
Code	Risk	Assignee
RND R032	Failure to maintain effective partnership arrangements following organisational restructuring	Community Safety & Engagement Manager

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	17. Offending and re-offending has reduced	<b>Theme:</b>	Community Safety
<b>Lead Dept:</b>	RND	<b>Other Contributors:</b>	

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Improve the reintegration of offenders into the community through addressing support and housing/accommodation needs	March 2017	Community Safety Team Leader

### SECTION 3 PERFORMANCE INDICATORS & TARGETS

Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
RND R067	Re-offending rates of the Integrated Offender Management Cohort	Community Safety Research Officer	Monitored	Financial Year	N/A (monitored only)		

\* This longer-term target is based on the current position and may be subject to change.

### SECTION 4 RISKS

Code	Risk	Assignee
NEW	Relocation of key criminal justice services out of the area that currently have a base in Hartlepool (Court Services and Community Rehabilitation Company)	Community Safety & Engagement Manager

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	18. Hartlepool has an improved natural and built environment	<b>Theme:</b>	Environment
<b>Lead Dept:</b>	RND	<b>Other Contributors:</b>	

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Develop a delivery model for the allocation of grant funding to enhance the appearance of the Church Street area. (subject to successful grant application)	March 2017	Heritage and Countryside Manager
Develop and agree a Hartlepool Local Plan which sets out the spatial vision, strategic objectives and core policies for the Borough for the next 15 years.	March 2017	Planning Services Manager
Consult, develop and deliver year 3 projects of capital improvements to allotments (RND 15/16 EN03)	September 2016	Team Leader Enforcement Services
Undertake an allotment study	July 2016	Community Safety & Engagement Manager

### SECTION 3 PERFORMANCE INDICATORS & TARGETS

Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
NI157a	Processing of planning applications within target: Major applications	Planning Services Manager	Targeted	Financial Year	60%	90%	90%
NI157b	Processing of planning applications within target: Minor Applications	Planning Services Manager	Targeted	Financial Year	65%	90%	90%
NI157c	Processing of planning applications within target: Other applications	Planning Services Manager	Targeted	Financial Year	80%	90%	90%
RND P009	The percentage of appeals allowed against the authorities decision to refuse planning applications	Planning Services Manager	Monitored	Financial Year	N/A (monitored only)		

RND P082	Percentage of planning complaints investigations concluded in 4 months	Planning Services Manager	Targeted	Financial Year	75%	75%	75%
----------	--	---------------------------	----------	----------------	-----	-----	-----

\* This longer-term target is based on the current position and may be subject to change.

SECTION 4 RISKS		
Code	Risk	Assignee
RND R059	Failure to provide a 'Sound' Planning Policy Framework leading to a lack of clear planning guidelines	Planning Services Manager
RND R073	Failure to implement new planning related legislation	Planning Services Manager
RND R091	Failure to determine planning applications within specified time periods	Planning Services Manager

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	19. Quality local environments where public and community open spaces are clean, green and safe	<b>Theme:</b>	Environment
-----------------	---	---------------	-------------

<b>Lead Dept:</b>	RND	<b>Other Contributors:</b>	
-------------------	-----	----------------------------	--

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Seek funding to improve Rossmere park; that would introduce facilities that foster community spirit, cohesion, ownership and local involvement	June 2016	Parks and Countryside Manager
Explore opportunities for the development of recreation facilities at Rift House recreation ground	September 2016	Parks and Countryside Manager
Develop a transforming our family parks and play areas programme	July 2016	Parks and Countryside Manager
Roll out the meadowing scheme to additional areas of the town	June 2016	Parks and Countryside Manager

### SECTION 3 PERFORMANCE INDICATORS & TARGETS

Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
RND P061	Achieve Quality Coast award for Seaton Carew Beach	Quality & Safety Officer	Targeted	Financial Year	Yes	Yes	Yes

\* This longer-term target is based on the current position and may be subject to change.

**SECTION 4 RISKS**

Code	Risk	Assignee
	None identified	

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	20. Provide a sustainable, safe, efficient, effective and accessible transport system	<b>Theme:</b>	Environment
-----------------	---	---------------	-------------

<b>Lead Dept:</b>	RND	<b>Other Contributors:</b>	
-------------------	-----	----------------------------	--

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Develop proposals for Elwick by-pass and a grade separated junction on the A19, to facilitate future housing developments in the North West of the town	March 2017	Highways, Traffic & Transport Team Leader
Seek funding, through the Local Growth Fund Programme or similar, in advance of proposed housing developments to the north west side of the town for highway improvements at Elwick and on the A19 to facilitate access	March 2017	Highways, Traffic & Transport Team Leader
Investigate opportunities to improve bicycle routes across the town	July 2016	Technical Services Manager

### SECTION 3 PERFORMANCE INDICATORS & TARGETS

Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
NI 168	The percentage of principal roads where maintenance should be considered	Highways, Traffic & Transport Team Leader	Targeted	Financial Year	7%	7%	7%
NI 169	The percentage of non-classified roads where maintenance should be considered	Highways, Traffic & Transport Team Leader	Targeted	Financial Year	9%	9%	9%

\* This longer-term target is based on the current position and may be subject to change.

**SECTION 4 RISKS**

<b>Code</b>	<b>Risk</b>	<b>Assignee</b>
RND R054	Failure to maintain infrastructure to acceptable standard resulting in additional cost implications through insurance claims	Technical Services Manager

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	21. Hartlepool is prepared for the impacts of climate change and takes action to mitigate the effects	<b>Theme:</b>	Environment
<b>Lead Dept:</b>	RND	<b>Other Contributors:</b>	

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Decrease contamination through the delivery of education and awareness, which will result in higher recycling and decreased costs.	March 2017	Team Leader - Waste and Environmental Services

### SECTION 3 PERFORMANCE INDICATORS & TARGETS

Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
NI 191	Number of kilograms of residual household waste collected per household	Team Leader - Waste and Environmental Services	Targeted	Financial Year	600KG	550kg	500kg
NI 192	Percentage of household waste sent for reuse recycling or composting	Team Leader - Waste and Environmental Services	Targeted	Financial Year	42%	44%	46%
NI 193	Percentage of municipal waste landfilled	Team Leader - Waste and Environmental Services	Targeted	Financial Year	5%	5%	5%

\* This longer-term target is based on the current position and may be subject to change.

### SECTION 4 RISKS

Code	Risk	Assignee
RND R067	Failure to achieve recycling targets resulting in loss of income and additional costs	Team Leader - Waste and Environmental Services
RND R087	Income fluctuations in the market for recyclable materials resulting in difficulties in budget planning and forecasting.	Team Leader - Waste and Environmental Services

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	22. Hartlepool has an improved and more balanced housing offer that meets the needs of residents and is of high quality design	<b>Theme:</b>	Housing
<b>Lead Dept:</b>	RND	<b>Other Contributors:</b>	

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Consider any development opportunities through 2015-18 National Affordable Homes Programme (NAHP) allocation and other funding opportunities to expand the Council's housing stock.	March 2017	Head of Housing
Deliver the masterplan for new build homes on the Carr/Hopps Street regeneration site	March 2017	Head of Housing

### SECTION 3 PERFORMANCE INDICATORS & TARGETS

Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
NI 155	Number of affordable homes delivered (gross)	Head of Housing	Targeted	Financial Year	50	56	82
RND P120	Percentage of HBC managed properties which are void	Head of Housing	Targeted	Financial Year	2%	2%	2%
RND P121	Percentage of HBC property tenants in arrears	Head of Housing	Targeted	Financial Year	5%	5%	5%
RND P122	Number of properties managed by HBC	Head of Housing	Targeted	Financial Year	203	223	250

\* This longer-term target is based on the current position and may be subject to change.

