



Chief Executive's Department
Civic Centre
HARTLEPOOL

26 August, 2016

Councillors C Akers-Belcher, S Akers-Belcher, Barclay, Beck, Belcher, Black, Buchan, Clark, Cook, Cranney, Hall, Hamilton, Harrison, Hind, Hunter, James, Lauderdale, Lawton, Lindridge, Loynes, Martin-Wells, Moore, Dr. Morris, Richardson, Riddle, Robinson, Sirs, Springer, Tempest, Tennant, Thomas and Thompson

Madam or Sir,

You are hereby summoned to attend the COUNCIL meeting to be held on THURSDAY, 8 SEPTEMBER 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 8 September 2016

at 7.00 pm

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

- (1) To receive apologies from absent Members;
- (2) To receive any declarations of interest from Members;
- (3) To deal with any business required by statute to be done before any other business;
- (4) To approve the minutes of the last meeting of the Council as the correct record;
- (5) To answer questions from Members of the Council on the minutes of the last meeting of Council held on 7 July 2016
- (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. Audit and Governance Committee Update – Report of Audit and Governance Committee
- (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. Further Periodic Review of the Council's Constitution – 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
- (b) proposals for departures from the approved budget and policy framework;

(1) Jacksons Landing Demolition (Report of Finance and Policy Committee)

(12) To consider motions in the order in which notice has been received;

- (a) The Constitution makes clear that the Audit and Governance Committee should be chaired by an opposition member. In this case the Audit and Governance Chair is an opposition member, but the Vice Chair is not. In the case of the Chair being unable to meet his Committee and the Vice Chair takes their place; the Chair will in effect be unconstitutional. We move that the Constitution be amended that both the Chair and the Vice Chair of the Audit and Governance Committee be held by an opposition member.

Signed by: -

Councillors Tennant, Moore, Hind, Buchan and Springer.

- (b) We move that Hartlepool Council elected members recognise the result of the EU Referendum on June 23rd 2016 and call upon Her Majesty's Government to invoke Article 50 at the earliest opportunity. In order to know where we stand financially in the years after brexit becomes a reality. It is important for this Borough to seek central Government funding from the savings made by no longer having to contribute to EU funding.

Signed by: -

Councillors Tennant, Moore, Hind, Buchan and Springer.

- (c) That Council resolves to increase the composition of its Planning Committee from the present complement of eleven members to twelve members. Further, that if approved the additional seat be allocated to a UKIP Councillor in line with the expressions of interest to serve on the Committee by UKIP Councillors as indicated to Council at their meeting on 24th May, 2016. Such an additional appointment would be consistent with and reflect the overall composition of the Council through its political groups and not be out of line with the original composition (sixteen members) of the Committee under the Council's governance arrangements when adopting a committee based system of governance.

Signed by: -

Councillors Tennant, Moore, Hind, Buchan and Springer.

- (13) To receive the Chief Executive's report and to pass such resolutions thereon as may be deemed necessary;
- (14) To receive questions from and provide answers to the public in relation to matters of which notice has been given under Rule 11;
- (15) To answer questions of Members of the Council under Rule 12;
 - (a) Questions to the Chairs about recent decisions of Council Committees and Forums without notice under Council Procedure Rule 12.1
 - (b) Questions on notice to the Chair of any Committee or Forum under Council Procedure Rule 12.2
 - (c) Questions on notice to the Council representatives on the Police and Crime Panel and Cleveland Fire Authority
 - (d) Minutes of the meetings held by the Cleveland Fire Authority held on 10th June 2016.



COUNCIL

MINUTES OF PROCEEDINGS

7 July 2016

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

PRESENT:-

The Ceremonial Mayor (Councillor Cook) presiding:

COUNCILLORS:

C Akers-Belcher	S Akers-Belcher	Barclay
Beck	Belcher	Black
Buchan	Clark	Cranney
Hall	Hamilton	Hind
Hunter	Jackson	James
Lauderdale	Lawton	Lindridge
Martin-Wells	Dr Morris	Richardson
Riddle	Robinson	Sirs
Springer	Tennant	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
Louise Wallace, Director of Public Health
Steve Hilton, Public Relations Officer
Joan Stevens, Scrutiny Manager
Amanda Whitaker, Angela Armstrong, Democratic Services Team

11. APOLOGIES FOR ABSENT MEMBERS

Councillors Loynes, Moore, Tempest and Thomas

12. DECLARATIONS OF INTEREST FROM MEMBERS

The following Members declared a personal interest in agenda item 13 (2):-

Councillors C Akers-Belcher, S Akers-Belcher, Belcher, Thompson, Lauderdale, Cranney, Clark and Barclay.

Councillor Jackson declared a personal interest later in the meeting, in agenda

item 13(2), as detailed in the minutes.

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

None

14. MINUTES OF PROCEEDINGS

The Minutes of Proceedings of the Council meeting held on the 24 May 2016 and the Annual Council meeting held on 26 May 2016, having been laid before the Council.

RESOLVED - That the minutes be confirmed.

The minutes were thereupon signed by the Chairman.

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

None

16. BUSINESS REQUIRED BY STATUTE

None

17. ANNOUNCEMENTS

The Chief Executive highlighted that a sound system demonstration had been organised on 8 August 2016 at 6pm which was one of number of demonstrations to try out different systems prior to procurement of a new sound system. Members were encouraged to attend the demonstration.

The Ceremonial Mayor reminded Member that a Civic Service would be held on 7th August at St John Vianney Church at 9.30 a.m. and the Mayoress at Home on 15th August between 2p.m. and 4 p.m. All Councillors were invited to attend both events.

18. 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

19. TO RECEIVE REPORTS FROM THE COUNCIL'S COMMITTEES

None

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

(1) Presentation by Armed Forces Champion

Council received a presentation by the Armed Forces Champion, Councillor Barclay, on Hartlepool's Armed Forces Covenant Progress in 2015/16. Council was reminded that in 2012, the Council had signed the North East Armed Forces Community Charter and had established its own Armed Forces Community Covenant, to encourage support from the Armed Forces Community in our town. In 2014, Councillor Barclay had been appointed as Hartlepool Borough Council's Armed Forces Champion and updated Council on progress against the principles of the Armed Forces Community Covenant. Building on last year the Council had continued to:

- Prioritise armed forces personnel, their families and children, through the Council's allocations policies for Social Housing and in year school admissions.
- Disregard War Pensions, and Armed Forces Compensation Scheme payments, from Housing Benefit and Local Council Tax Support calculations.
- Actively represent the needs of our armed forces community on the Tees Valley Armed Forces Forum and Association of North East Councils Armed Forces Forum, and explore ways to further develop links with Armed Forces Associations across Hartlepool. We have been particularly successful in cementing our relationship with the town's 883 Postal and Courier Squadron and look forward to developing this further with the help of the Commanding Officer Major Dee Heggarty.
- Support and participate in Armed Forces Events and Parades across the town and wider region, with support from our Culture and Information Team, Members Services Team, Public Relations Team and the Legal Service Team.
- Build on employment opportunities for Hartlepool residents through access to Tactical Engineering Development Courses (TEDS) that provide real life skills, leading to further training or employment for 16-19 year olds and the Armed Forces Employability Pathway (AFEP) that provides the opportunity to improve employment prospects and secure apprenticeships or employment with participating civilian companies.

During the previous year, nine young people in Hartlepool had given themselves a much stronger hand in their search for jobs after taking part in the project, with comments from one participant, reported to Council.

It was reported also that the Council's Project Officer for Employment, had been given a special commendation from the Army for her work in organising the Hartlepool AFEP programme and development and delivery of schemes to benefit the armed forces community would continue with the expertise and support of staff from across the Authority.

Further work in 2015/16 had resulted in the Council receiving a Bronze Award, from the Ministry of Defence Employer Recognition Scheme (ERS), which encouraged employers to support defence and inspire others to do the same. We are delighted to have now also been nominated for the next level of the award under this scheme, which is a Silver Award, and we hope to find out soon if we have been successful. Details of actions that had influenced the nomination were presented to Council. A considerable amount of work had been done so far; however, it was recognised that there was still a long way to go in supporting armed forces personnel and their families in the future. The Council needed to continue to move forward in identifying service personnel and their needs, looking at how this local authority worked with partners to deliver services and maximise funding opportunities.

21. REPORT FROM THE POLICY COMMITTEES

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

1. Invitation from the Department for Communities and Local Government to apply for a 4-Year Government Funding Settlement for 2016/17 to 2019/20 – Report of Finance and Policy Committee

The Chair of Finance and Policy Committee informed Council of the opportunity to sign up to a 4-year Government funding settlement and to enable Council to consider the recommendation from the Finance and Policy Committee in relation to this issue. The 4-year Government funding settlement offer included the funding allocated for the current financial year i.e. 2016/17. Therefore, if Members approved the recommendation to apply for a 4-year settlement this would provide funding certainty for a further 3-years'. This issue had been considered by the Finance and Policy Committee on 20th June 2016 as part of the Medium Term Financial Strategy 2017/18 to 2019/20 update report. The information reported to the Finance and Policy Committee was set out in the Council report.

The Finance and Policy Committee had recommended that:-

- i) The Council applies for a 4-year Government funding settlement covering the period up to 2019/20;
- ii) Approve the proposal that the Chief Finance Officer, in consultation with the Leader and Chief Executive, finalises the necessary "efficiency plan" to reflect good practise guidelines currently being prepared by the LGA and CIPFA best practise guidelines and submits this application to the DCLG before 14th October 2016 deadline.

RESOLVED – That the recommendations of the Finance and Policy Committee be approved and adopted.

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

None

22. MOTIONS ON NOTICE

None

Councillor Jackson declared a personal interest in minute 24.

23. APPOINTMENTS TO COMMITTEES

Members were reminded that nominations for committee seats had been agreed at the Council meeting on 24 May. The Chief Executive had been advised that since that Council meeting, it had been agreed by the Conservative Group that Councillor Morris would replace Councillor Loynes on the Adult Services Committee and Councillor Loynes would replace Councillor Morris on the Regeneration Services Committee. Council was requested to approve the change in the membership of the Committees.

Council was advised that notification had been received also that named substitutes were required for the following:-

Tees Valley Combined Authority – Transport Committee

Tees valley Combined Authority – Audit and Governance Committee

RESOLVED – (i) That the change in the membership of the Committees be approved.

(ii) That the appointment of the following substitutes be approved:-

Tees Valley Combined Authority Transport Committee – Councillor James as substitute for Councillor Cranney

Tees Valley Combined Authority Audit and Governance Committee – Councillor Beck as substitute for Councillor S Akers-Belcher.

24. EXPENDITURE RELEVANT TO MEMBERS' INTERESTS

The Chief Executive reported that further to requests by Members, information had been appended to the report which provided details of any contracts for works or services which were subject to the Council's tender process and awarded to a body/entity listed on the Member's Register of Interests during the previous 3 months. Details were provided of any payments made to a

body/entity listed on the Member's Register of Interests during the last 3 months. The report did not include information on those bodies listed on Members' interests forms which either did not have a supplier number on Integra or which could not be identified on Integra given the information provided.

RESOLVED – That the report be noted.

25. STATEMENT OF UNITY AGAINST RACISM AND RELIGIOUS PREJUDICE

The Chief Executive reported that it had become apparent that members of a Neo-Fascist political group had become active within the Borough of Hartlepool, with posters and other signage appearing around town designating Hartlepool as a "White Zone" and stating that those of a non-white background should leave. The Council's Environmental Enforcement Team have removed such offensive material and would continue to do so, if such intolerance persists. In addition close liaison would take place with the Police, given the nature of the material which had been appearing. Members of the public had raised their concerns with the Leader of the Council acting in his capacity as Chair of the Safer Hartlepool Partnership, who had requested Council's urgent consideration of those concerns and for Council to show a united response.

Members were advised that this was a matter which was not confined to Hartlepool. In particular Councillors of all political parties and affiliations in Kirklees had supported a 'Statement of Unity against Racism and Religious Prejudice' which for members information can be found in the link included in the Chief Executive's report. The entire statement was also set out for the consideration of Council.

The Chief Executive recognised that all members would be concerned at such prejudice appearing in the Borough and the deep divisions it could create in any society unless addressed. It was highlighted that Elected Members, given their unique representational role, could do much to engage with their community to seek out and combat such prejudice and intolerance, but a unified effort and approach would be needed. It was recommended that Council agree and publicise a 'Statement of Unity' to the effect that this Council collectively and without reservation will act against hate and intolerance and support a diverse, tolerant and inclusive society. That to truly tackle racism and discrimination in all its forms, we all need to speak out together.'

The Chair of the Safer Hartlepool Partnership, Councillor C Akers-Belcher, reported that Council had a duty to protect the vulnerable and the Council's responsibility to assist in community cohesion and not tolerate the behaviour, highlighted by the Chief Executive, in communities.

It was moved by Councillor C Akers-Belcher:-

(1) That the Council adopt its own Statement of Unity as follows:-

“All political parties actively promote the Council’s collective view that we firmly believe in Inclusion and Diversity. We therefore stand united against Racism and Xenophobia in all forms. We shall work for the good of all people in the Borough regardless of race, ethnicity, sex, language, disability, national origin, religion, sexual orientation or age”

- (2) That the Council’s concerns in maintaining community cohesion be expressed to the Police and Crime Commissioner
- (3) That a Members’ Seminar be arranged in relation to personal safety issues.

The Motion was seconded by Councillor R Martin-Wells.

During the debate, Members endorsed the terms of the Motion.

Council agreed that a recorded vote be taken on the Motion.

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

Those in favour:

Councillors C Akers-Belcher, S Akers-Belcher, Barclay, Beck, Belcher, Black, Buchan, Clark, Cook, Cranney, Hall, Hamilton, Hind, Hunter, Jackson, James, Lauderdale, Lawton, Lindridge, Martin-Wells, Dr Morris, Richardson, Riddle, Robinson, Sirs, Springer, Tennant and Thompson.

Those against:

None.

Those abstaining:

None.

The Motion was carried unanimously.

26. PUBLIC QUESTION

1. Question from Mr Hewitt to Chairman of Children’s Services Committee:-

“Are HBC sure that the children in their care are tucked up in bed at night and not roaming the streets?”

The Chairman of Children’s Services Committee responded that the Council took its corporate parenting responsibilities extremely seriously and was committed to ensuring the protection and wellbeing of all its children in care. The Council was reassured that children in care were cared for and kept safe

and this had been confirmed through the inspection of the Council's Children's Services and six monthly children's home inspections both of which had been judged to be Good. Under the current inspection framework, only 26% of council's inspected to date had been judged to be good or better, with the remainder requiring improvement or being judged inadequate.

Council was advised that there were national guidelines that Councils had to follow when children left their placement without agreement or did not return at an agreed time, these were consistently followed by staff and the council monitored the use of these procedures. Staff and foster carers could not stop children from leaving their placements other than through seeking to persuade them to stay and offering a more positive option for them to remain at home. This was effective as most children wanted to be safely tucked up in their beds at night, feeling safe and cared about.

For children and young people who did chose to leave their placements without authorisation, their absence was reported to the police and emergency duty team and foster carers and children's home staff went looking for them, as any good parent would do. The council provided quarterly reports to the Hartlepool Safeguarding Children Board in relation to children who go missing from home and care and this was scrutinised by the Board in terms of the numbers of children missing and the effectiveness of the arrangements to return them home safely.

The Chair concluded that the Council did everything possible within its powers to make sure children in care were safe and at home every night.

The Chief Solicitor highlighted that ordinarily once the Chair of the Committee had answered a question, Members of the Council could make comment upon and discuss the issue raised by the question. However, the submission of the question by Mr Hewitt coincided with well publicised court proceedings which were very evident at the time of the initial submission of this question and that a number of case reviews would follow. Therefore, Members were requested to desist from debate as there would be opportunity for debate in the future.

Following a request from a Member the Chair allowed a general debate but urged that due notice was taken of the advice which had been provided by the Chief Solicitor. During the debate, a Member highlighted issues relating to the welfare of children generally with particular reference to those children who were out late at night. Reference was made to a Project which had operated some years previously on a Friday and Saturday. At that time if a child was roaming the streets, they would be returned to a central point and contact made with their parents. The Chair of Children's Services Committee was requested to allow a report to be submitted to a future meeting of the Committee to consider the impact of children wandering streets late at night. The Chair of the Committee agreed to the submission of a report to the Committee and advised that he was aware of a targeted outreach team and associated work across the town. The Chair added that if any Member had any issues within their ward, they should contact the Council's community safety team.

A request from Councillor Hind for a copy of the Chair of the Children's Services Committee response to the question was agreed.

2. Question from Mr Pocklington to Chair of Neighbourhood Services Committee:-

“What consideration has been given to assessing the effects of the increase of pollen caused by the extensive planting of wild flowers (hay meadows) in an urban environment and the consequences to hay fever sufferers in the town?”

The Chair of Neighbourhood Services Committee responded by thanking Mr. Pocklington for his question as it gave the Chair the opportunity to thank all of those members of the public both in Hartlepool and across the world, that had been in contact with the Council via, letter, email, or social media, to express their delight at the beautiful displays of wild flowers across the town.

In terms of the question, research had confirmed that over 90% of hay-fever sufferers, including the Chair herself, were affected by windblown pollen which was mainly made up of grass and tree pollen. The process used by the Council to plant wildflowers included spraying the established grass layer in order to kill it, prior to soil rotivation and compression, followed by mechanical seed dispersal. The wild flowers produced pollen which was much heavier than grass or tree pollen, which was why they required a “pollinator” such as bees and other insects to disperse it. Therefore whilst it was not impossible for individual hay-fever sufferers to be affected by individual flower pollen, it was extremely unlikely that the source of this was the wildflowers being planted around the town. However, the Chair advised that the Council had identified two side effects of planting the wildflowers within the town, which were “local beekeepers” had seen both a lengthening of the “honey season” and an increase in the amount of honey produced in their hives and the overwhelming enjoyment of local residents as a direct result of the colourful displays of wild flowers across Hartlepool. In fact a number of beekeepers and individual residents had asked the Council to give them access to the seed mix used so that they can have their own wildflower displays at home or on their allotments. The seed was now available to purchase. If there were any individuals who had been medically assessed and could therefore with some certainty show that they were being adversely affected by flowers contained within the seed mix used by Hartlepool Borough Council, the Chair suggested that they make contact with local beekeepers who, it was considered, would be more than happy to give them access to locally produced honey, which could in many cases give some assistance in relieving the symptoms they may suffer as a result of their allergy to pollen.

The Chair concluded that the direct answer to the question was:

- There had been no consideration given to assessing the effects of the increase of pollen caused by the extensive planting of wild flowers (hay meadows) – as they were not in that sense, hay meadows. In fact much of the urban planting of wildflowers had removed grass areas which were in the main cut very sparingly.

And

- There were no consequences for hay-fever sufferers in the town from the pollen produced within the wild flower areas across Hartlepool.

Following the response, a Member referred to their hay fever experiences and suggested that the Public Health Department consider if there had been an increase in reported cases of hay fever in the town.

27. 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 of the Cleveland Fire Authority held on 1 April 2016 and the draft minutes of the Police and Crime Panel held on 4th February 2016 were noted.

Following a request from a Member for an update on a Cleveland Fire Authority complaint referred to at previous Council meetings, the Ceremonial Mayor suggested that the Member speak to the Monitoring Officer in private following the Council meeting to receive an update on the issue.

The meeting concluded at 7.40 p.m.

CEREMONIAL MAYOR

COUNCIL
8 September 2016



Report of: Chair of the Audit and Governance Committee

Subject: AUDIT AND GOVERNANCE COMMITTEE - UPDATE

1. PURPOSE OF REPORT

- 1.1 To provide Full Council with an update in relation to the conduct of the statutory scrutiny functions of the Audit and Governance Committee, with particular reference to:
- i) The Assisted Reproduction Unit at the University Hospital of Hartlepool; and
 - ii) The Statutory Scrutiny Work Programme for 2017/18.

2. ASSISTED REPRODUCTIVE UNIT AT THE UNIVERSITY OF HARTLEPOOL HOSPITAL

- 2.1 Council on the 17th March 2016 approved the recommendations of the Audit and Governance Committee¹ in relation to the North Tees and Hartlepool Foundation Trust's (NTHFT) decision to close the Assisted Reproduction Unit (ARU) at the University Hospital of Hartlepool, with effect from the 31st March 2016.
- 2.2 Further to Full Council on the 17th March 2016, an informal letter was sent to the Secretary of State for Health on the 15 April 2016 and a copy of this letter, and the response, is attached for information only at **Appendices 1 and 2** respectively.
- 2.3 Following legal action, initiated by Hartlepool Borough Council, a High Court hearing on the 5th April 2016 a Consent Order was agreed requiring that the North Tees and Hartlepool Foundation Trust:
- Engage with users around the future of the licensed fertility treatment at the ARU and consult with the Hartlepool Borough Council (HBC) individually and/or a joint committee with Stockton-on-Tees Borough Council and Durham County Council as to the proposals.

¹ <https://www.hartlepool.gov.uk/meetings/meeting/3406/council>

- Take no steps to facilitate the closure of the ARU and, to its best endeavours, continue the provision of licensed treatment services until the conclusion of the consultation and a decision has been made; and
 - Uses its best endeavours, alongside Hartlepool Borough Council and the Hartlepool and Stockton Clinical Commissioning Group (CCG), to ensure that consultation and engagement is completed and a final decision taken, by 31 July 2016.
- 2.4 In order to progress the issue, within the prescribed timescale, the CCG:
- Commissioned an independent critical review and analysis of the proposed service change in relation to the ARU provided by NTHFT; and
 - Identified 3 options for the ongoing delivery of the service and undertook a six week consultation between the 31 May 2016 and the 17 July 2016.
- 2.5 On the 27 July 2016, the CCG's Governing Body considered the findings of the consultation and with due regard to the risks and benefits of each of the options, it was agreed that a comprehensive assisted reproductive service, including HFEA licensed and unlicensed provision, would continue to be provided from the University Hospital of Hartlepool (UHH). The service to be delivered from the UHH site by an alternative provider. The CCG Governing Body's decision was reported to the Audit and Governance Committee on the 28 July 2016.
- 2.6 The Committee commended the CCG on its decision and welcomed the following assurances that:
- Existing provision would be maintained with patients unlikely see any changes;
 - Patients would receive all treatment in Hartlepool; and
 - There would be no patients potentially impacted.
- 2.7 A procurement exercise is now underway, which could take up to 9 months, dependant on the successful provider and the need to for them to secure a Human Fertilisation and Embryology Authority (HFEA) licence, which could take up to 4 months. The Audit and Governance Committee was assured that the CCG and NTHFT are in discussion to ensure the sustainability of the service until the procurement process is completed and the Committee indicated that it would be writing to HEFA to add weight to the need for any licence application to be progressed without delay.
- 2.8 The Audit and Governance Committee will be keeping a watching brief on the progression of the procurement process, and the sustainability of the service in the intervening period.

3. **STATUTORY WORK PROGRAMME 2016/17**

3.1 Full Council on the 25 June 2015 agreed that the functions and responsibilities for Health Scrutiny would be delegated to Audit and Governance Committee and that the work programme for each municipal year agreed by the Committee and reported annually to Council.

3.3 In accordance with this minute the Audit and Governance Committee, at the meeting on the 14 July 2016, approved its Statutory Scrutiny Work Programme for 2016/17 is as follows:

a) Statutory Health Scrutiny:

i) **Access to Transport for People with a Disability** – A referral from the Adult Services Committee (to be completed and recommendations presented to the Adult Services Committee on the 3 November 2016.

ii) **High Mortality Rates at North Tees and Hartlepool Foundation Trust***

iii) **Shared Diagnostics – Use of Theatres***

*Combined investigation to be scoped in September 2016.

b) Statutory Crime and Disorder Scrutiny - Given the Committee's wish to focus on its statutory health scrutiny responsibilities, and retain capacity to respond to any issues that might arise in terms of substantial variations or Councillor Calls for Action, no specific crime and disorder work programme items were identified. The Committee will, however, be continuing its monitoring of the performance of the Safer Hartlepool Partnership on a quarterly basis.

4. **RECOMMENDATIONS**

4.1 That the update be noted.

5. **APPENDICES AVAILABLE ON REQUEST, IN THE MEMBERS LIBRARY AND ON-LINE**

6. **BACKGROUND PAPERS**

Agenda and papers for the meetings of the Audit and Governance Committee on the:

- 5 February (reconvened on the 26 February 2016); and
- 28 July 2016

Agenda and papers for the Health Scrutiny Joint Committee on the 15 March 2016 (reconvened on the 28 July 2016)

7. CONTACT OFFICER

Joan Stevens – Scrutiny Manager
Chief Executive's Department – Legal Services
Hartlepool Borough Council
Tel: 01429 284142
Email: joan.stevens@hartlepool.gov.uk

Councillor Mary Fleet

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Your Ref:

Our Ref: JS

Contact Officer/Email: joan.stevens@hartlepool.gov.uk

15 April 2016

The RT Hon Jeremy Hunt MP
Secretary of State for Health
The Department of Health
Richmond House
79 Whitehall
London
SW1A 2NS

Dear Secretary of State

CLOSURE OF THE ASSISTED REPRODUCTION UNIT AT THE UNIVERSITY HOSPITAL OF HARTLEPOOL

I am writing on behalf of Hartlepool Council following a meeting of Full Council held on 17th March 2016 that considered the actions of North Tees and Hartlepool Foundation Trust in seeking to close the valued Assisted Reproduction Unit at the University of Hartlepool Hospital site. Full Council unanimously supported a recommendation that I should bring the significant concerns of Councillors and the people of Hartlepool about this matter to your attention.

During 2014/15, Hartlepool Borough Council expressed extreme concern regarding the incremental loss of services from the University Hospital of Hartlepool (UHH) and the suitability / effectiveness of current and future planned hospital services for Hartlepool and surrounding communities. This resulted in a meeting with you on the 3rd March 2015, at which you recommended that the Local Authority develop a plan for the delivery of integrated health and social care services.

We are now in the process of developing the suggested plan, in partnership with the Hartlepool and Stockton NHS Clinical Commissioning Group ("the CCG") and other organisations. With this work ongoing, it was with some concern that we received an electronic mail message from the Trust's Chief Operating Officer / Deputy Chief Executive, on the 11th January 2016, advising us of their decision to close the Assisted Reproduction Unit ("the Unit") at the University Hospital of Hartlepool (UHH) on the 31st March 2016. The basis for the decision being that the Trust was unable to recruit sufficient embryologists to continue to provide the current service safely and a copy of the Trust's press statement is attached at **Appendix A**.

Whilst the decision to close the Unit on clinical safety grounds removed the requirement to consult, the level of significant concern expressed by residents, Elected Members and the town's MP (Mr Iain Wright) resulted in the Trust being called to explain their decision before the Council's Audit and Governance Committee (which has as its remit the Council's overview and scrutiny function), as provided for under Regulations 27¹.

¹ The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013

The subsequent actions of the Trust, as outlined in **Appendix B**, have reinforced our grave concerns regarding their attitude towards, and ability to provide, health services for the residents of Hartlepool, now and in the future.

The Trust's actions resulted in the lodging of an application by the Council for Judicial Review of their decision as communicated on 11th January, 2016 (**Appendix C**). This led to an interim injunction to restrain the Trust from closing the Unit by 31st March, 2016. Secretary of State will note that the Court considered that the Council's application seeking a review of the Trust's decision was 'arguable'. (**Appendix D**). Subsequently, the parties were able to agree to a Consent Order (**Appendix E**). The Judge at the hearing on the 5 April 2016, indicated her support for the need to consult with emphasis that it should be 'carried out properly without delay or unnecessary rush'. In accordance with the requirements of the Consent Order, the Council is seeking to progress the consultation with the Trust and the CCG. However, we feel strongly that the litany of examples of poor practice, and blatant disregard for the powers of Local Authorities through overview and scrutiny, must be brought to your attention. In summary, the salient points are as follows:-

- i) The Council received informal email notification of the decision to close the Unit on the 11 January 2016. In contravention of Regulation 23¹, the Trust did not immediately notify the Council 'formally' of the decision taken and the reason why no consultation had taken place;
- ii) Reliance on 'safety grounds' as justification for closure of the Unit with no consultation, as outlined in Regulation 23¹, was not justified given the almost three month gap between the informal email notification of the cessation of the service in January 2016 and the date set for the closure of the Unit at the end of March 2016. The approach by the Trust was contrary to published Guidance² and advice from Leading Counsel was that such a 'decision' was unlawful;
- iii) No variation of service notice was submitted to the CCG prior to the decision. It was not until immediately before the High Court hearing, on 5 April 2016 that a variation notice was submitted and formally accepted by the CCG;
- iv) In contravention of Regulation 27¹:
 - Despite reasonable notice, the Trust refused a request from the Council's Audit and Governance Committee for a specific, or otherwise appropriate, member of staff from the Unit to participate in its meetings; and
 - The Trust refused to attend meetings of the committee on three separate occasions, despite previously agreeing to attend. Indeed, the Trust formally requested the Council to convene a Joint Committee (consisting of Hartlepool, Stockton and Durham Councils) for its participation and then failed to attend. At this time they contended that the Order made on 9th March (Appendix D refers) entailed they were prohibited from so participating. A view they departed from in subsequent correspondence with the Council and which reflects the terms of the Consent Order (Appendix E). Over the same period, it must be noted that the Trust actively participated in an overview and scrutiny committee held by Stockton Borough Council to discuss the decision. This appears to indicate some form of bias or at the very least a dysfunctional approach to the Trust's decision making.

² Local Authority Health Scrutiny: Guidance to support Local Authorities and their partners to deliver effective health scrutiny (2014)

- v) Despite agreeing to a Consent Order, the Trust immediately following the hearing issued a press statement indicating that the Council had engaged in proceedings unnecessarily, which could have been avoided and which wasted public funds. Such a statement was not only inflammatory (the Council have stated publicly the costs involved) but disingenuous, in that the Trust would not accede to the Council's requests for public consultation through correspondence from the Council and when also raised through the committee. The Council through such intransigence had little alternative other than to initiate legal proceedings, which finally led to its requests being met.

At your meeting with Council representatives on the 3rd March 2015, you agreed to refer our concerns in relation to the Hospital Trust to monitor, in its regulatory role. The Trust's latest actions go even further to establish compelling grounds of their ability to properly manage and provide health services in Hartlepool, now or in the future. As such, it is requested an update in relation to your referral of the Trust to Monitor in 2015 and that the capability of the Trust management be further investigated in light of their actions and overall conduct in relation to the Assisted Reproduction Unit at the UHH.

We would like to thank you for your time in considering our concerns and look forward to hearing from you, as a matter of some urgency.

Yours sincerely



Councillor Mary Fleet
CHAIR OF COUNCIL

CC:-

Iain Wright, MP for Hartlepool

Gill Alexander, Chief Executive, Hartlepool Borough Council

Councillor Ray Martin-Wells, Chair of the Audit and Governance Committee

Councillor Stephen Akers-Belcher, Vice Chair of the Audit and Governance Committee

Trust Statement – 11 January 2016

Fertility services provided by North Tees and Hartlepool NHS Foundation Trust will change at the end of March.

This means that licensed fertility treatments will no longer be provided, however the trust will still be providing some general infertility treatments. The trust will be working with other service providers not only to ensure that patients continue to receive treatment but also to look at alternative service model provision in the future.

The decision has been made reluctantly after a comprehensive review of the service provided at the University Hospital of Hartlepool's assisted reproduction unit, which is unable to recruit enough embryologists to continue to provide the current service safely.

A staff consultation has begun and every effort will be made to redeploy the staff within the trust.

The trust will be working with the Human Fertilisation and Embryology Authority over the coming months. Patients are being informed of the changes and they will be supported while they are transferred to another unit of their choice.

Medical director David Emerton said: "This decision is not a reflection of the quality of the service which has been provided for a number of years by the trust. We understand that this decision will be disappointing for patients. We have made every effort for some time to recruit, however we cannot continue to provide all aspects of the current service safely due to an inability to recruit embryologists.

CLOSURE OF THE ASSISTED REPRODUCTION UNIT (ARU) AT THE UNIVERSITY HOSPITAL OF HARTLEPOOL - SCRUTINY TIMELINE

- Oct 2015 - Chair of the Audit and Governance Committee (the Committee) advised of recruitment issues in the services. No indication of closure of the service.
- 11 Jan 16 - Advised of closure by North Tees and Hartlepool NHS Foundation Trust (Trust).
- 12 Jan 16 - Date for Health Scrutiny meeting set with Hartlepool and Stockton Clinical Commissioning Group (CCG) and FT (5 February 2016).
- 25 Jan 16 - Trust and CCG asked for confirmation of attendees (received confirmation).
- 27 Jan 16 - Confirmed with Trust and CCG other attendees (Dr Menabawey, MP and UNISON / Royal College of Nursing reps).
- 27 Jan 16 - Advised of Trust's concerns regarding Dr Menabawey's attendance.
- 29 Jan 16 - Asked Trust to invite Dr Mostafa (Person Responsible for treatment at the ARU) – Trust refused the invitation.
- 5 Feb 16 - Trust refused to attend the Committee meeting - Trust Solicitor attended meeting to request adjournment. Meeting adjourned.
- 6 Feb 16 - Trust attended Stockton Borough Council's overview and scrutiny committee to discuss the ARU issue, whilst refusing to attend meetings in Hartlepool.
- 16 Feb 16 - Trust and CCG advised that the adjourned meeting was to be reconvened on the 26 February 2016.
- 22 Feb 16 - CCG and Trust confirmed attendance at the scheduled meeting on 26 February 2016.
- 26 Feb 16 - Trust refused to attend the Committee meeting - Trust Solicitor / Dr Emerton attended with instruction not to answer questions and request a Joint Scrutiny Committee.
- 4 March 16 - Judicial Review - Papers lodged.
- 9 March 16 - Trust confirmed attendance at Joint Scrutiny Committee.
- 9 March 16 - Judicial Review - Interim injunction issued.
- 15 March 16 - A Joint Scrutiny Committee was convened and adjourned. Stockton Borough Council and Durham County Council declined to participate. Only Hartlepool Councillors in attendance. Trust refused to attend indicating that it would contravene the Interim Injunction to 'not do anything to facilitate closure of the unit'. CCG attended.
- 5 April 16 - High Court Hearing at which a Consent Order was agreed.

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT**

Claim No: CO/

BETWEEN:

**THE QUEEN
on the application of
HARTLEPOOL BOROUGH COUNCIL**

Claimant

-and-

NORTH TEES AND HARTLEPOOL NHS FOUNDATION TRUST

Defendant

and

**HARTLEPOOL AND STOCKTON ON TEES
CLINICAL COMMISSIONING GROUP**

Interested Party

STATEMENT OF FACTS AND GROUNDS

Introduction

1. On 11th January 2016, the North Tees and Hartlepool NHS Foundation Trust (“the Trust”) communicated its decision to cease providing licensed fertility services at the University Hospital of Hartlepool (“the Hospital”) with effect from 31st March 2016 (“the Decision”).
2. The Decision was taken without *any* consultation with Hartlepool Borough Council (“the Council”), the local authority in whose area the Hospital is located, or with other local authorities (Stockton on Tees Borough Council, Durham County Council) whose residents use the services of the Assisted

Reproductive Unit (“the ARU”) at the Hospital. The Decision was taken without consultation with the Hartlepool and Stockton on Tees Clinical Commissioning Group (“the CCG”); and before informing the CCG that closure was under consideration. The CCG was informed of the Decision a day or so before the Decision was communicated to the Council. In the circumstances, the Decision is unlawful: there is a statutory process for consulting on proposals – the Trust did not comply with this process.

3. The Council has invited the Trust to:

(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 will no longer be necessary) and withdraw 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.

4. The Trust has refused to rescind the Decision, and has refused to withdraw notices of termination to ARU staff.

5. The Trust has stated that

(i) it is not ‘obliged’ to consult any local authority about the proposal to reconfigure the ARU;

(ii) it considers that ‘engagement’ would be ‘useful’;

(iii) the responsible commissioning CCGs are ‘primarily responsible for consulting with the local authorities about the ARU’, although it wishes to remain involved with the consultation process;

(iv) it will continue to provide the current level of service until appropriate engagement can be carried out, but that the local authority consultation and user/stakeholder engagement be completed so that a decision can be taken before 30th March 2016.

6. The Trust has not explained, however, how the purported consultation/engagement is consistent with its refusal to rescind the Decision. The Trust has not explained, however, how the purported consultation/engagement is consistent with its refusal to withdraw the notices of termination of employment. It appears as though the consultation/engagement contemplated by the Trust will be a ‘sham’.
7. In the circumstances, the Council seeks an order quashing the Decision, and requiring the Trust to engage in lawful consultation before a fresh decision as to the future operation of the ARU can be made.