SECTION 4 RISKS		
Code	Risk	Assignee
RND R061	Inability to balance demands for social housing	Head of Housing

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	23. Hartlepool has improved housing stock where all homes across tenures offer a decent living environment	<b>Theme:</b>	Housing
<b>Lead Dept:</b>	RND	<b>Other Contributors:</b>	

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Work with landlords to prevent homes from becoming long term empty, through early intervention	March 2017	Empty Homes Officer
Deliver the service offering Energy Performance Certificates to other landlords and managing agents in compliance with the legislation	March 2017	Principal Environmental Health Officer
Complete the purchase and refurbishment of 20 long-term empty homes through the Empty Properties Purchase Scheme (EPPS) Phase 2 (2015-18 NAHP) (subject to HRA constraints)	March 2017	Principal Housing Regeneration Officer

### SECTION 3 PERFORMANCE INDICATORS & TARGETS

Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
LAA H P001	Number of private dwellings empty for over 6 months and brought back into use.	Empty Homes Officer	Targeted	Financial Year	68	68	68
NEW	Number of private sector landlords using the Council's Social Lettings Agency to manage their properties	Head of Housing	Targeted	Financial Year	N/A	6	12

\* This longer-term target is based on the current position and may be subject to change.

SECTION 4 RISKS		
Code	Risk	Assignee
RND R061	Inability to meet very high levels of local housing needs including affordable housing	Head of Housing

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	24. Housing Services and housing options respond to the specific needs of all communities within Hartlepool	<b>Theme:</b>	Housing
-----------------	---	---------------	---------

<b>Lead Dept:</b>	RND	<b>Other Contributors:</b>	
-------------------	-----	----------------------------	--

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Complete the delivery of the action plan based on the recommendations of the peer review into the housing Strategy Action Plan to enable the authority to meet gold standard.	March 2017	Principal Housing Strategy Officer

### SECTION 3 PERFORMANCE INDICATORS & TARGETS

Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
RND P051	Number of households where homelessness has been prevented through local authority action	Principal Housing Advice Officer	Monitor	Financial Year	N/A (monitored only)		
RND P107	Average waiting time (days) for a disabled facilities grant to be completed	Principal Housing Strategy Officer	Targeted	Financial Year	95	95	95

\* This longer-term target is based on the current position and may be subject to change.

### SECTION 4 RISKS

Code	Risk	Assignee
RND R070	Failure to provide correct housing advice to the public	Principal Housing Advice Officer
NEW	Inability to respond in a timely manner to increases in Disabled Facilities Grant (DFG) waiting list	Principal Housing Strategy Officer

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	25. Local people have access to Arts, Museums, Community Centres and Events which enrich people's lives	<b>Theme:</b>	Culture & Leisure
-----------------	---	---------------	-------------------

<b>Lead Dept:</b>	RND	<b>Other Contributors:</b>	
-------------------	-----	----------------------------	--

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Support and deliver a programme of events for Hartlepool, which supports business and brings in additional tourism	March 2017	Arts & Events Manager

### SECTION 3 PERFORMANCE INDICATORS & TARGETS

Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
ACS P106a	Number of people visiting Hartlepool Art Gallery, Museum of Hartlepool	Head of Culture & Information	Targeted	Financial Year	210,000	220,000	225,000
ACS P107a	Number of school visits to Hartlepool Art Gallery, Museum of Hartlepool	Head of Culture & Information	Targeted	Financial Year	12,500	13,500	14,500
ACS P108a	Number of people visiting Town Hall Theatre	Head of Culture & Information	Targeted	Financial Year	51,000	52,000	53,000

\* This longer-term target is based on the current position and may be subject to change.

### SECTION 4 RISKS

Code	Risk	Assignee
NEW	Failure to engage with new and existing service users resulting in service becoming unviable	Head of Culture & Information

NEW	Reduction in funding to provide services, resulting in events not being staged	Head of Culture & Information
-----	--	-------------------------------

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	26. Local people have access to library services which enrich people's lives	<b>Theme:</b>	Culture & Leisure
<b>Lead Dept:</b>	RND	<b>Other Contributors:</b>	

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Engage with children and young adults to support their learning & literacy needs, through a programme of activities and events	March 2017	Library Services Manager

### SECTION 3 PERFORMANCE INDICATORS & TARGETS

Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
ACS P062	Number of people receiving a home library service.	Library Services Manager	Targeted	Financial Year	640	600	600
ACS P104	Number of hours usage of the People's Network computers	Library Services Manager	Targeted	Financial Year	39,000	38,000	35,000
ACS P105	Number of enquiries received by the Reference and Information Service.	Library Services Manager	Targeted	Financial Year	30,000	30,000	32,000
ACS P103	Number of engagements with children and young adults in library delivered activities.	Library Services Manager	Targeted	Financial Year	16,100	20,000	20,000

\* This longer-term target is based on the current position and may be subject to change.

### SECTION 4 RISKS

Code	Risk	Assignee
	No risks identified	

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	27. Local people have a greater voice and influence over local decision making and the delivery of services	<b>Theme:</b>	Strengthening Communities
-----------------	---	---------------	---------------------------

<b>Lead Dept:</b>	RND	<b>Other Contributors:</b>	CED
-------------------	-----	----------------------------	-----

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Review the Voluntary and Community Sector Strategy and implement recommendations	March 2017	Community Regeneration Officer
Refresh Ward Profiles and produce sustainability plans for vulnerable localities	March 2017	Community Safety Team Leader

### SECTION 3 PERFORMANCE INDICATORS & TARGETS

Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
NEW	Number of public surveys undertaken with corporate support	Performance and Partnerships Manager	Monitor	Financial Year	N/A (monitored only)		
NEW	Total number of responses from public surveys undertaken with corporate support	Performance and Partnerships Manager	Monitor	Financial Year	N/A (monitored only)		
NEW	Percentage of residents who feel they can influence decisions in their local area	Community Regeneration Officer	Monitored	Financial Year	N/A (monitored only)		
RND P052	Number of voluntary sector groups supported/signposted/assisted	Community Regeneration Officer	Monitored	Financial Year	N/A (monitored only)		
NEW	Percentage of people who feel they belong to their local communities	Community Regeneration Officer	Monitored	Financial Year	N/A (monitored only)		

NEW	Percentage of residents who feel they can influence decisions in their local area	Community Regeneration Officer	Monitored	Financial Year	N/A (monitored only)
-----	---	--------------------------------	-----------	----------------	----------------------

\* This longer-term target is based on the current position and may be subject to change.

SECTION 4 RISKS		
Code	Risk	Assignee
CED R096	Lack of data quality of consultation conducted results in poor decision making and worsening performance	Performance & Partnerships Manager

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	28. Improve the efficiency and effectiveness of the organisation	<b>Theme:</b>	Organisational Development
<b>Lead Dept:</b>	CED	<b>Other Contributors:</b>	RND

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Deliver the programme of IT transformation projects to agreed schedule including the completion of the desktop refresh	March 2017	Strategic ICT Manager
Implement a programme of communication to ensure awareness of Council information security arrangements	March 2017	ICT Support & Development Manager
Review and update the Medium term Financial Strategy (MTFS) including links to Council Tax Support Scheme	March 2017	Chief Finance Officer
Determine and implement a strategic programme to ensure delivery of the savings required in the MTFS and budget settlement for 2017/18 and future years	March 2017	Assistant Chief Executive / Chief Finance Officer
Implement effective treasury management strategy including vehicle replacement programme	June 2016	Chief Finance Officer
Financially model the Local Council Tax Support Scheme costs and underlying assumptions to inform the 2017/18 Local Council Tax Support scheme	September 2016	Assistant Chief Finance Officer
Monitor / Evaluate financial and organisational impacts of further roll out of Universal Credit	March 2017	Assistant Chief Finance Officer
Undertake Council insurance's tender exercise and agree policies and excesses for the following 3-5 years	September 2016	Shared Services Manager
Review provision of the stores and small plant hire services.	December 2016	Building Design & Construction Manager
Facilitate the relocation of the community monitoring centre	July 2016	Building Design & Construction Manager