Factual Background¹

8. The ARU provides a full range of fertility services. It has held a licence with the Human Fertilisation and Embryology Authority (“the HFEA”) since 15th July 1992. In the 12 months up to 31st July 2015, the ARU provided 275 cycles of treatment.
9. On 27th November 2015, the HFEA published a report following an unannounced interim inspection of the ARU on 15th September 2015. The

¹ The factual background to this claim is described in the witness statement of Joan Stevens, the Council’s Scrutiny Manager.

inspection team recommended the continuation of the licence. The inspection team noted that:

‘staffing levels in the clinic appeared suitable for the activities being carried out. The centre is not currently fully staffed, however staffing levels are reviewed regularly and consultation sessions and treatment cycles are adjusted to take staffing levels into account. The inspection team were satisfied that the [Person Responsible] is taking appropriate action to ensure patient safety by limiting activity to take account of staffing levels.’

10. In December 2015, the full-time embryologist working at the ARU left for family reasons. The Trust has not advertised for a replacement.
11. The ARU currently has a part-time embryologist on staff, as well as the services of a locum embryologist, a specialist fertility sister, three fertility sisters, two healthcare assistants, and the services of two Consultants and an Associate Specialist.
12. The Trust has been informed that a Consultant Embryologist has offered to work at the ARU on a fixed term ten month contractual basis for a substantially reduced daily rate. The Trust has not taken up this option.
13. The Trust has been informed that a pool of embryologists working for the London Women’s Clinic – they have a clinic in Darlington – could be provided to the ARU. The Trust has not taken up this option.
14. On 11th January 2016, the Trust communicated its Decision: to cease providing licensed fertility services at the Hospital with effect from 31st March 2016.
15. The Trust made this Decision without
 - (i) informing the CCG in advance;

(ii) consulting with the Council or any of the other local authorities whose residents receive treatment at the ARU.

16. The Trust did not provide the CCG with any formal notice of a 'variation proposal'. Rather, the CCG received a telephone call informing it of the Decision on or about 11th January 2016.

17. The Council learned of the Decision through an email communication to its Chief Executive from the Trust's Chief Operating Officer (Julie Gillon), on the morning of 11th January 2016.

18. Ms. Gillon wrote that:

"I was hoping to have a quick conversation with you re the above this morning before we commence staff consultation as of today

This is the current message that we intend to send out as a reactive statement if necessary (in draft)

Fertility services provided by North Tees and Hartlepool NHS Foundation Trust will change at the end of March.

This means that licensed fertility treatments will no longer be provided, however the trust will still be providing some general infertility treatments. The trust will be working with other service providers not only to ensure that patients continue to receive treatment but also to look at alternative service model provision in the future.

The decision has been made reluctantly after a comprehensive review of the service provided at the University Hospital of Hartlepool's assisted reproduction unit, which is unable to recruit enough embryologists to continue to provide the current service safely.

A staff consultation has begun and every effort will be made to redeploy the staff within the trust.

The trust will be working with the Human Fertilisation and Embryology Authority over the coming months. Patients are being informed of the changes and they will be supported while they are transferred to another unit of their choice.

Medical director David Emerton said: “This decision is not a reflection of the quality of the service which has been provided for a number of years by the trust. We understand that this decision will be disappointing for patients. We have made every effort for some time to recruit, however we cannot continue to provide all aspects of the current service safely due to an inability to recruit embryologists.

I discussed the risks briefly with Chair of adult scrutiny at the end of the summer.”

19. On 11th January 2016, staff working at the ARU were given notices of termination of their employment, and a consultation process with the trade unions was initiated by the Trust. (This consultation is not about the underlying decision to close the ARU, but how to minimise/avoid redundancies or mitigate their effects).
20. On 5th February 2016, the Audit and Governance Committee of the Council (“the Committee”) met to discuss the Decision. Personnel from the Trust were invited to discuss the Decision and to provide information relating to it. In spite of a statutory obligation to attend the meeting and answer the Committee’s questions (see regulation 27 of the 2013 Regulations), Trust personnel did not attend the committee meeting or answer the Committee’s questions. (In advance of the meeting, the Trust asked for an adjournment of the meeting, as discussed in the witness statement of Joan Stevens).
21. The Committee resolved to make a referral to the Secretary of State for Health complaining about the process and reasoning of the Trust.
22. Following that meeting, on 16th February 2016, solicitors acting on behalf of the Trust wrote to the Council with respect to the ARU. It was explained that the Trust objected to the decision to refer the matter to the Secretary of State. It was explained that referral was

‘premature, because consultation between the trust, the relevant CCGs, and the relevant local authorities has not yet

taken place, as required by regulation 23 and regulation 30(5) of the Regulations’.

23. It was further explained that:

‘The Trust has no objection to proper consultation with the relevant local authorities about any reconfiguration of the ARU, which it considers should be conducted alongside the CCGs responsible for commissioning. The Trust wishes to make it clear that it is 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 Trust stated that consultation should take place with Stockton and Durham councils, as well as the Council, through the vehicle of a Joint Committee, in accordance with regulation 30.

24. The trade union representing the employees of the ARU, UNISON, issued a formal grievance, including a request to maintain the *status quo* in allowing the ARU to continue pending the outcome of the investigation into the grievance. On 19th February 2016, the Trust explained that this request was refused, stating that:

‘As you are aware from the consultation document the decision to discontinue the provision of licensed treatment has come as a result of being unable to recruit and retain sufficient embryology cover which presents a patient safety issue. It would be remiss and irresponsible of the Trust to allow the unit to continue beyond 31 March 2016 on this basis.’

In other words, the closure of the ARU will go ahead on 31st March 2016.

25. On 17th 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.’ The Council asked the Trust to confirm that it would:

(a) rescind the decision to cease providing licensed fertility treatment at the ARU from the end of March 2016;

(b) 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

(c) 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.

26. The Trust responded substantively to the Council's letter before action on 25th February 2016. The Trust did not confirm that it would rescind the Decision; or that it withdraw the notices of termination.

27. The Trust explained that:

(i) it is not 'obliged' to consult any local authority about the proposal to reconfigure the ARU;

(ii) it does consider that 'engagement' would be 'useful', and that it would be 'earnestly exploring all options';

(iii) the responsible commissioning CCGs are 'primarily responsible for consulting with the local authorities about the ARU', although it wishes to remain involved with the consultation process;

(iv) it will continue to provide the current level of service until appropriate engagement can be carried out, but that the local authority consultation and user/stakeholder engagement must be completed so that a decision can be taken before 30th March 2016.

28. The Trust stated that ‘it is imperative that engagement and consultation around the ARU is undertaken quickly, as the Trust is concerned that if it loses any more staff, there will not be sufficient experience in the Unit to provide safe treatment to patients.’ (The Trust did not explain how its refusal to withdraw the notices of termination of employment was consistent with this position: if staff are under threat of termination of their employment, it would not be surprising if they sought work elsewhere).
29. The Trust noted that it was mindful of the fact that the local authorities were shortly entering into an election period and that this would affect its ability to engage the public. It wished for a decision to be taken before ‘the election purdah’ period begins on 30 March 2016.
30. On 26th February 2016, the Committee reconvened. The Medical Director of the Trust attended. He was asked to give the assurances sought in the letter before action. He was unable to confirm that these assurances could be given.
31. 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 in about fourteen days. (The Council appreciates that the other local authorities may not engage with this attempt to convene a Joint Committee, as they have indicated already that they are not inclined to take part in a Joint Committee).
32. The Council believes that before proper and lawful consultation can take place, it is necessary for the Trust to rescind its decision to close the ARU as of 31st March 2016, and to rescind the notices of termination of employment.
33. The Council also believes that proper and lawful consultation should, and could, extend beyond the ‘purdah period’, and until after the local

government elections. The opposition to the closure of the ARU is not a party-political issue within the local authority.

Legal Submissions

Summary

34. The Trust now acknowledges that consultation as to the closure of the ARU should take place with affected local authorities. This is a clear change of position from its initial stance: the communication of 11th January 2016 to the Council made no mention of consultation. It is most likely that the Trust thought that it could avoid *any* consultation by relying on an argument that clinical safety would be compromised if consultation took place. The Trust's initial position was unlawful.
35. However, the Trust's refusal to rescind the Decision (to close the ARU at the end of March 2016), and to withdraw notices of termination of employment to staff working at the ARU, betrays further unlawfulness. It is a basic principle of the law of consultation (as most recently expressed by the Supreme Court in R (Moseley) v London Borough of Haringey [2014] 1 W.L.R. 3947) that consultation must take place when a proposal is at 'a formative stage': that is, before a decision has been taken. It is one thing to consult on a preferred option (which is lawful); another to consult on a proposal where (as here) the decision-maker's mind is closed.
36. The Trust has already reached a decision to close the ARU at the end of March 2016, and has not been prepared to budge from that position, even though it has purported to offer up the possibility of consultation (and/or engagement). Any such consultation (or engagement) will be a 'sham'.

The 2013 Regulations

37. The statutory framework for consultation is set out in regulation 23 of the 2013 Regulations.

(1) Subject to paragraphs (2) and (12) and regulation 24, where a responsible person (“R”) has under consideration any proposal for a substantial development of the health service in the area of a local authority (“the authority”), or for a substantial variation in the provision of such service, R must—

(a) consult the authority;

(b) when consulting, provide the authority with—

(i) the proposed date by which R intends to make a decision as to whether to proceed with the proposal; and

(ii) the date by which R requires the authority to provide any comments under paragraph (4);

(c) inform the authority of any change to the dates provided under paragraph (b); and

(d) publish those dates, including any change to those dates.

(2) Paragraph (1) does not apply to any proposals on which R is satisfied that a decision has to be taken without allowing time for consultation because of a risk to safety or welfare of patients or staff.

(3) In a case such as is referred to in paragraph (2), R must notify the authority immediately of the decision taken and the reason why no consultation has taken place.

(4) Subject to regulation 30(5) (joint committees) and any directions under regulation 32 (directions as to arrangements for discharge of health scrutiny functions), the authority may make comments on the proposal consulted on by the date or changed date provided by R under paragraph (1)(b)(ii) or (c).

(5) Where the authority's comments under paragraph (4) include a recommendation to R and R disagrees with that recommendation—

(a) R must notify the authority of the disagreement;

(b) R and the authority must take such steps as are reasonably practicable to try to reach agreement in relation to the subject of the recommendation; and

(c) in a case where the duties of R under this regulation are being discharged by the responsible commissioner pursuant to paragraph (12), the authority and the responsible commissioner must involve R in the steps specified in sub-paragraph (b).

(6) This paragraph applies where—

(a) the authority has not exercised the power in paragraph (4);
or

(b) the authority's comments under paragraph (4) do not include a recommendation.

(7) Where paragraph (6) applies, the authority must inform R of—

(a) its decision as to whether to exercise its power under paragraph (9) and, if applicable, the date by which it proposes to exercise that power; or

(b) the date by which it proposes to make a decision as to whether to exercise that power.

(8) Where the authority has informed R of a date under paragraph (7)(b), the authority must, by that date, make the decision referred to in that paragraph and inform R of that decision.

(9) Subject to paragraph (10), the authority may report to the Secretary of State in writing where—

(a) the authority is not satisfied that consultation on any proposal referred to in paragraph (1) has been adequate in relation to content or time allowed;

(b) in a case where paragraph (2) applies, the authority is not satisfied that the reasons given by R are adequate; or

(c) the authority considers that the proposal would not be in the interests of the health service in its area.

(10) The authority may not make a report under paragraph (9)—

(a) in a case falling within paragraph (5), unless the authority is satisfied that—

(i) the steps specified in paragraph (5)(a) to (c) have been taken, but agreement has not been reached in relation to the subject of the recommendation within a reasonable period of time;

(ii) R has failed to comply with its duty under paragraph (5)(b) within a reasonable period of time; or

(b) in a case to which paragraph (6) applies, unless the authority has complied with the duty in paragraph (7) and, where applicable, paragraph (8).

(11) A report made under paragraph (9) must include—

(a) an explanation of the proposal to which the report relates;

(b) in the case of a report under paragraph (9)(a) or (b), the reasons why the authority is not satisfied of the matters set out in paragraph (9)(a) or (b);

(c) in the case of a report under paragraph (9)(c), a summary of the evidence considered, including any evidence of the effect or potential effect of the proposal on the sustainability or otherwise of the health service in the area of the authority;

(d) an explanation of any steps the authority has taken to try to reach agreement with R in relation to the proposal or the matters set out in paragraph (9)(a) or (b);

(e) in a case falling within paragraph (10), evidence to demonstrate that the authority has complied with the applicable condition in that paragraph;

(f) an explanation of the reasons for the making of the report; and

(g) any evidence in support of those reasons.

(12) In a case where R is a service provider and the proposal relates to services which a clinical commissioning group or the Board is responsible for arranging the provision of—

(a) the functions of R under this regulation must be discharged by the responsible commissioner on behalf of R; and

(b) references to R in this regulation (other than in paragraph (5)(c)) are to be treated as references to the responsible commissioner.

(13) Where the functions of R under this regulation fall to be discharged by more than one body under paragraph (12)(a), the duties of those bodies under that paragraph may be discharged by those bodies jointly or by one or more of those bodies on behalf of those bodies.

(14) In this regulation—

“service provider” means an NHS trust, an NHS foundation trust or a relevant health service provider;

“the responsible commissioner” means the clinical commissioning group or groups or the Board, as the case may be, responsible for arranging the provision of the services to which the proposal relates.

(i) The decision to close the ARU *without* engaging in any consultation

38. There is no doubt that the proposed closure of the ARU constitutes a ‘proposal for a substantial development of the health service in the area of a local authority (“the authority”), or for a substantial variation in the provision of such service’ within the meaning of regulation 23(1).

39. In the circumstances, consultation with the affected authority (or authorities) ‘must’ take place before a decision is taken as to that substantial development or variation. (The language of regulation 23(1) is clearly that of ‘proposals’ – which necessarily implies that a decision has not been taken. See also regulation 23(2), which refers to proposals and decision).

40. The only exception to this would be if the provisions of regulation 23(2) were satisfied: that is, there is no obligation to consult as to

‘proposals on which R is satisfied that a decision has to be taken without allowing time for consultation because of a risk to safety or welfare of patients or staff’.

Regulation 23(2) does not exempt a responsible person from consulting merely because the proposed decision concerns issues of clinical safety. It exempts a responsible person from consulting where issues of clinical safety mean that there is not sufficient time to carry out consultation.

41. This interpretation of regulation 23(2) finds support in the Department of Health’s document ‘Local Authority Health Scrutiny: Guidance to support

Local Authorities and their partners to deliver effective health scrutiny’ (“the Guidance”). The Guidance states at paragraph 4.5.1:

The Regulations set out certain proposals on which consultation with health scrutiny is not required. These are:

- Where the relevant NHS body or health service commissioner believes that a decision has to be taken without allowing time for consultation because of a risk to safety or welfare of patients or staff (this might for example cover the situation where a ward needs to close immediately because of a viral outbreak) – in such cases the NHS body or health service provider must notify the local authority that consultation will not take place and the reason for this.

42. There are no such circumstances here. In the instant case, there were no circumstances of clinical safety that *justified the Trust in failing to (or refusing to) consult with the relevant local authorities* (including the Council) before making the Decision.

43. Accordingly, the Trust’s failure to consult was unlawful, and in contravention of regulation 23 of the 2013 Regulations.

44. In its response to the letter before action, the Trust has stated that it is not ‘obliged’ to consult, although it says that it will be involved in consultation. The Trust states that the CCG is primarily responsible for consultation. In this regard, the Trust relies on regulation 23(12) of the 2013 Regulations which provides that the functions under this regulation (including the consultation function) are those of the ‘responsible commissioner’ where ‘R is a service provider and the proposal relates to services which a clinical commissioning group . . . is responsible for arranging the provision of’.

45. The Council does not accept that regulation 23(12) applies in the current circumstances. However, even if regulation 23(12) did apply, and the CCG was under the statutory obligation to consult, this does not mean that the Trust acted lawfully in presenting the CCG with a *fait accompli* – that a

decision had been made that the ARU would close as at the end of March 2016.

46. It is necessarily implicit in regulation 23 that *no* decision has been made before consultation takes place. There would be no point in requiring the commissioner (here the CCG) to consult on the ‘proposal for a substantial variation in the provision’ of the health service (here the closure of the ARU) if a decision to make that closure had already been made by the Trust.
47. This is obvious. First, the language of regulation 23(1) refers to ‘proposal’ – and that language applies even where, by virtue of regulation 23(12), the commissioner stands in the shoes of the responsible person (who is merely a service provider).
48. Second, the language of ‘proposal’ appears in regulation 23(4) as well, and this is connected to the role of the service provider (here the Trust, on its case) even if regulation 23(1) applies.
49. Regulation 23(4) enables an affected local authority to make comments ‘on the proposal’, and allows that authority to make a ‘recommendation’. Regulation 23(5) provides a mechanism for addressing that recommendation, where the responsible person disagrees with the recommendation. Regulation 23(5)(b) provides that ‘R and the authority must take such steps as are reasonably practicable to try to reach agreement in relation to the subject of the recommendation’. If there is a mechanism to achieve agreement, it must mean that a decision has not already been made by R.
50. Regulation 23(5)(c) provides that ‘in a case where the duties of R . . . are being discharged by the responsible commissioner pursuant to paragraph (12), the authority and the responsible commissioner must involve R in the steps specified in sub-paragraph (b).’ There would be no point in involving

‘R’ (the Trust, on its case) in the steps specified in sub-paragraph (b) if R has already made up its mind: there would be nothing to agree.

51. Further, in any event, the Guidance provides at paragraph 4.3.1 that:

In the case of substantial developments or variation to services which are the commissioning responsibility of CCGs or NHS England, consultation is to be done by NHS commissioners rather than providers i.e. by the relevant CCG(s) or NHS England. When these providers have a development or variation “under consideration” they will need to inform commissioners at a very early stage so that commissioners can comply with the requirement to consult as soon as proposals are under consideration.

The Guidance understands that the consultation by the CCG needs to take place whilst ‘proposals are under consideration.’

52. On any view (if regulation 23(12) applies here), it is clear that the Trust failed to comply with the process envisaged by paragraph 4.3.1 of the Guidance. The Trust did not inform the CCG of its ‘proposal’ for the ARU at a ‘very early stage’. Rather, the Trust informed the CCG of the Decision on 11th January 2016. That was unlawful: in contravention of the implicit obligations of regulation 23, and/or in any event in direct contravention of the principles expressed in the Guidance without good or proper reason.

53. In the circumstances, the Trust’s Decision was unlawful, and should be quashed.

(ii) Failure to rescind the Decision pending ‘consultation’

54. The Trust has acknowledged that consultation as to the future of the ARU is required. However, the Trust has failed to take appropriate steps to ensure that lawful consultation can take place.

55. A pre-requisite of lawful consultation is that this takes place when the proposal is at a formative stage: that the decision-maker will keep an open mind. There can be no lawful consultation where a decision has been made, and by its actions or omissions the decision-maker has shown that it will not be prepared to change that decision.
56. Here, the decision-maker (the Trust) has stated that it will ‘earnestly explor[e] all options’, but at the same time, it has (i) refused to rescind the decision to close the ARU as at 31st March 2016, pending the outcome of consultation; and (ii) refused to revoke the notices of termination of employment, pending the outcome of consultation. Indeed, rather than exploring all options (which would obviously include keeping open the ARU), the Trust has explicitly stated to the trade unions that ‘It would be remiss and irresponsible of the Trust to allow the unit to continue to operate beyond 31 March 2016’.
57. In the circumstances, the Trust has behaved in such a way as to make any consultation (whether with the Council alone, or with the other local authorities by way of Joint Committee; whether conducted by the CCG or otherwise) a ‘sham’.
58. Further, the Trust has insisted that any ‘consultation’ is completed in advance of the ‘purdah period’. This is unfair and unreasonable. There is no requirement, from a clinical safety or other perspective, for a ‘decision’ to be taken before the end of March 2016.
59. In the response to the letter before action, the Trust say that the option of ‘running the ARU with its current staffing and consequent safety concerns until the end of the election period [5th May 2016] – would be very challenging for the Trust, and certainly not in the best interests of the patients’. The Trust’s position is disputed; but even if it was the case, that does not mean that the ARU cannot be kept open for some time *after* 31st March 2016, and before 5th May 2016.

60. The Trust's approach to 'consultation' is unlawful.

Interim Relief

61. The Council requests that the substantive hearing of this claim be expedited. However, if the matter is not considered by the Court before 31st March 2016, the claim will be 'academic', as the ARU will have closed, and staff working at the ARU will have ceased their employment.

62. Accordingly, so as to maintain the *status quo*, and allow consultation to be genuine and effective (and lawful), the Court is requested to provide interim relief in the following terms:

(i) there be an interim declaration that the Defendant has acted unlawfully in making its decision to close the ARU without consultation, and without informing the Interested Party (the CCG) at a very early stage that a proposal to close the ARU was under consideration;

(ii) there be an interim declaration that the consultation that the Defendant is purporting to undertake is improper and unlawful, as the Defendant is maintaining the decision to close the ARU and to terminate employment of ARU staff whilst purporting to 'consult' on the future of the ARU; and

(iii) an order that the Defendant maintain the ARU in operation pending the outcome of proper and lawful consultation.

63. The Council has a strongly arguable case that the Trust has acted unlawfully for the various reasons set out above; and the balance of convenience favours maintaining the *status quo* (the existence of the ARU). There can be no doubt that the Trust acted unlawfully in failing to consult and/or properly inform the CCG before making the Decision.

64. There is no basis for the contention that the ARU *must* close on 31st March 2016. There are plenty of options available to the Trust to keep the ARU open beyond 31st March 2016, so that it can make a proper and considered decision based on a conscientious consideration of the representations to be made by the Council (and others).

Conclusion

65. Permission to apply for judicial review should be granted and interim relief ordered.

66. At the final, substantive, hearing, the Council seeks the following relief:

- (1) An order quashing the Decision that the ARU be closed from 31st March 2016;
- (2) An order requiring the Trust to carry out proper and lawful consultation before making any decision to close the ARU;
- (3) An order revoking notices of termination of employment of the ARU staff, pending the outcome of that consultation;
- (4) A declaration;
- (5) Such other relief as the Court deems appropriate;
- (6) Costs.

CLIVE SHELDON QC



**In the High Court of Justice
Queen's Bench Division
Administrative Court**

CO Ref: CO/1225/2016

Appendix D

In the matter of an application for Judicial Review

The Queen on the application of Hartlepool Borough Council Claimant

versus

Tees and Hartlepool NHS Foundation Trust Defendant

On the application for urgent consideration

Following consideration of the documents lodged by the Claimant

Order by HHJ Nicholas Cooke QC, sitting as a Deputy Judge of the Administrative Court

IT IS ORDERED:

1. That the Defendant shall take no further step to facilitate the closure of the Assisted Reproductive Unit at University Hospital, Hartlepool until this court is able to consider this matter further.
2. That this matter be listed, with no less than 7 days notice to the parties, for the inter partes consideration of the claim herein for interim relief as soon as practicable.
3. Consideration is to be given to the possibility of that hearing, and any future hearings herein, being listed at a venue in the North East of England, having regards to likely local interest in the subject matter.
4. At such hearing consideration is to be given to ordering a "rolled up hearing", to take place within an abridged time scale, intended to dispose of this matter.
5. Costs reserved.

REASONS:

On the basis of the material presently before me the application for permission appears arguable. Unless an order of the type made is made now the claim concerned may become otiose, by virtue of continued intentional movement or slippage towards the closure of the facility concerned. This court should have the opportunity of considering this matter without that happening. The nature of the case indicates that the possibility of hearings nearer to Hartlepool should be considered.

Nicholas Cooke Q.C.

Signed

HHJ Nicholas Cooke QC, sitting as a Deputy Judge of the Administrative Court.

The date of service of this order is calculated from the date in the section below

Sent to the claimant, defendant and any interested party / the claimants, defendants, and any interested party's solicitors on (date):

- 9 MAR 2016

IN THE HIGH COURT OF JUSTICE

CO/1225/2016

QUEEN'S BENCH DIVISION

ADMINISTRATIVE COURT

BETWEEN

(Mrs Justice Cheema-Grubb)

THE QUEEN

On the application of

HARTLEPOOL BOROUGH COUNCIL

Claimant

-and-

NORTH TEES AND HARTLEPOOL NHS FOUNDATION TRUST

Defendant

-and-

HARTLEPOOL AND STOCKTON-ON-TEES

CLINICAL COMMISSIONING GROUP

Interested Party

CONSENT ORDER

UPON the terms of the schedule being reached between the Parties

BY CONSENT IT IS ORDERED THAT:

1. The interim order of HHJ Cooke QC be discharged;
2. The proceedings in this action be stayed upon the terms set out in the schedule, except for the purpose of enforcing those terms;

3. Each party shall have permission to apply to the Court to enforce the terms set out in the schedule without the need to bring a new claim; and
4. There shall be no order as to costs.

SCHEDULE

1. The Defendant will enter into user engagement around the future of the licensed fertility treatment at the Assisted Reproduction Unit (ARU) at the University Hospital of Hartlepool, which it proposes to do alongside the NHS Hartlepool & Stockton on Tees Clinical Commissioning Group (CCG).
2. The Defendant will consult with the Claimant individually and/or a joint committee of the Claimant and Stockton-on-Tees Borough Council and Durham County Council (if the latter two authorities wish to participate in a joint committee) as to the proposals around the ARU. If possible, the Defendant will carry out this consultation alongside the CCG.
3. Until the conclusion of the aforesaid consultation, and until a decision is taken on the proposal set out above, the Defendant shall:
 - a. take no step intended to facilitate the closure of the ARU, and
 - b. use its best endeavours to continue to provide licensed treatment services at the ARU.
4. The Trust and the Council will use their best endeavours, alongside the CCG, to ensure that consultation and engagement is completed and a final decision about the future of the ARU taken, by 31 July 2016.



Department
of Health

From the Rt Hon Jeremy Hunt MP
Secretary of State for Health

Richmond House
79 Whitehall
London
SW1A 2NS

Your ref: JS

020 7210 4850

PO-1037125

Councillor Mary Fleet
Chair of Council
Hartlepool Borough Council
Civic Centre
Hartlepool TS24 8AY

29 JUN 2016

Dear Mr Fleet

Thank you for your letter of 15 April, received by the Department of Health on 27 May, about the assisted reproduction unit at the University Hospital of Hartlepool.

I am sorry to hear of your continued concerns about the North Tees and Hartlepool NHS Foundation Trust.

However, it is not clear if you intend to make a referral under *The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013*. If that is your intention, it would be helpful if you could provide further evidence referring specifically to the provisions of the Regulations. We would then consider it in the normal manner.

After our meeting last year, my officials followed up the concerns expressed by the council with Monitor and sought its view on the quality of care and leadership at the trust. Monitor did not have any governance concerns at that time, and neither was the trust triggering concerns in relation to the Risk Assessment Framework.

Nevertheless, the circumstances set out in your letter around the closure of the assisted reproduction unit are concerning. It is indeed regrettable that the situation has become a matter for the courts. My officials have sought the view of both NHS England, which has an assurance role on service reconfiguration, and NHS Improvement, which replaced Monitor and now oversees NHS providers.

I am advised that before Judicial Review was granted, the local NHS endeavoured to assess the sustainability of the assisted reproduction unit at the University Hospital of Hartlepool.

In January 2016, the NHS Hartlepool and Stockton-on-Tees Clinical Commissioning Group (CCG) approached the Northern England Clinical Senate and agreement was reached to convene a panel of independent clinical experts to undertake a review and prepare recommendations.

The situation of course moved on and consultation has been ordered by the courts. I am advised that the trust, the CCG and the council have agreed timescales for completion of the consultation which will be led by the CCG (as the commissioner responsible for the service).

I understand the consultation will end on 15 July with the consultation report being produced by 25 July. Both this report, and recommendations from the independent clinical review, will be used to inform decisions. I am advised the CCG aims to present the recommendation to the council on 28 July.

In light of the enquiries made by my officials, NHS Improvement has discussed the matter with the trust and the CCG. NHS Improvement advises that it does not have any concerns at this stage about the governance or leadership at the trust, and considers the decision to withdraw the service was taken after a considerable period of trying to maintain it in difficult circumstances.

I appreciate the council is concerned about the decision-making process around the withdrawal of service, and the level of communication and engagement with key stakeholders. We are clear that early involvement and discussion with key stakeholders is of paramount importance when considering changes to services, and it is disappointing to learn that the council has found this not to be the case here. However, it is encouraging that steps are now being taken to consult on options for safe services that meet the needs of users, and to determine a sustainable solution.

We expect the local NHS to make decisions which ensure the safety and welfare of patients. It is important that the local NHS and its wider health economy partners, including councils, work collaboratively to this end.

I hope this reply is helpful.

Yes sir
Jeremy

JEREMY HUNT

COUNCIL

8 September 2016



Report of: Monitoring Officer

Subject: FURTHER PERIODIC REVIEW OF THE COUNCIL'S CONSTITUTION

1. INTRODUCTION

1.1 At the Council meeting on the 17th March, 2016, various motions were submitted, which Members deemed should be referred to the Monitoring Officer and therefore subject to a report back to Council with recommendations. As Members are aware the Council's Constitution at Article 15 ("Review and Revision of the Constitution") requires 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.*" That particular Article of the Constitution also indicates that in undertaking a review of the Constitution the Monitoring Officer may;

- Observe meetings of different parts of the member and officer structure;
- Undertake an audit trail of a sample of decisions;
- Record and analyse the issues raised with the Monitoring Officer by Members, officers, and the public and other relevant stakeholders;
- Compare practices in the Council with other comparable authorities, and/or national examples of best practice.

1.2 In order to gauge as full a spectrum of views as possible a "Members Seminar" took place on the 27th and 30th June 2016, at which members of the public were invited to attend and make representations. In the circumstances, eleven elected Members in total attended along with five members of the public. In addition, I received separate representations from a Residents Association. Those proceedings were facilitated by a "Issues Paper" a copy of which is appended to this report (**Appendix 1**).

1.3 Members are reminded and as previously stated in earlier periodic reviews, the Council's Constitution must contain the following information;

- 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 that the Secretary of State shall direct, and
- Such other information (if any) that the Council considers appropriate.

- 1.4 The Council have adopted a 'committee system' model of governance and accordingly, cognisance needs to be given to the Local Authorities (Committee Systems) (England) Regulations, 2012 as well as the general powers of delegation that have been firmly established within local authority governance under Section 101 of the Local Government Act, 1972. As previously indicated, the Council's Constitution follows the format of the then DETR "New Council Constitutions: Modular Constitutions for English Local Authorities" (December 2000) and this report and the appended "Issues Paper" follows that modular format and concentrates specifically upon the Council's Procedure Rules. Members are also reminded that under Council Procedure Rule 24.2;

"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 The following items are drawn to the attention of Members together with the commentary received through the seminars and where applicable, the Monitoring Officer's comments thereon;

2.1.1 Duration of meeting

Presently the Council meetings commence at 7pm and have a "guillotine" at 9.30pm unless the majority of Members otherwise agree. At the seminars it was suggested that the duration of Council meetings should not exceed 2 hours i.e. 9pm unless the majority of Members decide otherwise. Clearly, the duration of any Council meeting is somewhat predicated upon the times allocated for both public and Member questions, upon which further comment is made below and upon the items of business, then before Council. It was noted in the guidance issued through DETR that *"some Councils have sought to improve the quality of decision making and are restricting the length of meetings to say 2.5 or 3 hours on the basis that an adequate level of concentration cannot be maintained for extensive periods"*. Members may therefore feel that the duration of Council meetings should be limited to 2 hours. However, I would strongly recommend that there is the caveat (as now) that the majority of members can decide, that a meeting can continue beyond this set period, should circumstances so dictate or otherwise demand.

Recommendation

That a Council meeting commencing at 7.00 pm shall stand adjourned at 9pm unless the majority of Members agree otherwise.

2.1.2 Public Questions

Presently 45 minutes is allocated for public questions. At the seminar, some participants indicated that the 45 minutes should be retained, whilst others advocated 30 minutes, with the general consensus for the discretion of the Chair to extend the time for public questions. Such an approach in allowing for the exercise of such a discretion by the Chairperson, seems eminently sensible. Those local authorities which still provide for public questions, many do not, invariably have the period of 30 minutes set aside for this purpose.

Recommended

The time allocated for public questions should be 30 minutes, subject to the discretion of the Chair to extend this period at his / her discretion.

2.1.3 Notice and Order of Questions (Council Procedure Rules 11.2 and 11.3)

There was a general consensus that the period for submission of public questions and the random selection of those questions through public ballot should be maintained. I therefore see no reason to depart from this current procedure.

2.1.4 Number of Questions

Presently Council has a Procedure Rule which stipulates that members of the public can give 2 public questions but without any supplementary questions being allowed. Formally, 1 public question with 2 supplementary questions had been provided for, within the Council's Procedure Rules. At the Members Seminar, representations were received endorsing the present practice of maintaining 2 questions but without the re-introduction of supplementary questions. Against this, were those who advocated a return to 1 public question with 2 supplementaries and indeed, those who wish to see 2 public questions and 2 supplementary questions.

I am patently aware of the sensitivities of this topic and can well see "both sides" of this particular debate. I have however concluded that to allow 2 public questions and thereafter 2 supplementary questions to apply to each of those questions may well be somewhat excessive, in the time and consideration of those items before Council. A previous review did seek to compensate for the loss of supplementary questions through increasing the number of public questions from 1 to 2. I can also see the merit that raising a supplementary question might well be to "test" the Member responding to that question but also the largely negative exercise in seeking to "catch out"

an elected Member rather than trying to have some elaboration upon the original response. That said, it is my experience that questions are for the most part answered in a fairly comprehensive manner. If supplementary questions were to be re-introduced they must arise directly out of the original question or the reply with the general discretion to the Chair to reject a supplementary question on the same grounds that apply to accepting the original question raised at Council (Council Procedure Rule 11.5 refers). However, there is the issue of a supplementary question being volunteered, which might be deemed to be improper or which otherwise offends the 'scope' of a valid question before Council, examples of which, have been seen in the past. That said, there is no right or wrong answer on this issue. It was though felt by a local residents association that the reintroduction of the supplementary question process was "essential" in allowing for greater public involvement and participation. Therein is the primary issue as to how a local authority should engage with its community, which is a recurring theme in this report and which requires the most careful and detailed consideration. Indeed it should be noted that some Councils have abandoned public questions altogether as a means of securing the effective engagement and participation of the wider public in favour of alternative public engagement methods. I would therefore suggest that Council needs to undertake an evaluation of its approach to public involvement and engagement particularly in the light of the recent approach to 'Your Say, Our Future' which successfully engaged the public in considering questions of importance to the Borough, before it can begin to determine how it wishes to proceed.

Recommendation

That Council agrees to review its current approach to public involvement and participation in relation to both the approach to Public Questions to Council and role of Neighbourhood Forums as per the comments and recommendation in 2.1.14 of this report and considers the issues raised in relation to public questions as part of a future report to Council which takes account of the findings of this review.

2.1.5 Scope and record of questions

There were no representations to warrant any change on the scope (although I have made comment in 2.1.7 below) or maintaining a record of questions, although it was suggested that questions could appear prior to the meeting on the Council's website. However, it should be noted that the minutes of Council meetings do appear on the website, subsequent to the meeting.

2.1.6 Asking the question at the meeting

Previously a member of the public could read out their public question. This practice was revised so that the question was read out by the Chief Executive Officer. It was suggested by a member of the public, that it be

reinstated the ability for a member of the public to read out their own question. It must be remembered, that questions ordinarily are on a pro-forma and it should not be that contentious who reads out the question. Nevertheless, this was thought to be a process which allows for engagement of members of the public in a Council meeting. Although this is a consideration, it is not possibly of such great import, as the fact that the question is formally mentioned is the important point, rather than fundamentally who reads it out.

Recommendation

That the Chief Executive Officer continues to read out public questions at Council meetings.

2.1.7 Questions by Members

There was general consensus that questions about recent decisions of Council Committees (Council Procedure Rule 12.1) and questions on notice at full Council (Council Procedure Rule 12.2) should remain as is. The 1 hour 30 minutes presently devoted to answer questions under these procedure rules should however be abridged and contained within 30 minutes but again, subject to the discretion of the Chair of the meeting. Further, the general “scope of questions” (Council Procedure Rule 12.3 applies) was generally thought to have present validity. The only additional provision on the ‘scope’ of both public and member questions is whether Council wishes to add the category of ‘or which otherwise conflicts with the Council’s Constitution’ which is a feature of some Council’s procedural arrangements. A view from members is invited.