Explore opportunities to create an arms-length company which will improve availability of housing stock throughout the borough and generate income for the Council	March 2017	Estates & Regeneration Manager
Achieve capital receipts target in line with programme	March 2017	Estates & Regeneration Manager

SECTION 3 PERFORMANCE INDICATORS & TARGETS							
Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
ICT PI 3	Unavailability of ICT Service to users	Senior ICT Support Officer	Targeted	Financial Year	4.25	4.00	3.75
ICT PI 4	Percentage of incidents resolved within agreed service levels	Senior ICT Support Officer	Targeted	Financial Year	96	96.25	96.5
CEDCS P095	Actual savings from efficiency and savings programme	Assistant Chief Executive / Chief Finance Officer	Targeted	Financial Year	£5.6m	£4.2m	£5.2m
CEDFI P001	Percentage of invoices paid on time	Shared Services Manager	Targeted	Financial Year	95%	95%	95%
CEDFI P030	Percentage of Local Supplier invoices paid in 10 days	Shared Services Manager	Targeted	Financial Year	85%	85%	85%
CEDFI P002	Percentage of Council Tax collected in year	Principal Revenues Officer	Targeted	Financial Year	95%	95%	95%
CEDFI P041	Percentage of Council Tax collected after 5 years	Principal Revenues Officer	Targeted	Financial Year	99%	99%	99%
CEDFI P003	Percentage of Business Rates collected in year	Principal Revenues Officer	Targeted	Financial Year	98%	98%	98%
CEDFI P050	Percentage of Business Rates collected after 5 years	Principal Revenues Officer	Targeted	Financial Year	99%	99%	99%

NEW	PSN Compliance achieved	ICT Support & Development Manager	Targeted	Financial Year	N/A	Yes	Yes
-----	-------------------------	-----------------------------------	----------	----------------	-----	-----	-----

\* This longer-term target is based on the current position and may be subject to change.

SECTION 4 RISKS		
Code	Risk	Assignee
CED R073	Employees across the Council do not have appropriate skills and knowledge in relation to PM, risk, consultation, complaints and data quality	Performance & Partnerships Manager
CED R089	Experiencing failure or lack of access to critical ICT systems	Assistant Chief Executive
CED R097	Failure to comply with the requirements of PSN resulting in withdrawal of HBC's 'connected' status	Strategic ICT Manager
CED R099	National or External Agendas necessitate change to departmental priorities which impact upon the corporate ICT strategy	Strategic ICT Manager
CED R091	Failure to have corporately adequate arrangements in place to manage and deliver the budget strategy and savings programme	Assistant Chief Executive / Chief Finance Officer
CED R043	Treasury management decisions on borrowing and investment fail to optimize benefit for Council	Chief Finance Officer
CED R072	The Council becomes a target for fraudulent activities	Head of Audit & Governance
CED R054	A major health and safety accident or incident may occur as a result of employees actions or inactions	Health, Safety & Wellbeing Manager
RND R047	Failure to execute procurement activities within the guidelines leading to challenges to contract award decisions	Strategic Procurement Manager
RND R085	Failure to achieve the Council's capital receipts target because of the difficult economic client and market conditions.	Estates & Regeneration Manager

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	29. Deliver effective customer focused services, meeting the needs of diverse groups and maintaining customer satisfaction	<b>Theme:</b>	Organisational Development
<b>Lead Dept:</b>	CED	<b>Other Contributors:</b>	

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Replace / upgrade customer service technology (CRM) to facilitate integration with digital channels	March 2017	Customer & Business Manager
Develop and deliver a Roll-in Programme integrating new services into the Customer Service Centre	March 2017	Customer & Business Manager
Identify and implement a programme of change to increase digital availability and take up of services	March 2019	Customer & Business Manager / ICT Support & Development Manager
Analyse and communicate the Welfare Reform and Work Bill 2015 changes to impacted benefit claimants and evaluate the impacts on the Local Council Tax Support scheme.	March 2017	Assistant Chief Finance Officer
Work in partnership with the Valuation Office Agency to communicate the new 2017 Rateable Values to business ratepayers and ensure that local businesses receive the reliefs and reductions available to them	March 2017	Principal Revenues Officer

### SECTION 3 PERFORMANCE INDICATORS & TARGETS

Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
CEDCS P017	Number of unique visitor website hits	ICT Support & Development Manager	Targeted	Financial Year	358,000	375,900	380,000
CEDCS P066	Average wait in seconds for telephone calls to be answered	Customer & Business Manager	Targeted	Financial Year	30 secs	30 secs	30 secs

CEDCS P067	Average wait in minutes for personal visitors without an appointment	Customer & Business Manager	Targeted	Financial Year	15 mins	15 mins	15 mins
CEDCS P068	Percentage of Customer Service emails handled the same day	Customer & Business Manager	Targeted	Financial Year	90%	90%	90%
CEDCS P069	Percentage of Customer Service enquiries handled at the first point of contact	Customer & Business Manager	Targeted	Financial Year	85%	85%	85%
CEDCS P070	Percentage of customers satisfied with Customer Services	Customer & Business Manager	Targeted	Financial Year	90%	90%	90%
CEDCS P090	Percentage of satisfied customers for Registration Service	Customer & Business Manager	Targeted	Quarterly	95%	95%	95%
NEW	Number of corporate complaints investigated	Strategy & Performance Officer	Monitored	Financial Year	N/A (monitored only)		
CEDCS P093	Number of complaints investigated by the Local Government Ombudsman	Strategy & Performance Officer	Monitored	Financial Year	N/A (monitored only)		
CEDFI P004	Average time to process new Housing Benefit / Council Tax Support claims	Service Development Officer	Targeted	Financial Year	20 days	20 days	20 days
CEDFI P005	Average time to process Housing Benefit / Council Tax Support Changes in Circumstances	Service Development Officer	Targeted	Financial Year	9 days	9 days	9 days

\* This longer-term target is based on the current position and may be subject to change.

SECTION 4 RISKS		
Code	Risk	Assignee
CED R059	Failure to integrate equality into all aspects of the Councils work leading to non compliance with legislation and Council aims	Assistant Chief Executive / Performance & Partnerships Manager
CED R028	Failure to provide Statutory Registration duties (including IT system)	Customer & Business Manager

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	30. Maintain effective governance arrangements for core business and key partnerships	<b>Theme:</b>	Organisational Development
-----------------	---	---------------	----------------------------

<b>Lead Dept:</b>	CED	<b>Other Contributors:</b>	
-------------------	-----	----------------------------	--

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Review performance management reporting to CMT and Elected Members and implement new reporting arrangements	August 2016	Performance & Partnerships Manager
Promote and maintain high standards of conduct by Members, co-opted Members and Officers	March 2017	Chief Solicitor
Monitor and review the operation of the Council's Constitution	March 2017	Chief Solicitor
Develop Mayoral Combined Authority Constitution to enable devolution deal	December 2016	Chief Solicitor

### SECTION 3 PERFORMANCE INDICATORS & TARGETS

Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
None identified							

### SECTION 4 RISKS

Code	Risk	Assignee
CED R037	Failure to embed risk management framework leads to service / governance failure resulting in reputation / financial loss	Performance & Partnerships Manager

CED R076	Partnership structures no longer fit for purpose resulting in relationship breakdown between Hartlepool Borough Council and key partners	Performance & Partnerships Manager
CED R031	Performance management arrangement fails to operate as intended resulting in unanticipated service/governance failure within Council / Partnership	Performance & Partnerships Manager
CED R062	Lack of data quality for performance information results in poor decision making and worsening performance	Performance & Partnerships Manager
CED R080	Statutory deadlines for the production of the Councils accounts may not be met.	Head of Finance (Corporate)
CED R080	Decision making meetings not taking place due to a loss of council facilities or serious problems preventing Councillors/staff attending	Democratic Services Team Manager
CED R060	Failure to deliver an effective legal service	Legal Services Manager
NEW	Statutory deadline for the production of the Annual Governance Statement might not be met	Head of Audit & Governance
NEW	Committee and Partnership support arrangements fail to operate as intended resulting in governance failure within the Council	Democratic Services Team Manager
NEW	Support arrangements fail to operate as intended resulting in break down of statutory scrutiny at a Tees Valley and North East level	Scrutiny Manager

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	31. Maintain the profile and reputation of the Council	<b>Theme:</b>	Organisational Development
<b>Lead Dept:</b>	CED	<b>Other Contributors:</b>	

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Undertake a review of existing social media platforms to ensure that they are being used to maximum affect	March 2017	Public Relations Manager
Development and implement a communication strategy for the Hartlepool Vision	March 2017	Public Relations Manager
Promote Hartlepool Council and the town on a regional and national level by targeting key regional and national media outlets with Hartlepool related stories, achievements and major developments	March 2017	Public Relations Manager

### SECTION 3 PERFORMANCE INDICATORS & TARGETS

Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
CED P094	The percentage of readers who read some or most of the content of Hartbeat	Public Relations Manager	Monitored	Financial Year	N/A (monitored only)		
CEDCS P074	The number of followers on Twitter and facebook.	Public Relations Manager	Monitored	Financial Year	N/A (monitored only)		

\* This longer-term target is based on the current position and may be subject to change.

### SECTION 4 RISKS

Code	Risk	Assignee
CED R005	The failure to maintain a positive reputation	Public Relations Manager

CED R051	Failure to comply with legislation leading to unlawful acts, loss of morale, poor industrial relations and / or accidents to employees resulting in industrial, criminal or civil action against the Council	HR Business Partner / HR Business Partner / Health, Safety & Wellbeing Manager
CED R063	The risk of breach of conduct by elected members / co-opted members	Chief Solicitor

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	32. Deliver effective Member and Workforce arrangements, maximising the efficiency of the Council's Democratic function	<b>Theme:</b>	Organisational Development
-----------------	---	---------------	----------------------------

<b>Lead Dept:</b>	CED	<b>Other Contributors:</b>	
-------------------	-----	----------------------------	--

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Implement the Workforce Strategy	March 2017	HR Business Partner / HR Business Partner
Consider and implement the Gender Pay Gap regulations once published by the Government	March 2017	HR Advisor & Job Evaluation Manager
Deliver the Local Government Elections and the Police and Crime Commissioner Election in association with neighbouring local authorities within the Cleveland Force area	May 2016	Principal Registration & Members Services Officer
Ensure that arrangements are in place to successfully deliver the European Union Referendum when announced in conjunction with region-wide authorities	June 2017	Principal Registration & Members Services Officer
Review the arrangements for Member development and identify proposals for future activities	May 2016	Principal Registration & Members Services Officer

### SECTION 3 PERFORMANCE INDICATORS & TARGETS

Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
CEDCS P012	Percentage of draft minutes of Non Policy Committee meetings produced within 10 days of the meeting	Democratic Services Team Manager	Targeted	Financial year	100%	100%	100%
CEDCS P013	Percentage of draft minutes of Policy Committee meetings produced within 4 days of the meeting	Democratic Services Team Manager	Targeted	Financial year	100%	100%	100%

CEDCS P014	Percentage of minutes of Policy Committee meetings published within 5 days of the meeting	Democratic Services Team Manager	Monitored	Financial year	N/A (monitored only)		
HR PI 05A Council	Average working days per employee (full time equivalent) per year lost through sickness absence – Council excluding Schools	HR Business Partner	Targeted	Financial Year	8.2	7.2	TBC

\* This longer-term target is based on the current position and may be subject to change.

SECTION 4 RISKS		
Code	Risk	Assignee
CED R053	Poor workforce planning and development may lead to poor service delivery / behaviour by employees	HR Business Partner / HR Business Partner
CED R088	Future and current equal pay claims including settlement of, or adverse findings in ET of existing equal pay claims	HR Business Partner / HR Business Partner
CED R061	Electoral problems/failures/legal challenges lead to Councillors not being elected to Council	Principal Registration & Members Services Officer / Chief Solicitor
CED R098	That a material safety breach of health and safety legislation is identified by the HSE resulting in a significant fee for intervention (FFI) being applied	Health, Safety & Wellbeing Manager
NEW	Failure to provide statutory scrutiny results in governance failure	Scrutiny Manager

### SECTION 1 OUTCOME DETAILS

<b>Outcome:</b>	33. Ensure the effective implementation of significant government policy changes	<b>Theme:</b>	Organisational Development
-----------------	--	---------------	----------------------------

<b>Lead Dept:</b>	CED	<b>Other Contributors:</b>	
-------------------	-----	----------------------------	--

### SECTION 2 ACTIONS

Action	Due Date	Assignee
Disseminate information to CMT and Members around significant changes to government policy in order to inform decision making.	March 2017	Performance & Partnerships Manager
Implement Changes in Benefits entitlements in line with Welfare Reform and Work Bill 2015	March 2017	Assistant Chief Finance Officer
Implement Pensions Auto Enrolment Phase 2	September 2016	Shared Services Manager
Implement Teachers Pay and Conditions amendments	September 2016	Shared Services Manager
Implement Universal Credit Phase 2	March 2017	Principal Benefits Officer- Appeals and Security

### SECTION 3 PERFORMANCE INDICATORS & TARGETS

Code	Indicator	Assignee	Targeted or Monitor	Collection Period	Target 2015/16	Proposed Target 2016/17	Proposed Target 2017/18*
None identified							

### SECTION 4 RISKS

Code	Risk	Assignee
NEW	Failure to respond adequately to changes in Government policy	Chief Executive / Assistant Chief Executive



## 6. Equality Objectives

The Council has a legal duty to publish equality objectives at least every 4 years. Since the first objectives were published in April 2012 the Council has based them on the relevant outcomes and actions from the Council Plan. By doing this the Council hopes to demonstrate that equality and diversity is a core part of what we do as an organisation and not an add on activity. The Council's equality objectives from April 2016 are set out on the following pages.

Theme	Outcome	Objective(s)
<b>Jobs &amp; the Economy</b>	Hartlepool has increased employment and skills levels with a competitive workforce that meets the demands of employers and the economy	<ul style="list-style-type: none"> <li>• Deliver a range of skills / employability programmes including the Youth Employment Initiative (YEI)</li> </ul>
	Reduction in the prevalence of family and child poverty	<ul style="list-style-type: none"> <li>• Review Child Poverty Strategy – carry out consultation with partners and rewrite Child and Family Poverty Strategy</li> <li>• Implement strategies to tackle food poverty including Free School Meals take up initiatives and holiday hunger pilot initiative</li> </ul>
<b>Lifelong Learning &amp; Skills</b>	To promote opportunities for all children and young people to reach their full potential by accessing good quality teaching and curriculum provision which fully meets their needs and enables them to participate in and enjoy their learning	<ul style="list-style-type: none"> <li>• Support primary and secondary schools to close the gap in achievement between learners from low income families and children in care ('disadvantaged pupils') and all other children and young people nationally by identifying best practice across Tees Valley and embedding these practices in schools across Hartlepool, and directing additional, targeted funding to support children and young people with identified barriers to greater academic achievement</li> </ul>
	Provision of high quality community learning and skills opportunities that widen participation	<ul style="list-style-type: none"> <li>• Carry out targeted development work with disadvantaged groups to increase participation in learning</li> <li>• Develop programmes to increase the participation of learners with mental health needs</li> </ul>
<b>Health and Wellbeing</b>	Health Protection - Health Protection: the populations health is protected from major incidents and other threats, whilst reducing health inequalities	<ul style="list-style-type: none"> <li>• Ensure the uptake of childhood vaccinations</li> <li>• Ensure the delivery of school based childhood flu programme</li> <li>• Roll out no cold call zones, undertake work on doorstep selling &amp; scams</li> </ul>