Recommendation

That the time devoted by Council to Member questions be reduced from 1 hour 30 minutes to the period of 30 minutes, subject to the discretion of the Chair of the meeting to extend at his / her discretion.

For the sake of completeness, a “response” to a Member question (Council Procedure Rule 12.5) either by way of a direct oral answer or a potential written response should be maintained, but the position should be monitored.

2.1.8 Motions on Notice

Council at their meeting on 23rd May 2016, resolved that there should be no change to Council Procedure Rule 13.1 in that, “7 clear working days, should be given upon a notice of motion”. This was to comply with the statutory requirement that a notice of motion should be set out in the agenda of the meeting of Council upon which statutory notice provisions apply. However, it was thought that the requirement that the motion should be signed by at least 5 Members should be reduced to 2 Members. Members have a general discretion as regards the number of Members who can instigate a motion on

notice. Some authorities do indeed have a requirement for 2 elected Members but practice invariably varies from authority to authority. The present requirement of 5 Members has some correlation with the ability of 5 Members under Schedule 12 of the Local Government Act 1972 to convene an Extraordinary meeting of Council subject to various stipulations. This is a matter entirely for Council to decide upon and certainly a motion should be of such significance to allow for reasoned and proper debate. Consequently, the content of the Motion is the more important matter not the number of signatories. This is a matter I would leave to Council to determine.

Recommendation

That Council consider whether a Motion on Notice should be signed by at least 5 Members or whether they should consider a change, by way of example, to that of 2 Members being sufficient, for this particular purpose.

2.1.9 Potential limit on the number of Council Motions.

There is no strict limit on the number of Council Motions within the Council's Constitution and through convention/previous practice, the number of motions has invariably differed from meeting to meeting. Council did create its own record when a considerable number of motions occupied a previous Council meeting and indeed, the terms of some motions resonate within this particular report. At both seminars, there was a general consensus that there should be a limit of possibly 3 and no more than 5 motions unless the Chief Executive Officer determines otherwise, following advice from the Council's Monitoring Officer and / or the Council's Section 151 Officer. Again, it would be preferable if Council, hopefully by way of consensus, can determine a potential "limit" upon a number of motions being either 3 or 5 motions, subject to any additional motions being received above this 'limit', requiring the determination of the Chief Executive Officer.

Recommendation

It is recommended that Council approve the following amendment to its Procedure Rules namely; *"Except for additional motions as approved by the Chief Executive Officer, the number of motions before an ordinary meeting of Council should not exceed [3 or 5], submitted in accordance with Procedure Rule 13.1."*

2.1.10 Rules of Debate

Presently 10 minutes is allocated to the individual member proposing an item before Council. This also allows for any other individual to speak on the item for not more than 4 minutes. At the Members Seminar it was generally thought that 10 minutes was somewhat excessive and various periods were mentioned, with some parallels to the public speaking rights allowed in the Council's regulatory committees. Generally it was felt that the proposer should be limited to a maximum of 5 minutes with the potential for up to 3 minutes for other speakers within the debate. This would also

accommodate, if agreed, proceedings of Council being limited to a duration of 2 hours. There are some merits in the reducing the period of 10 minutes for the proposer of a motion and 5 minutes appears to be a sensible compromise. Further, I can see the merit in other Members being limited to a period of 3 minutes, although, there is always the occasion when an item of business before Council demands some departure (without the necessity of suspending procedure rules) from such definable time periods and hence, it is suggested that Chair retains the residual discretion to extend the period of speaking upon a debate at his / her entire discretion.

Recommendation

That the mover/proposer in a debate be limited to a period of 5 minutes but any other speech will not exceed a period of 3 minutes without the consent of the Chair (the Ceremonial Mayor) of Council.

2.1.11 The items numbered 16-26 on the issues paper as appended to this report were generally felt to work well and should be retained, without further comment or debate.

2.1.12 Reference to Council

This particular item under Council Procedure Rule 27 is somewhat novel and allows 17 Members or more to requisition that a decision not yet implemented by a Policy Committee should be referred to Council. A previous motion asserted that this “call in” of a Policy Committee decision should be reduced to 5 Members. This particular provision has never been utilised and also has a somewhat sequential process, which militates against such a referral taking place. Whilst Members may wish to deliberate upon whether 5 or 17 or more Members is the appropriate figure, such a discussion is somewhat academic. It has been my experience that where a Policy Committee believes a matter of such import should be reported to Council this is invariably the route that is taken. Furthermore, the collective decision making for all committees does allow for a very “broad church” approach to be taken and it is notable that this particular Procedure Rule has never needed to be engaged, even appreciating for the high numerical threshold. It is therefore a question as to whether Council wishes to redefine the number of Members allowed to proceed with such a requisition.

Recommendation

Council to consider whether the reference to Council (CPR. 27) should be made by 17 or more Members or this figure be reduced to 5 Members only.

2.1.13 Review and Revision of the Constitution – Article 15

It was indicated at the seminar meetings that any review of the Council’s Constitution should take place and be reported to the first ordinary meeting in the new municipal year, so that all Councillors are made conversant with any changes, including those who may have been newly elected through the

May local elections. This appeared to be the general consensus from the comments received through the seminars and informs the basis for the following recommendation.

Recommendation

The Monitoring Officer in conducting a periodic review of the Council's Constitution, either of his/ her own volition or through matters referred to the Monitoring Officer, should form a report to be submitted to the first ordinary meeting of Council in a new municipal year, unless otherwise directed by Council.

2.1.14 Neighbourhood Forums

It has been indicated that owing to the poor or variable attendance at the Neighbourhood Forums, whether such meetings have any discernible benefit. Views were expressed across a wide spectrum within the seminars with some individuals indicating that the forums were "useful" and allowed for engagement with members of the public, whereas other members formed a contrary view that no benefit was derived from their continuation.

Personally, I would not wish to see Council taking any action upon the abolition of an avenue for public engagement, in the absence of the most rigorous and detailed consideration. If anything and as previously mentioned, there needs to be a wider debate as regards how the Council can connect with its community, as general public apathy and antipathy seems to be a common feature across all local authorities. In recognition of this over the summer the Council has introduced new approaches to engaging the wider public through the 'Your Say, Our Future' events. This programme has, by way of example, proved to be an effective way of engaging the public in meaningful discussion and consideration is therefore being given to continuing the programme on an ongoing basis. I would therefore suggest that the general theme as regards how the Council can actively engage with the Hartlepool public is subject to further discussion by Members.

Recommendation

That Council considers the future of Neighbourhood Forums as part of a wider evaluation of the Council's approach to securing public engagement and participation which will be subject to a future report to Council.

2.1.15 Miscellaneous

There were a variety of additional items, together with a note to the various codes and protocols (Part 5 of the Council's Constitution refers) which were also included within the issues paper to which participants generally felt there was no change required. Topics such as seating arrangements, the sound system operating with the Council Chamber and other related issues have been the subject of Member discussion following a sound

demonstration on the 8th August 2016. These matters will be progressed and will be subject to commentary within the Chief Executive's Business Report to Council and through general communication with Members and also through appropriate public notification. One final topic to draw to Members attention is the "timing of committee meetings" upon which some survey data has been collected and to which reference is made in this report, for general information (**Appendix 2**). Members need to carefully analyse such data and I am aware that Members would wish to see 'family impact' and other assessments related to such an appraisal. Again, this is a topic which should be subject to further discussion and future reports to Council.

Recommendation

Council are asked to note initial responses on the timings of committees meetings.

3. SUMMARY OF RECOMMENDATIONS

- 3.1 That a Council meeting commencing at 7.00 pm stands adjourned at 9.00 pm unless the majority of Members agree otherwise.
- 3.2 The time allocated for 'Public Questions' should be limited to 30 minutes, subject to the discretion of the Chair to extend this period at their discretion.
- 3.3 That Council agrees to undertake an evaluation of its approach to public involvement and participation and consider its approach to public questions and neighbourhood forums as part of a future report that takes account of this review.
- 3.4 That the time devoted by Council to 'Member Questions' be reduced from 1 hour 30 minutes to 30 minutes, subject to the discretion of the Chair of the meeting to extend at his / her discretion.
- 3.5 That Council consider whether a Notice of Motion should be signed by at least 5 Members as at present, or whether they would wish to consider a change, by way of example, where 2 Members would be sufficient, for this particular purpose.
- 3.6 It is recommended that Council approve the following amendment to Procedure Rules namely; "Except for additional motions as approved by the Chief Executive Officer, the number of motions before an ordinary meeting of Council should not exceed [3 or 5], submitted in accordance with Council Procedure Rule 13.1.
- 3.7 That the mover/proposer in a debate be limited to speaking for a maximum period of 5 minutes but that any other speech shall not exceed a period of 3 minutes without the consent of the Chair (Ceremonial Mayor) of Council.

- 3.8 Council to consider whether the reference to Council (CPR.27) should be made by 17 or more Members or whether this figure be reduced to 5 Members only.
- 3.9 The Monitoring Officer in conducting a periodic review of the Council's Constitution, either of his/ her own volition or through matters referred to the Monitoring Officer, should form a report to be submitted to the first ordinary meeting of Council in a new municipal year, unless otherwise directed by Council.
- 3.10 Council are asked to note the timings of committee meetings survey data as appended to this report (**Appendix 2**).

4. CONTACT OFFICER

Peter Devlin
Chief Solicitor
01429 523003

PERIODIC REVIEW OF THE CONSTITUTION

MEMBERS' SEMINARS - ISSUES PAPER

COUNCIL PROCEDURE RULES (CPR)

Background

Previously Motions have been submitted to Council which have raised the following matters:-

“That this Council believes the current rules around debate within the context of full Council meetings 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 invites contributions from Officers, Members and the Public.”

Further:-

“That all Constitutional matters, in the first instance, be referred to the Monitoring Officer, automatically as part of the 6 monthly Constitutional Review and should be articulated in the Council’s Constitution. The Monitoring Officer be requested at the same time, to take soundings from Members how best to deal with the 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”.

Council agreed that the issues should be considered through a Members’ Seminar. Council had determined previously that the public should be invited to such meetings. This “Issues Paper” is designed to facilitate a review of the Council Procedure Rules. This process is comparable to what the Council did when it undertook a review of its governance arrangements as it moved away from an executive model of governance to that based on a committee system.

CPR	Subject	Yes	No	Comment
10.	Duration of Meeting			
	<ul style="list-style-type: none"> Adjourn meeting at 9.30 p.m, unless the majority of Members agree otherwise. 			
11.	Public Questions			
11.1	General <ul style="list-style-type: none"> 45 minutes allocated to public questions 			

11.2	<p>Notice of Questions</p> <ul style="list-style-type: none"> • Deadline no later than noon on Thursday of the week before the meeting (except for when an urgent issue arises) directed to the Chair of Committee 			
11.3	<p>Order of Questions</p> <ul style="list-style-type: none"> • Random selection stipulated by Chief Executive but order determined through public ballot 			
11.4	<p>Number of Questions</p> <ul style="list-style-type: none"> • No more than 2 questions. <p>Note (Motion) Supplementary questions for Members of the Public be reinstated in their previous form (formerly up to 2 supplementary questions based on one public question).</p>			
11.5	<p>Scope of Questions</p> <ul style="list-style-type: none"> • As agreed with Chief Executive in consultation with Chair of Council (6 grounds for rejection) 			
11.6	<p>Record of Questions</p> <ul style="list-style-type: none"> • Book maintained for public inspection 			
11.7	<p>Asking the Question at the Meeting</p> <ul style="list-style-type: none"> • Question read out by Chief Executive 			

12.	Questions by Members			
12.1	Questions about recent decisions of Council Committees <ul style="list-style-type: none"> Decision published and approved for implementation since the last Ordinary meeting of Council (i. Rule 12.1 without Notice – maximum of one minute to put question and five minutes for response) 			
12.2	Questions on Notice at full Council <ul style="list-style-type: none"> (ii. Rule 12.2 with Notice – delivered to the Chief Executive no later than noon on the Thursday the week before the meeting (urgency provision may apply) Application to questions on Police and Crime Panel and Cleveland Fire Authority maximum of one minute to put question and five minutes for response One hour 30 minutes devoted by Council to answer questions under this Rule. 			
12.3	<ul style="list-style-type: none"> Scope of Questions – Chief Executive in consultation with Chair of Council can reject on on specified grounds (comparable to public questions) 			
12.4	Reports of the Committees <ul style="list-style-type: none"> Any question without notice when the item within a 			

12.5	<p>report from a Committee is under consideration by Council.</p> <p>Response</p> <ul style="list-style-type: none"> • Direct oral answer/potential for written response. 			
13.	Motions on Notice			
13.1	<p>Note: (Motion)</p> <p><i>“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.”</i></p> <p>Council agreed, on 24 May 2016, that that there is no change to Council Procedure Rule 13.1 and that a Notice of Motion must comply with the ‘7 clear working days’ requirement.</p> <ul style="list-style-type: none"> • Signed by at least 5 Members • Matter can be remitted to a Committee • Scope about matters of which the Council has a responsibility or which affect the Borough. <p>Note: There is currently no limit to the number of Motions submitted to a Council meeting. Council agreed:-</p> <p><i>The Monitoring Officer be requested to take soundings from Members how best to deal with the Motions to Council.</i></p>			

14.	Motions without Notice			
	<ul style="list-style-type: none"> • Rule 14 			
15.	Rules of Debate			
15.1	<ul style="list-style-type: none"> • Moving and seconding the Motion 			
15.3	<ul style="list-style-type: none"> • Mover to open the debate and may (subject to Rule 15.4) reserve their right to speak later in the debate. • Mover allowed up to 10 minutes to speak and any other speech should not exceed 4 minutes without the consent of Council. • Limitation on when Member may speak again – following exceptions:- 			
15.4	<ul style="list-style-type: none"> (i) To speak once an amendment moved by another Member (ii) To move a further amendment if the Motion has been amended since s/he last spoke (iii) If his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which s/he spoke was carried) (iv) In exercise of a right of reply (v) On a point of order (vi) By way of a personal explanation 			
15.5	<ul style="list-style-type: none"> • Amendments to Motions 			
15.6	<ul style="list-style-type: none"> • Alteration of Motion 			
15.7	<ul style="list-style-type: none"> • Withdrawal of Motion 			
15.8	<ul style="list-style-type: none"> • Right of Reply 			
15.9	<ul style="list-style-type: none"> • Motions which may be moved during debate 			
15.10	<ul style="list-style-type: none"> • Closure Motions 			
15.11	<ul style="list-style-type: none"> • Point of Order 			
15.12	<ul style="list-style-type: none"> • Point of Explanation 			

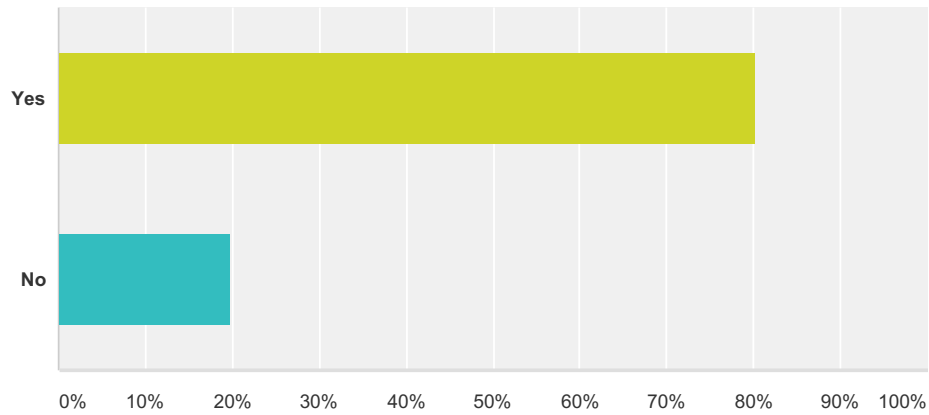
16.	Previous Decisions and Motions			
16.1	<ul style="list-style-type: none"> Motion to rescind a previous decision or similar to one previously rejected – six month rule applies 			
17.	Voting			
	<ul style="list-style-type: none"> Show of hands or recorded vote 			
18.	Minutes			
	<ul style="list-style-type: none"> Correct Record 			
19.	Record of Attendance			
	<ul style="list-style-type: none"> Attendance Sheet must be signed <p>Note: Fire Regulation requirements also.</p>			
20.	Exclusion of Public			
	<ul style="list-style-type: none"> Must be in accordance with Access to Information Procedure Rules or Rule 22 (Disturbance by Public) 			
21.	Members' Conduct			
	<ul style="list-style-type: none"> ie., standing to speak etc., 			
22.	Disturbance by Public			
	<ul style="list-style-type: none"> removal/clearance of part 			
23.	Pecuniary or Prejudicial interests of Members in Contracts and other Matters			
	<ul style="list-style-type: none"> shall withdraw from the meeting 			
24.	Suspension, Amendment and Interpretation of Council Procedure Rules			
	<ul style="list-style-type: none"> agreement of the meeting 			
25.	Committees and Sub-Committees of the Council			
	<ul style="list-style-type: none"> appointments etc., 			

26.	Application of Procedure Rules			
	<ul style="list-style-type: none"> • general application to meetings 			
27.	Reference to Council			
	<ul style="list-style-type: none"> • Not less than half of the whole number of elected Members (17 Members or more) may requisition by notice the calling of a Council meeting to reconsider a decision taken but not yet implemented by a Policy Committee. <p>Note: Motion received that the requirement for signatories to “Call in” a Policy Committee decision be reduced to 5 Members.</p>			
	ADDITIONAL ITEMS FOR CONSIDERATION			
	Review and Revision of the Constitution – Article 15			
	<i>Note: (Motion) “That all Constitutional matters, in the first instance, be referred to the Monitoring Officer, automatically as part of the 6 monthly Constitutional Review and should be articulated in the Council’s Constitution. The Monitoring Officer be requested at the same time, to take soundings from Members how best to deal with the Motions to Council.</i>			
	Neighbourhood Forums – Operation of Forums/Face the Public			
	Note: “Face the Public Events” and its present link with the Neighbourhood Forums (and also with the “Youth Parliament”). Council suggested that this particular item be referenced within the Members’ Seminar for			

	further discussion and consideration.			
	“Non Statutory Sanctions”			
	<p>Note: Council referred the issue back to the Audit and Governance Committee to make representations to the Department of Communities and Local Government</p> <p>Additionally</p> <p>Note: Other Procedure Rules;</p> <ul style="list-style-type: none"> - Access to Information - Contract Procedure Rules - Financial Procedure Rules - Officer Employment Procedure Rules - Statutory Scrutiny Procedure Rules <p>Note: Codes & Protocols</p> <ul style="list-style-type: none"> - Code of Conduct for Councillors and co-opted members - Code of Conduct for employees - Officer/Member protocol - Planning Code of Practice - Guide to Pre-Application Developer Forums - Code of Corporate Governance - Guidance for Members and Officers Serving on Outside Organisations and Other Bodies - Public Questions to Council Meetings - Filming Recording and Photographing Council Meetings Protocol - Guidance Note – Political Balance 			

Q1 Before you got this questionnaire, were you aware that Committee Meetings took place?