Theme	Outcome	Objective(s)
	Every child has the best start in life	<ul style="list-style-type: none"> <li>• Redesign Early Help and social care services in line with Better Childhood Programme</li> <li>• Develop SEND strategy to ensure effective support is given to children with additional needs</li> </ul>
	Children and young people are safe and protected from harm	<ul style="list-style-type: none"> <li>• Implement the Better Childhood Programme</li> <li>• Implement VEMT (Vulnerable, Exploited, Missing and Trafficked) plan</li> </ul>
	Vulnerable adults are supported and safeguarded and people are able to maintain maximum independence while exercising choice and control about how their outcomes are achieved	<ul style="list-style-type: none"> <li>• Implement the actions identified in the Mental Health Local Implementation Plan and work with partners through the Mental Health Forum to improve outcomes for people with mental health needs.</li> <li>• Improve pathways and services to meet the needs of individuals with dementia and their families / carers.</li> <li>• Complete the development of a new independent living centre that improves outcomes for adults with a disability and / or long term condition.</li> <li>• Ensure that people with learning disabilities receive good quality, outcome focused care and support, including those included within the Transforming Care Fast Track work.</li> <li>• Carry out joint working between Public Protection and Adult Safeguarding to help protect elderly and vulnerable people from rogue traders and scams.</li> </ul>
<b>Community Safety</b>	Hartlepool has reduced crime and repeat victimisation	<ul style="list-style-type: none"> <li>• Undertake a full assessment of the community safety issues and priorities in Hartlepool to inform development of the Community Safety Strategy 2017 – 2020</li> <li>• Undertake a needs analysis to inform the development of the Safer Hartlepool Partnership Domestic Violence &amp; Abuse Strategy and re-commissioning of the Councils specialist domestic violence service.</li> </ul>

<b>Theme</b>	<b>Outcome</b>	<b>Objective(s)</b>
<b>Housing</b>	Hartlepool has an improved and more balanced housing offer that meets the needs of residents and is of high quality design	<ul style="list-style-type: none"> <li>Consider any development opportunities through 2015-18 National Affordable Homes Programme (NAHP) allocation and other funding opportunities to expand the Council's housing stock.</li> </ul>
<b>Culture and Leisure</b>	Local people have access to library services which enrich people's lives	<ul style="list-style-type: none"> <li>Engage with children and young adults to support their learning &amp; literacy needs, through a programme of activities and events</li> </ul>
<b>Organisational Development</b>	Deliver effective customer focused services, meeting the needs of diverse groups and maintaining customer satisfaction	<ul style="list-style-type: none"> <li>Identify and implement a programme of change to increase digital availability and take up of services</li> </ul>
	Deliver effective Member and Workforce arrangements, maximising the efficiency of the Council's Democratic function	<ul style="list-style-type: none"> <li>Consider and implement the Gender Pay Gap regulations once published by the Government</li> </ul>



[www.hartlepool.gov.uk](http://www.hartlepool.gov.uk)

# COUNCIL

17 March 2016



**Report of:** Chief Executive

**Subject:** BUSINESS REPORT

## 1. PAY POLICY 2016/17

Under Section 38 of the Localism Act, 2011, the full Council has to approve a Pay Policy on an annual basis. At its meeting on 15 February 2016 the Finance and Policy Committee considered the draft Pay Policy 2016/17 and agreed to recommend it to Council with one proposed amendment.

Committee recommended that the Pay Policy be amended at Paragraph 13.1 to reflect that, whilst the Council does not generally support using agency workers, any agency workers operating in the Council should receive at least the Hartlepool living wage, and not the national minimum wage as originally stated.

The Proposed amendment to the Pay Policy (the amendments are shaded) is as follows:

13.1 The Council does not generally support using agency workers. However there may be circumstances where engaging agency workers is the most efficient and effective way of meeting the Council's needs. If this situation applies formal approval will be sought from the relevant Assistant Director. Agency workers operating in the Council receive at least the **Hartlepool living wage** initially and at least the pay of comparable employees after 12 weeks of qualifying service.

With the proposed amendment as set out above, Council is requested to approve the Pay Policy Statement 2016/17 which is attached as Appendix 1.

## 2. GROWING PLACE AND LOCAL GROWTH FUND ALLOCATIONS

A detailed report was submitted to Council on 25th June 2015 to inform Council of the impact of delayed Government funding announcements in relation to the 'Growing Places' and 'Local Growth Fund' initiatives. The previous report informed Council that the Government had announced details of a total national 'Local Growth Fund' grant allocation of £12 billion (£7 billion 2015/16 and £5 billion 2016/17) and had written to Local Enterprise Partnerships with details of 'indicative' allocations (to the nearest £) for 2016/17. Owing to internal BIS (Department for Business,

Innovation and Skills) rules the formal funding announcement for 2016/17 had not been made and was not expected to be made until the Autumn Statement, at the earliest. This position potentially meant that Cleveland College of Art and Design (CCAD) would not be able to award a contract as they did not have the financial resources to underwrite the project until BIS had issued a formal funding letter. Therefore, in order to enable this project to progress discussions have been held between CCAD, Tees Valley Unlimited (TVU) and the Council to identify a temporary funding solution.

As part of the potential temporary funding solution Council approved the provision of bridging finance pending the formal announcement by the Government of 'Growing Places' and 'Local Growth Fund' allocations for individual projects. Council noted that the bridging finance would only be drawn down as contractual payments became due and would be potentially be required over two financial years, with the majority costs falling in 2016/17. The Council's potential financial exposure would also be minimised as the Council's temporary funding would be the last money to be advanced.

The Government has recently announced details of the 'Growing Places' and 'Local Growth Fund' allocations for individual projects, which confirms the indicative funding allocations for the CCAD project. Council is therefore requested to note that the temporary bridging finance facilities will not now be needed and to also note that this facility has not been used in the current financial year.

# **Hartlepool Borough Council**

## **Pay Policy Statement 2016/17**

(Section 38, Localism Act 2011)

**Draft to be considered at Council on 17 March 2016**

### **1. Introduction**

- 1.1 This document sets out the Council's pay policy in relation to the remuneration of its employees (excluding those employed by schools with delegated budgets) for the period 1 April 2016 to 31 March 2017 in accordance with Section 38 of the Localism Act 2011<sup>1</sup> and reflects the guidance issued by the Department for Communities and Local Government<sup>2,3</sup> unless stated differently. This pay policy applies equally to all employees (excluding school employees) regardless of status and seniority unless stated differently. The policy is subject to annual review and must be approved by the Borough Council for each financial year. The policy will be published on the Council's website<sup>4</sup> as soon as reasonably practicable after approval or amendment.
- 1.2 Hartlepool Borough Council is committed to transparency and fairness in its payment and remuneration of all of its employees and will comply with all relevant employment legislation.
- 1.3 In 2016/17, the Council has an overall pay budget of £55,039m (excluding school staff) including on-costs for its workforce. In order to deliver these services it will employ around 2,250 people excluding those who are employed directly by schools in Hartlepool, in a variety of diverse roles.
- 1.4 The Council's values give us a desire to increase the standard of living for everyone. Given that the Council is the largest employer in Hartlepool and that around 75% of employees live in the town, it has a major influence on the economic wellbeing of the town and a direct impact on levels of inequality. The Council wants to do all in its power to make Hartlepool a fairer town and is committed to reducing inequality by leading by example and doing so through the way it operates as an organisation.