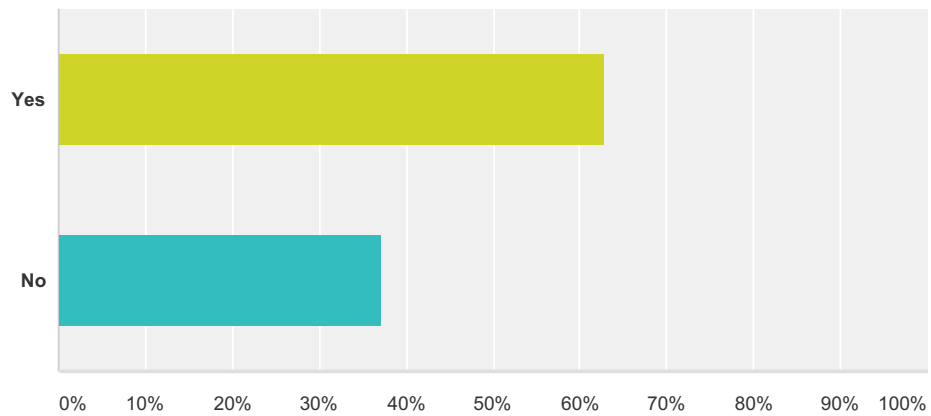
Answered: 181 Skipped: 0



Answer Choices	Responses	
Yes	80.11%	145
No	19.89%	36
Total		181

Q2 Were you aware that the public can attend these Committee meetings?

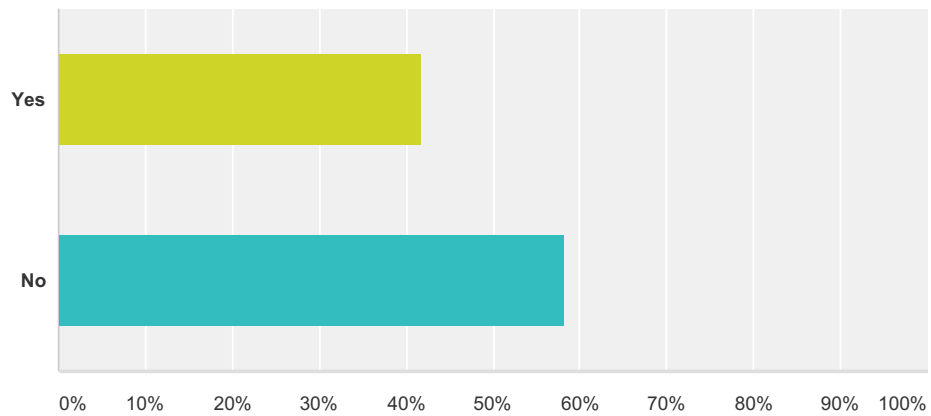
Answered: 180 Skipped: 1



Answer Choices	Responses	
Yes	62.78%	113
No	37.22%	67
Total		180

Q3 Were you aware that the public can speak at some Committee meetings?

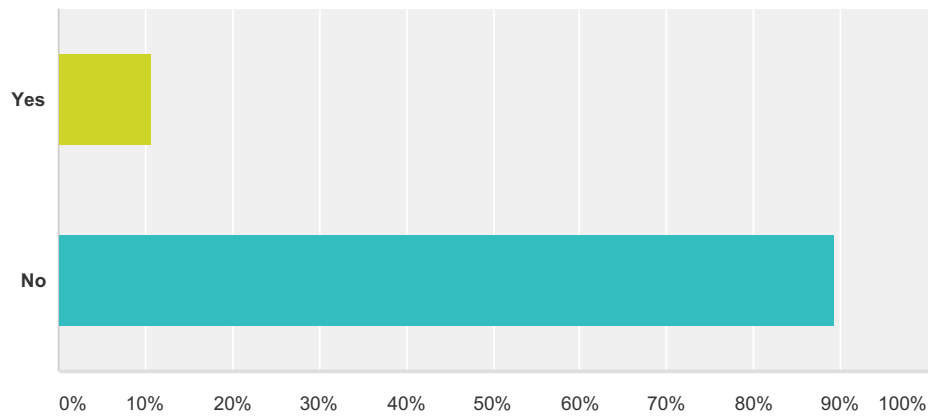
Answered: 180 Skipped: 1



Answer Choices	Responses
Yes	41.67% 75
No	58.33% 105
Total	180

Q4 Thinking about the last three years have you attended a Committee meeting?

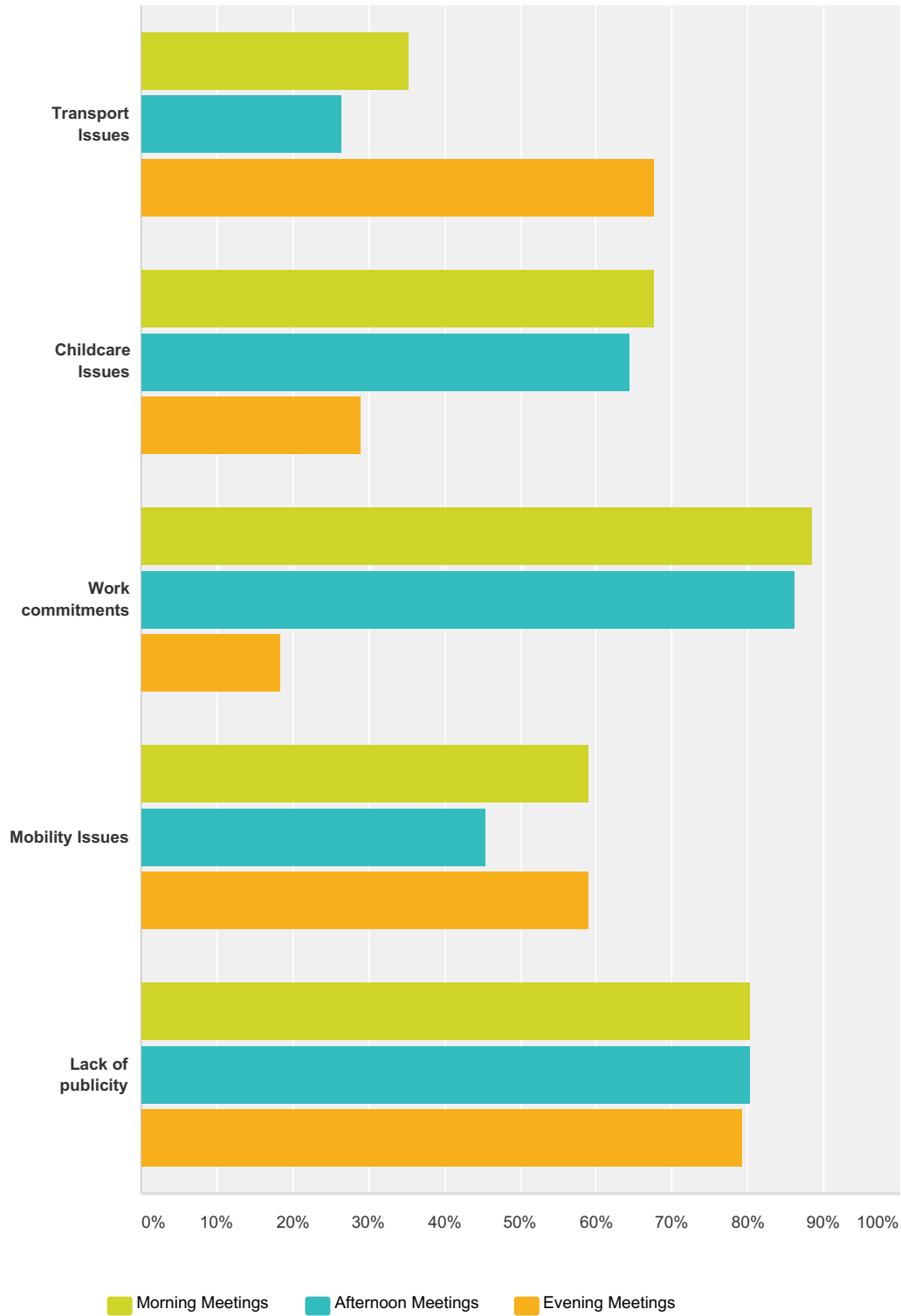
Answered: 180 Skipped: 1



Answer Choices	Responses	
Yes	10.56%	19
No	89.44%	161
Total		180

Q5 Are there any barriers that may prevent you from attending Committee meeting. Please can you tell us what those reasons might be and for at what periods throughout the day. (please tick all boxes that apply)

Answered: 130 Skipped: 51



	Morning Meetings	Afternoon Meetings	Evening Meetings	Total Respondents
Transport Issues	35.29% 12	26.47% 9	67.65% 23	34
Childcare Issues	67.74% 21	64.52% 20	29.03% 9	31
Work commitments	88.51% 77	86.21% 75	18.39% 16	87

Timing of Committee Meetings

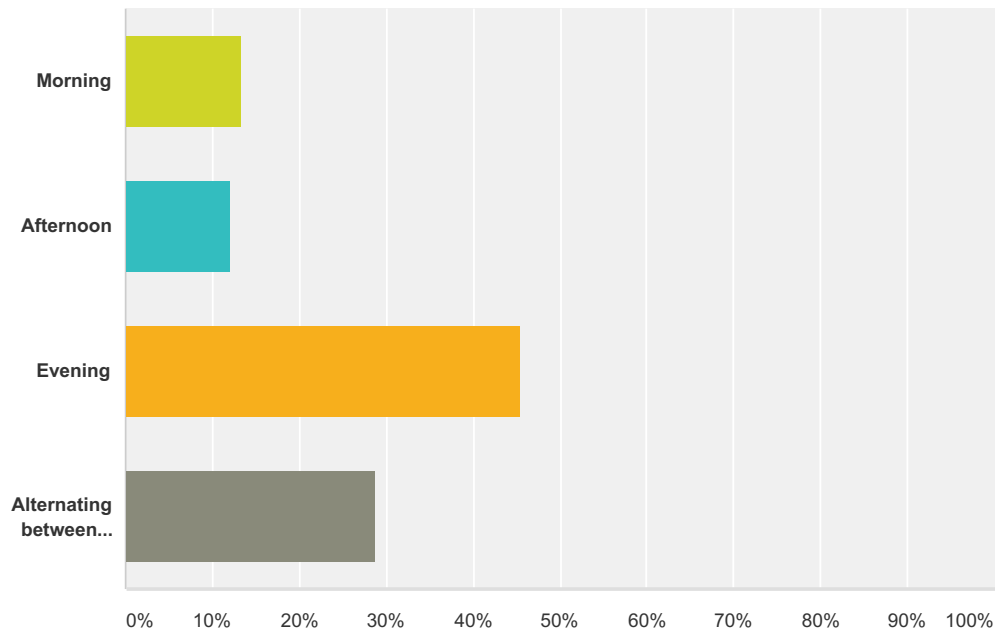
10 (1) Appendix 2

Mobility Issues	59.09% 13	45.45% 10	59.09% 13	22
Lack of publicity	80.46% 70	80.46% 70	79.31% 69	87

#	Other (please specify)	Date
1	I have Rheumatoid Arthritis and that can affect my mobility but I never can tell what I will be capable of from one day to the next.	5/26/2016 9:26 AM
2	Should use Social Media links more to advise upcoming meetings	5/12/2016 9:14 AM
3	Apparent lack of the Council to consider public views	5/11/2016 12:57 PM
4	Apathy	5/11/2016 9:31 AM
5	No interest as yet but will have to attend one in the future	5/11/2016 8:04 AM
6	no interest	5/10/2016 5:47 PM
7	work, yes some do work in hartlepool!!!!	5/10/2016 12:19 PM
8	Lack of interest	5/10/2016 11:56 AM
9	Waste of time, outcomes predetermined along party lines	5/10/2016 10:57 AM
10	Never seen an ad for a meeting	5/10/2016 9:51 AM
11	Outcomes are along party lines. Pointless attending.	5/10/2016 8:08 AM
12	busy lifestyle and often away from Hartlepool with family commitments	5/10/2016 12:06 AM
13	Carer constraints at present	5/9/2016 8:53 PM
14	Not interested in being present at meeting of this kind	5/9/2016 8:35 PM

Q6 What would be your preferred time of day for a Committee meeting to be held?

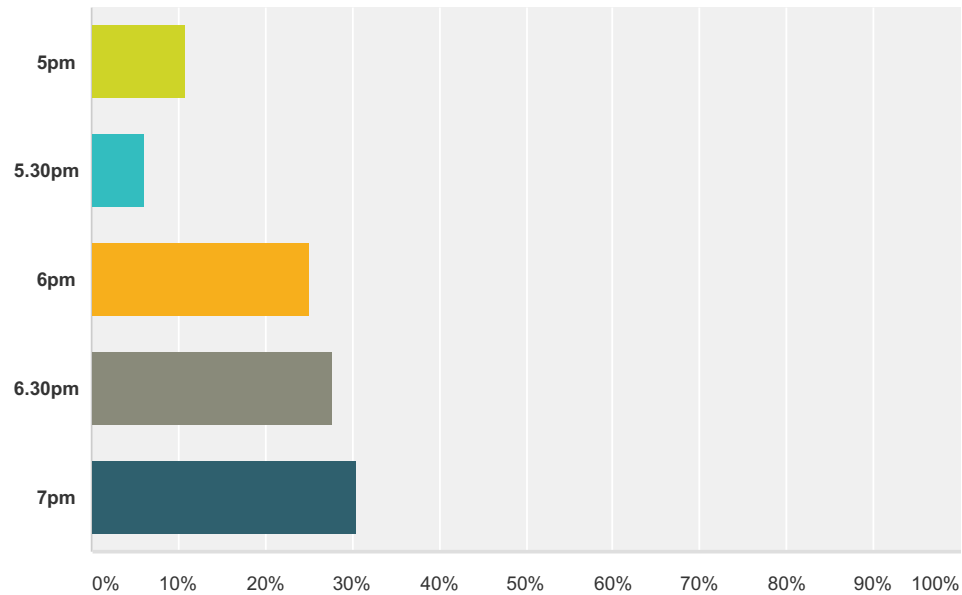
Answered: 156 Skipped: 25



Answer Choices	Responses	
Morning	13.46%	21
Afternoon	12.18%	19
Evening	45.51%	71
Alternating between Morning, Afternoon and Evening	28.85%	45
Total		156

Q7 If a Committee meeting was to be on an evening what would be your preferred start time?

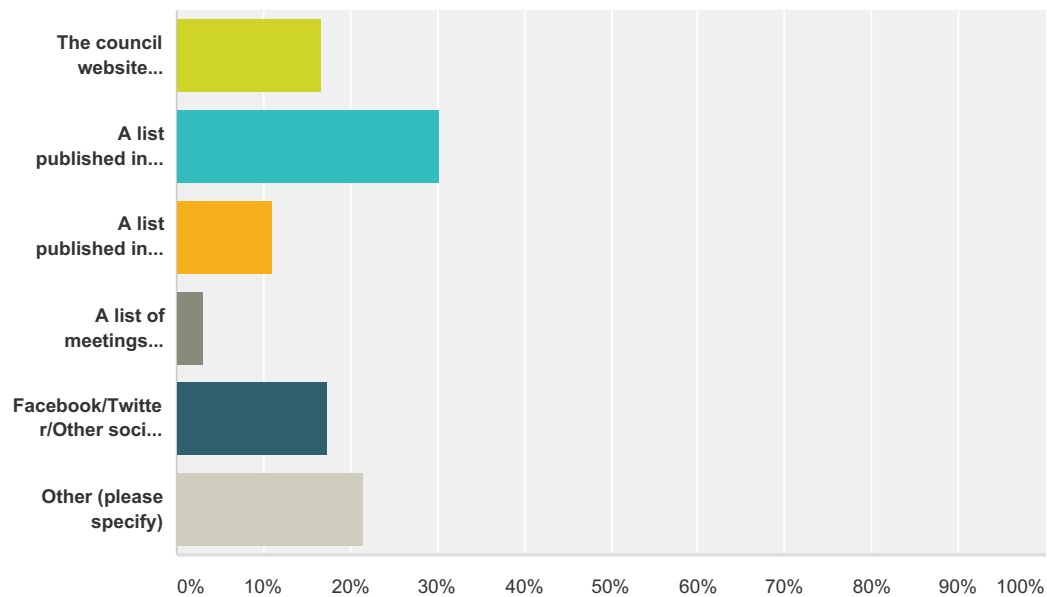
Answered: 148 Skipped: 33



Answer Choices	Responses
5pm	10.81% 16
5.30pm	6.08% 9
6pm	25.00% 37
6.30pm	27.70% 41
7pm	30.41% 45
Total	148

Q8 How would you like to find out about these meetings?