### **2. National and other Conditions of Service**

- 2.1 The appropriate National Conditions of Service (as detailed in Table 1) are automatically incorporated into employee contracts of employment

---

1 Available at: <http://www.legislation.gov.uk/ukpga/2011/20/contents>

2 Available at: [Openness and accountability in local pay: guidance - Publications - GOV.UK](#)

3 Available at: [Openness and accountability in local pay: supplementary guidance - Publications - GOV.UK](#)

4 Available at: [https://www.hartlepool.gov.uk/downloads/download/305/pay\\_policy](https://www.hartlepool.gov.uk/downloads/download/305/pay_policy)

**Table 1 – National Conditions of Service in use in the Council**

<b>Condition of Service</b>	<b>Type of Employees</b>
Joint Negotiating Committee (JNC) for Local Authority Chief Executives	Chief Executive
Joint Negotiating Committee (JNC) for Chief Officers in Local Authorities	Directors, Divisional Heads and some other senior managers
The Soulbury Committee	Educational Improvement Professionals, Educational Psychologists and Young People's/Community Service Managers
Conditions Of Service for School Teachers in England And Wales <sup>5</sup>	Head Teachers, Deputy/Assistant Head Teachers, all Leadership, Teachers, Qualified and Unqualified Teachers
Joint Negotiating Committee for Youth and Community Workers	Youth and Community Workers
National Joint Council (NJC) for Local Government Services – Part 2 only	All other employees

For legal and other reasons, some employees are employed on other conditions of service, for example as a result of TUPE transfers into the Council.

- 2.2 The Council's Single Status Agreement is automatically incorporated into the employment contract of NJC for Local Government Services employees.
- 2.3 Sections 1 (paragraphs 1.1.3 and 1.1.4 only), 3 (sub section 3.5 only), 5-9 and 12-16 of Part 2 of the Council's Single Status Agreement apply to all employees where their national conditions of service are silent.

### **3. Pay Structure**

- 3.1 The Council uses nationally negotiated pay rates included in the above national conditions of service as the basis for its local pay structure, which determines the pay bands of the large majority of its workforce. Locally determined pay rates apply for the remainder of the workforce.

---

<sup>5</sup> The Conditions of Service for School Teachers In England And Wales August 2000 is supplemented by

- 3.2 National pay awards are automatically applied to the national and local pay rates where employees are employed under the national conditions of service detailed in Table 1. Employees who continue to be employed under their pre transfer conditions of service following their TUPE (or similar) transfer to the Council are
- not entitled to receive pay awards (equivalent to the appropriate Council condition of service national pay awards) where the value of the maximum of the employees pre transfer pay band is greater than the pay they would receive at the minimum of the pay band if they were employed under the appropriate Council conditions of service and/or if the employees are entitled to increments within their TUPE pay band as they are not at the maximum of their TUPE (or similar) pay band.
  - entitled to receive national pay awards in all other circumstances subject to the employees pay plus any pay award not exceeding the minimum of the appropriate pay band if they were employed under the appropriate Council conditions of service.
- 3.3 All other pay-related allowances are the subject of either nationally or locally negotiated rates, having been determined from time to time in accordance with collective bargaining machinery.
- 3.4 In determining its grading structure and setting remuneration levels for any posts which fall outside the scope of nationally set pay grades, the Council takes account of the need to ensure value for money in respect of the use of public expenditure. This is balanced against the need to recruit and retain employees who are able to deliver high quality services to the community and the need to comply with pay related legislation e.g. in relation to equal pay, national minimum wage and the new national living wage with effect from 1<sup>st</sup> April 2016.
- 3.5 In line with good employment practice JNC for Local Authority Chief Executives and JNC for Chief Officers in Local Authorities jobs have been evaluated using the LGA Senior Managers job evaluation scheme and NJC for Local Government Services jobs have been evaluated using the bespoke NJC job evaluation scheme. This is to ensure that the majority of jobs are graded fairly and equitably. Both job evaluation schemes used are substantial schemes. The associated grading structures are attached as Annex A. For legal and other reasons, some employees pay is not consistent with the current grading structures for example as a result of TUPE transfers.
- 3.6 No job evaluation scheme exists for the remainder of jobs i.e. those on Teachers, Youth and Community workers and Soulbury conditions of service but those employees are placed within nationally defined grading structures.

- 3.7 As part of its overall and ongoing monitoring of alignment with external pay markets both within and outside the sector, the Council will use available benchmark information as appropriate.
- 3.8 Periodic equal pay audits will be undertaken and pay structures and allowances will be reviewed as necessary.

#### **4 Remuneration on Appointment**

- 4.1 Appointments to the posts of Chief Executive, Directors and other Chief Officer posts are subject to the Council's Officer Employment Procedure Rules<sup>6</sup> and the salary package (including basic pay, any bonuses, fees or allowances routinely payable to the appointee and any benefits in kind) for each post is determined by full Council. Appointments to posts where the salary package is £100,000 or more per annum will be approved by full Council in the case of the appointment of the Chief Executive/Head of Paid Service or by the Appointments Panel in the case of other appointments. Appointment of all other officers is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by members.
  - 4.2 New appointments are subject to the Council's Recruitment and Selection Policy and will generally be made to the agreed pay structures at the bottom spinal column point of all pay bands unless there are special circumstances and payment at a higher level can be objectively justified.
  - 4.3 Where employees are redeployed into a lower graded post because of ill health (where this is supported by the Council's Occupational Health Advisor) or as an alternative to redundancy they will generally be appointed to the highest spinal column point within the lower grade so as to minimise financial loss.
  - 4.4 From time to time, it may be necessary to take account of external pay levels in the labour market in determining starting salary levels and the use of market forces supplements in order to attract and retain employees with particular experience, skills and capacity.
  - 4.5 The Council does not make any "golden hello" payment or any other incentive payments at recruitment other than market forces supplements where these are determined in accordance with the provisions in Table 3.
  - 4.6 Where appropriate, the Council pays removal and relocation allowances, as detailed in the Council's Recruitment and Selection Policy upon the presentation of approved receipts.
-

## **5. Senior Management Remuneration**

5.1 The definition of 'Senior Management' in this statement mirrors the definition of 'Chief Officer' as detailed in Section 42(2) of the Localism Act 2011 i.e.

- the head of its paid service designated under section 4(1) of the Local Government and Housing Act 1989;
- its monitoring officer designated under section 5(1) of that Act;
- a statutory chief officer mentioned in section 2(6) of that Act;
- a non-statutory chief officer mentioned in section 2(7) of that Act;
- a deputy chief officer mentioned in section 2(8) of that Act.

Within Hartlepool, the above definition includes employees on JNC for Local Authority Chief Executives, JNC for Chief Officers in Local Authorities and NJC for Local Government conditions of service plus employees employed on NHS conditions of service as a result of TUPE (or similar) transfers.

5.2 The 'Senior Management' salary bands for implementation as at 1 April 2016 are set out in Table 2 below.

5.3 There has been no annual "cost of living" pay award for the Chief Executive, Director of Child and Adults and Director of Regeneration and Neighbourhoods since April 2008. A 2% pay award was agreed for the post of Director of Public Health and other Chief Officers earning less than £100,000 per annum which covered the period 1 January 2015 to 31 March 2016. This was their first pay award since April 2008. No national pay claim has been received in respect of 2016/17. A 2.20% pay award was agreed for Bands 13-15 employees which covered the period 1 January 2015 to 31 March 2016. In December 2015 the national employers have made a final offer to the Trade Unions of a 1% pay award from 1<sup>st</sup> April 2016 and a further 1% from 1 April 2017 for Bands 13 – 15 employees.

5.4 The increments for the Chief Executive, Director of Regeneration and Neighbourhoods and Director of Child and Adults are implemented automatically on an annual basis, subject to the Council Plan, Annual Governance Statement and the conclusion of the Budget and Policy Framework being agreed by the Finance and Policy Committee and Council.

- 5.5 In respect of Chief Officers (those posts below the Chief Executive and Directors) in 2013 the Council moved to a broad banded pay and grading structure, however when considered in a regional context, this broad banded structure provides the potential to cause recruitment and retention difficulties. The Council now proposes to move away from the broad banded pay and grading structure to a more sophisticated and shorter structure with four Chief Officer Bandings. A shorter structure with a small number of bandings will also provide the Council with greater operational and strategic flexibilities and provide a more robust and competitive pay strategy to retain and attract high calibre staff. This would move the Council to a similar structural position to other Authorities across the Tees Valley and therefore eliminate the Council's competitive disadvantage.