Answered: 162 Skipped: 19



Answer Choices	Responses	
The council website (www.hartlepool.gov.uk/democraticservices)	16.67%	27
A list published in Hartbeat	30.25%	49
A list published in the Hartlepool Mail	11.11%	18
A list of meetings displayed at the Civic Centre	3.09%	5
Facebook/Twitter/Other social media	17.28%	28
Other (please specify)	21.60%	35
Total		162

#	Other (please specify)	Date
1	e mail	6/6/2016 11:17 AM
2	e mail or text	5/22/2016 3:45 PM
3	Email to those who express an interest.	5/21/2016 8:39 PM
4	email	5/13/2016 4:04 PM
5	E-mail to me	5/13/2016 3:57 PM
6	Mix of all above	5/12/2016 4:30 PM
7	email newsletter	5/12/2016 9:09 AM
8	Social media and proactive marketing	5/12/2016 8:47 AM
9	email	5/11/2016 3:04 PM
10	E-mails	5/10/2016 9:58 PM
11	E-mail people who have registered an interest in attending	5/10/2016 9:30 PM

12	no intrest	5/10/2016 5:47 PM
13	The website and Facebook and social media, surely it does not have to be one or the other ?	5/10/2016 5:38 PM
14	email	5/10/2016 3:31 PM
15	Mail website	5/10/2016 2:08 PM
16	email subscription service	5/10/2016 1:45 PM
17	an e-mail	5/10/2016 1:31 PM
18	The mail plus HartBeat magazine	5/10/2016 12:03 PM
19	emailed	5/10/2016 11:16 AM
20	Don't bother with any save the money	5/10/2016 10:57 AM
21	e-mail	5/10/2016 10:39 AM
22	Email	5/10/2016 10:14 AM
23	Headland council offices	5/10/2016 9:51 AM
24	All of the above	5/10/2016 9:34 AM
25	by registering an interest and being told by e mail.	5/10/2016 8:49 AM
26	Lists in local community centres	5/10/2016 8:47 AM
27	Any method would be a waste of money.	5/10/2016 8:08 AM
28	Email.	5/10/2016 7:12 AM
29	Email	5/9/2016 10:01 PM
30	Email	5/9/2016 8:12 PM
31	Email circular	5/9/2016 7:40 PM
32	email signup notification list	5/9/2016 7:39 PM
33	Poster in library, shops, local pub etc.	5/9/2016 7:38 PM
34	List in headland borough council offices	5/9/2016 6:00 PM
35	email	5/9/2016 5:50 PM

COUNCIL

8th September, 2016



Report of: Finance and Policy Committee

Subject: JACKSONS LANDING DEMOLITION

1. PURPOSE OF REPORT

- 1.1 To enable Council to consider the Finance and Policy Committees recommendation for funding the Jacksons Landing Demolition costs.

2. BACKGROUND AND FINANCIAL CONSIDERATIONS

- 2.1 In accordance with the constitution the Finance and Policy Committee is responsible for proposing changes to the approved Budget and Policy Framework, which are then referred to Council for consideration.
- 2.2 On 25th July 2016 the Finance and Policy Committee considered the recommendation from the Regeneration Committee on 22nd July 2016 to demolish Jacksons Landing. The Regeneration Committee had considered three different options covering either retention of the building until a developer is secured, demolition of the building and the concrete base, or demolition of the building only. The Regeneration Committee recommended the third option – demolition of the building only, as this cost is lower than demolition of the building and the concrete base. The existing building has presented some security and low level anti-social behavioral concerns for the council in recent months. Detailed site master planning is now underway with a view to the submission of a planning application early next year and there is likely to be a need for related ground investigation survey work. The demolition of the building before winter will enable the site to be cleared, relieving the council of short term building maintenance and security costs and providing a clear platform for promoting the site to the market, once the masterplan and related studies have been completed over the next few months.
- 2.3 The Finance and Policy Committee support the recommendation made by the Regeneration Committee and are therefore seeking approval to fund the demolition costs of £40,000. The Finance and Policy Committee did not approve the recommended funding strategy and proposed that the demolition costs are funded from the uncommitted 2015/16 final managed revenue under spend of £91,000. Assuming Council approves this proposal a strategy for using the residual uncommitted 2015/16 under spend of £51,000 will be developed as part of the 2017/18 budget process.

2.4 In considering the recommendation to allocate funding for the demolition costs the following factors are brought to Council's attention:

- As reported to Regeneration Committee and Finance and Policy Committee this building had been vacant for many years prior to its acquisition by the Council and this indicates there is no market interest in the building. Therefore, a cleared site is more likely to be attractive to potential developers;
- In view of the above position if the Council was to retain the existing building the cost of a future demolition would fall on the Council, either directly as part of a future sale to a developer, or indirectly through a reduced capital receipt as a developer would reflect this cost in assessing the value of this site;
- The Council secured an interest free loan to pay for the acquisition of this site and this has saved the Council £125,000 compared to interest which would have been payable if the Council had borrowed the money from the Public Works Loan Board.

2.5 The proposal to demolish this building was considered by the Economic Regeneration and Tourism Forum at their meeting in July 2016. Following this meeting the Chair of the Forum has written to the Chair of the Regeneration Committee supporting the demolition and also to support the development of mixed use for this site, in particular investment that will add to Hartlepool's visitor and local leisure market and compliment existing developments including the National Museum of the Royal Navy, the Marina and Navigation point.

2.6 A copy of the Finance and Policy Committee report is attached at **Appendix A**.

3. RECOMMENDATIONS

3.1 It is recommended that the Council:

- i) Approved the proposal to allocate £40,000 from the 2015/16 final uncommitted managed revenue under spend to fund the demolition of Jacksons Landing;
- ii) Note that if recommendation (i) is approved a strategy for using the net 2015/16 uncommitted managed revenue under spend of £51,000 will be developed as part of the 2017/18 budget process.

4. BACKGROUND PAPERS

4.1 Jacksons Landing Demolition Reports:

Regeneration Committee 22nd July, 2016
Finance and Policy Committee 25th July, 2016

5. CONTACT OFFICER

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Chief Finance Officer
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TS24 8AY

Email chris.little@hartlepool.gov.uk
Tel: 01429 523003

FINANCE AND POLICY COMMITTEE

25th July 2016



Report of: Director of Regeneration and Neighbourhoods

Subject: JACKSONS LANDING DEMOLITION

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Non Key Decision

2. PURPOSE OF REPORT

2.1 To seek approval to demolish Jacksons Landing subsequent to the “We are Family” music festival on 10th September, 2016 and to seek Council approval to allocate funding for the demolition costs.

3. BACKGROUND

3.1 A report considering the options in relation to demolishing Jacksons landing is being considered by the Regeneration Committee on 23rd July, 2016 and is attached at **APPENDIX A**.

3.2 As there is currently no budget in place for the demolition works, a funding decision is required which is a departure from the Budget and Policy Framework. This report seeks approval from the Finance & Policy Committee to refer the recommendation to Council on 8th September, 2016 in order to approve the capital budget. Owing to the tight timescale, this report is being prepared before the Regeneration Committee has met on 22nd July, 2016 and therefore seeks approval, subject to the Regeneration Committee accepting the recommendations in the attached report.

4. PROPOSALS

4.1 The development of Jacksons Landing is a key part of the Masterplan and demolition of the site rather than renovation of the existing building is considered necessary to realise the full transformational potential. The objective is for the site to become a landmark visitor attraction

complemented by other attractions that will change people's perception of the area.

- 4.2 The attached report considers three different options for demolition including retaining the building until a developer is found, demolition of the building including the concrete base, demolition of the building only. The recommended option is to demolish the building only at a cost of £40,000.as this will be the most cost effective option, saving £35,000 compared to demolishing the whole structure. It is also ensures it that there is a suitable public realm area until an appropriate developer is found.
- 4.3 The attached report considers three different options for demolition including retaining the building until a developer is found, demolition of the building including the concrete base, demolition of the building only. The recommended option is to demolish the building only at a cost of £40,000.as this will be the most cost effective option, saving £35,000 compared to demolishing the whole structure. It is also ensures it that there is a suitable public realm area until an appropriate developer is found.
- 4.4 It is recommended that the demolition cost funded from the amount set aside to cash back the interest free loan from the Local Growth Fund (LGF) to be repaid in October 2017. This will reduce the value of expenditure that is cash backed from 83% to 81% and will result in small increase in future borrowing costs if sale proceeds do not cover the costs incurred in purchasing and demolishing the site.

5. RISK IMPLICATIONS

- 5.1 There is the possibility that interested parties may consider the existing building an asset suitable for conversion. As such, demolishing the building could reduce potential interest. However, given the time the building was on the market prior to its acquisition by the Council, this is not considered to be a significant risk.

6. FINANCIAL CONSIDERATIONS

- 6.1 There is currently no budget provision allocated to fund the demolition costs for Jacksons Landing. Therefore, it is recommended that the demolition cost be funded from the amount set aside to cash back the interest free loan from the Local Growth Fund (LGF) to be repaid in October 2017. This will reduce the value of expenditure that is cash backed from 83% to 81% and will result in a very small increase in future borrowing costs if sale proceeds do not cover the costs incurred in purchasing and demolishing the site.
- 6.2 It is also recommended that if resources become available during the current year from the 2016/17 managed outturn, or reserves review to be completed later in the year, that part of these resources are allocated to return the cash backing of expenditure on Jackson's landing to 83%.

7. LEGAL CONSIDERATIONS

- 7.1 There are no legal considerations due to the site been owned by Hartlepool Borough Council, and demolition will be sought to be approved via Planning Services.

8. CHILD AND FAMILY POVERTY

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

9. EQUALITY AND DIVERSITY CONSIDERATIONS

- 9.1 There are no equality and diversity considerations in relation to the demolition of the building.

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

- 10.1 The demolition of the Jacksons Landing building will remove a vacant building and reduce the opportunity for crime and anti-social behaviour.

11. STAFF CONSIDERATIONS

- 11.1 There are no staff considerations relating to this report.

12. ASSET MANAGEMENT CONSIDERATIONS

- 12.1 Following the demolition of the building the site will be monitored by Council officers and measures will be put in place to maintain the site until it is redeveloped. Currently the existing building is a security and maintenance liability.

13. RECOMMENDATIONS

- 13.1 The Committee is recommended to:
- i. Approve the funding of £40,000 for the demolition of the existing Jacksons Landing building following the “We are Family” event on 10th September 2016 including retention of the existing concrete floor plate.
 - ii. Note that there is currently no budget provision allocated to fund the demolition costs for Jacksons Landing and therefore seek Council approval to allocate £40,000 to fund these costs from the resources

previously allocated to cash back the potential repayment of the interest free loan if the sale proceeds do not cover the repayment costs.

- iii. To note that recommendation (ii) will reduce the cash backing for the Jackson's landing costs from 83% to 81%.
- iv. Approve the proposal that if resources become available during the current year from the 2016/17 managed outturn, or reserves review to be completed later in the year, that part of these resources are allocated to return the cash backing of expenditure on Jackson's landing to 83%. This would require resources of £40,000 to be allocated

14. REASONS FOR RECOMMENDATIONS

- 14.1 To enable funding to be allocated to enable the Jacksons Landing Building to be developed to facilitate the development of this site.

15. BACKGROUND PAPERS

- 15.1 Finance and Policy Committee Report, Jacksons Landing Update, 1st June 2015.

16. CONTACT OFFICER

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Chief Financial Officer
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TS24 8AY
Email chris.little@hartlepool.gov.uk
01429 523002

REGENERATION SERVICES COMMITTEE

22nd July 2016



Report of: Director of Regeneration and Neighbourhoods

Subject: JACKSONS LANDING DEMOLITION

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Non-Key decision.

2. PURPOSE OF REPORT

- 2.1 The purpose of the report is to seek Committee approval to demolish the existing Jacksons Landing building subsequent to the “We are family” music festival on 10th September 2016.
- 2.2 The Committee is also requested to consider options relating to the extent of the demolition and related cost implications.

3. BACKGROUND

- 3.1 The Hartlepool Regeneration Masterplan was adopted by the Council in November 2015 and identified the Waterfront as a key area for future development. A key proposal in the Masterplan is for Jacksons Landing to become the site for a landmark visitor attraction complemented by other attractions, a hotel and leisure uses, and public realm improvements.
- 3.2 Jacksons Landing has previously had a troubled past as a commercial entity. The 4.97 acre site became vacant in 2004. It is currently occupied by an 80,000 sqft former retail outlet building over ground and first floors with 380 associated parking spaces. The building is currently an empty shell and its fixtures and fittings have been removed.
- 3.3 Jacksons Landing was acquired by the Council in 2013 in recognition that it provided a strategic opportunity to deliver transformational change within the Masterplan area, and promote job growth for the local economy. Through its

ownership the Council has the ability to influence the quality and form of development and to maximise the economic, social and wellbeing benefits for the town.

- 3.4 The Hartlepool Regeneration Masterplan identifies that the site has a potential development capacity of 11,200 sq m with scope to accommodate a range of quality land mark buildings accommodating leisure, hotel, cultural uses and residential uses.
- 3.5 The National Museum Royal Navy (Hartlepool) are taking responsibility for the operation of Hartlepool Maritime Experience from 1st June 2016. They operate a number of prestigious maritime museums in Portsmouth, Belfast and Dundee and have exciting investment plans for the Hartlepool Maritime Experience which should significantly increase visitor numbers and increase demand within the area.
- 3.6 Increasing visitor numbers will encourage interest from developers to invest in Jacksons Landing to take advantage of the proximity to a national attraction and the resultant visitor footfall. In addition, the Vision Retail Park situated adjacent to Jacksons Landing is currently benefitting from a significant investment from its owners .
- 3.7 The building proposed for demolition has hosted a number of interim uses that promote activity and interest to the area. The “We are family” music festival in 2015 was successful in attracting 5,000 visitors providing significant benefits to the local economy.
- 3.8 The Hartlepool Regeneration Masterplan identifies the site for transformational development with the potential to create new fit for purpose landmark buildings that can act as a catalyst for the regeneration of the town. Retention and conversion of the existing building is unlikely to realise the transformational benefits to the town or maximise the site’s waterfront potential.
- 3.9 Removing the existing building offers the opportunity to re-launch the waterfront as a visitor destination and change people’s perception of the area.
- 3.10 Therefore, the timing is right for the demolition of the structure. An LGF application for £4.75m of Local Growth Funds has been applied for through the Tees Valley Combined Authority for the waterfront area which includes Jacksons Landing. The current status is that this is a pipeline project and funding will be made available to support developing the site to its full potential.
- 3.11 A development brief is being created in order to attract private sector investors and also to provide them the detailed information required for submission of proposals that align with the vision for the site. Currently a national hotel operator is in discussions with the Council regarding

developing part of Jacksons Landing, and Members will be kept up to date on this matter.

4. DEMOLITION OPTIONS

4.1 Removal of the existing building will be an important signal of the Council's desire for change and will enable developers to appreciate the quality and size of the opportunity. Retention and conversion of the existing building is unlikely to realise the ambition and vision for the site. Demolition at this stage is considered to be an appropriate option and will have cost implications.

4.2 In the short term, the cleared site could be used for a variety of temporary uses including events and festivals.

4.3 Members are requested to consider whether demolition in advance of the appointment of a preferred developer is considered appropriate, together with the extent of the works. As such the options are as follows;

Option 1

1. Retain the existing building until a developer is sought through the formal marketing process. The building could continue to be used for interim uses to introduce new activity and interest in the area.

Option 2

2. To demolish the structure; retain the existing large concrete floor plate; make good small patches such as the lift pit with concrete; and, to install bollards to prevent unauthorised vehicular access. The concrete floor plate will be c200mm higher than the existing public realm areas, but this is not considered a significant hazard as it will be clearly demarcated from the surrounding blocked paving. The concrete floor plate is deemed to be in reasonable condition and will provide a floor covering until the site is developed in the future.

Option 3

3. To demolish the structure; remove the concrete floor plate. It is anticipated that this additional work will cost a further £35,000 to carry out. Excavation of the slab will require reinstatement work which increases cost. In addition to the demolition works, thirty bollards will then be installed as part of the contract to prevent vehicular access.

4.4 Option 2 is recommended with start on site after 19th September 2016 following the "We are family" event that will be using the building the previous week. The event will hold up to 5,000 spectators and will incorporate some of the best local bands, food and beers from the area. It is proposed to delay the demolition until after this event.

- 4.5 Option 2 will enable the demolition of the building to be done in a cost effective way whilst maintaining a suitable public realm area until an appropriate developer is found. A developer will need to mitigate the cost of potentially removing the floor plate from any future offer made to the Council. Prices for the proposed demolition works have been sought through a tender exercise. The total cost of demolition for Option 2 is expected to be £40,000.
- 4.6 Post demolition the site will be secured by placing bollards to block vehicular access. This is deemed to be the most appropriate measure to avoid trespass.

5. RISK IMPLICATIONS

- 5.1 There is the possibility that interested parties may consider the existing building an asset suitable for conversion. As such, demolishing the building could reduce potential interest. However, given the time the building was on the market prior to its acquisition by the Council, this is not considered to be a significant risk.

6. FINANCIAL CONSIDERATIONS

- 6.1 The price of steel is currently low so the amount recycled for profit by the demolition contractor is affected which impacts on the tender price.
- 6.2 The preferred option to demolish without taking out the concrete floor plate is recommended in order to save on costs. The lowest tendered cost is £40,000 which includes for the installation of bollards to be placed to deter fly-tipping and utility disconnections
- 6.3 There is currently no budget provision to fund the demolition of the Jacksons Landing building. However, these costs will need to be incurred to facilitate the redevelopment of this site and it may be possible to fund the costs on the basis of a loan repayable from the sale proceeds from the future sale of this site.
- 6.4 As future sale proceeds cannot be guaranteed at this stage an alternative funding strategy is needed to enable these works to progress. The Council has previously earmarked one off resources to cash back 83% from the Tees Valley Unlimited (TVU), Growing Places Fund, to cover the initial purchase costs. This arrangement minimises the potential risk if the sale/development of this site is not secured before the interest free loan needs to be repaid in October 2017.
- 6.5 It is recommended that part of the resources allocated to cash back the interest free loan should now be allocated to fund the demolition costs. This proposal will slightly increase the financial risk to the Council from either a delayed sale/development of this site beyond October 2017 and reduce the

value of expenditure cash backed from 83% to 81%. In addition, the proposal will slightly increase the maximum financial risk in the event that the sale/development does not achieve a sufficient capital receipt to cover the expenditure not covered by resources already earmarked to cash back the interest free loan.