**Table 2 – Proposed Salary bands of ‘Senior Management’**

<b>Role</b>	<b>Annual Salary Band as at 1 April 2015</b>	<b>No of Points in Pay Band</b>
Chief Executive	£140,000 – £150,000	6
Director of Child and Adults	£100,000 - £110,000	6
Director of Regeneration and Neighbourhoods	£100,000 - £110,000	6
Director of Public Health <sup>7</sup>	£77,171 - £82,683	3
Chief Officer – Band A	£77,171 - £82,683	3
Chief Officer – Band B	£68,903 - £74,415	3
Chief Officer – Band C	£57,879 - £66,147	4
Chief Officer – Band D	£52,737 - £55,040	3
Band 15 <sup>9</sup>	£45,092 - £49,282	5
Band 14	£40,217 - £43,990	5
Band 13	£35,662 - £39,267	5

- 5.6 Information on ‘Senior Management’ responsibilities and remuneration will be published on the Council's website<sup>10</sup> in line with Local Government Transparency Code 2014<sup>11</sup> and the Accounts and Audit Regulations 2015<sup>12</sup>.

## **6. Additional Benefits**

- 6.1 Employees receive/have access to additional benefits (in addition to basic salary) as outlined in the Table 3.

---

<sup>7</sup> The current employee is paid their TUPE pay

<sup>10</sup> Available at:

**Table 3 – Additional Benefits**

Employees	Additional Benefit
All officers involved in delivering local, Parliamentary and/or European elections and/or referenda	Duty payments in connection with elections as determined locally in consultation with the other Tees Valley Councils and/or by statute depending on the duties concerned.
Employees in Development Scheme posts	Progression through pay bands where pre-determined progression criteria are met.
All employees whose pay reduces as a consequence of organisational change, job evaluation or redeployment	The pay protection arrangements detailed in the Council's Single Status Agreement apply to all employees as a means of assisting employees to adjust, over a 3 year period, to a reduction in pay arising from organisational change, job evaluation or redeployment. At the end of the 3 year protection period the standard pay arrangements apply.
All employees who are members of public sector pension schemes	<p>The Council operates the Local Government Pension Scheme (LGPS), the Teachers Pension Scheme (TPS) and the NHS Pension Scheme (PHPS) and makes employer pension contributions, as required, for all employees who elect to participate in one of the above schemes. The employer pension contributions from 1 April 2016 are as follows</p> <p>Local Government Pension Scheme -14.2% of pensionable pay</p> <p>Teachers Pension Scheme - 16.48% of pensionable pay</p> <p>NHS Pension Scheme – 14.3% of pensionable pay</p> <p>The contribution rates are regularly reviewed and set by actuaries advising the various Pension Funds.</p>

<b>Employees</b>	<b>Additional Payment</b>
All employees in posts where there are particular recruitment and/or retention difficulties	<p>As a general rule, the pay bands provide relevant and adequate compensation to attract and retain employees for the vast majority of posts and the necessity to apply a salary supplement should not exist. There may be specific circumstances, however, where an additional market forces supplement may be required to either attract hard to recruit categories of employees or to retain such employees within the employment of the Council.</p> <p>In all circumstances a business case will need to be developed (and reviewed regularly) to support the payment of market supplements which will be approved by members in relation to posts subject to the Council's Officer Employment Procedure Rules<sup>6</sup> and by the relevant Assistant Director in relation to all other posts.</p> <p>The market forces supplement arrangements detailed in the Council's Single Status Agreement apply to all employees</p>

**Table 3 (cont) – Additional Benefits**

<b>Posts/Employees</b>	<b>Additional Payment</b>
Chief Solicitor	Payment of £3,432 per annum for acting as Monitoring Officer to Cleveland Fire Authority. This cost is paid for by the Fire Authority and has not changed since 1 April 2010.
All permanent employees	Able to access the Council's Lease Car scheme through a salary sacrifice arrangement in accordance with Her Majesty's Revenues and Customs (HMRC) rules and at no cost to the Council.
All employees	Able to access the Council's Childcare Voucher scheme through a salary sacrifice arrangement in accordance with Her Majesty's Revenues and Customs (HMRC) rules and at no cost to the Council.
All employees	Able to access the Council's Cycle to Work scheme through a salary sacrifice arrangement in accordance with Her Majesty's Revenues and Customs (HMRC) rules and at no cost to the Council.
All employees	The Council pay a range of allowances/premium payments as detailed in National Conditions of Service (see Table 1 above)
All employees employed under the National Joint Council (NJC) for Local Government Services conditions of service	The Council pay a range of allowances/premium payments as detailed in the Council's Single Status Agreement subject to employees meeting the criteria for payment.

## **7. Changes to Salaries**

- 7.1 Changes in salary for employees will occur only as a result of
- the application of the provisions in Table 3 above
  - promotion
  - significant changes to an employees role which results in a different pay band being appropriate (as confirmed by the outcome of an appropriate job evaluation process, where appropriate)
  - an honorarium or ex-gratia payment being appropriate to recognise circumstances or events not covered by conditions of service
  - progression of a maximum of one increment each year within previously agreed pay bands based on service, other than as detailed in 5.5 of this policy
  - changes in the working arrangements of employees
- 7.2 The Council does not currently award any performance related pay or bonuses to any of its employees or require them to have an element of their basic pay 'at risk' to be 'earned back' through meeting pre agreed objectives.

## **8. Payments to all Employees upon Termination of Employment**

- 8.1 Employees who cease to hold office or be employed by the Council will receive payments based on entitlement within their contract of employment, their general terms and conditions and existing policies<sup>13</sup> in relation to the Local Government Pension Scheme<sup>14</sup>, Termination of Employment (Discretionary Compensation) (England and Wales)<sup>15</sup> and Local Government (Discretionary Payments) (Injury Allowances) Regulations<sup>15</sup>.
- 8.2 In accordance with the Council's Constitution, the determination of early retirement applications which do not generate sufficient savings to ensure that the costs of the application (including salary paid in lieu, redundancy compensation, strain on the pension fund, holiday pay and any bonuses, fees or allowances paid) are recovered within a pay back period of 3.05 years or less are considered by members of the Personnel Sub Committee. Officers determine all other early retirement applications. Whilst this arrangement does not reflect the Department of Communities and Local Government supplementary guidance<sup>3</sup> it complies with previous Audit Commission guidance, has worked very well for a number of years and is an effective and efficient way of dealing with early retirement applications.

13 Available at: [http://www.hartlepool.gov.uk/meetings/meeting/3119/finance\\_and\\_policy\\_committee](http://www.hartlepool.gov.uk/meetings/meeting/3119/finance_and_policy_committee) (see Appendix

A of item 6.6)

14 Available at: <http://www.lgpsregs.org/>

15 Available at: <http://timeline.lge.gov.uk/regidx.html>

## **9. Lowest Paid Employees**

- 9.1 The lowest paid employees will be remunerated at JNC for Government Services spinal column point 11 (equivalent to £15,207 per annum, £7.88 per hour) as a consequence of the Council increasing its own Living Wage for its employees with effect from 1 December 2015.
- 9.2 The current Hartlepool Living Wage is higher than the Governments new Statutory National Living Wage of £7.20 per hour, from April 2016. The Council have given a commitment to increase the Hartlepool Living Wage on an annual basis, commencing from 1<sup>st</sup> April 2016, in line with the cost of living pay award for Local Authority employees until such time as the Hartlepool Living Wage is less than the National Living Wage. At which stage the National Living Wage will apply.
- 9.3 On the basis that it is anticipated that by 1<sup>st</sup> April 2020 the National Living Wage will be £9.00. The position is summarised in Table 4 below. The table also demonstrates that, on the basis of forecast 1% inflationary increases in the Hartlepool Living Wage and the forecast phased implementation of the National Living Wage, the Hartlepool Living Wage will exceed the National Living Wage until 1<sup>st</sup> April 2019.

**Table 4 – Comparison of Forecast HBC pay scale and National Living Wage of £9.00 by 2020**

<b>Year</b>	<b>Forecast HBC Living Wage Hourly Rate (based on annual increases of 1%)</b>	<b>Forecast National Living Wage</b>	<b>HBC lowest rate of pay (per hour) - Forecast</b>	<b>Comment on HBC lowest rate of pay (per hour) - Forecast</b>
1.12.15	7.88	Not applicable	7.88	Hartlepool Living Wage
1.4.16	7.96	7.20	7.96	Hartlepool Living Wage +1%
1.4.17	8.04	7.65	8.04	Hartlepool Living

				Wage +1%
1.4.18	8.12	8.10	8.12	Hartlepool Living Wage +1%
1.4.19	8.20	8.55	8.55	National Living Wage
1.4.20	8.28	9.00	9.00	National Living Wage

- 9.4 The Council introduced its Single Status Agreement on 1<sup>st</sup> April 2007. The lowest paid employees within the Council are appointed to jobs which have been evaluated using the NJC Job Evaluation Scheme and are remunerated accordingly.
- 9.5 The relationship between the rates of pay for the lowest paid and for senior management is determined by the processes used for determining pay and grading structures as set out earlier in this Policy Statement.
- 9.6 The Council's 'median pay multiple', which complies with the Local Government Transparency Code 2014<sup>11</sup>, is the ratio between the taxable earnings of the highest paid employee and the median taxable earnings of the whole of the Council's workforce. The Chief Executive with a pay band of £140,000 – £150,000 is the highest paid employee.
- 9.7 The 2015 'pay multiple' with comparative data is detailed in Table 4

**Table 4 – 'Pay Multiple'**

<b>Date</b>	<b>Taxable earnings of the highest paid employee</b>	<b>Median taxable earnings of the whole of the Council's workforce</b>	<b>Pay multiple based upon the taxable earnings of the highest paid employee</b>
31 March 2013	£134,167 <sup>16</sup>	£17,130	7.83
31 March 2014	£140,833	£17,051	8.26
31 March 2015	£142,833	£18,211	7.84

N.B. The pay multiple has increased each year as a consequence of a combination of the taxable earnings of the highest paid employee increasing due to incremental progression within the pay band of £140,000 – £150,000 (reduced from £158,000 - £168,000 in 2012) and the median taxable earnings of the whole of the Council's workforce reducing.

11 Available at <https://www.gov.uk/government/publications/local-government-transparency-code-2014>

16 The Chief Executive was appointed part way through 2012/13

9.8 The Council will generally aim to ensure that the basic pay 'pay multiple' does not exceed ten.

**10. Employment of Individuals already in receipt of a public sector pension**

10.1 The Council does not generally support the employment of individuals already in receipt of public sector pensions in respect of posts subject to the Officer Employment Procedure Rules<sup>6</sup> as doing so potentially restricts the recruitment of younger workers who may be disadvantaged in the labour market. However there may be circumstances where the employment of an individual with a public sector pension is the most effective and efficient way of meeting the Council's needs. Members will approve any appointments in respect of posts subject to the Officer Employment Procedure Rules<sup>6</sup>.

10.2 In respect of posts not subject to the Officer Employment Procedure Rules<sup>6</sup> the Council does not generally support the employment of former Hartlepool Council employees who have accessed their pensions when they left the employment of the Council as doing so potentially restricts the recruitment of younger workers who may be disadvantaged in the labour market. However there may be circumstances where the employment of former Council employees who have accessed their pensions when they left the employment of the Council in posts not subject to the Officer Employment Procedure Rules<sup>6</sup> is the most effective and efficient way of meeting the Council's needs. In these circumstances the Chief Executive (in his/her role as head of the paid service) will formally approve any appointments.

## **11. Employment Of Individuals under a Contract For Services**

- 11.1 The Council does not generally support engaging individuals under a 'contract for services' where the Council is not required to make either pension or national insurance contributions for such individuals as it supports the Government's commitment to tackling all forms of tax avoidance and recognises that public appointments that involve arrangements whereby savings in tax and National Insurance contributions are made may be at the expense of other taxpayers or other parts of the public sector. However there may be exceptional circumstances where engaging an individual under these terms is the most effective and efficient way of meeting the Council's needs. If this situation applies formal approval will be sought from members in relation to posts subject to the Officer Employment Procedure Rules<sup>6</sup> and from the Chief Executive (in his/her role as head of the paid service) in respect of other posts and individuals will be sourced through an appropriate procurement process in accordance with the Council's Contract Procedure Rules (which ensure the Council is able to demonstrate the maximum value for money benefits from competition in securing the relevant service).

## **12. Income Tax and National Insurance**

- 12.1 The Council does not enter into arrangements with individual employees to minimise their tax and national insurance contributions other than via salary sacrifice schemes in accordance with Her Majesty's Revenues and Customs (HMRC) rules.

## **13. Use of Agency Workers**

- 13.1 The Council does not generally support using agency workers. However there may be circumstances where engaging agency workers is the most efficient and effective way of meeting the Council's needs. If this situation applies formal approval will be sought from the relevant Assistant Director. Agency workers operating in the Council receive at least the Hartlepool living wage initially and at least the pay of comparable employees after 12 weeks of qualifying service.

## **14. Apprentices**

- 14.1 The Council has entered into a partnership with Hartlepool College of Further Education whereby the Council fund the College to employ apprentices and place them with the Council. The apprentices are paid the appropriate national minimum wage (depending upon individual circumstances).

- 14.2 Employees with substantive jobs who undertake apprenticeships via the Council's Adult Education service within their current duties and responsibilities will continue to be paid in accordance with their contract of employment.

## **15 Use of Zero Hours Contracts**

- 15.1 The Council does not generally support the use of zero hours contracts. However there may be circumstances where the use of zero hours contracts is the most effective and efficient way of meeting the Council's needs and the Assistant Chief Executive (or nominees) will determine when this applies. Where employees are employed on a zero hours contract they are employed on a permanent or fixed term basis, are entitled to request a review of their contracted hours at any time after six months in post and are not prevented from working for other employers.

## **16 Contractors**

- 16.1 The Council requires that contractors comply with the national minimum wage legislation and the new national living wage legislation with effect from 1<sup>st</sup> April 2016 in all new and extended Council contracts and encourages all contractors to pay the Council's Living Wage (see 9.1 above) and avoid the use of zero hours contracts (see 15.1 above).
- 16.2 The Council will encourage all local employers employing 250 or more employees to publish their pay multiple.

## Grading Structures based on Job Evaluation Schemes

### Proposed revised LGA Senior Managers Job Evaluation Scheme

Pay Band	Job Evaluation Points*		Spinal Column Points	
	JE Points Minimum	JE Points Maximum	SCP Minimum	SCP Maximum
Chief Executive	1990		1	6
Directors	1710	1940	1	6
Chief Officer - Band A	1350	1700	1	3
Chief Officer - Band B	1151	1349	1	3
Chief Officer - Band C	950	1150	1	4
Chief Officer – Band D	800	949	1	3
To be assessed under the Local Government Services Job Evaluation Scheme – see below	0	799	N/A	N/A

### Local Government Services Job Evaluation Scheme

Pay Band	Job Evaluation Points		Spinal Column Points	
	JE Points Minimum	JE Points Maximum	SCP Minimum	SCP Maximum
Band 1 - 3	0	289	11	11
Band 4	290	299	12	12
Band 5	300	327	13	15
Band 6	328	355	16	18
Band 7	356	383	19	21
Band 8	384	411	22	24
Band 9	412	446	25	28
Band 10	447	481	29	32
Band 11	482	516	33	36
Band 12	517	551	37	40
Band 13	552	606	41	45
Band 14	607	661	46	50
Band 15	662	799	51	55