- 6.6 As previously reported any shortfall would need to be funded from Prudential Borrowing and the resulting annual repayment costs would then create a budget pressure, which would increase the forecast budget deficits over the period 2017/18 to 2019/20. The potential permanent budget pressure could increase from £11,000 to £13,000 per annum.
- 6.7 It is recommended that if resources become available during the current year from the 2016/17 managed outturn, or the review of reserves to be completed later in the year, consideration be given to earmarking uncommitted resources to return the cash backing of expenditure on Jackson's landing to 83%. This funding proposal represents a departure from the Budget and Policy Framework and will therefore need to be referred to Finance and Policy Committee and Council for full approval.
- 6.8 In considering the issues outlined in this report Members are reminded that significant additional Government Grant cuts will be made over the period 2017/18 to 2019/20. An update of the Medium Term Financial Strategy was submitted to the Finance and Policy Committee on 20th June 2016 and informed Members that the Council faces a budget deficit of £12.7 million over the next three years. This equates to a reduction from the 2016/17 budget of 15% and assumes annual Council Tax increases will be implemented in line with Government Council Tax policy, including the 2% Social Care precept, and Council Tax growth forecasts will be achieved. Achieving this level of reduction will be extremely challenging and detailed proposals for achieving saving of approximately £4 million per year for the next three years will be reported to future policy committees. Any additional budget pressures will increase the level of budget cuts which will need to be made and will need to be referred to the Finance and Policy Committee for consideration.

7. LEGAL CONSIDERATIONS

- 7.1 There are no legal considerations due to the site been owned by Hartlepool Borough Council, and demolition will be sought to be approved via Planning Services.

8. CHILD AND FAMILY POVERTY

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

9. EQUALITY AND DIVERSITY CONSIDERATIONS

- 9.1 There are no equality and diversity considerations in relation to the demolition of the building.

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

- 10.1 The demolition of the Jacksons Landing building will remove a vacant building and reduce the opportunity for crime and anti-social behaviour.

11. STAFF CONSIDERATIONS

- 11.1 There are no staff considerations relating to this report.

12. ASSET MANAGEMENT CONSIDERATIONS

- 12.1 Following the demolition of the building the site will be monitored by Council officers and measures will be put in place to maintain the site until it is redeveloped. Currently the existing building is a security and maintenance liability.

13. RECOMMENDATIONS

- 13.1 The Regeneration Services Committee is recommended to:
- Approve demolition of the existing Jacksons Landing building following the “We are family” event on 10th September 2016 including retention of the existing concrete floor plate.
 - Note that there is currently no budget provision allocated to fund the demolition costs for Jacksons Landing and to refer the funding proposal to Finance and Policy Committee to seek Council approval to allocate £40,000 to fund these costs from the resources previously allocated to cash back the potential repayment of the interest free loan if the sale proceeds do not cover the repayment costs.
 - To note that recommendation (3) will reduce the cash backing for the Jackson’s landing costs from 83% to 81%.
 - Approve the proposal that if resources become available during the current year from the 2016/17 managed outturn, or reserves review to be completed later in the year, that part of these resources are allocated to return the cash backing of expenditure on Jackson’s

landing to 83%. This would require resources of £40,000 to be allocated.

14. REASONS FOR RECOMMENDATIONS

- 14.1 The removal of the existing building will enhance the appeal of the site to potential developers and facilitate its future transformation and redevelopment as a landmark destination for the town.

15. BACKGROUND PAPERS

- 15.1 Finance and Policy Committee Report, Jacksons Landing Update, 1st June 2015.

16. CONTACT OFFICER

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COUNCIL
8th September 2016



Report of: Chief Executive

Subject: BUSINESS REPORT

1. EXPENDITURE RELEVANT TO MEMBERS' INTERESTS

Further to requests by Members information has been compiled to provide details of any payments made to a body/entity listed on the Member's Register of Interests during the 3 months – April to June 2016 (Appendix A).

It should be noted that the information presented in Appendix A includes the following categories of member interests:

- Employment, Office Trade, Profession or Vocation
- Sponsorship
- Contracts with the Authority
- Land in the area of the Authority
- Securities
- Other interests
- Interested parties

The following categories are excluded:

- Licence to occupy land
- Corporate tenancies

All payments relating to benefits are excluded.

The report does not include information on those bodies listed on members interests forms which either do not have a supplier number on Integra or which cannot be identified on Integra given the information provided.

Members are asked to note the contents of the report.

2. APPOINTMENTS TO COMMITTEES

I have been advised of the following changes to the composition of Committees previously agreed by Council:-

- That the UKIP Group would like to replace Cllr Hind with Cllr Buchan on the Finance and Policy Committee.
- That the Labour Group would like to replace Councillor Stephen Akers-Belcher with Councillor Christopher Akers-Belcher on the Civic Honours Committee.

Council is requested to approve the above changes in the membership of the Committees.

3. DIRECTOR OF PUBLIC HEALTH ANNUAL REPORT 2015/16

The Director of Public Health's Annual Report for 2015/16 has been circulated with Council documentation for this meeting. The requirement for the Director of Public Health to write an Annual Report on the health status of the town, and the Local Authority duty to publish it, is specified in the Health and Social Care Act 2012.

Director of Public Health Annual Reports are not a new requirement, as prior to 2012, Directors of Public Health in the National Health Service (NHS) were expected to produce annual reports. Historically, the equivalent of the Director of Public Health Annual Report was produced by the Local Authority Chief Medical Officer.

Understanding need is the theme of the Director's third Annual Report for 2015-2016. The previous two reports have focused on how public health priorities have changed over the past 40 years (2013/14 report) and the importance of how work and employment influence health and well being (2014/15). This report for 2015-2016 considers need and illustrates how needs are 'measured' using quantitative methods, but also the importance of understanding need from a qualitative perspective to shape action and identify priorities.

Public health is concerned with trying to understand patterns and analysing data to assist in understanding and addressing complex public health challenges. There is a statutory responsibility on the Local Authority and the Clinical Commissioning Group to assess the needs of the local population and produce a Joint Strategic Needs Assessment (JSNA). There is a statutory duty on the Hartlepool Health and Well Being Board to ensure this assessment is undertaken and also kept up to date. The JSNA is then used to develop the Health and Well Being Strategy that identifies key health and well being priorities that must be addressed, to improve and protect the health of the people of Hartlepool.

The Hartlepool JSNA is web based, but can be made available in hard copy if required. Given the complexity of assessing the needs of the whole population, the JSNA presents issues under 4 key themes:

- Vulnerable groups
- Wider determinants of health
- Behaviour and lifestyle
- Illness and death

Some of the key data contained in the full JSNA is presented in this report under the themed headings supported by short pieces of narrative. The intention of each section in this report is to provide the reader with an illustration of what is known about the population groups in each theme. The narrative is intended to highlight where there are successes in addressing needs or outstanding issues requiring collective action.

Hartlepool is able to demonstrate really positive examples of innovation and commitment to addressing significant public health challenges. The case studies section of this report attempts to provide a snap shot of evidence of new approaches being taken to address some of the needs identified through the joint strategic needs assessment process.

Members are requested to receive this report for information.

5. COUNCILLOR JACKSON RESIGNATION

Members are informed that I received notification, on 18th August 2016, of the resignation of Councillor Peter Jackson, Headland and Harbour Ward. A Notice of Casual Vacancy was displayed and two local government electors came forward in the requisite period of 35 days. Under the direction of the Returning Officer, arrangements are being put in place for the resulting by-election which will take place on Thursday 6th October 2016.

6. SPECIAL URGENCY DECISIONS

Council is informed that there were no special urgency decisions taken in the period February 2016 – July 2016.

Details of payments made to a body/entity listed on the Member's Register of Interests.

APPENDIX A

Supplier Ref	Supplier Name	2016 / 2017		Member	Type of Interest (as at 1st July 2016)
		Quarter 1 Payments Apr 16 to Jun 16) £	Cumulative Payments (Apr 2016 to Mar 2017) £		
700025200	Belle Vue Community Sports	23,834.21	23,834.21	Kevin Henry Cranney	Other Interests
701780500	Changing Futures North East	20,941.77	20,941.77	Gerard George Hall	Other Interests
750282400	Hartlepool Men's Sheds	1,375.00	1,375.00	George Springer	Other Interests
750316800	Healthwatch Hartlepool	37,597.00	37,597.00	Christopher Akers-Belcher	Employment, Office Trade, Profession or Vocation, Contracts with the Authority
701117200	Owton Rossmere Community Enterprise Ltd	28.00	28.00	Allan Joseph Barclay Christopher Akers-Belcher	Other Interests Other Interests
705237500	St Matthew's Hall Committee	250.00	250.00	Gerard George Hall	Other Interests
700300500	West View Advice & Resource Centre Ltd	27,401.50	27,401.50	Robin William Cook	Other Interests
700300600	West View Project	96,624.75	96,624.75	Robin William Cook	Other Interests
		208,052.23	208,052.23		

CLEVELAND FIRE AUTHORITY

MINUTES OF ANNUAL MEETING

10 JUNE 2016



PRESENT:

HARTLEPOOL BOROUGH COUNCIL
Cllrs Rob Cook, Marjorie James, Ray Martin-Wells

MIDDLESBROUGH COUNCIL
Cllrs Jan Brunton, Teresa Higgins, Naweed Hussain, Tom Mawston

REDCAR & CLEVELAND BOROUGH COUNCIL
Cllrs Neil Bendelow, Norah Cooney, Mary Ovens

STOCKTON ON TEES BOROUGH COUNCIL
Cllrs Jean O'Donnell, Mick Stoker, William Woodhead

AUTHORISED OFFICERS
Chief Fire Officer, Director of Corporate Services, Legal Adviser and
Monitoring Officer, Treasurer

APOLOGIES FOR ABSENCE: Councillor Brian Dennis – Redcar & Cleveland Borough Council
Councillors Gillian Corr, Paul Kirton – Stockton Borough Council

1. APPOINTMENT OF CHAIR FOR THE ENSUING YEAR

The Director of Corporate Services sought nominations for the position of Chair of Cleveland Fire Authority for 2016/17. Councillor Jan Brunton was subsequently proposed and seconded whereupon nominations were closed.

RESOLVED – that Councillor Jan Brunton be appointed Chair of Cleveland Fire Authority for the ensuing year.

Councillor Brunton in the Chair.

The Chair placed on record the Authority's thanks to Councillors Stephen Akers-Belcher, John Gardner, Stephen Parry, Ron Arundale, Shamal Biswas, Billy Ayre, Ray Goddard and Mary Lanigan for the commitment and support they gave during their time as Members of Cleveland Fire Authority.

The Chair welcomed new Member Councillor Neil Bendelow from Redcar & Cleveland Borough Council to the Authority.

2. DECLARATIONS OF MEMBERS INTEREST

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

3. APPOINTMENT OF VICE CHAIR FOR THE ENSUING YEAR

The Chair sought nominations for the position of Vice Chair to Cleveland Fire Authority for 2016/17. Councillor Jean O'Donnell was proposed and seconded whereupon nominations were closed.

RESOLVED – that Councillor Jean O'Donnell be appointed as Vice Chair of Cleveland Fire Authority for the ensuing year.

4. MINUTES

RESOLVED – that the Minutes of the Cleveland Fire Authority meeting on 1 April 2016 be confirmed.

5. MINUTES OF COMMITTEES

RESOLVED – that the Minutes of the Executive Committee meeting on 13 May 2016 be confirmed.

6. COMMUNICATIONS RECEIVED BY THE CHAIR

Gill Gittins, NJC For Brigade Managers - Pay Award

Mike Penning MP – Police & Crime Bill, FRA Efficiency Plans

Daniel Greaves – Payment of Fire Revenue Grant 2016/17

RESOLVED – that the communications be noted.

7. REPORT OF THE LEGAL ADVISER AND MONITORING OFFICER

7.1 Business Report 2016/17

The Legal Adviser and Monitoring Officer (LAMO) informed Members that the Corporate and Ethical Governance and Member Development Frameworks had been amalgamated into one composite document, the Constitution which was outlined at Appendix A, which included the:

- | | |
|--|--------------------------------|
| • CFA Membership 2016/17 | • Delegation Scheme |
| • Calendar of Meetings 2016/17 | • Financial Procedure Rules |
| • Standing Orders of the Authority | • Code of Corporate Governance |
| – Regulation of Proceedings & Business | • Members Allowance Scheme |
| – Contract Procedure Rules | • Ethical Governance Framework |
| • Terms of Reference | • Member Development Plan |

The LAMO reported that those Members not on the Executive Committee would form the membership of the Audit & Governance Committee. He informed Members that he had received nominations for appointments to committees and associated meetings from the majority of members but sought nominations from Members for an Authority representative on the Cleveland Fire Support Network Board. Councillor James asked for further clarification as to the venue of these meetings and the level of commitment involved in the role. The Chief Fire Officer (CFO) confirmed that the Board meetings were held quarterly at Coulby Newham Fire Station. Councillor Mawston was nominated and appointed to the CFSNB.

RESOLVED:-

- (i) That the Constitution as outlined at paragraph 3 and Appendix A be approved.
- (ii) That Member appointments to committees and outside bodies (as outlined in the table below) be approved.

EXECUTIVE COMMITTEE 4-1-1-1

LAB	BRUNTON	CHAIR
LAB	O'DONNELL	VICE CHAIR
LAB	JAMES	HARTLEPOOL
LAB	STOKER	STOCKTON ON TEES
CONS	WOODHEAD	STOCKTON ON TEES
LD	OVENS	REDCAR & CLEVELAND
MIG	MAWSTON	MIDDLESBROUGH

7.1 Business Report 2016/17 continued

AUDIT AND GOVERNANCE COMMITTEE 6-2-1

LAB	DENNIS	REDCAR & CLEVELAND
LAB	KIRTON	STOCKTON ON TEES
LAB	COOK	HARTLEPOOL
LAB	HIGGINS	MIDDLESBROUGH
LAB	HUSSAIN	MIDDLESBROUGH
LAB	BENDELOW	REDCAR & CLEVELAND
CONS	MARTIN-WELLS	HARTLEPOOL
CONS	COONEY	REDCAR & CLEVELAND
IBIS	CORR	STOCKTON ON TEES

REPRESENTATIVES FOR OUTSIDE BODIES 2016/17

LGA FIRE COMMISSION REPRESENTATIVE	Cllr BRUNTON
Substitute:	Cllr O'DONNELL
REDCAR & CLEVELAND COMMUNITY SAFETY PARTNERSHIP INITIATIVE	Cllr BENDELOW
STOCKTON SAFER PARTNERSHIP REPN	Cllr STOKER
CLEVELAND FIRE SUPPORT NETWORK BOARD	Cllr MAWSTON
LOCAL PENSIONS BOARD	Cllr HIGGINS

MEMBER CHAMPIONS 2016/17

IMPROVEMENT AND EFFICIENCY	Cllr BENDELOW
SAFER COMMUNITIES	Cllr JAMES
PROFESSIONAL WORKFORCE	Cllr HIGGINS
SAFEGUARDING	Cllr BRUNTON

8. REPORTS OF THE CHIEF FIRE OFFICER

8.1 Annual Performance and Efficiency Report 2015/16

The CFO gave a detailed presentation on the Brigade's performance, efficiency, audit outcomes and operational performance for the year ending 31 March 2016, including comparator information as detailed below.

	<u>2014/15</u>		<u>2015/16</u>
• Strategic Goals and Aims:	Performing Well	➡	Performing Well
• Annual Priorities: Performing Well:	Performing Well	➡	Performing Well
• Key Service Standards:	Performing Well	➡	Performing Well
• Operational Assurance:	Performing Strongly	➡	Performing Strongly
• Good Corporate Governance:	Performing Strongly	➡	Performing Strongly
• Value for Money:	Performing Strongly	➡	Performing Strongly
• Comparison with other FRS:	Adequate Performance	➡	Adequate Performance
• Customer Care:	Performing Strongly	➡	Performing Strongly

8.1 Annual Performance and Efficiency Report 2015/16 continued

The CFO reported that the Brigade had assessed itself as Performing Strongly in 4 of these categories, Performing Well in 3 categories and the remaining category had been assessed as Performing Adequately, which when consolidated, gave an overall performance rating as 'Good'.

Councillor James asked if there was a fairer comparison group for the Brigade which closer reflected its demography and risk. The CFO confirmed that the Brigade's profile was more aligned to the Metropolitan Fire and Rescue Services (FRS) but had been allocated its family group by the Department for Communities and Local Government (DCLG). However, he reported that as the FRS was now under the remit of the Home Office, a new National Benchmarking Scheme was being established.

Councillor Cook asked what the cost of False Alarm calls was to the Authority. The CFO confirmed that despite continued efforts to reduce these calls, they were still a significant cost to the Authority and agreed to provide Members with the exact figure.

Councillor Ovens reported there were deliberate fire hotspots across her district and partnership work was key to tackling the issue.

RESOLVED :-

- (i) that the report be noted.**
- (ii) that Members receive details of the cost to the Authority of False Alarm calls.**

8.2 Information Pack

8.2.1 Fire and Rescue Authorities' Efficiency Plans

The CFO reported that the Authority was required to submit an Efficiency Plan to the Home Office by 14 October 2016 in order to obtain a four year budget position and that the Treasurer would be presenting a report to a future CFA meeting.

8.2.2 Fire and Rescue Authorities' Procurement Information

The CFO informed Members that the Authority had been requested by the Home Office to provide procurement details on 25 items of uniform, equipment and vehicle by 23 June 2016 in order to offer the public transparency on expenditure and a comparison across the sector.

RESOLVED – that the information pack be noted

9. REPORT OF THE CHAIR OF AUDIT & GOVERNANCE COMMITTEE

9.1 Information Pack

Councillor Stoker outlined the areas scrutinised by the Audit & Governance Committee at the 20 May 2016 meeting.

RESOLVED – that the information pack be noted

10. ANY OTHER BUSINESS

Audit & Governance Meeting – 19 August 2016

Councillor Martin-Wells reported that there were a number of Audit and Governance Members who were unable to attend its first meeting on 19 August 2016 and requested it be re-arranged to ensure maximum member attendance.

RESOLVED – that the Audit and Governance meeting be moved to a mutually agreeable date.

11. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION ORDER) 2006

RESOLVED - “That under Section 100(A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 3 and 4 below of Part 1 Schedule 12A of the Local Government Act 1972 as mended by the Local Government (Access to Information) (Variation) Order 2006”, namely information relating to any individual and namely information relating to any financial or business affairs of any particular person (including the authority) holding that information and namely information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

12. CONFIDENTIAL MINUTES

RESOLVED – that the Confidential Minutes of the Cleveland Fire Authority on 1 April 2016 be confirmed.

13. CONFIDENTIAL MINUTES OF COMMITTEES

RESOLVED – that the Confidential Minutes of the Executive Committee meeting on 13 May 2016 be confirmed.

14. CONFIDENTIAL REPORT OF THE CHIEF FIRE OFFICER

Strengthening Emergency Services Collaboration

The CFO updated Members on the latest position in relation to Strengthening Emergency Services Collaboration.

**COUNCILLOR JAN BRUNTON
CHAIR**